

IT-04-82-AR65.1
A 65 - A 65
06 September 2005

65
YB.

**UNITED
NATIONS**



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-04-82-AR65.1
Date: 6 September 2005
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Theodor Meron, President
Registrar: Mr. Hans Holthuis
Order of: 6 September 2005

THE PROSECUTOR

v.

**Ljube BOŠKOSKI
Johan TARČULOVSKI**

**ORDER ASSIGNING JUDGES TO A CASE
BEFORE THE APPEALS CHAMBER**

Office of the Prosecutor

Mr. Kenneth Scott
Mr. William Smith

Counsel for the Accused:

Mr. Dragan Godzo for Ljube Bošković
Mr. Antonio Apostolski for Johan Tarčulovski

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 “Defence Application for Leave to Appeal the Decision on Johan Tarčulovski Motion”, filed on 21 July 2005;

CONSIDERING Articles 12(3) and 14(3) of the Statute of the Tribunal and Rules 27 and 65(D) of the Rules of Procedure and Evidence;

CONSIDERING that Amendments to the Rules of Procedure and Evidence, dated 1 August 2005 and entered into force on 8 August 2005, no longer require application for leave to appeal of a decision rendered under Rule 65 from a bench of three Judges of the Appeals Chamber, grant leave as a right to a bench of five Judges of the Appeals Chamber, and apply retrospectively to this appeal¹;

NOTING that, as a result of a misunderstanding that the Order Assigning Judges for the Interlocutory Appeal of Ljube Boškoski applied to the current appeal², the parties have already briefed this appeal³ and the only outstanding filing is the Defence reply;

CONSIDERING the composition of the Appeals Chamber of the Tribunal as set out in Document IT/237Rev.1, issued on 22 July 2005;

ORDER that, in *Prosecutor v. Ljube Boškoski and Johan Tarčulovski*, Case No. IT-04-82-AR65.1, the Appeals Chamber shall be composed as follows.

Judge Theodor Meron

Judge Fausto Pocar

Judge Mohamed Shahabuddeen

Judge Florence Mumba

Judge Mehmet Güney

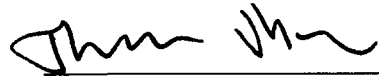
Done in English and French, the English version being authoritative.

¹ See *Prosecutor v. Nyiramasuhuko et al.*, No. ICTR-98-42-A15bis, Decision in the Matter of Proceedings Under Rule 15bis(D), 24 September, 2003, para. 13.

² Interlocutory Appeal Against the Decision on Johan Tarčulovski’s Motion for Provisional Release from the 18 July 2005, 22 August 2005, para. 6, fn. 9 (“Defence Appeal”).

³ Defence Appeal; “Prosecution’s Response to the Interlocutory Appeal Filed on Behalf of Accused Johan Tarčulovski Against the Trial Chamber’s Decision Denying Provisional Release”, 1 September 2005

Done this 6th day of September 2005,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Tribunal]