



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-02-59-PT

Date: 6 September 2002

Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 6 September 2002

THE PROSECUTOR

v.

DARKO MRDA

ORDER FOR FILING MOTIONS

The Office of the Prosecutor:

Mr. Nick Koumjian

Counsel for the Accused

Mr. Vojislav Dmitrijević

I, Wolfgang Schomburg, Judge 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”), *ex officio*,

HAVING BEEN DESIGNATED pre-trial Judge in the present matter by the “Order Appointing a Pre-Trial Judge” issued by Trial Chamber II of the International Tribunal on 18 June 2002,

DESIRING to regulate the filing of and responses to motions in this matter,

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence of the Tribunal (“Rules”),

HEREBY ORDER as follows:

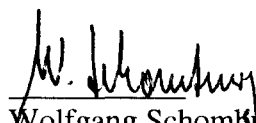
1. In order to avoid unnecessary written motions, in principle, all practical questions should be addressed orally during the proceedings,
2. Subject to the terms of this order, no written motion may be filed on a “confidential” basis unless the Pre-Trial Judge or another Judge of the Trial Chamber grants leave for it to be so filed. Applications for leave must be made either orally or in writing, stating the basis for the application. They may be filed on an *ex parte* basis. The following filings are, however, excluded from this requirement:
 - (i) all *ex parte* applications, whatever their nature;
 - (ii) all applications that relate to ongoing investigations, pending indictments and sealed indictments;
 - (iii) all *inter partes* applications for witness protection concerning specific persons; and
 - (iv) all responses to confidential motions and all applications that relate to decisions of the Trial Chamber concerning confidential motions or hearings;
3. The party filing a written motion shall include a draft order for relief with the motion submitted to the Trial Chamber,
4. Unless otherwise ordered, the party receiving a written motion has fourteen calendar days from the date that the motion was filed to file its response, if any,

5. A reply may be filed by the party that filed the motion only in relation to matters raised in the response of the opposing party that go beyond the issues raised in the motion and only with the leave of the Trial Chamber. Applications for leave must be made either orally or in writing, identifying the issues on which leave to reply is sought. The order granting leave to file a reply will set a time for any further response to be filed,

6. Either party may request oral argument on a written motion, but the request will be granted only if the Trial Chamber approves the need for oral argument, taking into account the necessity for a fair and expeditious trial.

7. Throughout the proceedings, the accused will enjoy the right to request to be heard in person by the Trial Chamber. Rule 84 *bis* (A) and (B) apply correspondingly. This right is granted from the outset whenever a witness has finalised his or her testimony and at the end of a party's presentation of a case, notwithstanding further rights of the accused, as laid down in the Statute and Rules, and notwithstanding other directives of the Trial Chamber if the interests of justice so demand. The right to speak himself is only an option for the accused. It is his own choice whether or not to make use of it in general or from time to time, or to make use of his right to remain silent. However, he should always be aware that whatever he says in the courtroom may be held against him.

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


Wolfgang Schomburg
Pre-trial Judge

Dated this sixth day of September 2002,
At The Hague,
The Netherlands

[Seal of the Tribunal]