



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-00-39&40-PT

Date: 25 November 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:** 25 November 2002

**PROSECUTOR**

v.

**MOMČILO KRAJIŠNIK  
&  
BILJANA PLAVŠIĆ**

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**SCHEDULING ORDER**

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**Office of the Prosecutor:**

Mr. Mark Harmon  
Mr. Alan Tieger

**Counsel for the Accused:**

Mr. Deyan Brashich and Mr. Nikola Kostich, for Momčilo Krajišnik  
Mr. Robert J. Pavich and Mr. Eugene O'Sullivan, for Biljana Plavšić

**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 number of motions in these proceedings including, in particular, six applications filed by the Office of the Prosecutor (“Prosecution”) between May and November 2002 for admission of written statements of witnesses pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence (“Rules”) (“the Rule 92 *bis* applications”), a Motion for Judicial Notice of Adjudicated Facts filed by the Prosecution on [date], a confidential motion filed by the Prosecution on [date] for protective measures for certain witnesses, and a Prosecution motion seeking leave to add a further witness to the list of witnesses filed on 2 May 2002, a defence motion to exclude evidence filed on [date] and [tbc]

**NOTING** the guilty plea entered by the accused, Biljana Plavšić on 2 October 2002,

**NOTING** the pre-trial conference held on 14 November 2002 pursuant to Rule 73 *bis* of the Rules and the oral rulings made by the Trial Chamber,

**CONSIDERING** that the accused, Momčilo Krajišnik, has been held in pre-trial detention since April 2000, that the case is now ready for trial but that this Trial Chamber is not expected to be available to hear the case in the foreseeable future,

**CONSIDERING** that, in the view of this Trial Chamber, the majority of statements submitted in support of the Rule 92 *bis* applications meet the requirements for admission without the need to call the witness for cross-examination but that this Trial Chamber defers final resolution of these applications to the Trial Chamber that will conduct the trial,

**CONSIDERING** that questions relating to the admissibility of evidence are more appropriately dealt with by the Trial Chamber conducting the trial to be heard at a suitable time during the trial,

**PURSUANT TO** Rules 54 and 73 *bis*

**HEREBY ORDERS** that the trial of Momčilo Krajišnik be severed from the sentencing proceedings for the accused, Biljana Plavšić;

**REQUESTS** the President of the International Tribunal to assign the trial of Momčilo Krajišnik to another Trial Chamber or section, in order that the trial may commence as expeditiously as possible;

**GRANTS** the Prosecution Motion for Leave to Add Witness to List of Witnesses, subject to the overall constraints on the number of witnesses set out by the Trial Chamber in this Order; and

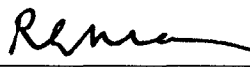
**CONFIRMS** and **VARIES** its oral rulings made at the pre-trial conference as follow:

- (1) the Rule 92 *bis* applications filed on 17 May and 2 July 2002 relating solely to the accused Biljana Plavšić are dismissed, following the guilty plea by this accused;
- (2) insofar as the remaining Rule 92 *bis* applications relate to the accused, Momčilo Krajišnik, they are referred to the Trial Chamber that will conduct the trial, to be determined once the Prosecution has reordered its witness list in accordance with the following rulings;
- (3) the Prosecution may call a maximum of 119 witnesses in person in the numbers and categories set out in Annex A;
- (4) the Prosecution may present the evidence of a maximum of 178 witnesses by way of Rule 92 *bis* in the numbers and categories set out in Annex A and it shall be for the Trial Chamber that will conduct the trial finally to determine whether the

statement shall be admitted and whether the witness is to be called for cross-examination;

- (5) the Prosecution shall submit a revised witness list no later than 10 January 2003;
- (6) the determination of the overall time available to the Prosecution to present its case is left to the Trial Chamber that will conduct the trial;
- (7) the Prosecution shall seek leave of the Trial Chamber that will conduct the trial if it wishes to present in evidence any exhibit that is not identified as a "Core Document" on the list of exhibits filed on 2 May 2002, issues of admissibility of individual "Core Documents" to be determined by the Trial Chamber that will conduct the trial, at the time they are tendered in evidence;
- (8) resolution of the pending confidential "Prosecution Motion for Protective Measures" filed on 2 May 2002 shall be deferred to the Trial Chamber that will conduct the trial;
- (9) resolution of the pending "Krajišnik Defense Motion for an Order Suppressing Illegally Intercepted Communications" filed on 13 September 2002 shall be deferred to the Trial Chamber that will conduct the trial;
- (10) subject to the assignment of the case to another Trial Chamber, the trial of this matter shall commence in mid-February 2003; and
- (11) this Trial Chamber remains seised of all other matters relating to the case, including the pending "Prosecution's Motion for Judicial Notice of Adjudicated Facts" filed on 7 November 2002, pending assignment of the case to another Trial Chamber.

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



Richard May  
Presiding

Dated this twenty-fifth day of November 2002  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

## ANNEX A

	<u>Live witnesses</u>	<u>Rule 92bis</u>	<u>Total</u>
Experts	15	0	15
Internationals	13	2	15
General	9	15	24
Banja Luka	3	5	8
Bijelina	3	5	8
Bileca	1	4	5
Bosanska Krupa	1	4	5
Bosanski Novi	3	4	7
Bosanski Petrovac	1	3	4
Bratunac	3	5	8
Brčko	3	5	8
Čajnice	1	3	4
Celinac	1	2	3
Doboj	3	7	10
Donji Vakuf	1	5	6
Foča	3	5	8
Gacko	1	3	4
Hadžici	2	5	7
Ilidza	2	4	6
Ilijas	5	4	9
Kalinovik	1	3	4
Kljuc	3	5	8
Kotor Varoš	3	5	8
Nevisinje	1	4	5
Novi Grad	1	3	4
Novo Sarajevo	5	8	13
Pale	1	3	4
Prijedor	3	5	8
Prnjavor	1	3	4
Rogatica	3	5	8
Rudo	1	4	5
Sanski Most	3	5	8
Sipovo	2	5	7
Sokolac	1	4	5
Teslic	3	5	8
Trnovo	1	2	3
Visegrad	3	4	7
Vlasenica	3	5	8
Vogosca	3	6	9
Zvornik	3	5	8
<b>TOTAL:</b>		<b>Live witnesses:</b>	<b>119</b>
		<b>Rule 92 bis witnesses</b>	<b>178</b>