



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-98-32/1-PT

Date: 9 August 2006

Original: English

BEFORE THE REFERRAL BENCH

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

Registrar: Mr. Hans Holthuis

Order of: 9 August 2006

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

SECOND ORDER RE-SCHEDULING HEARING

Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Mark Harmon
Ms. Susan Somers

The Government of Bosnia and Herzegovina

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

Counsel for Milan Lukić

Mr. Alan L. Yatvin

The Government of Argentina

per: The Embassy of Argentina
to the Netherlands, The Hague

Counsel for Sredoje Lukić

Mr. Đuro Čepić

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”);

NOTING the “Request by the Prosecutor under Rule 11 *bis*”, filed on 1 February 2005 (“Referral Request”), in which the Prosecution requests the referral of the case against Sredoje Lukić and Milan Lukić to the authorities of Bosnia and Herzegovina pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”);

NOTING the “Order for Written Submissions and Scheduling Order for Hearing” of 30 June 2006 (“Original Scheduling Order”), in which the Referral Bench ordered the parties, and invited the Government of Bosnia and Herzegovina, to file written submissions in respect of the Referral Request by 10 July 2006; and ordered the parties, and invited the Governments of Bosnia and Herzegovina and Argentina, to appear at a hearing scheduled for 12 July 2006 to make oral submissions;

NOTING the “Order Re-Scheduling Hearing” of 4 July 2006, in which the Referral Bench postponed the time limit for filing written submissions until 9 August 2006, and postponed the hearing envisioned in the Original Scheduling Order until 16 August 2006;

BEING SEISED OF a joint request by the parties to postpone the hearing until mid-September 2006;

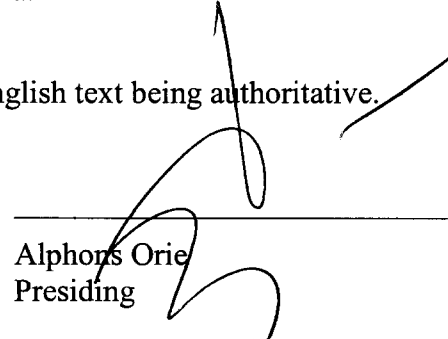
CONSIDERING that the Referral Bench deems it in the interests of justice to postpone the hearing until 15 September 2006;

PURSUANT TO Rules 11 *bis*(H) and 54 of the Rules,

HEREBY ORDERS AS FOLLOWS:

1. The hearing scheduled for 16 August 2006 is hereby re-scheduled for Friday, 15 September 2006, at 2:15 p.m. in Courtroom III, at the seat of the Tribunal in The Hague. The Referral Bench orders the parties to attend and make oral submissions, and invites the Government of Bosnia and Herzegovina to attend and make oral submissions.
2. The Referral Bench invites the Government of Argentina to attend the hearing on Friday, 15 September 2006 to indicate whether it shares the provisional view of the Bench, detailed in the Original Scheduling Order, about the intended effect of the decision of the Federal Court of Argentina of 10 January 2006 ordering the surrender of Milan Lukić to the Tribunal ("Argentine Decision").¹
3. The Registry shall transmit this Order immediately to the Government of Bosnia and Herzegovina and to the Government of Argentina.

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



Alphonse Orić
Presiding

Dated this ninth day of August 2006
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ In the Original Scheduling Order, the Referral Bench expressed the provisional view that the Argentine Decision intends that the Tribunal should try Milan Lukić at the seat of the Tribunal for the acts referred to in the present Indictment, either on the present or equivalent charges, or that the Tribunal may exercise its powers, pursuant to the Statute of the Tribunal, Rule 11 *bis* of the Rules, and Resolutions 1534 (2004) and 1503 (2003) of the Security Council of the United Nations, to refer Milan Lukić for trial by a national court with appropriate jurisdiction, but should not, without prior authorisation of the State of Argentina, refer Milan Lukić in order for him to be charged, prosecuted, or harassed for previous acts that are different from those constituting the crimes for which he was surrendered to this Tribunal, or equivalent crimes[.]
Original Scheduling Order, p. 3.