

**UNITED
NATIONS**

IT-94-2-PT
D 4574 - D 4572
25 SEPTEMBER 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 the
Former Yugoslavia since 1991

Case No. IT-94-2-PT
Date: 25 September 2003
Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding
Judge Florence Ndepele Mwachande Mumba
Judge Carmel Agius

Registrar: Mr. Hans Holthuis

Decision of: 25 September 2003

PROSECUTOR

v.

DRAGAN NIKOLIĆ

SCHEDULING ORDER

The Office of the Prosecutor:

Mr. Upawansa Yapa

Counsel for the Accused:

Mr. Howard Morrison
Ms. Tanja Radosavljević

TRIAL CHAMBER II (“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 Joint Plea Agreement Submission filed confidentially by the Prosecution and Defence (“Parties”) on 2 September 2003 (“Submission”) pursuant to Rule 62 *ter* of the Rules of Procedure and Evidence (“Rules”),

NOTING that during the last Status Conference that was held on 4 September 2003, the Trial Chamber entered a finding of guilt of the accused Dragan Nikolić,

NOTING the Scheduling Order of 11 September 2003, according to which a sentencing hearing will be held from 3 to 7 November 2003,

CONSIDERING that it would be useful to receive an expert report on the general range of sentences and sentencing practices in a number of states, in particular states on the territory of the former Yugoslavia, relating to crimes such as those to which the Accused has pleaded guilty, without going into the specifics of this case,

PURSUANT TO Rules 54, 90 (C), 94 *bis*, 98 second sentence and 100 of the Rules,

HEREBY INVITES Professor Dr. Ulrich Sieber, Director of the Max Planck Institut für ausländisches und internationales Strafrecht to:

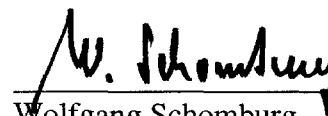
1. Submit an expert report at the latest by 18 October 2003, focussing on

(a) The range of sentences for the crimes, as laid down in the Indictment to which the accused has pleaded guilty, applicable in (i) the states on the territory of the former Yugoslavia, (ii) member states of the Council of Europe and (iii) other major legal systems. The report should not include any reference to concrete mitigating or aggravating factors.

(b) The sentencing practice in relation to these crimes developed by (i) State courts in the states on the territory of the former Yugoslavia, (ii) International or mixed courts and (iii) if available, the sentencing practice developed by other states mentioned above.

2. To attend the sentencing hearing on 5 November 2003 and to be available for examination by the Judges and cross-examination by any of the parties if they so wish.

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


Wolfgang Schomburg
Presiding Judge

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

[Seal of the Tribunal]