

**UNITED
NATIONS**

IT-02-59-S
D 601- D 599
01 AUGUST 2003

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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-02-59-S
Date: 1 August 2003
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding Judge
Judge Amin El Mahdi
Judge Joaquín Martín Canivell

Registrar: Mr. Hans Holthuis

Decision of: 1 August 2003

PROSECUTOR

v.

DARKO MRĐA

SCHEDULING ORDER

The Office of the Prosecutor:

**Mr. Alan Tieger
Mr. Timothy J. Resch**

Counsel for the Accused:

**Mr. Vojislav M. Dimitrijević
Mr. Otmar Wachenheim**

TRIAL CHAMBER, Section II 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 International Tribunal”),

BEING SEIZED OF this case by the “Order transferring a case from Trial Chamber II to Trial Chamber I” issued by the President of the Tribunal on 18 June 2003;

NOTING the “Scheduling Order” dated 8 July 2003 which set the date for the commencement of the trial in this case on 29 July 2003;

NOTING the confidential and under seal “Joint Motion for Consideration of Plea Agreement between Darko Mrđa and the Office of the Prosecutor” dated 24 July 2003 (the “Plea Agreement”);

NOTING that at the hearing on 24 July 2003, Drako Mrđa (the “Accused”) pleaded guilty to Count 2 (murder as a violation of the laws or customs of war) and to Count 3 (Inhumane acts as a crime against humanity);

CONSIDERING that the Trial Chamber, being satisfied that the plea was voluntary, informed and unequivocal, and that there was sufficient factual basis for the crimes and the Accused’s participation in it, entered a finding of guilt;

CONSIDERING that, pursuant to the Plea Agreement and following further clarification by the Chamber during the hearing held on 24 July 2003, the Prosecutor presented a request for leave to amend the Indictment with regard to Count 1 of the Indictment against the Accused (namely, extermination as a crime against humanity), which the Trial Chamber granted;

NOTING that as of today, the Prosecutor has not filed the new Indictment against the Accused or applied to amend the Indictment;

CONSIDERING that a sentencing hearing should take place without delay;

PURSUANT to Rules 21 and 23 of the Statute of the Tribunal and to Rules 62 *ter* and 100 of the Rules of Procedure and Evidence;

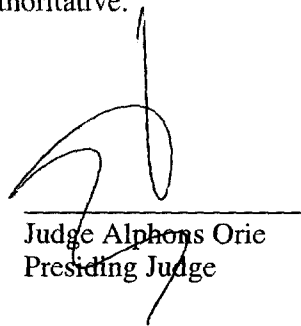
HEREBY,

REMINDS the Prosecutor of the oral decision of the Trial Chamber of 24 July 2003 and to file the amended Indictment against the Accused no later than 6 August 2003;

ORDERS that:

- 1) the Sentencing hearing shall be held on Monday 22 September 2003 in Courtroom II, commencing at 9 a.m;
- 2) the Prosecutor and the Defense to file their sentencing brief and statements of witnesses on whom they intend to rely by 8 September 2003;

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



Judge Alphons Orie
Presiding Judge

Dated this 1st day of August 2003,
At The Hague
The Netherlands

[Seal of the Tribunal]