



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-01-42-A
Date: 23 August 2007
Original: English

IN THE APPEALS CHAMBER

Before: Judge Andréia Vaz, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Theodor Meron
Judge Wolfgang Schomburg

Registrar: Mr. Hans Holthuis

Order of: 23 August 2007

PROSECUTOR

v.

PAVLE STRUGAR

PUBLIC

ORDER REGARDING BRIEFINGS ON APPEAL

The Office of the Prosecutor:

Ms. Carla Del Ponte
Ms. Helen Brady
Ms. Michelle Jarvis
Mr. Xavier Tracol

Counsel for Pavle Strugar:

Mr. Goran Rodić
Mr. Vladimir Petrović

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 “International Tribunal”, respectively),

NOTING the Judgement rendered in this case by Trial Chamber II on 31 January 2005;¹

NOTING the Appeals Chamber’s decision of 7 June 2007² reopening the respective appeals³ of Pavle Strugar and the Prosecution against the Trial Judgement;

CONSIDERING that all valid filings made in this case before the withdrawals of the Appeals⁴ remain part of the record in the present case;

CONSIDERING therefore that the briefing on appeal in this case is complete and comprises the following:

- Defence Appeal; confidential Defence Response Brief, 27 June 2005; Defence Brief in Reply, 1 September 2005;
- Prosecution Appeal;⁵ Prosecution Brief in Response, 17 August 2005;⁶ Prosecution Brief in Reply, 12 July 2005;

NOTING that there are no pending pre-appeal motions in this case;

HEREBY *proprio motu* INVITES the parties, should they wish to do so, to update solely by means of addenda their submissions on the merits of the present Appeals in light of the jurisprudence of the International Tribunal which has developed since the Withdrawal Decision;

ORDERS that such addenda, if any, be limited to the incorporation of the above-mentioned jurisprudence and be filed no later than 7 September 2007.

¹ *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-T, Judgement, 31 January 2005 (“Trial Judgement”).

² *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-Misc.1, Decision on Strugar’s Request to Reopen Appeal Proceedings, 7 June 2007.

³ Defence Notice of Appeal, 2 March 2005 and Defence Appeal Brief, 8 July 2005 (“Defence Appeal”); Prosecution’s Notice of Appeal, 2 March 2005 and Prosecution Appellant Brief, 17 May 2005 (“Prosecution Appeal”) (“Appeals” jointly). The Appeals Chamber notes that Pavle Strugar sought to withdraw all alleged errors presented in his Notice of Appeal but not mentioned in his Appeal Brief (Defence Appeal Brief, fn. 3). The Appeals Chamber recalls that the withdrawal of the following errors was confirmed by the Pre-Appeal Judge at the Status Conference held on 6 September 2006: 1, 2, 13-17, 22-23, 33, 38-39, 41-43, 47-53, 56-63, 65-73, 75-76, 78, 81-82 and 92 (T. 22-23). Therefore, the Appeals Chamber considers that the Defence Appeal currently consists of the following alleged errors: 3-12, 18-21, 24-32, 34-37, 40, 44-46, 54-55, 64, 74, 77, 79-80, 83-91 and 93-100.

⁴ Final Decision on “Defence Notice of Withdrawing Appeal” and “Withdrawal of Prosecution’s Appeal against the Judgement of Trial Chamber II Dated 31 January 2005”, 20 September 2006 (“Withdrawal Decision”).

⁵ See also Book of Authorities for Prosecution Appeal Brief, 17 May 2005 and Addendum to “Book of Authorities for Prosecution Appeal Brief”, 12 July 2005.

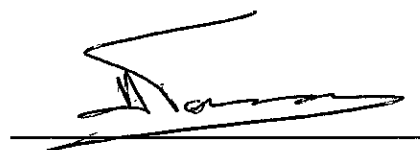
⁶ See also Book of Authorities for Prosecution Response Brief, 17 August 2005.

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

Dated this 23rd day of August 2007,

At The Hague,

The Netherlands.

A handwritten signature in black ink, appearing to read 'Andréia Vaz', written over a horizontal line.

Judge Andréia Vaz, Presiding

[Seal of the Tribunal]