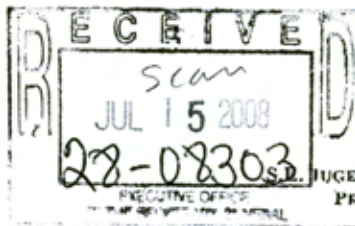


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United Nations
Nations UniesInternational
Criminal Tribunal
for the former YugoslaviaTribunal
Pénal International
pour l'ex-YugoslavieH.E. JUDGE FAUSTO POCAR
PRESIDENTTELEPHONE: +31 70 512.53.62
FAX: +31 70 512.53.07JUDGE FAUSTO POCAR
PRESIDENTTELEPHONE: +31 70 512.53.62
FAX: +31 70 512.53.07ACTION Mr Michel
COPY AC

The Hague, 15 July 2008

Excellency,

I have the honour to refer to the 116th plenary meeting of the fifty-ninth session of the General Assembly of 24 August 2005, at which 27 *ad litem* judges of the International Criminal Tribunal for the former Yugoslavia were elected for a mandate of 4 years. By virtue of that resolution, and in conformity with Security Council resolution 1329 (2000), I am writing to request the appointments of two *ad litem* judges to permit the Tribunal to begin a new trial.

28-06339

I refer to my letters of 19 February 2008 and 26 May 2008, by which in accordance with the terms of article 13 *ter*, paragraph 2, of the Statute of the Tribunal, and having duly considered the criteria established by that provision, I requested, respectively, the appointment of *ad litem* judge Mr. Pedro David to Case No. IT-03-69, *Prosecutor v. Jovica Stanišić & Franko Simatović* and the appointment of *ad litem* judge Ms. Flavia Lattanzi to Case No. IT-04-81, *Prosecutor v. Momčilo Perišić*. With a view to ensure that we are able to continue conducting eight trials simultaneously in only three courtrooms, which is not without challenges, I must request certain changes in the appointments of Judges Lattanzi and David.

Due to scheduling conflicts with the trial in *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67, in which Judge Lattanzi is also sitting, I hereby request that *ad litem* Judge Ms. Flavia Lattanzi be withdrawn from Case No. IT-04-81, *Prosecutor v. Momčilo Perišić* and appointed to serve on the trial of Case No. IT-03-69, *Prosecutor v. Jovica Stanišić & Franko Simatović*. I further request the withdrawal of *ad litem* Judge Mr. Pedro David from Case No. IT-03-69, *Prosecutor v. Jovica Stanišić & Franko Simatović* and his appointment to serve on the trial of Case No. IT-04-81, *Prosecutor v. Momčilo Perišić*. Notwithstanding the fact that the *Perišić* trial is now scheduled to start on 1 October 2008, due to a pending application for the withdrawal of the lead counsel for humanitarian reasons, and that the *Stanišić & Franko Simatović* trial is currently adjourned for a minimum of three months due to the health condition of Mr. Stanišić, I would appreciate your appointing *ad litem* judges Ms. Flavia Lattanzi and Mr. Pedro David to their respective cases effective 9 July 2008, in order to enable their Chambers to adjudicate various pre-trial issues which are best addressed by the Judges who will be trying the case.

Thanks
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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
Tribunal International Charge de Poursuivre les Personnes Responsables de Violations Graves du Droit International Humanitaire
Commises sur le Territoire de l'ex-Yugoslavie depuis 1991

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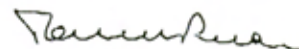
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Judge Lattanzi's appointment would be in addition to her appointment effective 2 July 2007 on the trial of Case No. IT-04-83, *Prosecutor v. Rasim Delić*, which started on 9 July 2007, and her appointment effective 15 October 2007 to serve on the trial of Case No. IT-03-67, *Prosecutor v. Vojislav Šešelj*, which started on 7 November 2007. Judge David's appointment would be in addition to his appointment effective 9 June 2008 to serve on the trial of Case No. IT-98-32/1, *Prosecutor v. Milan Lukić and Sredoje Lukić*, which is due to commence on 9 July 2008.

The present request depends of course on the approval of my earlier request to extend the terms of service of all of our *ad litem* judges for a period of one year which I understand will be considered by the Security Council Working Group on the *ad hoc* Tribunals on 16 July 2008.

I remain at your disposal for any additional information you may require concerning the proposed appointments of Ms. Lattanzi and Mr. David. Thank you in advance for your action in this regard.

Please accept, Excellency, the assurances of my highest consideration.

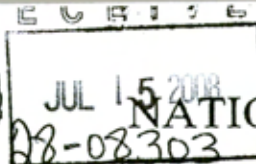


Fausto Pocar

H.E. Mr. Ban Ki-moon
Secretary-General
United Nations
New York, NY 10017
United States of America

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UNITED NATIONS



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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



EXECUTIVE OFFICE
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DE VIOLATIONS GRAVES DU DROIT INTERNATIONAL
HUMANITAIRE COMMISES SUR LE TERRITOIRE DE
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TO: Office of the Secretary-General United Nations Headquarters New York, USA	FROM: Gabrielle McIntyre Chef de Cabinet Office of the President
FAX NO.: 3.21.55	FAX NO.: +31.70.512.53.07
TEL. NO.: 7.42.09	TEL. NO.: +31.70.512.89.14
ATTN.: Mr. Vijay Nambiar, Chef de Cabinet	REF.:
COPY. Mr. Nicolas Michel Assistant Secretary General Office of Legal Affairs	FAX. 3.64.30
DATE: 15 July 2008	PAGES: 3 (including this page)

Dear Mr. Nambiar,

Could you kindly forward attached letter from President Fausto Pocar to the Secretary-General.

Thank you for your cooperation.

NOTE DE CONFIDENTIALITE

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8:00 A.M. - 9:00

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