

UNITED  
NATIONS

IT-08-91-A  
# 4705 - # 4703  
28 November 2013

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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-08-91-A  
Date: 28 November 2013  
Original: English

**THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before:** Judge Carmel Agius, Acting President  
**Registrar:** Mr. John Hocking  
**Decision:** 28 November 2013

**PROSECUTOR**

v.

**MİĆO STANIŠIĆ  
and  
STOJAN ŽUPLJANIN**

***PUBLIC***

**ORDER REPLACING A JUDGE IN RESPECT OF  
MOTIONS BEFORE THE APPEALS CHAMBER**

**Office of the Prosecutor**

Ms. Helen Brady

**Counsel for Mićo Stanišić**

Mr. Slobodan Zečević and Mr. Stéphane Bourgon

**Counsel for Stojan Župljanin**

Mr. Dragan Krgović and Ms. Tatiana Čmerić

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**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 “Motion on Behalf of Mićo Stanišić Requesting a Declaration of Mistrial” filed by Defence Counsel for Mićo Stanišić (“Stanišić”) on 23 October 2013 (“First Motion”);

**NOTING** the “Motion on Behalf of Mićo Stanišić Seeking an Order Granting Provisional Release Until Adjudication of the Motion Requesting a Declaration of Mistrial” also filed by Defence Counsel for Stanišić on 23 October 2013 (“Second Motion”);<sup>1</sup>

**NOTING** that President Theodor Meron is Pre-Appeal Judge and Presiding Judge in the present case;<sup>2</sup>

**CONSIDERING** that President Theodor Meron has withdrawn from considering the First and Second Motions, and has referred the First and Second Motions to me for appropriate action in accordance with Rule 15(A) of the Rules of Procedure and Evidence (“Rules”);<sup>3</sup>

**NOTING** that, pursuant to Rule 21 of the Rules, the Vice-President shall exercise the functions of the President in case of the latter’s absence or inability to act;

**NOTING** that, pursuant to Rule 22(B) of the Rules, I have been elected as Presiding Judge of the Appeals Chamber in respect to the First and Second Motions;

**PURSUANT** to Rules 15(A) and 21 of the Rules;

**HEREBY ASSIGN**, with immediate effect, Judge William Hussein Sekule to replace President Theodor Meron on the Bench for the purposes of considering the First and Second Motions;

**HEREBY ORDER** that the Bench in *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-A, for the purpose of the adjudication of the First and Second Motions, shall therefore be composed as follows:

<sup>1</sup> The Office of the Prosecutor filed a consolidated response to the First and Second Motions on 25 October 2013. *See* Prosecution Consolidated Response to Stanišić’s Motions for Mistrial and Provisional Release, and Župljanin’s Motions to Vacate Trial Judgement, for Recusal of Judge Liu and Provisional Release, 25 October 2013. Stanišić filed a consolidated reply on 29 October 2013. *See* Consolidated Reply on Behalf of Mićo Stanišić to Prosecution Consolidated Response with Confidential Annexes A & B, 29 October 2013.

<sup>2</sup> Order Designating a Pre-Appeal Judge, 15 April 2013.

<sup>3</sup> Order Assigning a Motion to a Judge, 25 October 2013, p. 1.

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Judge Carmel Agius, Presiding

Judge William Hussein Sekule

Judge Patrick Robinson

Judge Lui Daqun

Judge Arlette Ramarosan

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

Dated this twenty eighth day of November 2013,  
At The Hague,  
The Netherlands



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Judge Carmel Agius  
Acting President

[Seal of the Tribunal]