



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-02-54-T  
Date: 24 May 2002  
Original: English

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**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Order of:** 24 May 2002

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**SCHEDULING ORDER**

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**The Office of the Prosecutor**

**Mr. Geoffrey Nice  
Mr. Dirk Ryneveld**

**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”),

**BEING SEISED** of a “Prosecutor’s Application for Admission of Witness Statements under Rule 92 *bis* and for Variation of the Order of 11 January 2002” filed by the Office of the Prosecutor (“Prosecution”) on 2 May 2002 (“the Motion”), in which the Prosecution seeks an Order from the Trial Chamber varying the Order of 11 January 2002 so as to enable the Prosecution to call a further 95 witnesses, in addition to the 44 already called, giving a total of 139 witnesses and seeking to admit the evidence of most of the witnesses in whole or in part by way of written statement pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence of the International Tribunal (“Rules”),

**NOTING** that no response to the Motion has been received from the accused or from the *amici curiae*,

**NOTING** that the Order of the Trial Chamber of 11 January 2002 provided, *inter alia*, (a) for the Prosecution to limit the number of witnesses to be called in person to 90, with leave to apply to the Trial Chamber for permission to present additional witnesses; (b) for written statements of all witnesses to be called to be disclosed to the accused in a language he understands prior to the commencement of trial and requiring leave of the Trial Chamber to call any witness whose statement has not been so disclosed; and (c) no witness to testify until at least 30 days after disclosure of the statement,

**NOTING** that the Prosecution has on two prior occasions sought to substitute or vary the list of witnesses, once by Motion filed on 8 February 2002, which variation was permitted by the Trial Chamber in an oral ruling on 12 February 2002, and again in a Application for Leave to Call Witnesses filed on 19 February 2002, of which the Trial Chamber remains seised,

**NOTING** the further changes to the proposed witness list as evidenced by the latest list dated 23 May 2002 which, together with the Motion, identifies a number of new witnesses and a total of 142 witnesses, plus an unidentified number of “additional insiders”,

**NOTING** that the Prosecution has failed to identify clearly to the Trial Chamber the dates on which the relevant witness statements were disclosed to the accused, so that the Trial Chamber is

unable to determine the number of witnesses in respect of whom the requirements of the Order of 11 January 2002 have not been met,

**CONSIDERING** that the Trial Chamber wishes to hear oral argument from all parties on the Motion in the week commencing 27 May 2002, at a time and date to be fixed, and that it is essential for that hearing for all parties and the Trial Chamber to be fully aware of the extent of the requested variation to its Order,

**PURSUANT TO** Rule 54 of the Rules,

**HEREBY ORDERS** as follows :

- (1) no later than Wednesday, 29 May 2002, the Prosecution shall file
  - (i) a detailed list setting out the dates of disclosure in a language the accused understands of the statements of witnesses listed in Attachment A and, where appropriate, details of the disclosure to the *amici curiae* and to the accused of the unredacted statements or details of protected witnesses; and
  - (ii) applications for protective measures for witnesses K33, K34, K35 and K37; and
- (2) at the same time the Prosecution shall provide to the Trial Chamber :
  - (i) a summary of the evidence of those witnesses unless such summary is already included in the documents before the Trial Chamber, in which case the Prosecution shall clearly indicate where such information is to be found;
  - (ii) the statements of all witnesses whose evidence is sought to be admitted by way of written statement pursuant to Rule 92 *bis*, irrespective of whether the attestation procedure has been completed or not;
  - (iii) the identity and statements of all expert witnesses to be called in this case.

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



Richard May  
Presiding

Dated this twenty-fourth day of May 2002  
At The Hague  
The Netherlands  
Case No. IT-02-54-T

[Seal of the Tribunal]

24 May 2002

## ATTACHMENT A

New witnesses (not identified in filings prior to commencement of trial) –  
Disclosure information and summaries required

K33  
 K34  
 K35  
 K37  
 MEHMETI Agron  
 VLLASI Azem  
 XHEMAJLI Sadik

Witnesses referred to in Rule 65 *ter* submission – disclosure information only required

BACAJ Gani  
 BEQAJ Beqe  
 BERISHA Halit  
 BERISHA Hysni  
 C39  
 CEKAJ Miliam  
 DASHI, Muharrem  
 DRAGA Mustafa  
 GERGURI Mehdi  
 HAXHIAVDIJA Ismet  
 HENDRIE Ian  
 HOXHA Hani  
 IMERAJ Fetije  
 IMERAJ Sofije  
 K2  
 K6  
 K7  
 K10  
 K13  
 K17  
 K24  
 KARAKUSHI Nushe  
 KICKERT Jan  
 KRASNIQI Izet  
 KRASNIQI Musa  
 LOSHI Liri  
 PNISHI Martin  
 ROWLAND Jacky  
 SELMANI, Merfidete  
 SYLA Xhevahire  
 VISHI Ali

Witnesses referred to in submission of 8 February 2002 – disclosure information only required

JEMINI Agim  
 K30

Witnesses referred to in submission of 19 February and 2 May 2002 – disclosure information only required

AVDYLI Mehmet

CROSLAND John

ELSHANI Selami

K1

K31 (second statement only)

K32

MITCHEL Sandra

NAUMANN Klaus

VOLLEBAEK Knut

Witnesses covered by Order 26 April 2002 (delayed disclosure) – disclosure information only required

K12

K25