

IT-06-90-T
D 30053-D 30051
26 November 2009

30053
Ms.



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-T
Date: 26 November 2009
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Uldis Kinis
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Order of: 26 November 2009

PROSECUTOR

v.

ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ

PUBLIC

ORDER SCHEDULING A HEARING

Office of the Prosecutor

Mr Alan Tieger
Mr Stefan Waespi

Counsel for Ante Gotovina

Mr Luka Mišetić
Mr Gregory Kehoe
Mr Payam Akhavan

Counsel for Ivan Čermak

Mr Steven Kay, QC
Mr Andrew Cayley
Ms Gillian Higgins

Republic of Croatia

Per: the Embassy of the Republic of Croatia
to the Kingdom of the Netherlands

Counsel for Mladen Markač

Mr Goran Mikuličić
Mr Tomislav Kuzmanović

TRIAL CHAMBER I (“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 SEISED of the Prosecution’s Application for an Order Pursuant to Rule 54 *bis* Directing the Government of the Republic of Croatia to Produce Documents or Information, filed on 13 June 2008 (“Motion”);

NOTING the Chamber’s Order in Relation to the Prosecution’s Application for an Order Pursuant to Rule 54 *bis*, filed 16 September 2008, and all filings in this matter which reveal an ongoing dispute between the Republic of Croatia and the Prosecution about several issues related to documents sought by the latter;

CONSIDERING the Republic of Croatia’s obligation to co-operate with the Tribunal pursuant to Article 29 of the Tribunal’s Statute;

CONSIDERING that it is the Chamber’s responsibility to assess a state’s compliance with its obligations under Article 29 and that such an assessment will enable it to determine whether it should advise the President pursuant to Rule 7 *bis* (A) of the Rules of the Procedure and Evidence (“Rules”);

PURSUANT to Article 29 of the Tribunal’s Statute and Rule 54 *bis* of the Rules;

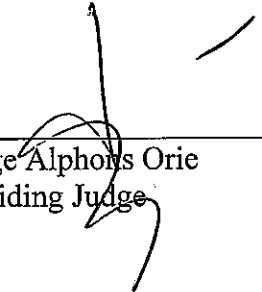
HEREBY ORDERS that a hearing will be held on 16 December 2009, at 9 a.m.;

REQUESTS the Republic of Croatia to appear before the Chamber through authorised and informed representative(s);

INVITES Croatia’s representatives and the Prosecution - and the Defence teams, if they so wish - to be ready to discuss the list of documents still sought by the Prosecution in the set order as provided for by Appendix C to the Motion, and to bring all documents or information to support an opinion about the existence or whereabouts of a particular sought document;

INFORMS the Republic of Croatia that it may, should it deem necessary, upon a showing of the sensitive nature of the documents or information it seeks to present, request protective measures during the scheduled hearing for specific portions of the hearing, such as the hearing to be held in closed session.

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



Judge Alphons Orie
Presiding Judge

Dated this twenty-sixth day of November 2009
At The Hague
The Netherlands

[Seal of the Tribunal]