



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-04-81-A  
Date: 15 October 2012  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Theodor Meron, Presiding  
Judge Carmel Agius  
Judge Liu Daqun  
Judge Arlette Ramaroson  
Judge Andrézia Vaz

**Registrar:** Mr. John Hocking

**Order of:** 15 October 2012

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

***PUBLIC***

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

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**The Office of the Prosecutor:**

Ms. Helen Brady

**Counsel for Momčilo Perišić:**

Mr. Novak Lukić  
Mr. Gregor Guy-Smith

**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 appeal lodged by Momčilo Perišić (“Perišić”) against the Judgement rendered by Trial Chamber I (“Trial Chamber”) on 6 September 2011 in the case of *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-T (“Appeal”);<sup>1</sup>

**NOTING** the “Scheduling Order for Appeal Hearing”, filed on 24 September 2012 (“Scheduling Order”), which orders that the Appeal be heard on Tuesday, 30 October 2012 (“Appeal Hearing”), and informs the parties of the timetable of the Appeal Hearing;<sup>2</sup>

**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;<sup>3</sup>

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

**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. How the Appeals Chamber should address the issue of “specific direction” in the context of aiding and abetting liability;
2. Whether aid that is not “specifically directed” towards a particular crime can have the substantial effect required to enter a conviction for aiding and abetting;
3. Whether the aid facilitated by Perišić met the requirements of “specific direction”, if any, in the context of aiding and abetting liability;
4. Whether the Trial Chamber erred in finding that the assistance facilitated by Perišić had a substantial effect on the commission of the Army of Republika Srpska crimes; and

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<sup>1</sup> Notice of Appeal of Momčilo Perišić, 8 November 2011; Appeal Brief of Momčilo Perišić, 6 February 2012 (confidential) (“Appeal Brief”). A final public redacted version of the Appeal Brief was filed on 10 April 2012. *See also* Corrigendum to Mr. Perišić’s Notice of Appeal, 7 February 2012.

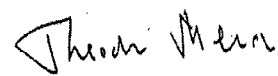
<sup>2</sup> Scheduling Order, p. 1.

<sup>3</sup> *Prosecutor v. Rasim Delić*, Case No. IT-04-83-A, *Addendum* to the Order Scheduling the Appeal Hearing, 15 December 2009, p. 2.

5. Whether the Trial Chamber erred in finding that Perišić had the *de jure* and *de facto* authority to discipline and issue command orders to 40<sup>th</sup> Personnel Centre members.

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

Done this 15<sup>th</sup> day of October 2012,  
At The Hague,  
The Netherlands.



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Judge Theodor Meron  
Presiding

[Seal of the Tribunal]