

IT-06-90-T
D 31350 - D 31368
13 January 2010

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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-T

Date:

13 January 2010

Original:

English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Order of: 13 January 2010

PROSECUTOR

v.

ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ

PUBLIC

ORDER SCHEDULING A PREPARATORY MEETING

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 13 June 2008 (“Motion”);

NOTING in addition to all other filings in this matter, the Chamber’s Order in Relation to the Prosecution’s Application for an Order Pursuant to Rule 54 *bis*, filed 16 September 2008;

NOTING the hearing of 16 December 2009, at which some of the outstanding documents sought by the Prosecution in its above mentioned Motion were discussed, and at which the Chamber’s intention to schedule a preparatory meeting to continue the discussion was expressed;

NOTING the Chamber’s suggestions as to the limited setting of this preparatory meeting in an informal communication of 17 December 2009, and *inter alia* the Prosecution’s and the Gotovina Defence’s requests in informal communications of the following day, that each would like to have three representatives attending this meeting, as well as the Prosecution’s request for simultaneous transcription;

NOTING that the Parties agreed to continue the discussion in an out-of-court-setting in the absence of the accused, as indicated in court on 16 December 2009, to be found on transcript pages 26,415-26,418, as well as in informal communications on 17 and 18 December 2009 respectively;

CONSIDERING that the Republic of Croatia in the context of its obligation to co-operate with the Tribunal according to Article 29 of the Tribunal’s Statute has declared itself available to attend to such a meeting, as indicated in court on 16 December 2009, to be found on transcript page 26,415;

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

HEREBY ORDERS that a preparatory meeting be held on 22 January 2010, at 2.15 p.m. in room M396 with:

- the presence of one Judge, two Chamber's staff, one Registry staff, up to three persons each for the Prosecution, the Gotovina Defence, and the Republic of Croatia, up to two persons for each of the other Parties with the option to apply to have a third person present;
- interpretation between English and Croatian;
- audio-recording, providing for the option of later transcription, if need be; and
- the absence of the accused;

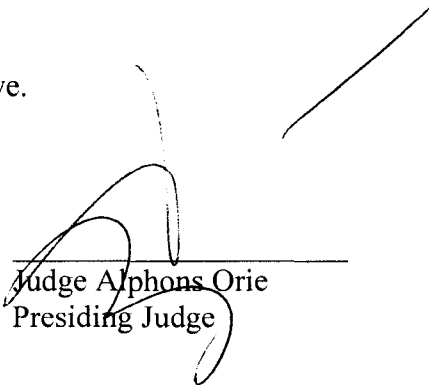
REQUESTS the Republic of Croatia to appear at this preparatory meeting through (an) authorised and informed representative(s);

REITERATES its invitation to Croatia's representatives and the Prosecution - and the Defence teams, if they so wish - to be ready to further 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 meeting for specific portions of the meeting;

REQUESTS the Registrar to serve the Prosecution's Submission of Missing Artillery Documents Received from Croatia, filed 7 December 2009, on Croatia's representative(s) upon arrival at the scheduled meeting.

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



Judge Alphons Orié
Presiding Judge

Dated this thirteenth day of January 2010
At The Hague
The Netherlands

[Seal of the Tribunal]