



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-02-61-S
Date: 16 January 2004
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: 16 January 2004

PROSECUTOR

v.

MIROSLAV DERONJIĆ

SCHEDULING ORDER FOR SENTENCING HEARING

The Office of the Prosecutor:

Mr. Mark B. Harmon

Counsel for Miroslav Deronjić:

Mr. Slobodan Cvijetić
Ms. Slobodan Zečević

TRIAL CHAMBER 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,

NOTING that the Defence for Miroslav Deronjić (“Defence”) informed the Trial Chamber in the “Defence’s Submission Regarding Prosecutor’s Sentencing Witnesses”, filed on 22 December 2003, that it does not object to the admission into evidence of the witnesses’ statements included in the “Annex to Prosecution’s Sentencing Brief Statements Relating to Impact on Victims”, filed on 18 December 2003 (“Prosecution Witnesses’ Statements”), and that it does not intend to cross-examine any of these witnesses,

NOTING that the Defence submits in “Miroslav Deronjić’s Defence Notice Regarding the Admission into Evidence of Psychological Report”, filed on 29 December 2003 (“Defence Notice on Psychological Report”), that it accepts the psychological report on Miroslav Deronjić prepared by psychological expert Ana Najman (“Psychological Report”) and that it does not challenge her qualifications,

NOTING that the Defence informed the Trial Chamber that contrary to what was indicated in the Defence Notice on Psychological Report, it would not wish to cross-examine psychological expert Ana Najman, as she has informed the Trial Chamber that those parts of the Psychological Report in which she referred to the Amended Indictment of 29 November 2002 instead of the Second Amended Indictment of 30 September 2003 do not have any impact on the conclusions of the Psychological Report, and that consequently the Defence does not challenge anymore the part of the Psychological Report referring to the Amended Indictment of 29 November 2002,

NOTING that the Prosecution notified in the “Prosecution’s Notice Regarding Admission into Evidence of Psychological Report”, filed on 7 January 2004, that (i) it accepts the Psychological Report, (ii) does not wish to cross-examine expert witness Ana Najman, (iii) and does not challenge her qualifications as an expert or the relevance of any part of the Psychological Report,

NOTING that both the Defence¹ and the Prosecution² submit that (i) they accept the expert report submitted by Prof. Dr. Ulrich Sieber in *Prosecutor v. Dragan Nikolić*, Case No.: IT-94-2-S (“Expert Report”),³ (ii) do not wish to cross-examine Prof. Dr. Ulrich Sieber, (iii) do not challenge his

¹ “Miroslav Deronjić’s Defence Notice Regarding the Admission into Evidence of Testimony of Expert Witness”, filed on 29 December 2003.

² “Prosecution’s Notice Regarding Admission into Evidence of Testimony of Prof. Dr. Ulrich Sieber”, filed on 7 January 2004.

³ Prof. Dr. Ulrich Sieber, *The Punishment of Serious Crimes - A comparative analysis of sentencing law and practice*, including 23 country reports and five English summaries of country reports written in German, Final Version filed on 12 November 2003.

qualifications or the relevance of the Expert Report, and (iv) do not object to the admission into evidence of the transcript of his testimony during the sentencing hearing in *Prosecutor v. Dragan Nikolić* on 4 November 2003 (“Transcript”),

NOTING that pursuant to the Trial Chamber’s “Order on Production of Additional Evidence Pursuant to Rule 98” of 5 December 2003, the Prosecution produced in Annexes A, B & C of the “Prosecution’s Filing Pursuant to Order on Production of Additional Evidence Pursuant to Rule 98”, filed confidentially on 5 January 2004, and in “Prosecution’s Submission of Further Parts of Testimony of Miroslav Deronjić”, filed confidentially on 7 January 2004, all transcripts of Miroslav Deronjić’s testimony in other cases before the Tribunal (“Deronjić Transcripts”) until to date,

NOTING that the Prosecution does not object to the admission into evidence of the witnesses’ statements included in “Miroslav Deronjić’s Sentencing Brief”, filed on 18 December 2003 (“Defence Witnesses’ Statements”), and that it does not wish to cross-examine any of these witnesses,

NOTING that the Defence orally informed the Trial Chamber today that it will call Miroslav Deronjić to testify as a witness in his own case,

HEREBY ADMITS into evidence

1. the Psychological Report, without calling psychological expert Ana Najman to testify in person;
2. the Expert Report and the Transcript, without calling Prof. Dr. Ulrich Sieber to testify in person;
3. the Deronjić Transcripts;
4. the Prosecution Witnesses’ Statements; and
5. the Defence Witnesses’ Statements;

ORDERS the Prosecution to produce no later than Friday, 23 January 2004, any additional evidence – including transcripts of any further testimony – in the form of a detailed description and assessment of the co-operation by Miroslav Deronjić, and – having heard the Defence on this matter – grants leave for a variation of the pages limits for this purpose;

ORDERS that the sentencing hearing shall proceed in the following (provisional) order:

Tuesday, 27 January 2004

2.15 p.m. to 3.45 p.m.	Testimony of the Accused Miroslav Deronjić
3.45 p.m. to 4.15 p.m.	Break
4.15 p.m. to 5.40 p.m.	Testimony of the Accused Miroslav Deronjić (<i>continued</i>)
5.40 p.m. to 6.00 p.m.	Break
6.00 p.m. to 7.00 p.m.	Submissions by the Prosecution

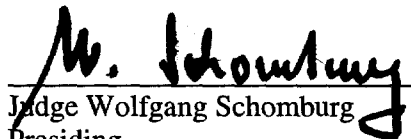
Wednesday, 28 January 2004

2.15 p.m. to 3.15 p.m.	Submissions by the Prosecution (<i>continued</i>)
3.15 p.m. to 3.45 p.m.	Submissions by the Defence
3.45 p.m. to 4.15 p.m.	Break
4.15 p.m. to 5.45 p.m.	Submissions by the Defence (<i>continued</i>)
5.45 p.m. to 6.15 p.m.	Break
6.15 p.m. to 6.45 p.m.	Response/Reply/Questions by the Bench (<i>optional</i>)
6.45 p.m. to 7.00 p.m.	Final Word of the Accused Miroslav Deronjić (<i>optional</i>)

Thursday, 29 January 2004

2.15 p.m. to 7.00 p.m.	(<i>optional</i>)
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Done in English and French, the English version being authoritative.


 Judge Wolfgang Schomburg
 Presiding

Dated this sixteenth day of January 2004,
 At The Hague
 The Netherlands

[Seal of the Tribunal]