



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-97-25/1-PT

Date: 27 April 2006

Original: English

**IN THE REFERRAL BENCH**

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

**Registrar:** Mr. Hans Holthuis

**Order of:** 27 April 2006

**PROSECUTOR**

v.

**SAVO TODOVIĆ  
MITAR RAŠEVIĆ**

**ORDER TO FILE SUBMISSIONS ON EFFECT OF  
OPERATIVE INDICTMENT IN RULE 11*bis* REFERRAL OF  
THE CASE AGAINST THE ACCUSED SAVO TODOVIĆ**

**The Office of the Prosecutor:**

Ms. Susan L. Somers

**Counsel for the Accused:**

Mr. Aleksandar Lazarević for Savo Todović  
Mr. Vladimir Domazet for Mitar Rašević

**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 (“Tribunal”);

**BEING SEIZED** of the “Motion by The Prosecutor under Rule 11*bis* with Annexes I, II, III and Confidential Annexes IV, V, and VI” filed 1 November 2004 in the case against the Accused Savo Todović (“Accused”) (“*Todović* Motion for Referral”), and the “Motion by The Prosecutor under Rule 11*bis* with Annexes I and II and Confidential Annexes III and IV” filed 4 November 2004 in the case against the Accused Mitar Rašević (“*Rašević* Motion for Referral”);

**NOTING** the “Decision on Referral of Case under Rule 11*bis* with Confidential Annexes I and II” rendered by the Referral Bench and filed partly confidentially on 8 July 2005 (“Referral Bench Decision”), in which the Referral Bench, pursuant to Rule 11*bis* of the Rules of Procedure and Evidence (“Rules”), ordered the case of *Prosecutor v. Mitar Rašević and Savo Todović* to be referred to the authorities of the State of Bosnia and Herzegovina, so that those authorities should forthwith refer the case to the appropriate court for trial within Bosnia and Herzegovina;

**NOTING** the “Decision on Rule 11*bis* Referral” rendered by the Appeals Chamber on 23 February 2006 (“Appeals Chamber Decision”), in which the Appeals Chamber:

- a) quashed the Referral Bench Decision with respect to the Accused Savo Todović,
- b) remitted the matter to the Referral Bench for further consideration consistent with the Appeals Chamber Decision,
- c) directed the Referral Bench to defer issuance of any further decision on referral of this case pursuant to Rule 11*bis* of the Rules until the Trial Chamber seized of the Accused’s Defence Preliminary Motion on the Form of the Joint Amended Indictment (“Motion on the Form of the Joint Amended Indictment”) renders a decision, and
- d) suspended the execution of the Referral Bench’s Decision with respect to the Accused Mitar Rašević until a decision on the Motion on the Form of the Joint Amended Indictment has been rendered and a decision confirming the operative indictment is issued;

**NOTING** the “Decision on Savo Todovic’s Defence Preliminary Motion on the Form of the Joint Amended Indictment” rendered by the Trial Chamber on 21 March 2006 (“Trial Chamber Decision”), in which the Trial Chamber issued several orders to the Office of the Prosecutor

(“Prosecution”) with respect to the form of the Joint Amended Indictment;

**NOTING**, thereafter, the “Prosecution’s Submission of Second Joint Amended Indictment with Annex A and Confidential Annex B”, filed on 24 March 2006, in which the Prosecution requested that the “Second Joint Amended Indictment” be adopted as the operative indictment;

**NOTING** the “Order on Operative Indictment” subsequently issued by the Trial Chamber on 7 April 2006 (“Order on Operative Indictment”), in which the Trial Chamber ordered that the Second Joint Amended Indictment shall be the operative indictment (“Operative Indictment”) in the case against the Accused Savo Todović and Mitar Rašević;

**CONSIDERING** that the Referral Bench shall further consider the *Todović* Motion for Referral in light of the Operative Indictment;

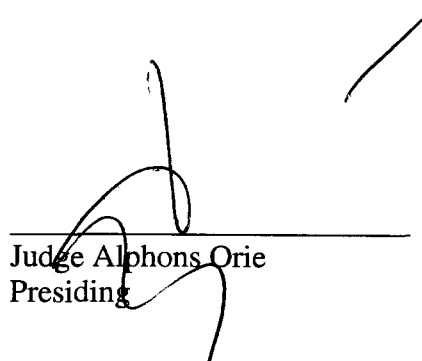
**FOR THE FOREGOING REASONS,**

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

**ORDERS** the parties to the case against the Accused Savo Todović to file a submission by no later than 11 May 2006 addressing what, if any, effect the Operative Indictment should have on the conclusions reached by the Referral Bench with respect to the gravity of the crimes charged and the level of responsibility of the Accused Savo Todović and with respect to the consideration of referral to Bosnia and Herzegovina as set forth in the Referral Bench Decision.

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

Done this twenty-seventh day of April 2006  
At The Hague,  
The Netherlands



Judge Alphons Orie  
Presiding

[Seal of the Tribunal]