

**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-06-90-PT

Date: 21 December 2007

Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Christine Van Den Wyngaert
Judge Bakone Justice Moloto

Registrar: Mr. Hans Holthuis

Order of: 21 December 2007

PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

PUBLIC

ORDER SCHEDULING A STATUS CONFERENCE

The Office of the Prosecutor:

Mr. Alan Tieger
Mr. Stefan Waespi

Counsel for the Accused:

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina
Mr. Steven Kay and Mr. Andrew Cayley for Ivan Čermak
Mr. Goran Mikuličić and Mr. Tomislav Z. Kuzmanović for Mladen Markač

I, Alphons Orie, Judge of Trial Chamber I 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”);

NOTING the “Order designating a Pre-Trial Judge”, filed on 11 December 2007, whereby I designated myself as Pre-trial Judge pursuant to Article 14(7) of the Statute;

NOTING Rule 65 *bis*(A) of the Rules of Procedure and Evidence (“Rules”), which states that “Trial Chamber or a Trial Chamber Judge shall convene a status conference within one hundred and twenty days of the initial appearance of the accused and thereafter within one hundred and twenty days after the last status conference”;

CONSIDERING that the last Status Conference was held on 26 October 2007;

NOTING that Ivan Čermak and Mladen Markač are on provisional release in the Republic of Croatia pursuant to Rule 65 of the Rules;¹

CONSIDERING that pursuant to Rule 65 *bis*(C) a status conference may be conducted in the absence of an accused, provided the accused gives written consent after having been advised by his counsel;

CONSIDERING, in view of currently pending issues,² that the Trial Chamber is not aware of any specific reason why Ivan Čermak and Mladen Markač should be present at the status conference and that representation by their counsel is sufficient; if, however, Ivan Čermak and Mladen Markač wish to attend and comment on any issues currently pending they should inform the Trial Chamber promptly;

¹ “Order of provisional release for Mladen Markač”, 9 February 2007, p. 2 and “Decision to reinstate the provisional release of Ivan Čermak”, 15 February 2007, p. 5.

² Annex A lists current issues, which is subject to change.

PURSUANT TO Rule 65 *bis* of the Rules;

ORDER as follows:

- (i) a status conference is to take place on Friday 18 January 2008, at 1000 hours in Courtroom 2;
- (ii) Ante Gotovina and counsel for each accused shall attend in person; and
- (iii) Ivan Čermak and Mladen Markač, through their respective counsel and after having been advised by counsel pursuant to Rule 65 *bis*(C), shall file their written consents to the status conference being held in their absence, or, in the alternative, shall inform the Trial Chamber of any desire to be present at the status conference within one week of the filing of this order.

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



Judge Alphons Orie
Pre-Trial Judge

Dated this twenty-first day of December 2007

At The Hague

The Netherlands

[Seal of the Tribunal]

ANNEX A

List of currently pending issues in *Gotovina et al.* Final agenda will be provided to the parties in time before the status conference.

- 1) Prosecution motion(s) for protective measures
- 2) Disclosure issues, including disclosure of Prosecution expert reports
- 3) Progress on agreed facts and any motions for adjudicated facts
- 4) Pending motions