



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: 5 October 2004  
Original: English

**THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before:** Judge Theodor Meron, President

**Registrar:** Mr. Hans Holthuis

**Order of:** 5 October 2004

**THE PROSECUTOR**

v.

**Radovan STANKOVIĆ**

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

**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 SEISED OF** the “Motion by the Prosecutor under Rule 11*bis* of Rules of Procedure and Evidence for Referral of Indictment to Another Court,” filed on 21 September 2004, in which the Prosecutor requests that this case be referred to the authorities of Bosnia and Herzegovina for trial in their own courts;

**NOTING** that the indictment against the accused has 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 Bosnia and Herzegovina;

**NOTING** my “Preliminary Order in Response to the Prosecutor’s Motion Under Rule 11*bis*” issued on 27 September 2004, and my “Order Transferring a Motion Pursuant to Rule 11*bis*” issued on 5 October 2004;


**NOTING** the composition of the 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 should be referred to the authorities of Bosnia-Herzegovina pursuant to Rule 11*bis*:

Judge Alphons Orie  
Judge O-Gon Kwon  
Judge Kevin Parker

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

Dated this 5<sup>th</sup> day of October 2004,  
At The Hague,  
The Netherlands.

  
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Judge Theodor Meron  
President

**[Seal of the Tribunal]**