



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-02-54-T
Date: 18 July 2005
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Order of: 18 July 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER UNDER RULE 15 *bis* TO SIT IN THE ABSENCE OF A JUDGE

The Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice

The Accused

Slobodan Milošević

Court Assigned Counsel

Mr. Steven Kay, QC
Ms. Gillian Higgins

Amici Curiae

Prof. Timothy L.H. McCormack

THIS TRIAL 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 (“International Tribunal”),

HAVING ORDERED orally that the Trial Chamber will, in the interests of justice, sit in the absence of Judge Kwon, in accordance with the provisions of Rule 15 *bis* (A) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”),

NOTING the provisions of Rule 15 *bis* (A), which provide as follows:

- (A) If
- (i) a Judge is, for illness or other urgent personal reasons, or for reasons of authorised Tribunal business, unable to continue sitting in a part-heard case for a period which is likely to be of short duration, and
 - (ii) the remaining Judges of the Chamber are satisfied that it is in the interests of justice to do so,
- those remaining Judges of the Chamber may order that the hearing of the case continue in the absence of that Judge for a period of not more than five working days.

NOTING the oral submission of the Accused that “this Rule can be applied only five times during the course of one year, and you have already exercised that right five times this year. So let it be in the transcript, and you will decide how you're going to act”,¹

CONSIDERING that, as stated by the Presiding Judge during the course of the proceedings, “Rule 15 *bis*...allows a Chamber to order the hearing of the case to continue in the absence of a Judge...for a period of not more than five working days. So the five working days relate to the absence of the particular Judge who is away for the reasons set out in subparagraph (A). They do not relate to five days per year”,²


¹ Hearing, 18 July 2005.

² *Ibid.*

PURSUANT TO RULE 15 *bis* of the Rules

HEREBY CONFIRMS the Trial Chamber's ruling to sit in the absence of Judge Kwon for the court sessions on 18, 19 and 20 July 2005.

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



Judge Robinson
Presiding

Dated this eighteenth day of July 2005
At The Hague
The Netherlands

[Seal of the Tribunal]