



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-02-65-PT
Date: 8th July 2005
Original: English

IN A REFERRAL BENCH

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

Registrar: Mr. Hans Holthuis

Decision: 8th July 2005

PROSECUTOR

v.

**ŽELJKO MEJAKIĆ
MOMČILO GRUBAN
DUŠAN FUŠTAR
DUŠKO KNEŽEVIĆ**

SCHEDULING ORDER FOR A HEARING

The Office of the Prosecutor:

Carla del Ponte

Counsel for the Accused:

Mr. Jovan Simić for Željko Mejačić
Mr. Branko Lukić for Momčilo Gruban
Mr. Theodore Scudder for Dušan Fuštar
Mrs. Slobodanka Nedić for Duško Knežević

The Government of Serbia and Montenegro

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

The Government of Bosnia and Herzegovina

per: The Embassy of Bosnia and Herzegovina
to The Netherlands, The Hague

**The Government of the Kingdom of the
Netherlands**

THIS 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 “Motion by the Prosecutor under Rule 11*bis*,” filed on 2nd September 2004 and the “Supplementary Motion by the Prosecutor under Rule 11*bis*” filed on 30th September 2004, whereby the Prosecution requests that a Trial Chamber order the referral of the case against Željko Mejačić, Momčilo Gruban, Dušan Fuštar, Duško Knežević to the authorities of Bosnia and Herzegovina (the “Motion”);

NOTING the Decisions issued by the Referral Bench and the submissions filed by the Parties and the Government of Bosnia and Herzegovina in response to these Decisions;

NOTING the hearing held before the Referral Bench on 3rd and 4th March 2005;

NOTING that Željko Mejačić, Dušan Fuštar and Duško Knežević are currently in the custody of the Tribunal and **FURTHER NOTING** the Decision of 17th July 2002 by Trial Chamber III for provisional release of Momčilo Gruban on conditions specified in that Decision, in particular in para. 1 (x) of the disposition thereof;

NOTING the guarantees of the Government of the Federal Republic of Yugoslavia and the Republic of Serbia that the Accused will return to appear before the Tribunal at any time the Tribunal or Trial Chamber may require;

CONSIDERING that it is appropriate to deliver its Decision on the Prosecution’s Motion for referral at a public hearing to be held on Wednesday, 20th July 2005;

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 54 of the Rules,

HEREBY SCHEDULES a hearing to be held on Wednesday, 20th July 2005 at 2:30PM in Courtroom III in the presence of the Accused and their Counsels;

ORDERS Momčilo Gruban to return to the Tribunal on Monday, 18th July 2005;

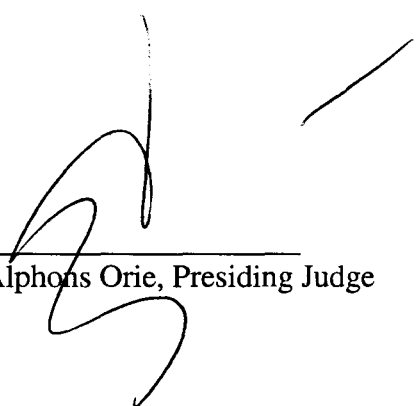
REQUESTS the authorities of Serbia and Montenegro to escort Momčilo Gruban on or before Monday 18th July 2005 from his residence in Belgrade to an airport in The Kingdom of The Netherlands and to hand him over to the Dutch authorities by 4PM on that day;

REQUESTS the authorities of The Kingdom of The Netherlands to escort Momčilo Gruban to the United Nations Detention Unit in The Hague on his arrival in the Kingdom of the Netherlands;

INVITES the Registrar to transmit this order to the authorities of Serbia and Montenegro and to the authorities of Bosnia and Herzegovina.

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

Done this eighth July 2005,
At The Hague,
The Netherlands



Judge Alphons Orie, Presiding Judge

[Seal of the Tribunal]