



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-98-32-I
Date: 2 February 2005
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Theodor Meron, President

Registrar: Mr. Hans Holthuis

Order of: 2 February 2005

THE PROSECUTOR

v.

**Milan LUKIĆ
And
Sredoje LUKIĆ**

**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*” filed on 1 February 2005, in which the Prosecutor requests that the case of Milan Lukić and Sredoje Lukić be referred to the authorities of Bosnia and Herzegovina for trial by an appropriate court within that State;

NOTING that the indictment against the accused has been confirmed;

NOTING that warrants for the arrest of the accused issued on 21 March 2001 and 12 January 2004 to the relevant authorities have not resulted in the arrest of either accused and that the 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, 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 the 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 2nd day of February 2005,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Tribunal]