



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-01-42-A
Date: 3 August 2005
Original: English

IN THE APPEALS CHAMBER

Before: Judge Wolfgang Schomburg, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Order of: 3 August 2005

PROSECUTOR

v.

PAVLE STRUGAR

SCHEDULING ORDER FOR STATUS CONFERENCE

Counsel for the Prosecutor:
Mr. Mark J. McKeon

Counsel for Pavle Strugar:
Mr. Goran Rodić
Mr. Vladimir Petrović

I, WOLFGANG SCHOMBURG, a Judge of 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”);

NOTING that in the last status conference on 30 June 2005, the Pre-Appeal Judge ordered

“the Registrar to provide [...] a consistent and complete report on the health condition of Mr. Strugar, legible and in a language the Accused understands, as soon as possible. However, no later than the 15th of August 2005” (“Report”);

NOTING that Rule 65*bis* (B) of the Rules of Procedure and Evidence (“Rules”) states that “an Appeals Chamber Judge shall convene a status conference [...] within one hundred and twenty days after the last status conference, to allow any person in custody pending appeal the opportunity to raise issues in relation thereto, including the mental and physical condition of that person”;

CONSIDERING that the Defence for Pavle Strugar states in the Defence Appeal Brief, filed on 8 July 2005, that it

“seeks to withdraw all other errors presented in ‘Defence Notice of Appeal’ but not explicitly mentioned in this ‘Defence Appeal Brief’”,¹

and that it requests the Appeals Chamber to

“reverse all errors of fact and law committed by the Trial Chamber, and which are pointed to in this Appeal Brief”;²

NOTING that the following alleged errors of fact and law which are mentioned in the Defence Notice of Appeal, filed on 2 March 2005, are not explicitly mentioned in the Defence Appeal Brief:

1; 2; 13 to 17; 22; 23; 33; 38; 39; 41 to 43; 47; 48; 50 to 53; 56 to 63; 65 to 73; 75; 76; 78; 81; 82; and 92;

¹ Defence Appeal Brief, note 3.

² Defence Appeal Brief, para. 256(i).

CONSIDERING that pursuant to Rules 65*ter*, 107 of the Rules, the Pre-Appeal Judge shall ensure that the proceedings are not unduly delayed and shall take any measures necessary to prepare the case for a fair and expeditious appeal;

CONSIDERING that Pavle Strugar is currently in the United Nations Detention Unit in The Hague pending appeal;

PURSUANT to Rule 65*bis*(B) of the Rules

HEREBY ORDER that a status conference be held before the Pre-Appeal Judge on 6 September 2005, at 14.15 p.m. in Courtroom I;

ORDER that the Defence for Pavle Strugar explicitly confirms during the status conference that the following alleged errors of fact and law which are mentioned in the Defence Notice of Appeal have been withdrawn:

1; 2; 13 to 17; 22; 23; 33; 38; 39; 41 to 43; 47; 48; 50 to 53; 56 to 63; 65 to 73; 75; 76; 78; 81; 82; and 92;

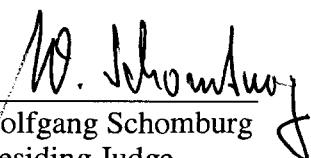
INVITE the Parties to address the health situation and possible consequences of the aforementioned Report on the appeal proceedings;

INVITE the Parties to be prepared in the status conference to discuss all other pending motions, *e.g.* the "Addendum to 'Book of Authorities for Prosecution Appeal Brief'", publicly filed by the Prosecution on 12 July 2005, and to declare well in advance which additional issues, if any, they wish to raise during the status conference; and

INVITE the Parties to announce whether they would like the Pre-Appeal Judge to hear the Parties pursuant to Rule 65*ter* (I) of the Rules.

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

Dated this third day of August 2005, At The Hague, The Netherlands.


Wolfgang Schomburg
Presiding Judge

[Seal of the International Tribunal]