



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-A
Date: 24 April 2012
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Patrick Robinson
Judge Mehmet Güney
Judge Fausto Pocar

Registrar: Mr. John Hocking

Order of: 24 April 2012

PROSECUTOR

v.

**ANTE GOTOVINA
MLADEN MARKAČ**

PUBLIC

***ADDENDUM TO THE SCHEDULING ORDER FOR APPEAL
HEARING***

The Office of the Prosecutor

Ms. Helen Brady and Mr. Douglas Stringer

Counsel for Ante Gotovina

Mr. Gregory Kehoe, Mr. Luka Mišetić, Mr. Payam Akhavan, and Mr. Guénaél Mettraux

Counsel for Mladen Markač

Mr. Goran Mikuličić, Mr. Tomislav Kuzmanović, Mr. John Jones, and Mr. Kai Ambos

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);

NOTING the appeals lodged by Ante Gotovina¹ and Mladen Markač² against the Judgement rendered in this case by Trial Chamber I of the Tribunal on 15 April 2011³ (collectively, “Appeals”);

NOTING the “Scheduling Order for Appeal Hearing”, filed on 4 April 2012 (“Scheduling Order”), which orders that the Appeals be heard on Monday, 14 May 2012 (“Appeal Hearing”), and informs the parties of the timetable of the Appeal Hearing;⁴

CONSIDERING the need to ensure that the time allotted for the Appeal Hearing is used as efficiently as possible;

RECALLING that the parties are expected to focus their oral arguments on the grounds of appeal raised in their briefs and that an appeal hearing is not the occasion for presenting new arguments on the merits of the case;⁵

EMPHASIZING that the present *Addendum* in no way expresses the Appeals Chamber’s views on the merits of the Appeals;

HEREBY INFORMS the parties that the Appeal Hearing will take place in Courtroom I; and

INVITES the parties, without prejudice to any other matter which they or the Appeals Chamber may wish to address, to discuss, with references to the record:

1. whether the Trial Chamber erred in applying a 200 metre range of error in analyzing the lawfulness of artillery shelling;
2. whether the Trial Chamber’s conclusions regarding impact sites should be upheld if its application of the 200 metre range of error is deemed erroneous;

¹ Notice of Appeal of Ante Gotovina, 16 May 2011; Appellant’s Brief of Ante Gotovina, 1 August 2011 (confidential) (“Gotovina Appeal Brief”). The Gotovina Appeal Brief was filed as a confidential appendix to a public submission, and a public redacted version was filed on 2 August 2011.

² Mladen Markač’s Notice of Appeal, 16 May 2011 (“Markač Notice of Appeal”) (re-classified as confidential on 18 May 2011); Mladen Markač’s Appeal Brief, 1 August 2011 (confidential) (“Markač Appeal Brief”). A public redacted version of the Markač Notice of Appeal was filed on 18 May 2011, and a final public redacted version of the Markač Appeal Brief was filed on 12 October 2011.

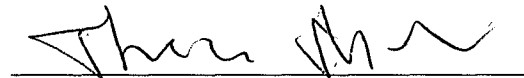
³ *Prosecutor v. Ante Gotovina et al.*, Case No. IT-06-90-T, Judgement, 15 April 2011.

⁴ Scheduling Order, p. 1.

⁵ *Prosecutor v. Rasim Delić*, Case No. IT-04-83-A, *Addendum* to the Order Scheduling the Appeal Hearing, 15 December 2009, p. 2.

3. whether the Trial Chamber's finding that illegal artillery attacks took place should be upheld if its conclusions with respect to impact sites are deemed erroneous; and
4. whether the Trial Chamber's finding that a Joint Criminal Enterprise existed should be upheld if its finding that illegal artillery attacks took place is deemed erroneous.

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



Judge Theodor Meron
Presiding

Dated this 24th day of April 2012,
At The Hague,
The Netherlands.

[Seal of the Tribunal]