



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-95-13/1-R.1
Date: 21 May 2010
Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Mehmet Güney
Judge Fausto Pocar
Judge Liu Daqun
Judge Andrézia Vaz

Registrar: Mr. John Hocking

Order of: 21 May 2010

PROSECUTOR

v.

VESELIN ŠLJIVANČANIN

PUBLIC

**ORDER RESPONDING TO PROSECUTION'S
MOTION ON HEARING MANAGEMENT AND
REVISED SCHEDULING ORDER**

The Office of the Prosecutor:

Ms. Helen Brady
Mr. Paul Rogers

Counsel for Veselin Šljivančanin:

Mr. Novak Lukić and Mr. Stéphane Bourgon

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 (“Appeals Chamber” and “Tribunal”, respectively);

RECALLING that the Appeals Chamber is seised of the “Application on Behalf of Veselin Šljivančanin for Review of the Appeals Chamber Judgment of 5 May 2009” (“Review Motion”) filed by Veselin Šljivančanin (“Šljivančanin”) on 28 January 2010;

RECALLING the “Scheduling Order for Hearing Regarding Veselin Šljivančanin’s Application for Review” (“Scheduling Order”) issued by the Appeals Chamber on 20 April 2010, which convened an oral hearing (“Hearing”) on 3 June 2010;¹

BEING SEISED of the “Motion on Hearing Management” (“Motion”) filed by the Office of the Prosecutor (“Prosecution”) on 7 May 2010;

NOTING that the Motion seeks to vary the Scheduling Order so as to: (1) increase the time allotted for the cross-examination of Miodrag Panić (“Panić”) from forty five minutes to one hour forty five minutes; (2) increase the time allotted to the parties for summary arguments to thirty minutes each; and (3) set a deadline of 28 May 2010 for parties to provide notification about documents they intend to introduce at the hearing and complete any necessary disclosures;²

NOTING the “Response to Prosecution’s ‘Motion on Hearing Management’” (“Response”) filed by Šljivančanin on 12 May 2010;³

NOTING that Šljivančanin contends that the Prosecution’s request for extra time should be dismissed, or, should the Appeals Chamber grant the Prosecution extra time, that he be provided the same amount of time to perform the examination-in-chief; and supports setting a deadline of 28 May 2010 for parties to provide notification and disclosure of documents to be introduced at the hearing;⁴

CONSIDERING that it is advisable to set a deadline of 28 May 2010 for parties to provide notification of documents to be introduced at the hearing, and to disclose any new documents to be introduced;

¹ Scheduling Order, pp. 1-2.

² Motion, paras 12, 13.

³ The Prosecution’s “Reply to Defence Response to Prosecution’s ‘Motion on Hearing Management’” was filed on 13 May 2010.

⁴ Response, paras 5, 10, 12, 14, 20.

CONSIDERING that the total time requested by the Prosecution is excessive and not strictly necessary;

CONSIDERING, however, that it is in the interests of justice to grant each party thirty minutes of additional time to allow a comprehensive review of Panić's testimony;

NOTING that allocation of additional time for summarizing the parties' arguments is not necessary;

UNDERSCORING that the scope of the Hearing will be limited to the topics specified in the Scheduling Order and no others;

HEREBY INFORMS the parties that the amended timetable for the Hearing shall be as follows:

3 June 2010:

08:45 – 09:00 Introductory Statement by the Presiding Judge (15 minutes)

Examination of Witness Panić:

09:00 – 10:15 Examination-in-chief of Panić by Šljivančanin (1 hour 15 minutes)

10:15 – 10:30 *Pause (15 minutes)*

10:30 – 11:45 Cross-examination of Panić by the Prosecution (1 hour 15 minutes)

11:45 – 12:00 *Pause (15 minutes)*

12:00 – 12:15 Re-examination of Panić by Šljivančanin (15 minutes)

12:15 – 12:30 Summary Arguments by Šljivančanin (15 minutes)

12:30 – 12:45 Summary Arguments by Prosecution (15 minutes)

Arguments on Whether Panić Testimony Constitutes a "New Fact":

13:45 – 14:30 Submissions of Šljivančanin (45 minutes)

14:30 – 15:15 Submissions of the Prosecution (45 minutes)

15:15 – 15:30 Reply of Šljivančanin (15 minutes)

NOTES that the Appeals Chamber will look favourably on any request by Šljivančanin to rebalance the total time allocated to the Examination-in-chief and Re-examination of Panić, while maintaining the same total time allocation, should that prove necessary at the Hearing;

DIRECTS the Registrar to communicate this scheduling order to Panić and to make the necessary arrangements for him to appear at the Hearing;

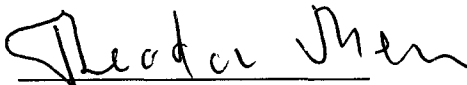
ORDERS the parties to provide each other and the Appeals Chamber with a full list of documents to be introduced during the Hearing, and to disclose any new documents by 28 May 2010;

REQUESTS the Registrar to make all other necessary arrangements for the Hearing as scheduled.

Judge Pocar reiterates his dissenting opinion on this hearing for the same reasons expressed in his dissenting opinion appended to the Scheduling Order of 20 April 2010.

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

Dated this 21st day of May 2010,
At The Hague,
The Netherlands.


Judge Theodor Meron
Presiding Judge

[Seal of the Tribunal]