

UNITED
NATIONS

IT-02-60/1-S
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International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-02-60/1-S
Date: 25 July 2003
Original: English

IN TRIAL CHAMBER I, SECTION A

Before: Judge Liu Daqun, Presiding
Judge Volodymyr Vassylenko
Judge Carmen Maria Argibay

Registrar: Mr. Hans Holthuis

Order of: 25 July 2003

PROSECUTOR

v.

MOMIR NIKOLIĆ

SCHEDULING ORDER

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. Veselin Londrović and Mr. Stefan Kirsch for Momir Nikolić

TRIAL CHAMBER I, SECTION A (“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 (“Tribunal”),

NOTING the conviction entered against Momir Nikolić by the Trial Chamber on 7 May 2003, based on his plea of guilty to Count 5 of the Amended Joinder Indictment dated 27 May 2002, namely, Persecutions, a Crime Against Humanity punishable under Article 5(h) of the Statute of the Tribunal,

RECALLING the Trial Chamber’s “Separation of Proceedings and Scheduling Order” of 9 May 2003 in which the Trial Chamber indicated that the date for a sentencing hearing for Momir Nikolić shall be fixed by further order in due course,

RECALLING FURTHER that in the Amended Plea Agreement filed jointly by Momir Nikolić, and the Office of the Prosecutor (“Prosecution”) on 7 May 2003,¹ the parties jointly recommend that sentencing of Mr. Nikolić not be set until Mr. Nikolić has testified in the case *Prosecutor v. Vidoje Blagojević and Dragan Jokić* (Case No. IT-02-60-T) (“*Blagojević Case*”),

NOTING the submissions made by the Prosecution in the *Blagojević Case* that Momir Nikolić will be called to testify after the summer recess, and that proceedings in the *Blagojević Case* will resume on 15 September 2003,

NOTING Rule 65 *bis* (“Status Conferences”) of the Rules of Procedure and Evidence of the Tribunal (“Rules”), which provides in part:

(A) A Trial Chamber or a permanent Trial Chamber Judge shall convene a status conference within one hundred and twenty days of the initial appearance of the accused and thereafter within one hundred and twenty days after the last status conference:

(i) to organize exchanges between the parties so as to ensure expeditious preparation for trial;

(ii) to review the status of his or her case and to allow the accused the opportunity to raise issues in relation thereto, including the mental and physical condition of the accused.

(B) The Appeals Chamber or an Appeals Chamber Judge shall convene a status conference, within one hundred and twenty days of the filing of a notice of appeal and thereafter within one hundred and twenty days after the last status conference, to allow any person in custody pending appeal the opportunity to raise issues in relation thereto, including the mental and physical condition of that person.

¹ Joint Motion for Consideration of Amended Plea Agreement between Momir Nikolić and the Office of the Prosecutor, with Annex A, “Amended Plea Agreement,” filed 7 May 2003.

NOTING that Rule 65 *bis* of the Rules does not provide explicitly for a situation where an accused who has pled guilty and is waiting to be sentenced has not appeared before the Trial Chamber within a period of 120 days,

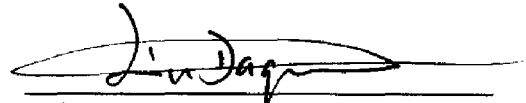
FINDING that the purposes for holding a Status Conference as detailed in Rule 65 *bis* of the Rules, namely to organise exchanges between the parties, to allow any person in custody to raise issues related to the proceedings against him as well as any issues related to his mental and physical condition, may be applicable to the situation of a person awaiting sentencing, and are applicable in the case of Momir Nikolić,

CONSIDERING that it would therefore be in the interest of justice to hold a Status Conference in the present case,

PURSUANT to Rule 65 *bis* of the Rules,

ORDERS that a Status Conference be held on **8 September 2003** at 15:00, with Momir Nikolić being present.

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



Judge Liu Daqun
Presiding

Dated this twenty-fifth day of July 2003,
At The Hague
The Netherlands

[Seal of the Tribunal]