



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 No: IT-01-47-PT
Date: 6 December 2001
Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding
Judge Florence Ndepele Mwachande Mumba
Judge Carmel Agius
Registrar: Mr Hans Holthuis
Order of: 6 December 2001

PROSECUTOR

v

**ENVER HADŽIHASANOVIĆ
MEHMED ALAGIĆ
AMIR KUBURA**

SCHEDULING ORDER

The Office of the Prosecutor:

Ms Jocelyne Bodson
Mr Ekkehard Withopf

Counsel for the Accused:

Ms Edina Rešidović for Enver Hadžihasanović
Mr Vasvija Vidović and Mr John Jones for Mehmed Alagić
Mr Fahrudin Ibrišimović and Mr Rodney Dixon for Amir Kubura

Government of the Federation of Bosnia and Herzegovina

THIS TRIAL 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 (“the Tribunal”),

BEING SEIZED of a “Motion for Provisional Release of Mr Enver Hadžihasanović” filed on 16 November 2001, an “Application for Provisional Release of Mehmed Alagić” filed on 15 November 2001, and an “Application for Provisional Release of Amir Kubura” filed on 16 November 2001 (“the Applications”), all filed confidentially;

NOTING the confidential responses to the Applications filed by the Office of the Prosecutor (“the Prosecution”) on 28 and 29 November 2001, in which the Prosecution objects to the provisional release sought by the three accused (“the Prosecution response”);

NOTING the Order on Medical Examination of Mehmed Alagić issued on 27 November 2001, and the Orders Granting Leave to Reply, issued on 4 December 2001 in respect of Mehmed Alagić, and on 6 December 2001 in respect of Enver Hadžihasanović and Amir Kubura;

NOTING the request in the Applications for an oral hearing, which is reiterated in the Applications for Leave to File a Reply to the Prosecution response filed on 4 December 2001;

NOTING Rule 74 of the Rules of Procedure and Evidence of the Tribunal (“the Rules”), entitled “Amicus Curiae”, which provides that a Trial Chamber “may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to appear before it and make submissions on any issue specified by the Chamber”;

NOTING that in a letter dated 8 October 2001, attached to each of the Applications, the Prime Minister of the Federation of Bosnia and Herzegovina expresses the willingness of his Government to be represented before the Trial Chamber in relation to guarantees his Government is willing to provide;

CONSIDERING that the holding of an oral hearing is not indicative of whether the Trial Chamber is minded to grant the Applications;

CONSIDERING that, in the determination of this matter, it would be of assistance to seek orally certain clarifications on the guarantees provided, and additional guarantees, as the case may be, which should be submitted in writing, from an authorised senior representative of the Government of the Federation of Bosnia and Herzegovina;

CONSIDERING that it would be of assistance to the Trial Chamber in the consideration of this matter to hear detailed submissions for and against the granting of provisional release from the relevant authorities responsible for the area where the accused would reside if provisionally released;

CONSIDERING the mandate of the Office of the High Representative in Bosnia and Herzegovina;

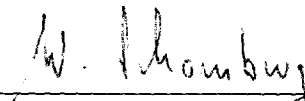
PURSUANT TO Rules 54, 65, and 74 of the Rules,

HEREBY SCHEDULES a hearing on the Applications for Wednesday 12 December 2001, commencing at 2.30 p.m., at which a representative of the Government of the Federation of Bosnia and Herzegovina and the parties to the Application may be heard, **AND**

REQUESTS the Registrar to forward this Scheduling Order to the Office of the High Representative in Bosnia and Herzegovina.

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

Done this sixth day of December 2001
At The Hague
The Netherlands



Wolfgang Schomburg
Presiding Judge

[Seal of the Tribunal]