



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-95-5/18-I
Date: 21 August 2008
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President
Registrar: Mr. Hans Holthuis
Decision of: 21 August 2008

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON DISQUALIFICATION OF JUDGES

Office of the Prosecutor
Mr. Serge Brammertz

The Accused
Mr. Radovan Karadžić

I, FAUSTO POCAR, 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 (“International Tribunal”),

NOTING the “Request to Disqualify Judge Alphons Orié and His Chamber from All Pre-trial and Trial Proceedings in Case No. IT-98-5/18” and the “Supplement to the Request for the Disqualification of Judge Alphons Orié (IT-98-5/18)” filed on 19 August 2008 (“Motion” and “Supplement”, respectively) by Radovan Karadžić (“the Accused”);

NOTING that in his Motion, the Accused requests that Judge Alphons Orié and all of the Judges of Trial Chamber I be disqualified from the case *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-I (“*Karadžić Case*”);

CONSIDERING that Rule 15(B)(i) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) provides that “[a]ny party may apply to the Presiding Judge of a Chamber for the disqualification and withdrawal of a Judge of that Chamber from a trial or appeal [...]” and that “[t]he Presiding Judge shall confer with the Judge in question and Report to the President”;

NOTING that the Accused has filed his Motion and Supplement before me and not, as is required under Rule 15 of the Rules, before the Presiding Judge of Trial Chamber I, to which his case had been assigned on 22 July 2008;¹

NOTING that I issued on 21 August 2008 an “Order Reassigning a Case to a Trial Chamber” in which I assigned the *Karadžić Case* to Trial Chamber III;


CONSIDERING, that, in light this reassignment, there is no need for the Motion and Supplement to be referred to the Presiding Judge of Trial Chamber I;

HEREBY FIND the Motion and Supplement moot.

¹ Order Assigning a Case to a Trial Chamber, 22 July 2008.

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

Done this 21st day of August 2008,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]