



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-04-84-PT

Date: 14 July 2006

Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding

Registrar: Mr. Hans Holthuis

Order of: 14 July 2006

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

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

Office of the Prosecutor

Mr. Marks Moore

Mr. Gilles Dutertre

Counsel for Ramush Haradinaj

Mr. Ben Emmerson

Mr. Rodney Dixon

Mr. Conor Gearty

Mr. Michael O'Reilly

Counsel for Idriz Balaj

Mr. Gregor Guy-Smith

Counsel for Lahi Brahimaj

Mr. Richard Harvey

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 “Order Assigning a Case to a Trial Chamber” of 9 March 2005, in which the Vice-President of the Tribunal assigned Case No. IT-04-84-PT to Trial Chamber II;

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

NOTING the “Order Regarding Composition of Trial Chamber and Designating a Pre-Trial Judge” of 15 March 2005, in which I ordered that Trial Chamber II be composed, for purposes of pre-trial proceedings in this case, of me, Judge Hans Hendrik Brydenscholt, and Judge Albin Eser, and that I designated Judge Brydenscholt as Pre-Trial Judge;

NOTING that, upon completion of the trial in *Prosecutor v. Orić*, the terms of service of Judges Brydenscholt and Eser at the Tribunal ended;

NOTING the order entitled “Composition of Appeals Chamber and Trial Chambers”, issued on 12 May 2006, in which the President of the Tribunal appointed Judge O-Gon Kwon to Trial Chamber II;

NOTING the “Order Assigning Judges to a Case Before a Trial Chamber”, issued by the President of the Tribunal on 30 June 2006 (“30 June 2006 Order”), in which the President of the Tribunal appointed *ad litem* Judge Kimberly Prost to Trial Chamber II as a member of the bench in *Prosecutor v. Popović et al.*, Case No. IT-05-88;

CONSIDERING that Article 13 *quater* of the Statute of the Tribunal gives *ad litem* judges the “power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to try”;

CONSIDERING that, by appointing Judge Prost to the bench in Case No. IT-05-88, the President has impliedly given me the authority, as Presiding Judge of Trial Chamber II, to assign her to adjudicate in pre-trial proceedings in other cases before Trial Chamber II;

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

HEREBY ORDER that Trial Chamber II shall be composed, for purposes of pre-trial proceedings in Case No. IT-04-84-PT, as follows:

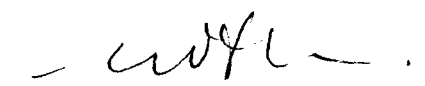
Judge Carmel Agius, Presiding

Judge O-Gon Kwon

Judge Kimberly Prost

and **DESIGNATE** Judge O-Gon Kwon as Pre-Trial Judge in Case No. IT-04-84-PT.

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



Carmel Agius
Presiding

Dated this fourteenth day of July 2006
At The Hague
The Netherlands

[Seal of the Tribunal]