



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-00-39-A
Date: 22 June 2007
Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andréia Vaz
Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Hans Holthuis

Order of: 22 June 2007

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

Public

**ORDER ON PROSECUTION REQUEST FOR
CLARIFICATION OF PRESIDENT'S ORDER OF 16 MAY 2007**

The Office of the Prosecutor

Mr. Peter Kremer
Ms. Christine Dahl

The Appellant

Mr. Momčilo Krajišnik

Amicus Curiae

Mr. Colin Nicholls, QC

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 “International Tribunal”, respectively),

BEING SEIZED OF the “Prosecution Request for Clarification of President’s Order of 16 May 2007” filed on 15 June 2007 (“Prosecution Request”);

NOTING that in the Prosecution Request, the Prosecution seeks clarification of a Presidential order assigning Judges to a case before the Appeals Chamber pursuant to the President’s power to do so under the Statute and Rules of Procedure and Evidence of the International Tribunal (“Rules”);¹

CONSIDERING that the Appeals Chamber does not have the authority under the International Tribunal’s Statute and Rules to issue such an order and consequently did not take part in rendering the order at issue in the Prosecution Request;

CONSIDERING therefore that the Appeals Chamber lacks jurisdiction to dispose of the Prosecution Request;

ON THE BASIS OF THE FOREGOING,

HEREBY REFERS the Prosecution Request to the President of the International Tribunal for his consideration and determination.

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

Dated this 22nd day of June 2007,
At The Hague, The Netherlands.



Fausto Pocar,
Presiding Judge

[Seal of the International Tribunal]

¹ See Articles 12(3), 14(2) and (3) of the Statute and Rule 19(A) of the Rules.