

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before:
Judge Theodor Meron, President

Registrar:
Mr. Hans Holthuis

Order of:
5 November 2003

THE PROSECUTOR

v.

MITAR RASEVIC

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

Counsel for the Prosecutor:

Mr. William Smith

Counsel for the Defence:

Mr. Branko Lukic

I, THEODOR MERON, 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"),

NOTING an order filed at 14.50 hours on 4 November 2004, by Judge Antonetti acting as a Pre-Trial Judge, "Ordonnance Portant Saisine De La Chambre De Premiere Instance II Aux Fins De Renvoi De L'Affaire", ("Order") *proprio motu* referring this case to Trial Chamber II pursuant to Rule 11bis (B) for Trial Chamber II to consider whether this case should be transferred to the authorities of another State under Rule 11bis;

BEING NOW SEISED OF the "Motion by the Prosecutor Under Rule 11*bis* (A)" ("Motion") filed at 12.00 hours on 4 November 2004, but not distributed before the Order of Judge Antonetti, in which the Prosecutor requests the President of the Tribunal pursuant to Rule 11*bis* (A) to appoint a Trial Chamber to review a request that this case be referred to the authorities of Bosnia and Herzegovina for trial by an appropriate court within that State;

NOTING that the indictment against the accused has been confirmed;

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 Tribunal may appoint a Trial Chamber for the purpose of referring a case to the authorities of a State in whose territory the crime was committed, in which the accused was arrested, or having jurisdiction and being willing and adequately prepared to accept such a case;

NOTING the Prosecution's submission that the crimes alleged in the indictment against the accused took place in the territory of Bosnia and Herzegovina;

NOTING the composition of the Trial Chambers of the Tribunal, as set out in document IT/228, issued on 7 June 2004;

NOTING the "Order Appointing a Trial Chamber for the Purpose of Determining Whether an Indictment Should be Referred to Another Court Under Rule 11*bis*" issued on 2 November 2004, in Case No: IT-97-25-I/1, *Prosecutor v Savo Todović*; "Order Appointing a Trial Chamber for the Purpose of Determining Whether an Indictment Should be Referred to Another Court Under Rule 11*bis*" issued on 2 November 2004, in Case No: IT-01-42/2-I, *Prosecutor v Vladimir Kovačević*; "Order Transferring a Motion Pursuant to Rule 11*bis*" issued on 5 October in Case No: IT-96-23/2-PT, *Prosecutor v Radovan Stanković*; "Order Appointing a Trial Chamber for the Purposes of Determining Whether the Indictment Should be Referred to Another Court Under Rule 11*bis*" issued on 4 October 2004, in Case No: IT-02-65-PT, *Prosecutor v Željko Mejačić et al*; and "Order Appointing a Trial Chamber for the Purposes of Determining Whether the Indictment Should be Referred to Another Court Under Rule 11*bis*" issued on 7 September 2004, in Case No: IT-04-78-PT, *Prosecutor v Rahim Ademi & Mirko Norac*.

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

Judge Alphons Orie

Judge O-Gon Kwon

Judge Kevin Parker

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

Dated this 5th day of November 2004,
At The Hague,
The Netherlands.

Judge Theodor Meron
President

[Seal of the Tribunal]