



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: 29 August 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: 29 August 2002

PROSECUTOR

v.

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

FILING AND SCHEDULING ORDER

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”),

DESIRING to expedite the proceedings in the instant case, in particular by regulating the filing of and responses to motions as regards the presentation of evidence in rebuttal and rejoinder pursuant to Rule 85(A)(iii) and (iv) of the Tribunal’s Rules of Procedure and Evidence (“the Rules”),

CONSIDERING that it is incumbent upon the Tribunal to ensure a fair and expeditious trial and to conduct orderly proceedings, and that these interests are best served by the present order as regards the presentation of evidence;

PURSUANT to Rule 54 of the Rules,

HEREBY ORDER as follows:

(1) Should the Prosecution intend to file a motion to lead evidence in rebuttal, it shall do so no later than 13 September 2002, taking into account that

- (a) the motion shall identify the evidence sought to be presented in rebuttal, specify in which way it relates to Defence evidence, and the timeframe estimated,
- (b) it is the consistent jurisprudence of this Tribunal that such requests are not granted, *inter alia*, if according to a Chamber’s assessment, the evidence to be introduced merely reinforces the Prosecution’s case or is not highly probative to rebut a significant issue raised by the Defence, or if the presentation during the Prosecution’s case was omitted although the issue could have been reasonably anticipated to arise in the Defence case¹,

however, if the Defence after 13 September 2002 presents evidence giving rise to the Prosecution to lead evidence in rebuttal, it shall be open to the Prosecution to file such motion;

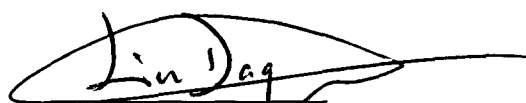
(2) In the event the Prosecution indeed files a motion for the presentation of evidence in rebuttal, the Defence shall file its response thereto no later than 18 September 2002, and the Chamber shall subsequently issue a decision by 20 September 2002;

¹ See *Prosecutor v. Delalić et al.* (“Čelebići case”), Case No. IT-96-21-A, Appeal Judgment, 20 February 2001, paras. 273 – 276.

- (3) Should the Defence intend to file a motion to lead evidence in rejoinder, it shall do so no later than 23 September 2002, the requirements described under (1)(a) and (b) being applicable *mutatis mutandis*;
- (4) In the event a Defence motion for the presentation of evidence in rejoinder is filed, the Prosecution shall file its response thereto no later than 25 September 2002, and the Chamber shall subsequently issue a decision by 27 September 2002;
- (5) The Chamber is confident that, if the above outlined time schedule is respected and unless otherwise directed, the Parties will file their final briefs no later than 23 October 2002, and will present their closing arguments from 28 until 30 October 2002.

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

Dated this twenty-ninth day of August 2002,
At The Hague,
The Netherlands



Judge Liu Daqun
Presiding Judge

[Seal of the Tribunal]