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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-96-23-R61

Date: 13 May 1997

Original: English

**Before: Judge Lal Chand Vohrah**

**Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh**

**Order of: 13 May 1997**

**THE PROSECUTOR**

**V**

**DRAGAN GAGOVIĆ AND OTHERS**

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**ORDER PURSUANT TO RULE 54**

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**Office of the Prosecutor**

**Mr. Eric Ostberg**

**Ms. Hildegard Uertz-Retzlaff**

**I, Lal Chand Vohrah**, Judge 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 (“International Tribunal”), in Chambers;

**NOTING** the indictment against Dragan Gagović and seven other persons (“accused persons”) which was confirmed on 26 June 1996 (“Indictment”);

**CONSIDERING** the Order of 25 November 1996 inviting the Prosecutor to submit by 2 December 1996, or by 9 December 1996 if Rule 60 of the Rules of Procedure and Evidence (“Rules”) had not already been activated, a report on the measures taken to effect personal service of the Indictment on the accused persons;

**CONSIDERING** that the Office of the Prosecutor (“Prosecution”) submitted a report pursuant to that invitation on 9 December 1996;

**CONSIDERING** that a public examination of the Indictment pursuant to Rule 61 can only be held if the requirements of Rule 60 have been met and if the Prosecution has satisfied the Judge who confirmed the Indictment that all reasonable steps have been taken to effect personal service of the Indictment;

**CONSIDERING** that pursuant to Rule 60, the Registrar caused copies of a form of advertisement of the Indictment to be sent to the appropriate authorities of the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska;

**CONSIDERING** that the authorities in the Republic of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina acknowledged receipt of copies of the said form of advertisement on 10 December 1996 and that on 20 December 1996, the Office of the High Representative for Implementing the Civilian Aspects of the Peace Accords in Sarajevo confirmed receipt of the form of advertisement and stated that it had been transmitted to the Minister of Justice of the Republika Srpska;

**CONSIDERING** that since copies of the form of advertisement of the Indictment have been transmitted as hereinbefore described, the requirements of Rule 60 have been satisfied;

**CONSIDERING** that the report of the Prosecution shows that all reasonable steps have been taken to effect personal service of the Indictment;

**CONSIDERING** that there is, therefore, no procedural impediment barring the public examination of the Indictment pursuant to Rule 61 at the present time;

**CONSIDERING, HOWEVER,** that by the said report, the Prosecution requested that a public examination of the Indictment should not be held at the time of the report, 9 December 1996, because such public examination may inhibit certain negotiations in relation to the possible surrender of one of the accused persons ("negotiations");


**CONSIDERING** that to date, the Prosecution has failed to give any notification of its progress on the said negotiations;

**CONSIDERING FURTHER** that the accused person with regard to whom the negotiations were being conducted has not been surrendered to the jurisdiction of the International Tribunal;

**CONSIDERING THEREFORE** that it is expedient that the Prosecution file a notification regarding the status of the said negotiations in order that it might be determined whether it is appropriate that a Trial Chamber of the International Tribunal should immediately proceed with the public examination of the Indictment pursuant to Rule 61;

**FOR THESE REASONS, AND PURSUANT TO RULE 54**

**ORDER** the Prosecution to file a notification with the Registrar on the status of the negotiations by 3 June 1997.

  
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Lal Chand Vohrah  
Judge, International Tribunal

Dated this thirteenth day of May 1997  
At The Hague  
the Netherlands.

**[Seal of the Tribunal]**