



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-01-42-T
Date: 7 April 2004
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Krister Thelin
Judge Christine Van Den Wyngaert

Registrar: Mr. Hans Holthuis

Decision of: 7 April 2004

PROSECUTOR

v.

PAVLE STRUGAR

**SCHEDULING ORDER FOR A HEARING
PURSUANT TO RULE 54 BIS**

The Office of the Prosecutor:

Ms. Susan Somers
Mr. Philip Weiner

Counsel for the Accused:

Mr. Goran Rodić
Mr. Vladimir Petrović

Government of the Republic of Croatia

THIS 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”);

BEING SEIZED of the “Defence Motion: Requesting Order from Trial Chamber Pursuant to Rule 54 and 54bis & Confidential Annex”, filed by the Defence of the Accused Pavle Strugar (“Defence”) on 2 April 2004 (“Motion”), in which the Defence requests that the Trial Chamber order the Government of the Republic of Croatia to produce twelve types of document as described in the Annex attached to the present order (“Documents”), pursuant to Rules 54 and 54bis of the Rules of Procedure and Evidence (“Rules”);

NOTING the court proceedings on 6 April 2004, during which the Trial Chamber has indicated that it intended to hold a hearing on the matter on Wednesday 28 April 2004;

NOTING that Rule 54bis(B) of the Rules provides that the Chamber may reject the Motion *in limine* if it is satisfied that the information requested is not relevant to any matter in issue in the proceedings or necessary for a fair determination of such matter, or that no reasonable steps have been taken to obtain the said information;

CONSIDERING that in the present case, the Chamber is satisfied that the Documents are relevant to the present proceedings and that the requesting party has taken reasonable steps to obtain the said Documents, the Chamber does not reject the Motion *in limine*;

NOTING that Rule 54bis(D)(i) provides that “[e]xcept in cases where a decision has been taken pursuant to paragraph (B) or paragraph (E), the State concerned shall be given notice of the application, and not less than fifteen days’ notice of the hearing of the application, at which the State shall have the opportunity to be heard”;

NOTING Rule 54bis(E) which provides that the Trial Chamber, if it has good reasons to do so, may issue an order without giving the State concerned notice or the opportunity to be heard;

CONSIDERING that in the present case, the Chamber finds no good reasons to issue an order without giving the Government of the Republic of Croatia notice of the Motion and the opportunity to be heard;

PURSUANT to Article 29 of the Statute and Rule 54 and 54bis of the Rules,

HEREBY GIVES NOTICE of the Motion to the Government of the Republic of Croatia;

ORDERS that a hearing be held on Wednesday 28 April 2004 at 9 a.m. in the course of which the Government of the Republic of Croatia will have an opportunity to be heard with respect of the Motion;

INVITES an authorised Representative of the Republic of Croatia to appear before the Chamber to explain the position of the Government of the Republic of Croatia with regard to the Defence's Motion;

INFORMS the Government of the Republic of Croatia that pursuant to Rule 54*bis*(F) of the Rules, any notice of objection shall be filed not less than five days before the date fixed for the hearing, specifying the grounds of objection;

REQUESTS the Registry to notify the Government of the Republic of Croatia of this order and to take all the diligent and necessary measures for its implementation.

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



Judge Kevin Parker
Presiding

Dated this seventh day of April 2004
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX

1. The war diary of the 116th brigade of the ZNG (HV) for the period from 1 October 1991 until 31 December 1991.
2. The regular war reports of the 116th brigade of the ZNG (HV) for the period from 1 October 1991 until 31 December 1991.
3. The diaries of the duty officer of the 116th brigade of the ZNG (HV) for the period from 1 October 1991 until 31 December 1991.
4. Orders for the defence of the headquarters of the 116 brigade of the ZNG (HV) for the period from 1 October 1991 until 31 December 1991.
5. The war diary of the 114th brigade of the ZNG (HV) for the period from 1 October 1991 until 31 December 1991.
6. The regular war reports of the 114th brigade of the ZNG (HV) for the period from 1 October 1991 until 31 December 1991.
7. The diaries of the duty officer of the 114th brigade of the ZNG (HV) for the period from 1 October 1991 until 31 December 1991.
8. Orders for the defence of the headquarters of the 114th brigade of the ZNG (HV) for the period from 1 October 1991 until 31 December 1991.
9. The daily report of the Dubrovnik Police Administration for the period from 1 October 1991 until 31 December 1991.
10. The daily report of the Dubrovnik Police Station for the period from 1 October 1991 until 31 December 1991.
11. The Decision of the commander of the Dubrovnik Municipality Defence Nojko Marinović for the period from 1 October 1991 until 31 December 1991.
12. The reports from the Dubrovnik Municipality Headquarters for the period from 1 October 1991 until 31 December 1991.