



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-96-23/2-PT  
Date: 27 September 2004  
Original: English

**THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before:** Judge Theodor Meron, President

**Registrar:** Mr. Hans Holthuis

**Order of:** 27 September 2004

**THE PROSECUTOR**

v.

**Radovan STANKOVIĆ**

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**PRELIMINARY ORDER IN RESPONSE TO THE PROSECUTOR'S MOTION  
UNDER RULE 11 *bis***

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**The Office of the Prosecutor**

Carla Del Ponte, Prosecutor  
Jan Wubben, Senior Trial Attorney

**Counsel for the Defence:**

Milenko Radović

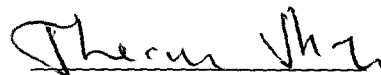
1. As President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("Tribunal"), I am seized of the "Motion by the Prosecutor under Rule 11 *bis* of Rules of Procedure and Evidence for Referral of Indictment to Another Court" that was filed on 21 September 2004.

2. In 1996, the Prosecutor indicted Radovan Stanković for crimes allegedly committed while he was serving as a Bosnian Serb soldier during the armed conflict in Bosnia and Herzegovina (BiH). He was brought to the Tribunal in 2002, and is currently awaiting trial. The Prosecutor has now filed a motion under Rule 11 *bis*, requesting that a Trial Chamber transfer Stanković's case to the BiH authorities for trial in the War Crimes Chamber of the State Court.

3. The Prosecutor has filed a similar motion in the case of *Prosecutor v. Mejakić et al*, No. IT-02-65-PT, which likewise involves a series of crimes allegedly committed in BiH. For the reasons discussed in my response to the Prosecutor's motion in that case, *see Prosecutor v. Mejakić et al*, No. IT-02-65-PT, Preliminary Order in Response to the Prosecutor's Request under Rule 11 *bis*, 22 September 2004, para. 7-10 (requesting further briefing from the Prosecutor), it appears possible that BiH is not prepared to receive 11 *bis* transfers at the present time. I will therefore postpone ruling on the present motion until I receive the prosecution's supplementary motion in *Mejakić*, which is scheduled to be delivered to me by October 1, 2004. My disposition of the Prosecutor's motion in the present case will be rendered after that time.

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

Dated this 27<sup>th</sup> day of September 2004,  
At The Hague,  
The Netherlands.

  
Judge Theodor Meron  
President

[Seal of the International Tribunal]