



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-05-88/1-PT  
Date: 18 July 2007  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge O-Gon Kwon  
Judge Kimberly Prost

**Registrar:** Mr. Hans Holthuis

**Order of:** 18 July 2007

**PROSECUTOR**

v.

**MILORAD TRBIĆ**

**PUBLIC**

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**ORDER REMITTING MOTIONS TO THE PRESIDENT OF  
THE TRIBUNAL**

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**The Office of the Prosecutor:**

Mr. Peter McCloskey

**Counsel for the Accused:**

Mr. Stéphane Piletta-Zanin

**THIS TRIAL CHAMBER** 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 “Motion to Rescind Confidentiality, to Obtain an Order to Protect the Immunity of Documents and to Order the Corrections of Incorrect Translations”, filed in the original French on 9 July 2007,<sup>1</sup> in which Counsel for the Accused requests the Trial Chamber to rescind the confidentiality of all decisions and acts made confidential, in order that he might transfer the case files to the Accused’s new counsel in Sarajevo, to order that the packaged case files may not be opened by customs officials when entering Bosnia and Herzegovina, and to order the correction of an alleged translation error,<sup>2</sup> and the “Requête Urgente en Détermination”, filed on 17 July 2007 (collectively “Motions”);

**NOTING** the “Decision on Referral of Case Under Rule 11 *bis*” of 27 April 2007 (“Referral Decision”), in which the Referral Bench decided to refer the Accused’s case to the authorities of Bosnia and Herzegovina;<sup>3</sup>

**NOTING** that the Referral Decision became final on 14 May 2007;<sup>4</sup>

**CONSIDERING** that, while the Referral Bench retains the power to issue certain orders in a referred case after its decision on referral has become final, the Trial Chamber seized of pre-trial proceedings in a referred case lacks competence to consider any motions filed subsequent to the date on which the Referral Bench’s decision becomes final;<sup>5</sup>

**CONCLUDES** that the Trial Chamber is no longer seized of any proceedings in this case and is not competent to deal with the Motions, and **REMITTS** the Motions to the President of the Tribunal for whatever further action he deems appropriate.

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


<sup>1</sup> The English translation was filed on 11 July 2007.

<sup>2</sup> Motion to Rescind Confidentiality, to Obtain an Order to Protect the Immunity of Documents, and to Order the Corrections of Incorrect Translations, pp. 2–4 (English translation).

<sup>3</sup> Referral Decision, para. 49(a).

<sup>4</sup> See Decision on Trial Chamber’s Competence to Entertain Motion Filed After Entry Into Force of Decision Under Rule 11 *bis*, 1 June 2007 (“Decision on Competence”), p. 1.

<sup>5</sup> Decision on Competence, p. 2; Decision on Motion to Order the Registry to Pay Invoices Due from January 2007 to June 2007, 13 July 2007, p. 1.



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**Carmel Agius**  
**Presiding**

Dated this eighteenth day of July 2007,

At The Hague

The Netherlands

**[Seal of the Tribunal]**