# 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-95-5/18-AR98bis.1

Date:

22 March 2013

Original:

English

## IN THE APPEALS CHAMBER

Before:

Judge Theodor Meron, Presiding

Judge Patrick Robinson

Judge Liu Daqun

Judge Khalida Rachid Khan

Judge Bakhtiyar Tuzmukhamedov

Registrar:

Mr. John Hocking

**Decision of:** 

22 March 2013

#### **PROSECUTOR**

v.

# RADOVAN KARADŽIĆ

#### **PUBLIC**

#### SCHEDULING ORDER FOR APPEAL HEARING

# **The Office of the Prosecutor:**

Mr. Peter Kremer QC

#### The Accused:

Mr. Radovan Karadžić

## **Standby Counsel:**

Mr. Richard Harvey

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);

BEING SEISED OF the appeal lodged by the Office of the Prosecutor ("Prosecution") against the judgement of acquittal as to Count 1 of the Indictment rendered orally in this case on 28 June 2012 by Trial Chamber III of the Tribunal ("Trial Chamber"), pursuant to Rule 98 bis of the Tribunal's Rules of Procedure and Evidence ("Rules");<sup>2</sup>

"Respondent's Brief" filed by Radovan Karadžić ("Karadžić") **NOTING** the 5 November 2012;<sup>3</sup>

NOTING the "Prosecution Reply Brief for Rule 98bis Appeal" filed by the Prosecution on 20 November 2012;<sup>4</sup>

**NOTING** that Karadžić requests that: (i) the Appeals Chamber convene an oral hearing pursuant to Rule 114 of the Rules;<sup>5</sup> (ii) if a hearing is convened, his legal advisor, Peter Robinson ("Robinson"), be granted the right of audience to address the Appeals Chamber; and (iii) the Appeals Chamber seek authorization from the President of the Tribunal to conduct the appeal hearing in Bosnia and Herzegovina, pursuant to Rule 4 of the Rules (collectively, "Karadžić's Requests");<sup>7</sup>

**NOTING** that the Prosecution does not oppose Karadžić's request that an appeal hearing take place but submits that there is no justification for conducting the hearing in Bosnia and Herzegovina under Rule 4 of the Rules;8

CONSIDERING that Karadžić fails to demonstrate that it is in the interests of justice to depart from the established practice of conducting appeal hearings at the seat of the Tribunal;

**CONSIDERING** that, as Karadžić submits, both he and the Appeals Chamber would benefit from Robinson's assistance in presenting the legal issues at the appeal hearing;

<sup>&</sup>lt;sup>1</sup> Prosecution Rule 98bis Appeal Brief, 24 September 2012 (confidential). A public redacted version was filed on 25 September 2012. See also Prosecution Notice of Appeal of Judgement of Acquittal under Rule 98bis, 11 July 2012. Prosecutor v. Radovan Karadžić, Case No. IT-95-5/18-T, T. 28 June 2012 pp. 28762-28770, 28774.

<sup>&</sup>lt;sup>3</sup> Respondent's Brief, 5 November 2012 (confidential). The initial public redacted version was filed on 5 November 2012, and a revised public redacted version was filed on 26 November 2012 ("Response").

Prosecution Reply Brief for Rule 98bis Appeal, 20 November 2012 (public redacted version) ("Reply"). The confidential and public redacted versions of the Reply were filed on the same day.

<sup>&</sup>lt;sup>5</sup> See Response, paras 313-316. <sup>6</sup> Response, para. 317. Karadžić notes that Robinson delivered the oral argument in relation to this issue before the Trial Chamber and significantly participated in the drafting of the Response. See Response, para. 317.

Response, para. 318. See also Response, para. 319.

<sup>&</sup>lt;sup>8</sup> See Reply, paras 24-25.

**FINDING**, therefore, that it is appropriate to authorize Robinson to address the Appeals Chamber on behalf of Karadžić at the appeal hearing;

**RECALLING** that Rule 114 of the Rules provides that the Appeals Chamber shall set the date for a hearing after the expiry of the time-limits for filing the briefs;

**CONSIDERING** that the filing of the briefs in this appeal is complete;

## FOR THE FOREGOING REASONS,

HEREBY GRANTS Karadžić's Requests, in part, and AUTHORIZES Robinson to appear on behalf of Karadžić at the appeal hearing;

**DISMISSES** Karadžić's Requests in all other respects;

**ORDERS** that an appeal hearing shall take place on Wednesday, 17 April 2013, in Courtroom III of the Tribunal and **INFORMS** the parties that the timetable for the appeal hearing shall be as follows, subject to adjustments as appropriate:

09:00-09:10	Introductory Statement by the Presiding Judge (10 minutes)
09:10-10:10	Submissions by the Prosecution (1 hour)
10:10-10:30	Pause (20 minutes)
10:30-11:30	Response by Karadžić (1 hour)
11:30-11:50	Pause (20 minutes)
11:50-12:20	Reply by the Prosecution (30 minutes)
12:20-12:30	Personal Address by Karadžić (10 minutes) (optional)

**INFORMS** the parties that, although they remain free to use their time allotted for submissions as they see fit, they may be invited to address questions from the bench during the appeal hearing; and

**INFORMS** the parties that other modalities of the appeal hearing, including any questions the parties may be invited to address, may be specified in due course by further order.

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

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<sup>&</sup>lt;sup>9</sup> Response, para. 317.

Done this 22nd day of March 2013, At The Hague, The Netherlands.

Judge Theodor Meron Presiding

[Seal of the Tribunal]