



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-01-42/2-I

Date: 21 August 2006

Original: English

IN THE REFERRAL BENCH

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

Registrar: Mr. Hans Holthuis

Order: 21 August 2006

PROSECUTOR

v.

VLADIMIR KOVAČEVIĆ

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

The Office of the Prosecutor:

Ms. Susan Somers
Mr. Philip Weiner
Mr. David Re

The Government of the Republic of Serbia

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

Counsel for the Accused:

Ms. Tanja Radosavljević

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 “Request by the Prosecution under Rule 11*bis* for Referral of the Case to Another Court” (“Request”), filed on 28 October 2004 by the Office of the Prosecutor (“Prosecution”), requesting that the Referral Bench order the referral of the present case under Rule 11*bis* of the Rules of Procedure and Evidence (“Rules”) to the authorities of Serbia and to be heard on the Request and the conditions for the referral of this case;

NOTING the “Decision on Accused’s Fitness to Enter a Plea and Stand Trial”, issued by Trial Chamber I on 7 April 2006, finding that the Accused lacks the ability to enter a plea or stand trial before the Tribunal;

ALSO BEING SEIZED OF the “Prosecutor’s Application to Schedule a Hearing on 11*bis* Request” (“Prosecution’s Application”), filed on 21 April 2006, in which the Prosecution requests that a hearing be held in which the Serbian authorities are invited to address issues relating to the condition of the Accused in light of the Trial Chamber’s Decision of 7 April 2006, to the terms of the Accused’s current provisional release, and to the domestic legal framework which would govern any proceedings against the Accused in Serbia;

NOTING the “Defense Motion Regarding the Prosecutor’s Application to Schedule a Hearing on Rule 11*bis* Request”, filed on 27 April 2006 by counsel for the Accused (“Defence”), in which the Defence requests the Referral Bench to disregard the Prosecution’s Application pending a decision by Trial Chamber I on the “Defence Motion to Dismiss the Indictment”, which was filed before that Chamber on the same date;

NOTING the Referral Bench’s “Order Requesting further Information in the Context of the Prosecutor’s Motion under Rule 11*bis* of the Rules” issued on 14 July 2006, ordering the Prosecution and Defence, at the same time inviting the Government of the Republic of Serbia, 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 be applicable to the case should it be referred to the authorities of the Republic of Serbia;

FINDING no valid reason to forego holding a hearing on the Prosecution’s Application pending a decision on the “Defence Motion to Dismiss the Indictment”;

PURSUANT to Rules 11*bis* and 54 of the Rules

HEREBY SCHEDULES A HEARING to be held on Friday 15 September 2006 at 2:15 p.m. in a courtroom of the Tribunal to be announced in due course;

INVITES the Government of Serbia to attend the hearing and, should it wish so, to present oral submissions;

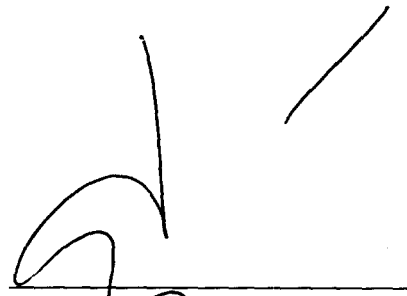
REQUESTS the Registrar to transmit this Order immediately to the Government of the Republic of Serbia.

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

Done this twenty-first day of August 2006

At The Hague,

The Netherlands



Judge Alphons Orie
Presiding

[Seal of the Tribunal]