



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: IT-95-14/2-A  
Date: 9 October 2001  
Original: English

**BEFORE THE PRE-APPEAL JUDGE**

**Before: Judge David Hunt, Pre-Appeal Judge**

**Registrar: Mr Hans Holthuis**

**Order of: 9 October 2001**

**PROSECUTOR**

v

**Dario KORDIĆ & Mario ČERKEZ**

**SCHEDULING ORDER**

**Office of the Prosecutor:**

**Mr Upawansa Yapa and Mr Norman Farrell**

**Counsel for the Defence:**

**Mr Mitko Naumovski for Dario Kordić  
Mr Božidar Kovačić and Mr Goran Mikuličić for Mario Čerkez**

**I, DAVID HUNT**, Judge 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 “Application for Issuance of an Order to Bosnia-Herzegovina and to the Federation of Bosnia-Herzegovina Compelling the Production of Documents and other Materials” filed by Dario Kordić (“Kordić”) on 21 June 2001 (“Application”), in which Kordić requests the Appeals Chamber to issue a binding order to Bosnia-Herzegovina and to the Federation of Bosnia-Herzegovina seeking production of several categories of documents listed in an annex to the Application (“Annex”) pursuant to Rule 54 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”);

**NOTING** the “Appellant Mario Čerkez’s Notice of Joinder in Appellant Dario Kordić’s Application for Issuance of an Order to Bosnia-Herzegovina and to the Federation of Bosnia-Herzegovina Compelling the Production of Documents and Other Materials” filed by Mario Čerkez (“Čerkez”) on 25 June 2001;

**NOTING** the “Motion for Variation of Time Limit for Filing Response and Prosecution’s Response to ‘Application for Issuance of an Order to Bosnia-Herzegovina and to the Federation of Bosnia-Herzegovina Compelling the Production of Documents and other Materials’” filed by the Office of the Prosecutor (“Prosecution”) on 20 July 2001;

**NOTING** “Dario Kordić’s Reply to Motion for Variation of Time Limit for Filing Response and Prosecution’s Response to ‘Application for Issuance of an Order to Bosnia-Herzegovina and to the Federation of Bosnia-Herzegovina Compelling the Production of Documents and Other Materials’” filed on 25 July 2001 (“Reply”);

**NOTING** that Kordić and Čerkez (“Appellants”) have to demonstrate a legitimate forensic purpose for obtaining access to the documents set out in each paragraph of the Annex to the Application;

**CONSIDERING** that such a legitimate forensic purpose is established where a party seeking access to documents demonstrates that access to such material is likely to assist in the preparation of the appeal;

**CONSIDERING** that neither the Application nor the Reply deal with any precision with each of the paragraphs in the Annex;

**NOTING** that Rule 54 of the Rules provides, *inter alia*, that: “At the request of either party or *proprio motu*, a Judge or a Trial Chamber may issue such orders...as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial”;

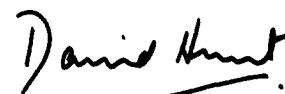
**NOTING** that Rule 54 of the Rules is a rule that governs proceedings in the Trial Chambers;

**CONSIDERING** that Rule 107 of the Rules provides that the “rules of procedure and evidence that govern proceedings in the Trial Chambers shall apply *mutatis mutandis* to proceedings in the Appeals Chamber”;

**PURSUANT** to Rule 54 and 107 of the Rules;

**ORDER** the Appellants to supply arguments by reference to each paragraph of the Annex how the documents referred to therein are likely to assist in the preparation of the appeal, such arguments to be supplied within seven days from the date of the present order and that the Prosecution will have seven days to respond and the Appellants will have three days to reply.

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



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Judge David Hunt  
Pre-Appeal Judge

Dated this 9<sup>th</sup> day of October 2001,  
At The Hague,  
The Netherlands

[Seal of the Tribunal]