



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-99-36-PT
Date: 03 April 2001
Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge David Hunt, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Decision of: 03 April 2001

PROSECUTOR

v.

**MOMIR TALIĆ
RADOSLAV BRĐANIN**

SCHEDULING ORDER

The Office of the Prosecutor:

Ms Joanna Korner
Mr Nicolas Koumjian
Mr Andrew Cayley
Ms Anna Richterova
Ms Anne Sutherland

Counsel for the Accused:

Mr John Ackerman for Radoslav Brđanin
Maître Xavier de Roux, Maître Michel Pitron for Momir Talić

I, Judge David Hunt, Pre-Trial Judge in this case;

BEING SEISED OF:

1. "Prosecution's Submissions in Respect of Confidential Material Relating to the *Tadić* and *Kovačević* Cases" filed on 26 January 2001 ("Motion for Relief"); and
2. "Prosecution's Request for Indication of a Trial Date" filed on 23 March 2001 ("Request for a Trial Date");

NOTING the "Response to Prosecution's Request for Indication of a Trial Date" filed on 2 April 2001 by the accused Brđanin ("Brđanin");

CONSIDERING that neither Brđanin nor the accused Talić ("Talić") have responded to the Motion for Relief and that Talić has not yet responded to the Request for a Trial Date;

NOTING the "Decision on Prosecution Application" dated 2 April 2001, in which the Chamber found that the prosecution had complied with its disclosure obligations with respect to the confidential trial transcript in the *Prosecutor v Tadić* of the witness numbered 7.47 in this case;

CONSIDERING that this finding adequately addresses the request made in paragraph 18(1) of the Motion for Relief;

CONSIDERING FURTHER that it is not appropriate for the Chamber to address the request made in paragraph 18(2) of the Motion for Relief;

CONSIDERING HOWEVER that the following requests made in paragraph 18 of the Motion for Relief remain to be addressed:

- (3) ... [t]he confidential trial transcripts of Prosecution witnesses in the *Tadić* case not be disclosed to the Defence and the Accused in this case, until an appropriate showing has been made that the identity of a witness is material to the defence.
- (4) ... [t]he Registry be ordered to prepare redacted versions of the confidential trial transcripts of defence witnesses and confidential exhibits [in the *Tadić* case], redacting those parts of it which will reveal the identity of any witness who gave evidence on a confidential basis, and serve those redacted versions on the Defence. The confidential trial transcripts of defence witnesses and confidential Defence exhibits in the *Tadić* case, not be disclosed to the Defence and the Accused in this case, until an appropriate showing has been made that the identity of a witness is material to the defence.

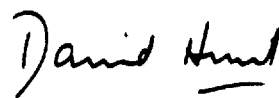
- (5) ... confidential Prosecution exhibits in the *Tadić* case which would disclose the identity of witnesses who testified on a confidential basis, not be disclosed to the Defence and the Accused in this case, until an appropriate showing has been made that the identity of the witness is material to the defence.

PURSUANT TO Rule 54 and Rule 65ter of the Rules of Procedure and Evidence;

HEREBY ORDER that by 17 April 2001 at the latest:

1. Brđanin and Talić shall file responses to the Motion for Relief, and in particular the requests made by the prosecution in paragraphs 18(3)-18(5) thereof; and
2. Talić shall file a response to the Request for a Trial Date.

Done in both English and French, the English version being authoritative



Judge David Hunt
Pre-Trial Judge

Dated this third day of April 2001
At The Hague
The Netherlands

[Seal of the Tribunal]