



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-98-34-T  
Date: 3 April 2002  
Original: English

**BEFORE TRIAL CHAMBER I SECTION A**

**Before:** Judge Liu Daqun, Presiding  
Judge Maureen Harding Clark  
Judge Fatoumata Diarra

**Registrar:** Mr. Hans Holthuis

**Decision of:** 3 April 2002

**PROSECUTOR**

v.

**MLADEN NALETILIĆ aka "TUTA"  
and  
VINKO MARTINOVIĆ aka "ŠTELA"**

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**DECISION ON MOTION OF ACCUSED NALETILIĆ FOR A TRIAL  
SCHEDULE WHICH INCORPERATES REASONABLE BREAKS**

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**The Office of the Prosecutor:**

**Mr. Kenneth Scott**

**Counsel for the Accused:**

**Mr. Krešimir Krsnik, for Mladen Naletilić  
Mr. Branko Šerić, for Vinko Martinović**

**TRIAL CHAMBER I, SECTION A** (“the 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 (“the Tribunal”):

**BEING SEISED OF** the “Motion of Accused Naletilić for a Trial Schedule Which Incorporates Reasonable Breaks” filed by Counsel for Naletilić on 21 March 2002 (“the Motion”) whereby it is requested that the Chamber “schedule a break in the proceedings, for one (1) week, as a minimum, after the Defence of Naletilić has concluded the first seven (7) witnesses”;

**NOTING** the “Prosecution’s Response to Accused Naletilić’s Motion for a Trial Schedule Which Incorporates Reasonable Breaks” filed on 28 March 2002 (“the Response”);

**NOTING** that it is submitted in the Motion that “the scheduling of some breaks in the trial will help ensure a more efficient flow of the evidence and will help ensure the fundamental right to a fair trial for the Accused”;

**NOTING** that the Prosecution in the Response submits that it “does not oppose (and agrees that it would be humane) if one or two breaks of one week duration could be worked into the schedule between now and the end of June”;

**CONSIDERING** that pursuant to Article 20 of the Statute the Chamber “shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses”;

**CONSIDERING** that it is the responsibility of the Chamber to set the court schedule in consultation with the Registry;

**CONSIDERING** that, for that purpose, the Chamber takes a number of factors into consideration, such as, time and resources the relevant list(s) of witnesses, technical problems or the health of the accused;

**CONSIDERING** that the issues raised with regard to the current trial schedule have not, at this stage of the proceedings, made the Chamber concerned with the fairness of proceedings or the rights of the accused;

**CONSIDERING** that the Prosecution presented her case through 57 witnesses in 67 days and the defence counsel shall have more or less the same opportunity to present their case;

**CONSIDERING** that the trial conducted without undue delay is the right of the accused as well as the expectations of the international community;

**CONSIDERING** that the Chamber's decision on the Motion does not affect the right of the Defence to request a future break in the proceedings for appropriate reasons;

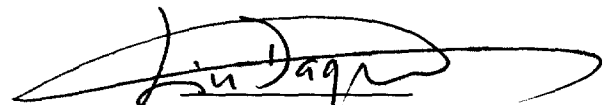
**CONSIDERING** that the Chamber will adapt the trial schedule as and when necessary;

**FOR THE FOREGOING REASONS**

**DENIES** the Motion.

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

Dated this third day of April 2002,  
At The Hague,  
The Netherlands



Judge Liu Daqun  
Presiding Judge

**[Seal of the Tribunal]**