



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

Case No. IT-04-82-PT
Date: 4 July 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding

Registrar: Mr. Hans Holthuis

Decision: 4 July 2006

PROSECUTOR

v.

**Ljube BOŠKOSKI
Johan TARČULOVSKI**

**ORDER REGARDING COMPOSITION OF TRIAL CHAMBER
AND DESIGNATING A PRE-TRIAL JUDGE**

The Office of the Prosecutor:

Mr. Dan Saxon
Mr. William Smith
Mr. Anees Ahmed

Counsel for the Accused:

Ljube Boškosi
Mr. Antonio Apostolski for Johan Tarčulovski

I, Carmel Agius, Presiding Judge of Trial Chamber II 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 Amended Indictment in the case of *Prosecutor v. Ljube Boškoski and Johan Tarčulovski* filed on 2 November 2005;

NOTING the Order dated 5 April 2005, which ordered that Trial Chamber II in the case of *Prosecutor v. Ljube Boškoski and Johan Tarčulovski* shall be composed of Judge Carmel Agius (Presiding), Judge Hans Henrik Brydenscholt and Judge Albin Eser for the purposes of pre-trial proceedings, and designated Judge Albin Eser as Pre-Trial Judge;

NOTING that Judge O-Gon Kwon was assigned to Trial Chamber II by the President on 12 May 2006;¹

NOTING that the present *ad litem* Judges, Judge Hans Henrik Brydenscholt and Judge Albin Eser, have completed their mandate in relation to the case of *Prosecutor v. Naser Orić* and that a new *ad litem* Judge, Judge Kimberly Prost, has been appointed to the Tribunal;

CONSIDERING that Article 13*quater*(1)(d) of the Statute of the Tribunal (“Statute”) enables *ad litem* Judges of the Tribunal to adjudicate in pre-trial proceedings;

CONSIDERING that Rule 65*ter*(A) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) provides that the Presiding Judge of the Trial Chamber shall “designate from among its members a Judge responsible for the pre-trial proceedings” (“Pre-Trial Judge”);

NOTING the powers of a Pre-Trial Judge as set out in Rule 65*ter* of the Rules;

PURSUANT TO Article 13*quater* of the Statute and Rule 65*ter* of the Rules;

HEREBY ORDER that Trial Chamber II in the case of *Prosecutor v. Ljube Boškoski and Johan Tarčulovski* shall be composed, for the purposes of pre-trial proceedings, as follows:

Judge Carmel Agius (Presiding)

Judge O-Gon Kwon

Judge Kimberly Prost;

¹ President, Composition of Appeals Chamber and Trial Chamber, IT/245, 12 May 2006.

AND DESIGNATE:

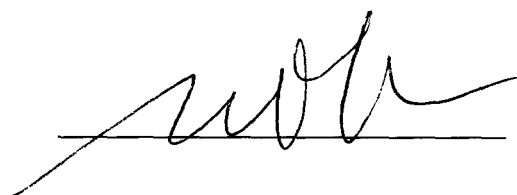
Judge Kimberly Prost as Pre-Trial Judge for this case.

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

Dated this fourth day of July 2006,

At The Hague

The Netherlands

A handwritten signature in black ink, appearing to read 'C. Agius', is written over a horizontal line.

Judge Carmel Agius
Presiding Judge

[Seal of the Tribunal]