

**IN THE REFERRAL BENCH**

**Before:**

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

**Registrar:**

**Mr. Hans Holthuis**

**Decision of:**

**27 April 2006**

**PROSECUTOR**

**v.**

**PASKO LJUBICIC**

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**CORRIGENDUM TO DECISION TO REFER THE CASE TO BOSNIA AND HERZEGOVINA  
PURSUANT TO RULE 11 *BIS* OF 12 APRIL 2006**

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**The Office of the Prosecutor:**

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

**The Government of Bosnia and Herzegovina:**

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

**Counsel for the Accused:**

**Mr. Tomislav Jonjic**  
**Ms. Nika Pinter**

**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;

**NOTING** the Referral Bench's "Decision to refer the case to Bosnia and Herzegovina pursuant to Rule 11 *bis*", filed 12 April 2006 with confidential annex ("Decision"), whereby the Referral Bench ordered the case of *Prosecutor v. Pasko Ljubicic* to be referred to the authorities of the State of Bosnia and Herzegovina for further referral by those authorities to the appropriate court for trial within Bosnia and Herzegovina;

**NOTING** the Referral Bench's order on the top of page 21 of the Decision ("Order");

**ORDERS** the Prosecution to continue its efforts in cooperation with the Organization for Security and Cooperation in Europe, or another international organisation of notable standing, to ensure the monitoring and reporting on the proceedings of this case before the State Court of Bosnia and Herzegovina. If

arrangements for monitoring and reporting should prove ineffective, the Prosecutor should seek further direction from the Referral Bench;

**NOTING** in this respect the Appeals Chamber's decisions in *Prosecutor v. Radovan Stankovic*, *Prosecutor v. Gojko Jankovic* and *Prosecutor v. Zeljko Mejakic et al.*<sup>1</sup>;

**CONSIDERING** that the Order should have read:

**ORDERS** the Prosecution to continue its efforts to ensure the monitoring and reporting on the proceedings of this case before the State Court of Bosnia and Herzegovina;

**BEING AWARE** of the Notice of appeal filed by the Defence for Pasko Ljubicic on 25 April 2006;

**NOTING** Rule 127 of the Rules of Procedure and Evidence ("Rules");

**CONSIDERING** that the above correction is without prejudice to Rule 11 *bis* (I) of the Rules and that any notice of appeal in respect of the Order, as corrected above, shall be filed within fifteen days of this corrigendum;

**AMENDS** the Decision accordingly.

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

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

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Judge Alphons Orie  
Presiding

[ Seal of the Tribunal ]

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1. *Prosecutor v. Radovan Stankovic*, Case No. IT-96-23/2-AR11bis.1, Decision on Rule 11 *bis* referral, 1 Sep 2005, paras 55-59; *Prosecutor v. Gojko Jankovic*, Case No. IT-96-23/2-AR11bis.2, Decision on Rule 11 *bis* referral, 15 Nov 2005, paras 58-62; *Prosecutor v. Zeljko Mejakic et al.*, Case No. IT-02-65-AR11bis.1, Decision on joint Defence appeal against decision on referral under Rule 11 *bis*, 7 Apr 2006, paras 95-96.