



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-04-78-PT
Date: 7th February 2005
Original: English

IN A SPECIALLY APPOINTED CHAMBER

Before: Judge Alphons Orie, Presiding
Judge O-Gon Kwon
Judge Kevin Parker

Registrar: Mr. Hans Holthuis

Decision: 7th February 2005

PROSECUTOR

v.

RAHIM ADEMI

and

MIRKO NORAC

**SCHEDULING ORDER FOR A HEARING ON
REFERRAL OF A CASE UNDER RULE 11BIS**

The Office of the Prosecutor:

Carla del Ponte

Counsel for the Accused:

Čedo Prodanović for Rahim Ademi
Željko Olujić for Mirko Norac

Case No.: IT-04-78-PT

The Government of the Republic of Croatia:

per: The Croatian Embassy to The Netherlands,
The Hague.

The Amici Curiae:

Professor Mirjan Damaška
Professor Davor Krapac

7th February 2005

THIS SPECIALLY APPOINTED CHAMBER (“the Chamber”) 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 (“the Tribunal”);

BEING SEIZED OF the Prosecutor’s Request of 2nd September 2004 for referral of the present case by a Trial Chamber under Rule 11*bis* of the Rules of Procedure and Evidence (“the Rules”) to the authorities of Croatia, after having given the opportunity to the authorities of Croatia to be heard on the Request and the condition for the referral of this case;

NOTING Mirko Norac’s Response to the Prosecution’s Motion under Rule 11*bis* filed on 14th September 2004;

NOTING that no response was received from Rahim Ademi in direct response to the Prosecution’s Motion for Referral under Rule 11*bis*;

NOTING the Chamber’s “Order for Further Submissions on the Gravity of the Crimes and the Level of Responsibility of the Accused” filed by the Chamber on 3rd November 2004 (“the Order”) and addressed to the Parties; and the letter of 10th November 2004 from the Senior Legal Officer to the Republic of Croatia, inviting the Government of the Republic of Croatia as well to submit its views on the gravity of the crimes and the level of responsibility of the Accused;

NOTING the “Response to the Chamber’s Order of November 3, 2004”, filed by *Norac’s Defence* on 9th November 2004; the *Prosecution’s* “Further Submission in Support of the Motion of the Prosecutor under Rule 11*bis*”, filed on 10th November 2004; the “Submission on the Gravity of the Crimes and the Level of Responsibility of the Accused”, filed by *Ademi’s Defence* on 16th November 2004; and the “Response to Prosecutor’s Further Submission in Support of the Motion of the Prosecution under Rule 11*bis*” filed by *Norac’s Defence* on 18th November 2004;

NOTING the “Submission of the Republic of Croatia to the Court’s Order on the Gravity of the Crimes and the level of Responsibility of the Accused”, filed on 30th November 2004;

NOTING the Chamber’s Order of 20th January 2005 for further submissions on the law in Croatia;

NOTING the Chamber’s Order of 7th February 2005 to grant leave for Professor Mirjan Damaška and Professor Davor Krapac to appear as *amici curiae* before this Chamber;

PURSUANT to Rules 11*bis* and 74 of the Rules;

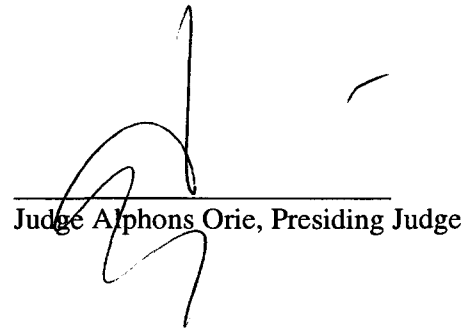
HEREBY SCHEDULES A HEARING to be held on Thursday, 17th February 2005 at 08:30AM in Courtroom 1 in the presence of the Prosecution and the Defence counsel, but without the presence of the Accused;

INVITES the Government to attend the hearing in order to orally present its views on referral of the case to the authorities of Croatia in extension of its earlier submissions;

INVITES Professors Mirjan Damaška and Davor Krapac to appear as *amici curiae* before this Chamber at the hearing and to make an oral submission in extension of their *amici curiae* Brief.

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

Done this seventh day of February, 2005,
At The Hague,
The Netherlands



Judge Alphons Orie, Presiding Judge

[Seal of the Tribunal]