



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-99-37-PT
Date: 11 January 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 11 January 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER

The Office of the Prosecutor

Mr. Geoffrey Nice
Mr. Dirk Ryneveld
Ms. Cristina Romano
Mr. Milbert Shin

Mr. Daniel Saxon
Ms. Julia Baly
Mr. Daryl A. Mundis

The Accused

Slobodan Milošević

Amicus Curiae

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Michail Wladimiroff

THIS TRIAL 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 (“International Tribunal”),

NOTING the pre-trial conference held in this matter on 9 January 2002, pursuant to Rule 73 *bis* of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), and the oral rulings announced at that time,

NOTING the Decision issued by the Appeals Chamber of the International Tribunal on 9 January 2002, granting leave to the Prosecution to file an interlocutory appeal against the Decision of the Trial Chamber refusing to join the Indictments against the accused,

NOTING that the Appeals Chamber Decision states that the grant of leave to appeal “should not be understood as preventing the Trial Chamber, if it so decides, commencing the trial of the Kosovo Indictment on the date it has already fixed”,

HEREBY CONFIRMS that the trial of the Kosovo Indictment will commence on 12 February 2002, the date already fixed by the Trial Chamber,


And **CONFIRMS ITS ORAL ORDERS** of 9 January 2002 as follows:

- (1) The Trial Chamber sets the number of witnesses the Prosecution may call in person at ninety (90), with leave to apply to the Chamber for permission to present additional witnesses;
- (2) The Trial Chamber instructs the Prosecution to review the proposed list of witnesses whose evidence is to be presented by way of statements pursuant to Rule 92 *bis* so as to avoid repetition, and orders that the applications for admission of such evidence be made forthwith on completion of the certification and translation processes;
- (3) the Prosecution shall present its case-in-chief by the beginning of the summer recess;
- (4) written statements of all witnesses to be called in person are to be disclosed to the accused, in a language he understands, prior to the commencement of trial; any witness whose statement has not been so disclosed may only be called with leave of the Trial Chamber;

- (5) no witness may be called to testify until at least 30 days after disclosure of the statement of the witness;
- (6) the Prosecution shall disclose the name and other redacted information relating to any protected witness to the *amici curiae* not less than 30 days and to the accused not less than 10 days before the witness is expected to testify; and
- (7) no exhibit shall be admitted unless in or accompanied by a translation into one of the working languages of the Tribunal at the time it is tendered.

The order of proceedings is annexed.

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


Richard May
Presiding

Dated this eleventh day of January 2002
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX

Proceedings at Trial

1. Opening Statements (Rules 84 and 84 *bis*)

- (i) Prosecution opening statement;
- (ii) The accused may, if he so wishes, make a statement *

*Any such statement is not under solemn declaration and is not subject to questioning.

2. Presentation of Prosecution Case (Rules 85 and 90).

The Prosecution calls witnesses and presents evidence. The examination of witnesses follows this order:

- (i) Examination in chief by the prosecution;
- (ii) Cross-examination by the accused;
- (iii) Cross-examination by one of the *amici curiae*;
- (iv) Re-examination by the Prosecution.

*Cross-examination is subject to the control of the Trial Chamber, is limited to the subject matter of the evidence in chief, matters affecting the witness's credibility or relevant to the case of the cross-examining party; and, only with the leave of the Trial Chamber may it deal with other matters.

3. Motion for Judgement of Acquittal (Rule 98 *bis*).

The accused may file such a motion within seven days of the close of the Prosecution case; and the Trial Chamber must acquit the accused on a charge if there is insufficient evidence to sustain a conviction.

4. Presentation of Defence Case (Rules 84, 85 and 90)

- (i) The accused may make an opening statement, call witnesses and present evidence;
- (ii) The accused may appear as a witness in his own defence;
- (iii) All witnesses, including the accused, will be subject to cross-examination by the Prosecution; and may be cross-examined by one of the *amici curiae*;
- (iv) If the witnesses are cross-examined, the accused may re-examine them.

5. Rebuttal and Rejoinder Evidence (Rules 85 and 98)

- (i) The Prosecution may call evidence in rebuttal of the defence;
- (ii) The accused may call evidence in rejoinder;
- (iii) The Trial Chamber may call witnesses.

6. Closing Arguments (Rule 86)

- (i) The parties and *amici curiae* file final written briefs;
- (ii) The Trial Chamber hears closing arguments by the prosecution, *amici curiae* and the accused.

7. Judgement (Rules 87 and 98 *ter*)

- (i) After the completion of the case, the Trial Chamber retires for deliberations;
- (ii) The judgement will be announced in public on a date to be notified.