



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-98-32-A

Date: 8 July 2003

Original: English

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**BEFORE THE PRE-APPEAL JUDGE**

**Before: Judge Mohamed Shahabuddeen, Pre-Appeal Judge**

**Registrar: Mr. Hans Holthuis**

**Order: 8 July 2003**

**PROSECUTOR**

**v.**

**MITAR VASILJEVIĆ**

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**SCHEDULING ORDER**

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**Counsel for the Prosecutor:**

**Mr. Christopher Staker**

**Counsel for the Appellant:**

**Mr. Vladimir Domazet**

**I, MOHAMED SHAHABUDEEN**, 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 (“International Tribunal”),

**NOTING** the “Order Designating a Pre-Appeal Judge” issued on 28 January 2003, which designated me as the Pre-Appeal Judge in the case of *Prosecutor v. Mitar Vasiljević*;

**NOTING** that, by virtue of Rules 65ter and 107 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), a Pre-Appeal Judge has the power “to take any measure necessary to prepare the case for a fair and expeditious” hearing;

**NOTING** the “Defence Motion for additional evidence” filed on 24 June 2003 (“Additional Evidence Motion”);

**CONSIDERING** that the Additional Evidence Motion does not provide *inter alia* a reasonable explanation as to why the material in question was not available at trial, or why it is relevant, credible and how it could have been a decisive factor in reaching the decision at trial;

**NOTING** the letter from the Senior Legal Officer to the Lead Counsel in this case filed confidentially on 4 July 2003, in which the Senior Legal Officer informed the Lead Counsel of the various requirements as to admissibility of additional evidence on appeal contained in Rule 115 of the Rules and offered the possibility to the Defence Counsel to indicate whether he wished to file an addendum to its Additional Evidence Motion by Monday 7 July 2003;

**NOTING** the letter from the Lead Counsel to the Senior Legal Officer filed on 7 July 2003, in which the Lead Counsel expressed his wishes to take advantage of the offer and file an addendum to his Additional Evidence Motion by Friday 11 July 2003;

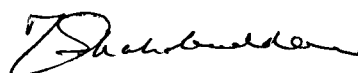
**NOTING** that the Prosecution has orally stated that, if required to indicate its stand, it will not object to the filing of such an addendum by the Defence;

**CONSIDERING** that allowing the Defence to file an addendum to its Additional Evidence Motion is likely to speed up proceedings;

**HEREBY GRANT LEAVE** to the Defence to file an addendum to the Additional Evidence Motion and **ORDER**;

1. the Defence to file this addendum no later than 11 July 2003;
2. the Prosecution to file its Response to the Additional Evidence Motion and the addendum thereto no later than 18 July 2003;
3. the Defence to file its Reply, should it wish to file one, no later than 22 July 2003.

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



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Mohamed Shahabuddeen  
Pre-Appeal Judge

Dated this eighth of July 2003  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]