

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 Ķinis  
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Order of: 13 January 2010

PROSECUTOR

v.

ANTE GOTOVINA  
IVAN ČERMAK  
MLADEN MARKAČ

*PUBLIC*

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ORDER SCHEDULING A PREPARATORY MEETING

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**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;

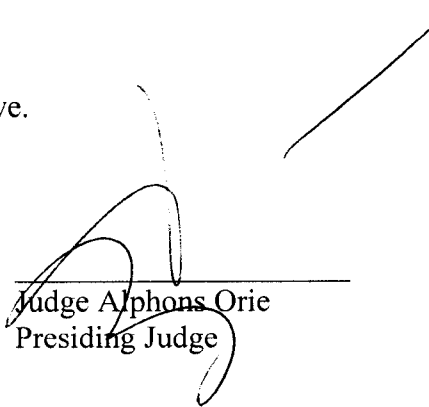
**REQUESTS** the Republic of Croatia to appear at this preparatory meeting through (an) authorised and informed representative(s);

**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 Orie  
Presiding Judge

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

**[Seal of the Tribunal]**