

IT-02-61-S
D 2477 - D 2475
19 FEBRUARY 2004

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**UNITED
NATIONS**



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: 19 February 2004
Original: English

IN TRIAL CHAMBER II

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

Registrar: Mr Hans Holthuis

Order of: 19 February 2004

PROSECUTOR

v.

MIROSLAV DERONJIĆ

SCHEDULING ORDER

The Office of the Prosecutor:

Mr Mark Harmon

Counsel for the Accused:

Mr Slobodan Cvijetić
Mr 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 (“International Tribunal”),

NOTING that on 28 January 2004 the Trial Chamber entered a finding of guilt for Miroslav Deronjić (“Accused”) after his guilty plea in relation to both the second amended indictment and the additional factual basis, and after having received clarifications during his statement in the present case on 27 and 28 January 2004 (“Accused’s Statement”),¹

NOTING that during the deliberations held immediately after the sentencing hearing which was conducted on 27 and 28 January 2004 (“Sentencing Hearing”), the Trial Chamber revisited the Accused’s Statement and compared it with the second amended indictment and the additional factual basis,

NOTING that as a result of this comparison, the Trial Chamber identified discrepancies that prompted the Trial Chamber to again examine all previous statements of the Accused,

NOTING that having in all detail reviewed the second amended indictment, the additional factual basis, the Accused’s Statement, his prior statements given to the Office of the Prosecutor (“Prosecution”), his testimonies in relation to the events in Glogova given in *Prosecutor v. Momir Nikolić*, Case No.: IT-02-60/1-S, *Prosecutor v. Radislav Krstić*, Case No.: IT-98-33-A, *Prosecutor v. Slobodan Milošević*, Case No.: IT-02-54-T, *Prosecutor v. Blagojević et al.*, Case No.: IT-02-60-T, and in particular his witness statement of 25 November 2003,² it appears on a *prima facie* basis that there are in fact material discrepancies that make it incumbent on the Trial Chamber to verify that the guilty plea of the Accused can still be considered unequivocal and in fulfilment of the prerequisites of Rule 62 *bis* of the Rules of Procedure and Evidence (“Rules”),

CONSIDERING that for the aforementioned reasons it is necessary to give the Parties a new opportunity to be heard on these issues,

CONSIDERING therefore that it is necessary to schedule an additional sentencing hearing,

¹ Sentencing Hearing, pp 177-78.

² Tendered by the Prosecution in a not yet signed English version after the Accused’s Statement in the Sentencing Hearing.

CONSIDERING in this context that the Accused has testified in the meantime in *Prosecutor v. Krajišnik*, Case No.: IT-00-39-T (“*Krajišnik* trial”),

NOTING that for the purpose of the forthcoming sentencing hearing the Trial Chamber needs to verify if there is anything in the Accused’s testimony given in the *Krajišnik* trial that relates to the events in Glogova,

PURSUANT TO Rules 54, 62 *bis*, 98, first sentence, and 100 of the Rules,

HEREBY ORDERS:

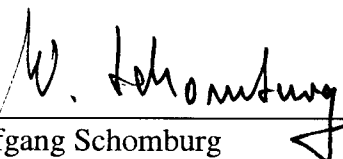
- 1) a new sentencing hearing to be held on 5 March 2004 from 9.00 till 19.00 and provisionally on 8 March 2004 from 9.00 till 19.00, in Courtroom II,
- 2) the Prosecution to produce the entire transcripts of the Accused’s testimony in the *Krajišnik* trial no later than Wednesday, 25 February 2004, by 12.00.

Done in both English and French, the English text being authoritative.

Dated this nineteenth day of February 2004

At The Hague,

The Netherlands



Wolfgang Schomburg
Presiding

[Seal of the Tribunal]