



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-95-5/18-AR98bis.1
Date: 22 March 2013
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Patrick Robinson
Judge Liu Daqun
Judge Khalida Rachid Khan
Judge Bakhtiyar Tuzmukhamedov

Registrar: Mr. John Hocking

Decision of: 22 March 2013

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

SCHEDULING ORDER FOR APPEAL HEARING

The Office of the Prosecutor:

Mr. Peter Kremer QC

The Accused:

Mr. Radovan Karadžić

Standby Counsel:

Mr. Richard Harvey

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);

BEING SEISED OF the appeal lodged by the Office of the Prosecutor (“Prosecution”)¹ against the judgement of acquittal as to Count 1 of the Indictment rendered orally in this case on 28 June 2012 by Trial Chamber III of the Tribunal (“Trial Chamber”), pursuant to Rule 98 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”);²

NOTING the “Respondent’s Brief” filed by Radovan Karadžić (“Karadžić”) on 5 November 2012;³

NOTING the “Prosecution Reply Brief for Rule 98*bis* Appeal” filed by the Prosecution on 20 November 2012;⁴

NOTING that Karadžić requests that: (i) the Appeals Chamber convene an oral hearing pursuant to Rule 114 of the Rules;⁵ (ii) if a hearing is convened, his legal advisor, Peter Robinson (“Robinson”), be granted the right of audience to address the Appeals Chamber;⁶ and (iii) the Appeals Chamber seek authorization from the President of the Tribunal to conduct the appeal hearing in Bosnia and Herzegovina, pursuant to Rule 4 of the Rules (collectively, “Karadžić’s Requests”);⁷

NOTING that the Prosecution does not oppose Karadžić’s request that an appeal hearing take place but submits that there is no justification for conducting the hearing in Bosnia and Herzegovina under Rule 4 of the Rules;⁸

CONSIDERING that Karadžić fails to demonstrate that it is in the interests of justice to depart from the established practice of conducting appeal hearings at the seat of the Tribunal;

CONSIDERING that, as Karadžić submits,⁹ both he and the Appeals Chamber would benefit from Robinson’s assistance in presenting the legal issues at the appeal hearing;

¹ Prosecution Rule 98*bis* Appeal Brief, 24 September 2012 (confidential). A public redacted version was filed on 25 September 2012. *See also* Prosecution Notice of Appeal of Judgement of Acquittal under Rule 98*bis*, 11 July 2012.

² *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, T. 28 June 2012 pp. 28762-28770, 28774.

³ Respondent’s Brief, 5 November 2012 (confidential). The initial public redacted version was filed on 5 November 2012, and a revised public redacted version was filed on 26 November 2012 (“Response”).

⁴ Prosecution Reply Brief for Rule 98*bis* Appeal, 20 November 2012 (public redacted version) (“Reply”). The confidential and public redacted versions of the Reply were filed on the same day.

⁵ *See* Response, paras 313-316.

⁶ Response, para. 317. Karadžić notes that Robinson delivered the oral argument in relation to this issue before the Trial Chamber and significantly participated in the drafting of the Response. *See* Response, para. 317.

⁷ Response, para. 318. *See also* Response, para. 319.

⁸ *See* Reply, paras 24-25.

FINDING, therefore, that it is appropriate to authorize Robinson to address the Appeals Chamber on behalf of Karadžić at the appeal hearing;

RECALLING that Rule 114 of the Rules provides that the Appeals Chamber shall set the date for a hearing after the expiry of the time-limits for filing the briefs;

CONSIDERING that the filing of the briefs in this appeal is complete;

FOR THE FOREGOING REASONS,

HEREBY GRANTS Karadžić's Requests, in part, and **AUTHORIZES** Robinson to appear on behalf of Karadžić at the appeal hearing;

DISMISSES Karadžić's Requests in all other respects;

ORDERS that an appeal hearing shall take place on Wednesday, 17 April 2013, in Courtroom III of the Tribunal and **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)
09:10-10:10	Submissions by the Prosecution (1 hour)
10:10-10:30	<i>Pause</i> (20 minutes)
10:30-11:30	Response by Karadžić (1 hour)
11:30-11:50	<i>Pause</i> (20 minutes)
11:50-12:20	Reply by the Prosecution (30 minutes)
12:20-12:30	Personal Address by Karadžić (10 minutes) (optional)

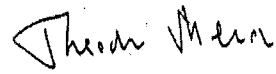
INFORMS the parties that, although they remain free to use their time allotted for submissions as they see fit, they may be invited to address questions from the bench during the appeal hearing; and

INFORMS the parties that other modalities of the appeal hearing, including any questions the parties may be invited to address, may be specified in due course by further order.

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

⁹ Response, para. 317.

Done this 22nd day of March 2013,
At The Hague,
The Netherlands.



Judge Theodor Meron
Presiding

[Seal of the Tribunal]