



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 Nos: IT-96-23-A &  
IT-96-23/1-A  
Date: 16 November 2001  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Mohamed Shahabuddeen, Pre-Appeal Judge  
**Registrar:** Mr. Hans Holthuis  
**Order of:** 16 November 2001

**PROSECUTOR**

v.

**DRAGOLJUB KUNARAC  
RADOMIR KOVAČ  
AND  
ZORAN VUKOVIĆ**

**SCHEDULING ORDER FOR THE HEARING ON APPEAL**

**Counsel for the Prosecutor:**

**Mr. Upawansa Yapa**

**Counsel for the Defence:**

**Mr. Slaviša Prodanović and Mr. Dejan Savatić for Dragoljub Kunarac  
Mr. Momir Kolesar and Mr. Vladimir Rajić for Radomir Kovač  
Mr. Goran Jovanović and Ms. Jelena Lopičić for Zoran Vuković**

I, Mohamed Shahabuddeen, Judge of 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 and Pre-Appeal Judge in this matter,

**NOTING** that the appellants during the Status Conference held before me on 16 October 2001 were requested to consider whether certain issues raised on appeal by more than one of them would benefit from a joint presentation during the forthcoming oral hearing;

**NOTING** that the appellants, on 6 November 2001, filed a "Joint Statement of the Defence Regarding the Schedule of Presentation of the Appellant's Briefs" in which they identified the following issues to be common to all three appellants and, as such, to be suitable for a conjoint presentation:

general background, the existence of armed conflict and related requirements, the attack against the civilian population with review on systematic and wide spread requests, the issue of allowance of cumulative or alternative charges and sentences, the possibility of charging and sentencing pursuant to Article 3 and Article 5 of the Statute, the issue of identification and recognition, the analyze of expert witnesses' reports, legal issues in relation to the offences of enslavement, rape, outrages upon personal dignity, torture and issues in relation to sentencing;

**NOTING** the letter sent to Senior Legal Officer, Mr. John Hocking, from Counsel for the Prosecutor, Mr. Norman Farrell, dated 9 November 2001, in which the latter identified the following issues to be

"common in the sense that two or more Appellants have jointly and specifically raised them as grounds of appeal:

- a) threshold issues for Article 3 and 5, such as nexus between armed conflict and the Appellants
- b) cumulative charging and convictions
- c) definitions of rape
- d) definition of enslavement
- e) definition of torture
- f) sentencing.";

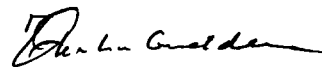
**NOTING** further that the appellants request a total of eight to nine hours to present their submissions, whereas the Prosecutor asks for six hours to respond to the submissions of the appellants;

**CONSIDERING** the reasonable necessities of the case;

**HEREBY ORDER** the following:

- 1) the oral hearing of the appeals will commence on Tuesday 4 December 2001 at 9.30 a.m. and will be suspended at 4.00 p.m. It will then continue, if necessary, on Wednesday and Thursday, 5 and 6 December 2001, respectively. During the last two days (5 and 6 December 2001), the hearing will take place between 9.30 a.m. and 2.15 p.m.;
- 2) argument will begin with the presentation of the appellants' submissions, including the common issues as identified by the appellants, in respect of which they are granted a total of six hours and 30 minutes. It is for the appellants to divide the allotted time between themselves and to file in the Appeals Chamber, no later than 26 November 2001, a statement indicating
  - a) the order of their submissions;
  - b) how they intend to share the total time between them, including the division between the presentation of common issues and individual submissions;
- 3) the Prosecutor's response will follow and may continue for a maximum of four hours;
- 4) thereafter, the appellants have a total of one hour for their replies. As with their main submissions, it is for the appellants to divide that time between them. It is not necessary for the appellants to inform the Appeals Chamber in advance of the hearing how that division is to be made.

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



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Mohamed Shahabuddeen  
Pre-Appeal Judge

Dated this sixteenth day of November 2001  
At The Hague,  
The Netherlands.

**[Seal of the Tribunal]**