



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
Date: 1 December 2004
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Theodor Meron, President

Registrar: Mr. Hans Holthuis

Order of: 1 December 2004

THE PROSECUTOR

v.

**Gojko JANKOVIĆ
Dragan ZELENOVIĆ**

**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

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*(A)” filed on 29 November 2004, in which the Prosecutor requests that this case be referred to the authorities of Bosnia and Herzegovina for trial by an appropriate court within that State;

NOTING that an indictment against both accused has been confirmed;

NOTING that warrants for the arrest of both accused directed to the authorities of Bosnia and Herzegovina, Republika Srpska, Montenegro, Germany and member States of the United Nations have not resulted in the arrest of the accused and that both accused currently remain at large;

NOTING that under Rule 11*bis* (A)(i) of the Rules of Procedure and Evidence, after an indictment against an accused has been confirmed, irrespective of whether or not the accused is in the custody of the Tribunal, 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 crimes alleged in the indictment against both accused took place in the territory of Bosnia and Herzegovina;

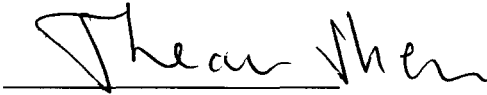
NOTING the composition of the Trial Chambers of the Tribunal, as set out in document IT/228, issued on 7 June 2004;

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 and 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 1st day of December 2004,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Tribunal]