



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-95-13-~~X~~R61

Date: 6 March 1996

Original: ENGLISH AND
FRENCH

Before: Judge Fouad Riad
Registrar: M. Dominique Marro, Deputy-Registrar
Decision of: 6 March 1996

THE PROSECUTOR

v.

**MILE MRKSIĆ
MIROSLAV RADIĆ
VESELIN ŠLJIVANČANIN**

**ORDER FOR REVIEW IN OPEN COURT
OF THE INDICTMENT BY THE TRIAL CHAMBER I
(Rule 61 of the Rules of Procedure and Evidence)**

The Office of the Prosecutor:

**Mr. Graham Blewitt
Mr. Clint Williamson**

I, Fouad RIAD, Judge of the International Criminal Tribunal for the former Yugoslavia (Trial Chamber I), in Chambers,

NOTING the indictment against Mile MRKSIĆ, Miroslav RADIĆ, Veselin ŠLJIVANČANIN which I confirmed on 7 November 1995,

NOTING the warrants of arrest ordering surrender of these accused persons which I signed on 7 November 1995,

NOTING Rules 54 and 61 of the Rules of Procedure and Evidence, hereinafter referred to as the Rules,

NOTING the report of the Prosecutor filed with the Registry on 29 February 1996,

HAVING HEARD the submissions of the Prosecutor,

CONSIDERING that the above specified warrants of arrest, accompanied by the required documents, have been addressed to the Government of the Federal Republic of Yugoslavia-Belgrade, directing it to search for and arrest Mile MRKSIĆ, Miroslav RADIĆ, Veselin ŠLJIVANČANIN,

CONSIDERING that as to this date the warrants of arrest have not been executed,

CONSIDERING that according to the provisions of Rule 61 of the Rules, the Judge who confirmed the indictment shall invite the Prosecutor to report on the measures he has taken if the warrants have not been executed within a reasonable time,

CONSIDERING that the concept of reasonable time must be evaluated in respect of the circumstances specific to each case,

CONSIDERING that as regards this particular case, a reasonable time has elapsed,

CONSIDERING that at my oral invitation the Prosecutor reported on 5 March 1996 on all the measures he has taken to inform the accused persons of the existence of the indictment in accordance with sub-paragraphs (i) and (ii) of Sub-rule 61 (A) of the Rules,

CONSIDERING that in respect of sub-paragraph (I) of Sub-rule 61 (A) of the Rules, the Prosecutor has reported that on 7 November 1995 the Registrar transmitted the warrants of arrest to the government of the Federal Republic of Yugoslavia- Belgrade,

CONSIDERING that as regards sub-paragraph (ii) of Sub-rule 61 (A) of the Rules, the Prosecutor has reported that on 23 January 1996 the Registrar transmitted to the diplomatic representatives of the Federal Republic of Yugoslavia in the Netherlands a form of advertisement for publication in newspapers to inform the accused persons of the existence of the indictment, in accordance with Rule 60 of the Rules,

CONSIDERING that the Prosecutor has established that the sole requirement of this Rule, that is the transmission by the Registrar of the advertisement for publication, has been met,

CONSIDERING that the Prosecutor has established in addition that the indictment had been publicized in several newspapers on the territory of the Federal Republic of Yugoslavia as well as in a television program and that the accused Veselin ŠLJIVANČANIN acknowledged publicly that he had been indicted,

CONSIDERING that in respect of the above, it appears that the Prosecutor has taken all reasonable measures to inform the accused persons of the existence of the indictment, thus satisfying the conditions stipulated in Sub-rule 61 (A) of the Rules,

FOR THESE REASONS,

ORDER the Prosecutor to submit to Trial Chamber I, being the competent Chamber, the indictment against Mile MRKSIĆ, Miroslav RADIĆ and Veselin ŠLJIVANČANIN confirmed on 7 November 1995;

STATE that, upon this order, the Prosecutor shall submit to Trial Chamber I the said indictment, together with all the evidence that was before me on confirmation of the indictment;

INVITE the Prosecutor, in the interest of justice, to inform Trial Chamber I of whether he intends to produce additional evidence or to call witnesses and, if necessary, to submit such evidence to the Trial Chamber as soon as possible;

SET the date of the public hearing, after consultation with the Registry, for 20 March 1996 at 10am.



Judge Fouad Riad

Dated this 6th day of March 1996
At The Hague
The Netherlands

[Seal of the Tribunal]