



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-95-14/2-A
Date: 6 May 2004
Original: English

IN THE APPEALS CHAMBER

Before: Judge Wolfgang Schomburg, Presiding
Judge Fausto Pocar
Judge Florence Ndepele Mwachande Mumba
Judge Mehmet Güney
Judge Inés Mónica Weinberg de Roca

Registrar: Mr. Hans Holthuis

Order of: 6 May 2004

PROSECUTOR

v.

DARIO KORDIĆ AND MARIO ČERKEZ

SCHEDULING ORDER FOR APPEALS HEARING

Counsel for the Prosecutor:

Mr. Norman Farrell
Ms. Helen Brady

Counsel for Dario Kordić:

Mr. Mitko Naumovski, Mr. Turner T. Smith, Jr. and Mr. Stephen M. Sayers

Counsel for Mario Čerkez:

Mr. Božidar Kovačić and Mr. Goran Mikuličić

THE APPEALS 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 (“International Tribunal”),

RECALLING that during the last status conference on 13 February 2004, the Pre-Appeal Judge informed the Parties that it is envisaged that the final arguments be heard in the week of 17 to 21 May, 2004;¹

NOTING the “Decision on Appellant Mario Čerkez’s Motion for Additional Evidence Pursuant to Rule 115”, and the confidential and *ex parte* “Decision on Appellant Mario Čerkez’s Motion for Additional Evidence Pursuant to Rule 115”, both issued on 26 March 2004, in which Čerkez’s motions for the admission of additional evidence pursuant to Rule 115 of the Rules of Procedure and Evidence (“Rules”) were dismissed;

NOTING the “Scheduling Order” on the status conference, issued on 14 April 2004, in which the Pre-Appeal Judge informed the Parties that in the framework of the Pre-Appeal Conference on 6 May 2004 Counsel for Kordić and Čerkez are expected to inform the Bench

- of the time they need to present their respective arguments,
- whether their clients intend to testify or give a statement according to Rule 84 *bis* of the Rules, and
- no later than 3 May 2004 whether they intend to take the necessary steps to call a witness in order to enable the Bench to prepare hearings or statements in due time;

NOTING “Dario Kordić’s Notice to Appeals Chamber in Response to 14 April 2004 Scheduling Order”, filed on 26 April 2004, in which Kordić states that “there are no Rule 115 issues left to be resolved in this case”, and “Kordić’s Notice to Appeals Chamber Pursuant to 14 April 2004 Scheduling Order”, filed on 3 May 2004, in which Kordić states that “he does not intend to call witnesses on appeal”;

NOTING “Mario Čerkez’s Notice Regarding 14 April 2004 Scheduling Order”, filed on 3 May 2004, in which Čerkez informs the Appeals Chamber “that he does not intend to call any witness to testify on or before the scheduled Appeals hearing”;

¹ Status Conference on 13 February 2004, p. 107.

NOTING that the Prosecution, by 3 May 2004, did not notify the Appeals Chamber that she intends to take the necessary steps to call a witness;

NOTING that, consequently, there is no need to schedule dates for any testimonies or statements;

NOTING that Rule 114 of the Rules provides that after “the expiry of the time-limits for filing the briefs provided for in Rules 111, 112 and 113, the Appeals Chamber shall set the date for the hearing and the Registrar shall notify the parties”;

HEREBY ORDERS that the appeals hearing shall be held on Monday, 17 May 2004, Tuesday, 18 May 2004, Wednesday, 19 May 2004, and Thursday, 20 May 2004 (if need may be), subject to the following tentative arrangements:

Monday, 17 May 2004:

09:00 am – 09:15 am	Introductory statement by the Presiding Judge
09:15 am – 10:30 am	Submissions by Kordić
10:30 am – 11:00 am	Break
11:00 am – 12:30 pm	Submissions by Kordić, continued
12:30 pm – 14:00 pm	Break
14:00 pm – 15:00 pm	Submissions by Kordić, continued
15:00 pm – 15:30 pm	Break
15:30 pm – 17:00 pm	Submissions by Kordić, continued
17:00 pm – 17:30 pm	Break
17:30 pm – 19:00 pm	Response by the Prosecution

Tuesday, 18 May 2004:


09:00 am – 10:30 am	Response by the Prosecution, continued
10:30 am – 11:00 am	Break
11:00 am – 11:30 am	Reply by Kordić
11:30 am – 12:30 pm	Submissions by Čerkez
12:30 pm – 13:45 pm	Break
13:45 pm – 15:15 pm	Submissions by Čerkez, continued
15:15 pm – 15:30 pm	Break
15:30 pm – 16:00 pm	Submissions by Čerkez, continued
16:00 pm – 17:00 pm	Response by the Prosecution
17:00 pm – 17:30 pm	Break

17:30 pm – 18:30 pm Response by the Prosecution, continued
18:30 pm – 19:00 pm Reply by Čerkez

Wednesday, 19 May 2004:

09:00 am – 10:30 am Submissions by the Prosecution
10:30 am – 11:00 am Break
11:00 am – 11:30 am Submissions by the Prosecution, continued
11:30 am – 12:00 am Response by Kordić
12:00 am – 14:00 pm Break
14:00 pm – 15:30 pm Response by Čerkez
15:30 pm – 16:00 pm Break
16:00 pm – 16:30 pm Reply by Prosecution
16:30 pm – 16:45 pm Brief Personal Address by Dario Kordić (optional)
16:45 pm – 17:00 pm Brief Personal Address by Mario Čerkez (optional)

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


Wolfgang Schomburg
Presiding Judge

Dated this sixth day of May 2004,
At The Hague,
The Netherlands.

[Seal of the Tribunal]