



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: 6 October 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

Decision of: 6 October 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 (“9 May 2003 Order”) 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 that Mr. Nikolić completed his testimony in the *Blagojević Case* on 1 October 2003,

NOTING that pursuant to the 9 May 2003 Order, the Parties filed their sentencing briefs on 14 July 2003,

RECALLING that the Trial Chamber granted the Parties leave to file additional submissions to their sentencing briefs on the issue of Mr. Nikolić co-operation with the Prosecution following the testimony of Mr. Nikolić in the *Blagojević Case*, and that the Trial Chamber had indicated that these additional submissions should be filed within ten days of Mr. Nikolić completing his testimony,²

PURSUANT TO Rules 54 and 100 of the Rules,

ORDERS:

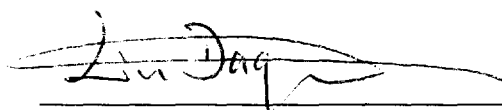
- 1) That the sentencing hearing be held on 27 and 28 October 2003, from 15:00 to 18:30 in Court Room 1; and

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.

² Status Conference, 8 September 2003, Transcript pages 1463-64.

- 2) That Parties shall file any additional submissions to their sentencing briefs on the issue of Mr. Nikolić's co-operation with the Prosecution by Wednesday, 15 October 2003.

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



Judge Liu Daqun
Presiding

Dated this sixth day of October 2003,
At The Hague
The Netherlands

[Seal of the Tribunal]