



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-98-34-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

**PROSECUTOR**

v.

**Mladen NALETILIĆ, aka "TUTA"**  
**Vinko MARTINOVIĆ, aka "ŠTELA"**

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

**Counsel for the Appellants**

Matthew Hennessey  
Christopher Y. Meek  
Želimir Par  
Kurt Kerns

**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 appeals lodged by Mladen Naletilić and Vinko Martinović on 29 April 2003 and by The Office of the Prosecutor on 2 May 2003 against the Judgement rendered by Trial Chamber I on 31 March 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 Andrézia 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 Andrézia 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 *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Case No. IT-98-34-A (“*Naletilić and Martinović*”) 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 *Naletilić and Martinović*, the Appeals Chamber shall be constituted, as of 15 August 2005, as follows:

Judge Fausto Pocar

Judge Mohamed Shahabuddeen

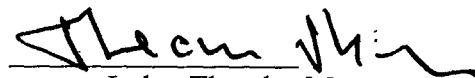
Judge Mehmet Güney

Judge Wolfgang Schomburg

Judge Andrézia Vaz

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

Done this 15<sup>th</sup> day of July 2005,  
At The Hague,  
The Netherlands.

  
Judge Theodor Meron  
President

[Seal of the Tribunal]