



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-03-68-A  
Date: 19 December 2008  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge O-Gon Kwon  
Judge Kevin Parker

**Registrar:** Mr. Hans Holthuis

**Order of:** 19 December 2008

**PROSECUTOR**

v.

**NASER ORIĆ**

***PUBLIC***

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**ORDER REQUESTING SUBMISSIONS ON  
A MOTION PURSUANT TO RULE 13**

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**Office of the Prosecutor**

Mr. Serge Brammertz

**Counsel for the Accused**

Ms. Vasvija Vidović

Mr. John Jones

**Municipal Prosecutor's Office in Bijeljina, Republika Srpska**

**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”);

**BEING SEIZED OF** the “*Urgent Motion Regarding a Breach of Non-Bis-In-Idem*”, filed by Counsel for Naser Orić on 11 December 2008 (“Motion”);

**NOTING** the “Order Assigning a Chamber to Consider a Motion Pursuant to Rule 13”, issued on 15 December 2008, in which the Motion was assigned by the Acting President to Trial Chamber II (“Order”);

**NOTING** that the Prosecution seeks in the Motion an Order that the Municipal Prosecutor’s Office in Bijeljina in Republika Srpska in Bosnia and Herzegovina (“Municipal Prosecutor’s Office”) permanently discontinue proceedings (KT-11/01, KT-12/01, KT-70/97 and KT-26/01) against Naser Orić on the grounds that they are in breach of the principle of *non bis in idem*;<sup>1</sup>

**NOTING** Article 10 of the Statute of the Tribunal and Rule 13 of the Rules of Procedure and Evidence (“Rules”);

**CONSIDERING** that the submissions of the Municipal Prosecutor’s Office on the Motion would be of assistance to the Trial Chamber in determining whether there has been a breach of the principle of *non bis in idem* and that such determination should be undertaken expeditiously;

**PURSUANT TO** Rules 13 and 54

**HEREBY ORDERS** that the Registry shall provide the Municipal Prosecutor’s Office with the Motion and the Order and that the Municipal Prosecutor’s Office may file submissions on the Motion no later than 19 January 2009.

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<sup>1</sup> Motion, paras. 1 and 13.

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

Done this 19th day of December 2008,  
At The Hague,  
The Netherlands.

  
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O-Gon Kwon  
Judge

**[Seal of the International Tribunal]**