



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: 18 June 2008
Original: English

IN THE APPEALS CHAMBER

Before: Judge Andréia Vaz, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Theodor Meron
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 18 June 2008

PROSECUTOR

v.

PAVLE STRUGAR

PUBLIC

**SCHEDULING ORDER FOR DELIVERY OF
JUDGEMENT**

The Office of the Prosecutor:

Ms. Helen Brady
Ms. Michelle Jarvis
Mr. Xavier Tracol
Ms. Laurel Baig

Counsel for Pavle Strugar:

Mr. Goran Rodić
Mr. Vladimir Petrović

A handwritten signature or mark in the bottom right corner of the page.

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 (“Trial Judgement”);¹

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

NOTING that the briefing on appeal in this case is complete³ and that the oral arguments of the parties were heard by the Appeals Chamber on 23 April 2008;

CONSIDERING that, for urgent personal reasons, Judge O-Gon Kwon will be unable to be present at the delivery of the judgement on Appeals in this case (“Appeal Judgement”);

NOTING that pursuant to Article 15*bis*(A) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), “[i]f a Judge is, for illness or other urgent personal reasons, or for reasons of authorised Tribunal business, unable to continue sitting in a part-heard case for a period which is likely to be of short duration, and (ii) the remaining Judges of the Chamber are satisfied that it is in the interests of justice to do so, those remaining Judges of the Chamber may order that the hearing of the case continue in the absence of that Judge for a period of not more than five working days”;⁴

CONSIDERING that the remaining Judges of the Appeals Chamber are convinced that it is in the interests of justice to deliver the Appeal Judgement despite the absence of Judge O-Gon Kwon;

PURSUANT TO Rules 15*bis*(A) and 117(D) of the Rules,

¹ *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-T, Judgement, 31 January 2005.

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 (“Pavle Strugar’s Appeal”); Defence Response Brief, 27 June 2005 (filed confidentially and made public by oral decision of the then Pre-Appeal Judge (Status Conference, 30 June 2005, T.6 (closed session), lines 8-10)); Defence Brief in Reply, 1 September 2005; Prosecution’s Notice of Appeal, 2 March 2005 and Prosecution Appellant Brief, 17 May 2005 (“Prosecution’s Appeal”) (*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); Prosecution Brief in Response, 17 August 2005 (*see also* Book of Authorities for Prosecution Response Brief, 17 August 2005); Prosecution Brief in Reply, 12 July 2005; Prosecution’s Addendum on Recent Case-Law Pursuant to Order of 23 August 2007, 1 October 2007 (jointly “Appeal”).

⁴ *Cf. Le Procureur c/ André Ntagerura et consorts, affaire no. ICTR-99-46-A, Ordonnance portant calendrier*, 23 May 2006, p. 2.

HEREBY ORDERS that a public hearing, in the absence of Judge O-Gon Kwon, shall be held on Thursday, 17 July 2008 at 09:30 a.m. in Courtroom I to deliver the Judgement in this Appeal.

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

Dated this 18th day of June 2008,

At The Hague,

The Netherlands.



Judge Andrézia Vaz, Presiding

[Seal of the Tribunal]