



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-01-42/2-I
Date: 2 November 2004
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Theodor Meron, President

Registrar: Mr. Hans Holthuis

Order of: 2 November 2004

THE PROSECUTOR

v.

Vladimir KOVAČEVIĆ

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

The Office of the Prosecutor

Carla Del Ponte, Prosecutor

Counsel for the Defence:

Howard Morrison
Tanja Radosavljević

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 “Request by the Prosecutor Under Rule 11*bis* for Referral of the Indictment to Another Court” filed on 28 October 2004, in which the Prosecutor requests that this case be referred to the authorities of the State Union of Serbia and Montenegro for trial by an appropriate court within that State;

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, in which the accused was arrested, or having jurisdiction and being willing and adequately prepared to accept such a case;

NOTING the Prosecution’s submission that the State Union of Serbia and Montenegro has jurisdiction to try the case against Vladimir Kovačević based on both his nationality and principles of universal jurisdiction, and that the State has represented to the Prosecution that it is willing and adequately prepared to prosecute the case;


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 the State Union of Serbia and Montenegro 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 2nd day of November 2004,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Tribunal]