



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-02-60/1-A

Date: 15 July 2005

Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Theodor Meron, President

Registrar: Mr. Hans Holthuis

Order of: 15 July 2005

Momir NIKOLIĆ

v.

THE PROSECUTOR

**ORDER REPLACING A JUDGE IN A CASE
BEFORE THE APPEALS CHAMBER**

Counsel for the Appellant

Rock Tansey
Richard Livingston

The Office of the Prosecutor

Norman Farrell

I, THEODOR MERON, President 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 (“Tribunal”),

NOTING the appeal lodged by Momir Nikolić on 30 December 2003 against the Judgement rendered by Trial Chamber I on 2 December 2003;

CONSIDERING the composition of the Appeals Chamber of the Tribunal as set out in Document IT/222, issued on 17 November 2003;

NOTING the “President’s Assignment of Judge Andréia Vaz to the Appeals Chamber and Judge Inés Weinberg de Roca to a Trial Chamber” of 24 February 2005 (“ICTR President’s Re-Assignment Order”), made by Judge Erik Møse, President of the International Criminal Tribunal for Rwanda (“ICTR”), which reads as follows:

RECALLING that on 31 January 2003, the General Assembly elected eleven permanent judges to the Tribunal in conformity with Article 12 *bis* of its Statute;

HAVING CONSIDERED Article 13 (3) of the Statute, which provides that the President, after consultation with the permanent judges of the Tribunal, shall assign two of the permanent judges elected in accordance with Article 12 *bis* of the Statute to be members of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia;

TAKING INTO ACCOUNT Article 13 (4) of the Statute, according to which members of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia shall also serve as the members of the Appeals Chamber of the International Criminal Tribunal for Rwanda;

TAKING ALSO INTO ACCOUNT Article 14 (4) of the Statute of the International Criminal Tribunal for the Former Yugoslavia, according to which two of the judges elected in accordance with the Statute of the International Criminal Tribunal for Rwanda shall be assigned by the President of the Tribunal, in consultation with the President of the International Criminal Tribunal for the Former Yugoslavia, to be members of the Appeals Chamber and permanent judges of the International Criminal Tribunal for the Former Yugoslavia;

RECALLING that on 4 June 2003, Judge Mehmet Güney and Judge Inés Weinberg de Roca were assigned to the Appeals Chambers of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia;

HAVING CONSULTED with the permanent judges of the International Criminal Tribunal for Rwanda and the President of the International Criminal Tribunal for the Former Yugoslavia, and bearing in mind the need to ensure the interests of the Tribunal as a whole and, in particular, the need to ensure trial experience from the Tribunal in the work of the Appeals Chamber and appeals experience in the work of the Trial Chambers;

ASSIGNS Judge Andréia Vaz to the Appeals Chambers of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia, and Judge Inés Weinberg de Roca to Trial Chamber III of the International Criminal Tribunal for Rwanda. These assignments shall take effect from 15 August 2005.

CONSIDERING that the case *Momir Nikolić v. The Prosecutor*, Case No. IT-02-60/1-A (“*Nikolić*”) is in its pre-appeal phase and that, thus, no hearing in this case has been held;

CONSIDERING further that it is in the interest of an effective management of the case to ensure that no undue delay will result from the implementation of the ICTR President’s Re-Assignment Order;

PURSUANT TO Articles 12(3) and 14(3) of the Statute of the Tribunal;

HEREBY ASSIGN, with effect from 15 August 2005, Judge Andrézia Vaz to replace Judge Inés Weinberg de Roca in the present case;

AND ORDER that in the case of *Nikolić*, the Appeals Chamber shall be constituted, as of 15 August 2005, as follows:

Judge Theodor Meron

Judge Fausto Pocar

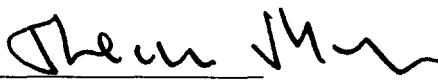
Judge Mohamed Shahabuddeen

Judge Mehmet Güney

Judge Andrézia Vaz

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

Done this 15th day of July 2005,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Tribunal]