

IT-04-78-PT
062-061
07 SEPTEMBER 2004

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**UNITED
NATIONS**



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: IT-04-78-PT

Date: 7 September 2004

Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Theodor Meron, President
Registrar: Mr. Hans Holthuis
Order of: 7 September 2004

THE PROSECUTOR

v.

RAHIM ADEMI

and

MIRKO NORAC

**ORDER APPOINTING A TRIAL CHAMBER
FOR THE PURPOSES OF DETERMINING
WHETHER THE INDICTMENT SHOULD BE REFERRED
TO ANOTHER COURT UNDER RULE 11 *BIS***

Counsel for the Prosecution:

Ms. Carla Del Ponte

Counsel for the Accused:

Mr. Ćedo Prodanović for Rahim Ademi

Mr. Željko Olujić for Mirko Norac

I, THEODOR MERON, 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,

BEING SEIZED OF the partially confidential “Request by the Prosecutor Under Rule 11 *bis*,” filed on 2 September 2004, in which the Prosecution requests that this case be referred to the authorities of Croatia for trial by an appropriate court of that state;

NOTING that the indictments against both accused have been confirmed;

NOTING that, under Rule 11 *bis*(A)(i) of the Rules of Procedure and Evidence, after an indictment against an accused has been confirmed, the President of the Tribunal may appoint a Trial Chamber for the purpose of referring a case to the authorities of a State in whose territory the crime was committed;

NOTING the Prosecution’s submission that in the present case, the crimes charged in the indictment were committed on the territory of Croatia;


NOTING the composition of Trial Chambers of the Tribunal, as set out in document IT/228, issued on 7 June 2004;

HEREBY APPOINT, effective immediately, the following Judges to constitute the Trial Chamber for the purpose of determining whether this case shall be referred to the authorities of Croatia pursuant to Rule 11 *bis*:

Judge Alphons Orié
Judge O-Gon Kwon
Judge Kevin Parker

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

Dated this 7th day of September 2004,
At The Hague,
The Netherlands.


Judge Theodor Meron
President

[Seal of the Tribunal]