



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-95-13/1-R.1  
Date: 20 April 2010  
Original: English

**BEFORE THE APPEALS CHAMBER**

**Before:** Judge Theodor Meron, Presiding  
Judge Mehmet Güney  
Judge Fausto Pocar  
Judge Liu Daqun  
Judge Andréia Vaz

**Registrar:** Mr. John Hocking

**Order of:** 20 April 2010

**PROSECUTOR**

v.

**VESELIN ŠLJIVANČANIN**

**PUBLIC**

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**SCHEDULING ORDER FOR HEARING REGARDING  
VESELIN ŠLJIVANČANIN'S APPLICATION FOR REVIEW**

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**The Office of the Prosecutor:**

Mr. Peter Kremer, QC

**Counsel for Veselin Šljivančanin:**

Mr. Novak Lukić and Mr. Stéphane Bourgon

**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);

**RECALLING** that the Appeals Chamber is seised of the “Application on Behalf of Veselin Šljivančanin for Review of the Appeals Chamber Judgment of 5 May 2009” (“Review Motion”) filed by Counsel for Veselin Šljivančanin (“Šljivančanin”) on 28 January 2010;

**NOTING** the public redacted “Prosecution Response to Šljivančanin’s Application for Review” filed by the Office of the Prosecutor (“Prosecution”) on 9 March 2010, and the “Reply to Prosecution Response to Šljivančanin’s Application for Review” filed by Šljivančanin on 29 March 2010;

**CONSIDERING** that the Review Motion asserts that Miodrag Panić (“Panić”) is prepared to offer testimony that invalidates Šljivančanin’s conviction for aiding and abetting murder as a violation of the laws or customs of war,<sup>1</sup> and that this testimony constitutes a “new fact” in the context of Rule 119 of the Rules of Procedure and Evidence (“Rules”);<sup>2</sup>

**FINDING**, Judge Pocar dissenting, that in this exceptional context it is in the interests of justice to convene an Oral Hearing (“Hearing”) of the Appeals Chamber to examine legal and evidentiary aspects of Šljivančanin’s contentions, namely: (1) the evidentiary value and relevance, if any, of Panić’s testimony; and (2) whether Panić’s testimony constitutes a “new fact”,<sup>3</sup>

**EMPHASIZING** that the present order in no way expresses the Appeals Chamber’s views on any aspect of the Review Motion;

**HEREBY ORDERS**, Judge Pocar dissenting, that the Hearing shall take place on 3 June 2010, in a courtroom to be determined, and **INFORMS** the parties that the timetable for the hearing shall be as follows:

3 June 2010:

09:00 – 09:15            Introductory Statement by the Presiding Judge (15 minutes)

*Examination of Witness Panić:*

09:15 – 10:00           Examination-in-chief of Panić by Šljivančanin (45 minutes)

<sup>1</sup> Review Motion, paras 30-38.

<sup>2</sup> *Id.*, paras 12-29.

<sup>3</sup> *Cf.* Rules 54, 107 of the Rules.

- 10:00 – 10:15 *Pause (15 minutes)*
- 10:15 – 11:00 Cross-examination of Panić by the Prosecution (45 minutes)
- 11:00 – 11:15 *Pause (15 minutes)*
- 11:15 – 11:30 Re-examination of Panić by Šljivančanin (15 minutes)
- 11:30 – 11:45 Summary Arguments by Šljivančanin (15 minutes)
- 11:45 – 12:00 Summary Arguments by Prosecution (15 minutes)

*Arguments on Whether Panić Testimony Constitutes a “New Fact”:*

- 13:30 – 14:15 Submissions of Šljivančanin (45 minutes)
- 14:15 – 14:30 *Pause (15 minutes)*
- 14:30 – 15:15 Submissions of the Prosecution (45 minutes)
- 15:15 – 15:30 Reply of Šljivančanin (15 minutes)

**DIRECTS** the Registrar to communicate this scheduling order to Panić and to make the necessary arrangements for him to appear at the Hearing;

**REQUESTS** the Registrar to make all other necessary arrangements for the Hearing as scheduled.

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

Dated this 20th day of April 2010,  
At The Hague,  
The Netherlands.



Judge Theodor Meron  
Presiding Judge

Judge Pocar appends a dissenting opinion.

[Seal of the Tribunal]