



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-05-88/2-A
Date: 31 October 2014
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge William H. Sekule
Judge Patrick Robinson
Judge Mehmet Güney
Judge Jean-Claude Antonetti

Registrar: Mr. John Hocking

Order: 31 October 2014

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

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

The Office of the Prosecutor:

Mr. Kyle Wood
Mr. Todd Schneider

The Accused:

Mr. Zdravko Tolimir

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 Zdravko Tolimir¹ (“Tolimir”) against the judgement rendered in this case by Trial Chamber II of the Tribunal (“Trial Chamber”) on 12 December 2012;²

NOTING the “Scheduling Order for Appeal Hearing”, filed on 15 October 2014 (“Scheduling Order”), which ordered that the appeal be heard on Wednesday, 12 November 2014 (“Appeal Hearing”), and informed the parties of the timetable of the Appeal Hearing;³

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;⁴

EMPHASISING 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. in relation to Grounds of Appeal 7 and 10, whether the Bosnian Serb operations in Žepa constituted genocidal acts if viewed separately from the killings in Srebrenica;
2. in relation to Ground of Appeal 12, whether the Trial Chamber erred in finding that the Bosnian Serb Forces killed Mehmed Hajrić, Amir Imamović, and Avdo Palić with the specific intent of destroying part of the Bosnian Muslim population as such;

¹ Amended Notice of Appeal, 9 September 2013 (“Notice of Appeal”); Consolidated Appeal Brief, 24 September 2013 (confidential; public redacted version filed on 3 March 2014) (“Appeal Brief”). The Office of the Prosecutor did not lodge an appeal.

² *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Judgement, 12 December 2012 (public with confidential Annex C) (“Trial Judgement”).

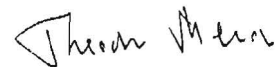
³ Scheduling Order, p. 1.

⁴ *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-A, Order for the Preparation of the Appeal Hearing, 6 November 2013, p. 1; *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-A, *Addendum* to the Scheduling Order for Appeal Hearing, 12 April 2013, p. 1.

3. in relation to Grounds of Appeal 14 and 16, whether the Trial Chamber erred in relying, *inter alia*, on Tolimir's position as the Chief of the Sector for Intelligence and Security Affairs and his professional control of subordinate security and intelligence organs in finding that Tolimir (i) was aware of his subordinates' involvement in the JCE to Murder⁵ and (ii) intended to participate in the JCE to Murder;
4. in relation to Ground of Appeal 16, whether the Trial Chamber erred in finding that the only reasonable inferences from the evidence on the record were that Tolimir (i) intended to participate in and (ii) significantly contributed to the JCE to Murder;
5. in relation to Ground of Appeal 16, whether Tolimir could be held liable for his role in the Srebrenica killings under a mode of liability other than commission through participation in a JCE;
6. in relation to Ground of Appeal 21, whether Tolimir could remain convicted of genocide through his participation in the JCE to Forcibly Remove,⁶ were the Appeals Chamber to grant Ground of Appeal 16;
7. in relation to Ground of Appeal 21, whether the Trial Chamber erred in relying on Prosecution Exhibit 488 to infer Tolimir's genocidal intent.⁷

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

Done this thirty-first day of October 2014,
At The Hague,
The Netherlands.



Judge Theodor Meron
Presiding

[Seal of the Tribunal]

⁵ See Trial Judgement, para. 3 (defining the JCE to Murder as a joint criminal enterprise to murder able-bodied Bosnian Muslim men from the Srebrenica enclave).

⁶ See Trial Judgement, para. 3 (defining the JCE to Forcibly Remove as a joint criminal enterprise to forcibly remove the Bosnian Muslim population from the Srebrenica and Žepa enclaves).

⁷ See Notice of Appeal, para. 160. See also Appeal Brief, para. 450.