

**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-04-75-AR73.1
Date: 25 January 2016
Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Presiding
Judge Liu Daqun
Judge Fausto Pocar
Judge Theodor Meron
Judge Koffi Kumelio A. Afande

Registrar: Mr. John Hocking

Order of: 25 January 2016

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**ORDER IN RELATION TO PROSECUTION'S URGENT
INTERLOCUTORY APPEAL FROM CONSOLIDATED
DECISION ON THE CONTINUATION OF PROCEEDINGS**

The Office of the Prosecutor:

Mr. Douglas Stringer

Counsel for the Accused:

Mr. Zoran Živanović
Mr. Christopher Gosnell

THE APPEALS CHAMBER 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 (“Appeals Chamber” and “Tribunal”, respectively);

BEING SEISED of the “Prosecution’s Urgent Interlocutory Appeal from Consolidated Decision on the Continuation of Proceedings”, filed by the Office of the Prosecutor on 1 December 2015 (“Interlocutory Appeal”), which challenges the decision of Trial Chamber II of the Tribunal (“Trial Chamber”) to stay the trial proceedings due to the medical condition of the accused, Goran Hadžić (“Hadžić”);¹

NOTING that the Trial Chamber stayed the proceedings for an initial period of three months, after which it may reassess the matter to determine whether to extend the stay of proceedings (“Reassessment”), and that this three-month period will come to an end on 26 January 2016;²

CONSIDERING that the Appeals Chamber’s decision on the Interlocutory Appeal may have an impact on any Reassessment by the Trial Chamber;

CONSIDERING that the Appeals Chamber will not have disposed of the Interlocutory Appeal by 26 January 2016;

CONSIDERING that pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”), in conjunction with Rule 107 of the Rules, the Appeals Chamber has the power to stay the Trial Chamber’s proceedings *proprio motu* in order to preserve the *status quo* of the Interlocutory Appeal,³ and that it is appropriate to do so in the current circumstances;

NOTING further that Hadžić’s provisional release was extended in the Impugned Decision in light of the three-month stay of the proceedings;⁴

NOTING that a further extension of Hadžić’s provisional release may therefore be required, but that the Trial Chamber is better placed to issue any such order;

FOR THE FOREGOING REASONS

PURSUANT TO Rules 54 and 107 of the Rules;

¹ Interlocutory Appeal, paras 1, 45. See *Prosecutor v. Goran Hadžić*, IT-04-75-T, Consolidated Decision on the Continuation of Proceedings, 26 October 2015 (“Impugned Decision”), paras 66, 69.

² Impugned Decision, paras 66-69.

³ *Cf. Prosecutor v. Ramush Haradinaj et al.*, IT-04-84-AR65.1, Stay of “Decision on Defence Motion of Ramush Haradinaj to Request Re-assessment of Conditions of Provisional Release Granted 6 June 2005”, 16 December 2005, p. 1.

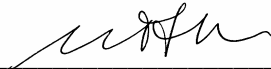
⁴ Impugned Decision, paras 67-69.

HEREBY EXTENDS the stay of the trial proceedings until the Appeals Chamber has disposed of the Interlocutory Appeal.

Nothing in this order shall be read or interpreted to prejudge the Appeals Chamber's forthcoming decision on the merits of the Interlocutory Appeal.

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

Dated this 25th day of January 2016,
At The Hague,
The Netherlands.



Judge Carmel Agius
Presiding Judge

[Seal of the Tribunal]