



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-PT
Date: 10 May 2006
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President
Registrar: Mr. Hans Holthuis
Order of: 10 May 2006

THE PROSECUTOR

v.

Milorad TRBIĆ

**ORDER APPOINTING A REFERRAL BENCH FOR THE PURPOSE OF DETERMINING
WHETHER THE INDICTMENT SHOULD BE REFERRED TO ANOTHER COURT
UNDER RULE 11 *BIS***

Office of the Prosecutor:

Ms. Carla Del Ponte

Counsel for the Accused:

Ms. Colleen Rohan

I, FAUSTO POCAR, President 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 (“International Tribunal”),

BEING SEISED OF the “Motion by the Prosecutor under Rule 11 *bis* for Referral of the Indictment,” filed on 4 May 2006, in which the Prosecutor requests that this case be referred to the authorities of Bosnia and Herzegovina pursuant to Rule 11 *bis*;

NOTING that the Indictment against the Accused has been confirmed;¹

NOTING that under Rule 11 *bis* (A)(i) of the Rules of Procedure and Evidence, after an indictment against an accused has been confirmed, the President of the International Tribunal may appoint a Referral Bench for the purpose of referring a case to the authorities of a State in whose territory the crime was committed;

NOTING the Prosecution’s submission that the crimes alleged in the Indictment against the Accused took place in the territory of Bosnia and Herzegovina;²

CONSIDERING the composition of the Trial Chambers of the International Tribunal as set out in Document IT/242 issued on 17 November 2005;

HEREBY APPOINT, effective immediately, the following Judges to constitute the Referral Bench for the purpose of determining whether this case should be referred to the authorities of Bosnia and Herzegovina pursuant to Rule 11 *bis*:

Judge Kevin Parker

Judge Alphons Orié

Judge O-Gon Kwon

¹ The Prosecution notes that an Indictment against the Accused was confirmed on 24 March 2005, that the operative Indictment is the Consolidated Amended Indictment dated 11 November 2005 and that on 29 March 2006, the Prosecution filed a motion, which is still pending, to amend the Consolidated Amended Indictment: *Prosecutor v. Milorad Trbić*, Case No. IT-05-88-PT, Motion by the Prosecutor under Rule 11 *Bis* for Referral of the Indictment, 4 May 2006, para. 2.

² *Prosecutor v. Milorad Trbić*, Case No. IT-05-88-PT, Request by the Prosecutor under Rule 11 *bis* for Referral of the Indictment to Another Court, 4 May 2006, para. 25.

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

Done this 10th day of May 2006,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]