



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

IT/282

Date: 10 July 2015

ORIGINAL: ENGLISH

AMENDMENTS TO THE RULES OF PROCEDURE AND EVIDENCE

PUBLIC DOCUMENT

By decision of the forty-fifth plenary session 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”), held on 8 July 2015, Rule 6(A), Rule 15(B), Rule 25(B), and Rule 26(A) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) are hereby amended.

Pursuant to Rule 6(D) of the Rules, the adoption of the amended Rule shall enter into force seven days after the date of issuance of this official document, *i.e.*, on 17 July 2015. Document IT/32/Rev. 50 incorporating these amendments will be issued in both languages as soon as possible.

The full text of the amended Rule is set out in the Annex to this document.



Judge Carmel Agius
Chair of the Rules Committee

Dated this tenth day of July 2015
At The Hague
The Netherlands

ANNEX

Rule 6

Amendment of the Rules

- (A) Proposals for amendment of the Rules may be made by a Judge, the Prosecutor or the Registrar and shall be adopted if agreed to by **the majority of the permanent Judges composing the Tribunal**, ~~not less than ten permanent Judges~~ at a plenary meeting of the Tribunal convened with notice of the proposal addressed to all Judges.
- (B) An amendment to the Rules may be otherwise adopted, provided it is unanimously approved by the permanent Judges.
- (C) Proposals for amendment of the Rules may otherwise be made in accordance with the Practice Direction issued by the President.
- (D) An amendment shall enter into force seven days after the date of issue of an official Tribunal document containing the amendment, but shall not operate to prejudice the rights of the accused or of a convicted or acquitted person in any pending case.

Rule 15

Disqualification of Judges

- (A) A Judge may not sit on a trial or appeal in any case in which the Judge has a personal interest or concerning which the Judge has or has had any association which might affect his or her impartiality. The Judge shall in any such circumstance withdraw, and the President shall assign another Judge to the case.
- (B) (i) Any 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 upon the above grounds. The Presiding Judge shall confer with the Judge in question and **prepare a report which shall include any comments or material provided by the challenged Judge. The Presiding Judge shall present this report to the President.**
- (ii) Following the report of the Presiding Judge, the President shall, if necessary, appoint a panel of three Judges, ~~drawn from other Chambers~~ to report to him its decision on the merits of the application. **The panel shall be provided with the report prepared by the Presiding Judge.** If the decision is to uphold the application, the President shall assign another Judge to sit in the place of the Judge in question.
- (iii) The decision of the panel of three Judges shall not be subject to interlocutory appeal.
- (iv) If the Judge in question is the President, the responsibility for the President in accordance with this paragraph shall be assumed by the Vice-President or, if he or she is not able to act in the application, by the permanent Judge most senior in precedence who is able to act.
- (C) The Judge of the Trial Chamber who reviews an indictment against an accused, pursuant to Article 19 of the Statute and Rules 47 or 61, shall not be disqualified for sitting as a member of the Trial Chamber for the trial of that accused. Such a Judge

shall also not be disqualified for sitting as a member of the Appeals Chamber to hear any appeal in that case.

(D) (i) No Judge shall sit on any appeal in a case in which that Judge sat as a member of the Trial Chamber.

(ii) No Judge shall sit on any State Request for Review pursuant to Rule 108 bis in a matter in which that Judge sat as a member of the Trial Chamber whose decision is to be reviewed.

Rule 25

Dates of Plenary Sessions

- (A) The dates of the plenary sessions of the Tribunal shall normally be agreed upon in July of each year for the following calendar year.

- (B) Other plenary meetings shall be convened by the President if so requested by ~~at least nine permanent Judges~~ **the majority of the permanent Judges composing the Tribunal**, and may be convened whenever the exercise of the President's functions under the Statute or the Rules so requires.

Rule 26

Quorum and Vote

- (A) The quorum for each plenary meeting of the Tribunal shall be ~~ten permanent Judges~~ **the majority of the permanent Judges composing the Tribunal.**
- (B) Subject to Rules 6 (A), (B) and 18 (C), the decisions of the plenary meetings of the Tribunal shall be taken by the majority of the Judges present. In the event of an equality of votes, the President or the Judge acting in the place of the President shall have a casting vote.