

IN THE APPEALS CHAMBER

Before:

Judge David Hunt, Presiding

Judge Richard May

Judge Wang Tieya

Judge Mohamed Bennouna

Judge Patrick Robinson

Registrar:

Mrs. Dorothee de Sampayo Garrido-Nijgh

Order of:

10 February 2000

PROSECUTOR

v.

ZLATKO ALEKSOVSKI

SCHEDULING ORDER

The Office of the Prosecutor:

Mr Grant Niemann

Mr Anura Meddegoda

Counsel for Zlatko Aleksovski:

Mr Goran Mikulicic

Mr Srdan Joka

Appellant:

Mr Anto Nobile (appearing in person)

THE APPEALS 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 ("International Tribunal");

NOTING the "Scheduling Order" issued on 29 January 1999 in which the Appeals Chamber ordered that Anto Nobile ("Appellant") file an affidavit containing any evidence in relation to which he will seek leave to tender;

NOTING the "Declaration of Anto Nobile In Support of Appellant s Reply Brief", the "Additional Declaration of Anto Nobile In Support of Appellant s Reply Brief", filed ex parte and under seal, and the "Declaration of Nika Grosopic In Support of Appellant s Reply Brief Re Finding of Contempt of the Tribunal", all filed by the Appellant on 26 February 1999 (together Declarations);

NOTING the "Scheduling Order" issued on 7 December 1999 in which the Appeals Chamber ordered:

1. that the Appellant file a statement as to whether he seeks to rely on the content of the Declarations as evidence in support of the Appeal and if so that he re-file the Declarations in affidavit form or as formal statements to be used in evidence in proceedings before the International Tribunal and acknowledged as such; and
2. that, if the Appellant does seek to rely on the content of the Declarations as evidence in support of the Appeal, the Office of the Prosecutor ("Prosecution") file a response indicating whether it seeks to call the deponents or makers of the statements for cross-examination;

NOTING the "Appellant s Statement re Reliance on Declaratory Evidence", filed on 5 January 2000, with which the Appellant re-filed (i) the Declarations in the form of formal statements signed before a Notary Public and dated 4 January 2000, and (ii) the "Statement of Anto Nobile", also in the form of a formal statement signed before a Notary Public and dated 4 January 2000 (collectively, the "Formal Statements");

NOTING that the Appellant informed the Appeals Chamber, in the "Appellant s Statement re Reliance on Declaratory Evidence", that he intends to rely on the Formal Statements and on his testimony given before the Trial Chamber on 20 November 1998;

NOTING the "Prosecution s Response to Appellant s Statement re Reliance on Declaratory Evidence Pursuant to Scheduling Order of 7 December 1999" filed on 10 January 2000, in which the Prosecution informed the Appeals Chamber of its intention to call for cross-examination the deponents of the Formal Statements, the Appellant and Ms Nika Grosopic (Deponents);

NOTING that the circumstances in which additional evidence may be admitted on appeal are limited by the terms of Rule 115 of the Rules of Procedure and Evidence;

NOTING that no objection has been raised by the Prosecution to the admission of the Formal Statements;

CONSIDERING that it is desirable to ascertain before the cross-examination of the Deponents whether the Prosecution intends to object to the admission of the Formal Statements or to any evidence based upon their contents;

NOTING FURTHER the Judgment on Allegations of Contempt Against Prior Counsel, Milan

Vujin, delivered by the Appeals Chamber on 31 January 2000, ("Appeals Chamber Contempt Judgement") and the consideration of Rule 77 and the law relating to contempt of the Tribunal therein,

HEREBY

1. Orders that the Prosecution, on or before 5pm on Thursday 24 February 2000, file a notice:

- i. indicating whether it objects to the admission of the Formal Statements or to any evidence based upon their contents, and
- ii. submissions detailing the grounds for any such objections;

2. Grants leave to the Appellant to file a response to the notice and any submissions filed by the Prosecution pursuant to paragraph 1 above, on or before 5pm on Friday 3 March 2000; and

3. Grants leave to both the Appellant and the Prosecution to file further submissions upon the issue of contempt in the light of the Appeals Chamber Contempt Judgment on or before 5pm on Friday 3 March 2000.

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

David Hunt
Presiding Judge

Dated this tenth day of February 2000
At The Hague,
The Netherlands.

[Seal of the Tribunal]