

**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-03-67-T
Date: 4 September 2013
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Carmel Agius, Acting President
Registrar: Mr. John Hocking
Order of: 4 September 2013

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

**ORDER PARTIALLY STAYING EXECUTION OF “ORDER
FOLLOWING DECISION OF THE PANEL TO DISQUALIFY
JUDGE FREDERIK HARHOFF”**

Office of the Prosecutor

Mr. Mathius Marcussen

The Accused

Mr. Vojislav Šešelj

I, CARMEL AGIUS, Acting 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 “Order Following Decision of the Panel to Disqualify Judge Frederik Harhoff” issued by myself on 3 September 2013, in which I stayed the assignment of another Judge to sit in the place of Judge Frederik Harhoff, and requested the remaining Judges of the Chamber seised of the present case to: (i) report to me, following consultation with the Accused on the question of whether to rehear the case or continue the proceedings; and (ii) decide, in the event that the Accused withholds his consent to the continuation of proceedings, whether or not to nonetheless continue the proceedings with a substitute Judge (“Order”);¹

NOTING that, since issuing the Order, I have been seised of a motion filed by the Office of the Prosecutor (“Prosecution”) on 3 September 2013,² in which the Prosecution requests that the decision issued on 28 August 2013 by the panel of three Judges appointed by myself pursuant to Rule 15 of the Tribunal’s Rules of Procedure and Evidence (“Panel”)³ be: (i) reconsidered; and (ii) stayed pending a decision on the Prosecution Motion for Reconsideration;⁴

NOTING that, since issuing the Order, I have also been seised of a “Demande de clarification urgente adressée au panel et au Vice-Président”, filed before both the Panel and myself by Judge Jean-Claude Antonetti and Judge Flavia Lattanzi on 3 September 2013 (“Request for Urgent Clarification”);⁵

CONSIDERING that a partial stay of execution of the Order is appropriate, pending resolution by myself of the Prosecution Motion for Reconsideration and the Request for Urgent Clarification;

HEREBY CONFIRM the Order insofar as it stays the assignment of another Judge to sit in the place of Judge Frederik Harhoff; and

STAY the execution of the remainder of the Order until further notice.

¹ Order Following Decision of the Panel to Disqualify Judge Frederik Harhoff, 3 September 2013, p. 2.

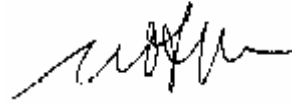
² Prosecution Motion for Reconsideration of Decision on Defence Motion for Disqualification Judge Frederik Harhoff and Request for Stay, 3 September 2013 (“Prosecution Motion for Reconsideration”).

³ Decision on Defence Motion for Disqualification of Judge Frederik Harhoff and Report to the Vice-President, 28 August 2013. *See also* Order Pursuant to Rule 15, 25 July 2013.

⁴ Prosecution Motion for Reconsideration, para. 22.

⁵ The English translation of this request was filed on 4 September 2013. *See* Request for Urgent Clarification to the Panel and the Vice President, 4 September 2013. Judge Frederik Harhoff has also filed a request for clarification before the Panel. *See* Request for Clarification of the Panel Decision of 28 August 2013, 3 September 2013.

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



Done this fourth day of September 2013,
At The Hague,
The Netherlands.

Judge Carmel Agius
Acting President

[Seal of the Tribunal]