



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-05-87/1-A
Date: 12 April 2013
Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Presiding
Judge Patrick Robinson
Judge Mehmet Güney
Judge Khalida Rachid Khan
Judge Bakhtiyar Tuzmukhamedov

Registrar: Mr John Hocking

Order of: 12 April 2013

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

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

The Office of the Prosecutor:

Ms. Daniela Kravetz

Counsel for Vlastimir Đorđević:

Mr. Dragoljub Đorđević
Mr. Veljko Đurđić

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 “Scheduling Order for Appeal Hearing”, issued on 22 March 2013 (“Scheduling Order”), which sets the date for the hearing of the appeals in this case (“Appeal Hearing”) as 13 May 2013;¹

RECALLING that in the Scheduling Order, the Appeals Chamber informed the parties that it would specify in due course the timetable for the Appeal Hearing and questions the parties would be invited to address during the Appeal Hearing;²

HEREBY 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)
09:10-10:30	Submissions by Vlastimir Đorđević (“Đorđević”) (1 hour 20 minutes)
10:30-11:00	<i>Pause</i> (30 minutes)
11:00-11:40	Submissions by Đorđević (40 minutes)
11:40-12:40	Response by the Prosecution (1 hour)
12:40-14:00	<i>Lunch</i> (1 hour 20 minutes)
14:00-15:00	Response by the Prosecution (1 hour)
15:00-15:30	Reply by Đorđević (30 minutes)
15:30-16:00	<i>Pause</i> (30 minutes)
16:00-16:30	Submissions by the Prosecution (30 minutes)
16:30-17:00	Response by Đorđević (30 minutes)
17:00-17:15	Reply by the Prosecution (15 minutes)
17:15-17:25	Personal Address by Đorđević (10 minutes) (optional)

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;³

¹ Scheduling Order, p. 1.

² Scheduling Order, p. 1.

EMPHASISING that the present *Addendum* in no way expresses the Appeals Chamber's views on the merits of the appeals in the present case;

HEREBY INFORMS Đorđević and the Prosecution that, during the course of the Appeal Hearing, in addition to other matters advanced in their submissions or that the Appeals Chamber may wish to raise, they are invited to:


- (i) discuss, in relation to Đorđević's sub-ground of appeal 9(A), how the areas of responsibility of Assistant Ministers Petar Zeković and Obrad Stevanović would overlap with, and impact on, Đorđević's authority as Assistant Minister of the Interior, and in relation to sub-ground of appeal 9(F), Đorđević's role in the deployment of the Scorpions;
- (ii) discuss, in relation to Đorđević's eleventh ground of appeal, the implications of the fact that the Trial Chamber did not make explicit findings on "substantial contribution" in relation to other inhumane acts (forcible transfer) and also did not make explicit findings on "specific direction";
- (iii) discuss, in relation to Đorđević's thirteenth ground of appeal and with reference to the trial record, whether, for the purpose of establishing the crime of deportation and in light of customary international law, a *de facto* border existed between Kosovo and Montenegro during the Indictment period;
- (iv) discuss, in relation to Đorđević's sixteenth ground of appeal, whether the Indictment charged the following incidents:
 - a. deportation in the village of Kladernica/Klladërnice, Srbica/Skënderaj municipality, between 12 and 15 April 1999, and in Suva Reka/Suharekë town between 7 and 21 May 1999;
 - b. other inhumane acts (forcible transfer) in the villages of Brocna/Burojë and Tušilje/Tushilë, Srbica/Skënderaj municipality, between 25 and 26 March and on 29 March, respectively, and in the village of Čuska/Qyushk, Peć/Pejë municipality, on 14 May 1999;

³ *Prosecutor v. Šainović et al.*, Case No. IT-05-87-A, Order for the Preparation of the Appeal Hearing, 20 February 2013, p. 1, referring to *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-A, *Addendum* to the Scheduling Order for Appeal Hearing, 15 October 2012, p. 1.

- c. murder in the village of Mala Kruša/Krusë-e Vogël, Orahovac/Rahovec municipality, on 25 March 1999 and in Podulevo/Podujevë town on 28 March 1999; and
- d. persecutions committed through murder in the village of Pusto Selo/Pastasellë, Orahovac/Rahovec municipality, on 31 March 1999;
- (v) discuss, in relation to Đorđević's eighteenth ground of appeal and with reference to the Trial Chamber's findings, why convictions for the crimes on the basis of both commission through participation in the joint criminal enterprise and aiding and abetting (based on the same conduct) better reflect the totality of Đorđević's conduct; and
- (vi) discuss, in relation to the Prosecution's first ground of appeal and with reference to the trial record, whether: (i) the element of discriminatory intent for persecutions is satisfied with regard to the rapes of Witnesses K14 and K20, as well as the alleged sexual assaults of the girl in the convoy and the two young Kosovo Albanian women in Beleg; and (ii) all of the requisite elements for liability under the third category of joint criminal enterprise are met.

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

Dated this twelfth day of April 2013,
At The Hague,
The Netherlands.



Judge Carmel Agius, Presiding

[Seal of the Tribunal]