

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No. MICT-13-52-R.1

Date: 1 October 2020

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Carmel Agius, President

Registrar: Mr. Abubacarr Tambadou

Order of: 1 October 2020

PROSECUTOR

v.

MILAN LUKIĆ

PUBLIC

**ORDER ASSIGNING JUDGES TO A CASE BEFORE THE
APPEALS CHAMBER**

The Office of the Prosecutor:

Mr. Mathias Marcussen

Counsel for Mr. Milan Lukić:

Mr. Zoran Živanović

I, CARMEL AGIUS, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism” respectively);

NOTING the Judgement in *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-T, issued by Trial Chamber III of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) on 20 July 2009 (“Trial Judgement”);

NOTING the Judgement in *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-23/1-A, issued by the Appeals Chamber of the ICTY on 4 December 2012 (“Appeal Judgement”), as corrected by the “Corrigendum to Judgement of 4 December 2012” issued on 4 March 2013;

NOTING “Milan Lukić’s Motion for Review of the Judgemen[t] Pursuant to Rule 146(A) and Application with the Motion for Disqualification of President and Three Judges of IRMCT and for the Order for the Assignment of Counsel at the Expense of the IRMCT” filed confidentially by Milan Lukić (“Lukić”) on 1 September 2020 (“Application”), by which Lukić, *inter alia*, 1) requests the Appeals Chamber of the Mechanism to review certain findings entered against him in the previous judgements (“Motion for Review”);¹ and 2) requests granting him legal aid at the expense of the Mechanism (“Motion for Legal Aid”);²

FURTHER NOTING that Lukić does not explicitly specify if the Motion for Review seeks review of the Trial Judgement, the Appeal Judgement, or both;

RECALLING that the Appeals Chamber already ruled that only a final judgement can be subject to review and that the final judgement in the case against Lukić is the Appeal Judgement;³

RECALLING Article 12(4) of the Statute of the Mechanism (“Statute”), which provides, *inter alia*, that “[i]n the event of an application for review of a judgment rendered by the Appeals Chamber, the Appeals Chamber on review shall be composed of five judges”;

CONSIDERING that it is therefore appropriate to assign the Motion for Review and the Motion for Legal Aid to the Appeals Chamber;

RECALLING that pursuant to Rule 146(B) of the Rules of Procedure and Evidence of the Mechanism (“Rules”) “[t]o the extent possible, the Judges who constituted the original Chamber shall be appointed”;

PURSUANT TO Rule 23(A) and 146(B) of the Rules,

¹ Application, paras. 1-26, 84.

² Application, paras. 61-84.

³ Order Assigning Judges to a Case before the Appeals Chamber, 24 February 2014, p. 2.

HEREBY ASSIGN the Motion for Review and the Motion for Legal Aid to a Bench composed as follows:

Judge Carmel Agius, Presiding

Judge Alphons Oric

Judge Liu Daqun

Judge Graciela Susana Gatti Santana

Judge Ivo Nelson de Caires Batista Rosa

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

Done this 1st day of October 2020,
At The Hague,
The Netherlands.



Judge Carmel Agius
President

[Seal of the Mechanism]



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