



International Tribunal for the
Prosecution of Persons Responsible for
Serious Violations of International
Humanitarian Law Committed in the
Territory of The Former Yugoslavia
since 1991

Case No.: IT-94-1-R
Date: 5 November 2001
Original: English
French

IN THE APPEALS CHAMBER

Before: Judge Claude Jorda, President
Judge Mehmet Güney
Judge Asoka de Zoysa Gunawardana
Judge Fausto Pocar
Judge Liu Daqun

Registrar: Mr. Hans Holthuis

Decision of: 5 November 2001

THE PROSECUTOR

v.

DUŠKO TADIĆ

ORDER DESIGNATING A PRE-REVIEW JUDGE

The Office of the Prosecutor:
Mr. Upawansa Yapa

Defence Counsel:
Mr. William Clegg
Mr. Anthony Abell

THE APPEALS CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter “the International Tribunal”),

NOTING the Judgement pronounced by the Appeals Chamber in the trial of Duško Tadić on 15 July 1999,

NOTING the “Request for review of my complete case and review of the Trial Chamber and Appeals Chamber proceedings conducted before the Hague Tribunal” filed by Duško Tadić on 18 June 2001,

PURSUANT to Article 20(1) of the Statute of the International Tribunal which establishes the right to a “fair and expeditious” trial,

PURSUANT to Rule 65 *ter* of the Rules of Procedure and Evidence of the International Tribunal (hereinafter “the Rules”) which provides that “the Presiding Judge of the Trial Chamber shall [...] designate from among its permanent members a Judge responsible for the pre-trial proceedings (hereinafter “pre-trial Judge””,

NOTING the powers conferred on the pre-trial Judge under Rule 65 *ter* of the Rules,

CONSIDERING that Rule 65 *ter* governs proceedings in the first instance,

CONSIDERING that Rule 107 of the Rules stipulates that “the Rules of Procedure and Evidence that govern proceedings in the Trial Chambers shall apply *mutatis mutandis* to proceedings in the Appeals Chamber”,

CONSIDERING that to designate a Judge vested with the power to address problems arising during the review proceedings on behalf of the Appeals Chamber is in the interests of the proper administration of justice and the expeditiousness of the proceedings (hereinafter “the pre-review Judge”),

FOR THE FOREGOING REASONS,

DESIGNATE Judge Fausto Pocar as pre-review Judge in the case IT-94-1-R, *The Prosecutor v. Duško Tadić*, with immediate effect,

CONFER on the pre-review Judge the power to: (i) take the decisions on procedural motions; (ii) transmit motions to the Appeals Chamber as he sees fit, and (iii) hold one or several status conferences if need be.

Done in French and English, the French version being authoritative.

Done this fifth day of November 2001
At The Hague
The Netherlands

(signed)

Judge Claude Jorda
President of the Appeals Chamber

[Seal of the Tribunal]