

**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-99-36-T
Date: 25 April 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding Judge, Trial Chamber II

Registrar: Mr. Hans Holthuis

Decision of: 25 April 2002

PROSECUTOR

v.

**RADOSLAV BRĐANIN
and
MOMIR TALIĆ**

ORDER REGARDING TRIAL SCHEDULE

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Andrew Cayley

Counsel for the Accused:

Mr. John Ackerman and Ms. Tanja Radosavljević, for Radoslav Brđanin
Mr. Xavier de Roux and Ms. Natacha Fauveau-Ivanović, for Momir Talić

I Judge Wolfgang Schomburg, Presiding Judge of Trial Chamber II 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 “Joint Motion to Disqualify the Trial chamber Hearing the Brđanin-Talić Trial” (“Motion”) filed on 25 April 2002;

NOTING that Rule 15 (B) of the Rules of Procedure and Evidence of the Tribunal provides that “Any party may apply to the Presiding Judge of a Chamber for the disqualification and withdrawal of a Judge of that Chamber from a trial or appeal upon the...(grounds specified in Rule 15 (A)). The Presiding Judge shall confer with the Judge in question, and if necessary the Bureau shall determine the matter. If the Bureau upholds the application, the President shall assign another Judge to sit in place of the disqualified Judge...”;

NOTING that it is necessary to confer with the Judges in question before deciding whether the Bureau shall determine the matter;

NOTING that the second paragraph 17 in the Motion requests that “(t)his proceeding must be adjourned until the matters raised by this Motion have been fully determined...”;

NOTING that time is of the essence before today’s hearing starts;

NOTING that additional investigations have to be carried out before deciding upon the request for assigning this motion to the Bureau and before deciding upon the merits of the Motion;

BALANCING the interests of the parties against the need to proceed to trial and, in particular, taking into account the interests of the witnesses to be heard as scheduled;

HEREBY DECIDE, on a provisional basis that the proceedings may go on until further order and that the parties are, therefore, required to attend court today at 2:15 as scheduled;

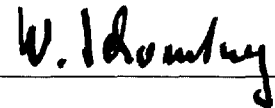
HEREBY requests, pursuant to Rule 54 and, adopting the procedure laid down in Rule 65 *ter* (I), the parties to attend a hearing in my private room in the absence of the accused and in the absence of the Judges comprising the Bench in the Brđanin & Talić case on Friday 26 April 2002 at 9:30 am (Room M 149). Minutes of the meeting will be taken by a representative of the Registry;

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

Dated this 25th day of April 2002,

At The Hague

The Netherlands



Wolfgang Schomburg

Presiding Judge

Trial Chamber II

[Seal of the Tribunal]