

## **Blaskic case: The proceedings will resume with Judge Rodrigues replacing Judge Riad, who is unavailable due to illness.**

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The Hague, 2 February 1999

### **BLASKIC CASE:**

#### **THE PROCEEDINGS WILL RESUME WITH JUDGE RODRIGUES**

#### **REPLACING JUDGE RIAD, WHO IS UNAVAILABLE DUE TO ILLNESS**

On 29 January 1999, the ICTY President, Judge Gabrielle Kirk McDonald, issued an order assigning "... *Judge Almiro Rodrigues in lieu of Judge Fouad Riad to Trial Chamber I for the purpose of hearing and deciding Prosecutor v. Tihomir Blaskic*". The President further ordered the continuation of the proceedings before the Trial Chamber in its new composition, being Judge Claude Jorda (Presiding), Judge Mohamed Shahabuddeen and Judge Almiro Rodrigues.

The President's order was made pursuant to Rule 15 (F) of the Rules of Procedure and Evidence of the ICTY, which provides that:

**If a Judge is, for any reason, unable to continue sitting in a part-heard case, the Presiding Judge may, if that inability seems likely to be of short duration, adjourn the proceedings; otherwise the Presiding Judge shall report to the President who may assign another Judge to the case and order either a rehearing or continuation of the proceedings from that point. However, after the opening statements provided for in Rule 84, or the beginning of the presentation of evidence pursuant to Rule 85, the continuation of the proceedings can only be ordered with the consent of the accused.**

In accordance with this Rule, Presiding Judge Claude Jorda submitted to the President of the Tribunal on 26 January 1999 a report informing her that medical reasons would prevent Judge Riad from resuming his responsibilities at the Tribunal until at least mid-April 1999. Having noted the Office of the Prosecutor's preference for Judge Riad to continue in the trial, Judge Jorda reported that, since "... *Judge Riad will be unable to sit for a prolonged period, the uncertainty which I feel in respect of the actual date of his return and the agreement of the accused, I believe that replacing Judge Riad would be the most appropriate measure to take.*"

Judge Jorda also reported that the Parties had been heard at a status conference on 21 January 1999. The accused consented to this solution, on the condition that a final decision on the replacement of Judge Riad be made by 29 January 1999 and that the trial continue by 15 February 1999.

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