



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-95-13/1-PT

Date: 27 April 2005

Original: English

**IN THE REFERRAL BENCH**

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

**Registrar:** Mr. Hans Holthuis

**Decision:** 27 April 2005

**PROSECUTOR**

v.

**MILE MRKŠIĆ  
MIROSLAV RADIĆ  
VESELIN ŠLJIVANČANIN**

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

**The Office of the Prosecutor:**

Ms. Carla Del Ponte, Prosecutor

**The Government of Croatia**

*per:* The Embassy of Croatia  
to The Netherlands, The Hague

**Counsel for the Accused:**

Mr. Miroslav Vasić for Mile Mrkšić  
Mr. Borivoje Borović and Ms. Mira Tapušković  
for Miroslav Radić  
Mr. Novak Lukić and Mr. Momcilo Bulatović  
for Veselin Šljivančanin

**The Government of Serbia and Montenegro**

*per:* The Embassy of Serbia and Montenegro  
to The Netherlands, The Hague

**THE REFERRAL BENCH** 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 “Request by the Prosecutor under Rule 11*bis* for Referral of the Indictment to Another Court” dated 8 February 2005 seeking 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 or to the authorities of Serbia and Montenegro, after having given, if it deems necessary, the opportunity to the authorities of Croatia and/or Serbia to be heard on the Request and on the conditions for the referral of this case;

**NOTING** the “Joint Defense Response to Request by the Prosecutor under Rule 11*bis* for Referral of the Indictment to another Court” dated 1 March 2005 whereby the Defence opposes to the referral of the present case to the authorities of Croatia;

**NOTING** the Referral Bench’s “Decision for Further Information in the Context of the Prosecutor’s Motions under Rule 11*bis*” dated 15 April 2005 ordering the Parties and inviting the Government of Croatia and the Government of Serbia and Montenegro to submit their views on the gravity of the crimes and the level of responsibility of the Accused, as well as on the substantive and procedural law that would apply, respectively, should the case be referred to the authorities of Croatia or Serbia and Montenegro;

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

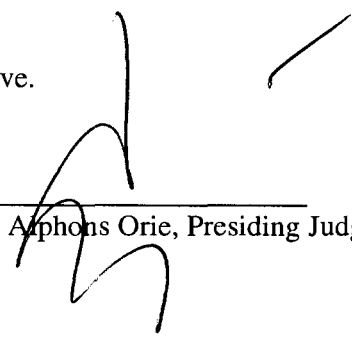
**HEREBY SCHEDULES A HEARING** to commence on 12 May 2005 at 09.00 in a courtroom designated by the Registry.

**INVITES** the Government of Croatia and the Government of Serbia and Montenegro to attend the hearing and, should they wish, to present additional oral submissions.

**REQUESTS** the Registrar to transmit this order immediately to the Government of Croatia and to the Government of Serbia and Montenegro.

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

Done this twenty-seventh day of April 2005  
At The Hague,  
Netherlands

  
\_\_\_\_\_  
Judge Alphons Orie, Presiding Judge

[Seal of the Tribunal]