

IT-01-47-PT
D 5475-D 5473
26 AUGUST 2003

5475
HB

**UNITED
NATIONS**



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-01-47-PT
Date: 26 August 2003
Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding
Judge Florence Ndepele Mwachande Mumba
Judge Carmel Agius

Registrar: Mr. Hans Holthuis

Decision of: 26 August 2003

PROSECUTOR

v

**ENVER HADŽIHASANOVIĆ
AMIR KUBURA**

SCHEDULING ORDER

The Office of the Prosecutor:

Mr Ekkehard Withopf
Mr David Re

Counsel for the Accused:

Ms Edina Rešidović and Mr Stéphane Bourgon for Enver Hadžihasanović
Mr Fahrudin Ibrišimović and Mr Rodney Dixon for Amir Kubura

TRIAL CHAMBER II (“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 (“Tribunal”):

CONSIDERING the verbal Request issued by Judge Wolfgang Schomburg on 5 August 2003 to the Office of the Prosecutor (“Prosecution”) to immediately file a further Amended Indictment incorporating the findings of the Appeals Chamber “Decision on Interlocutory Appeal Challenging Jurisdiction in Relation to Command Responsibility” (“Appeals Chamber’s Decision”) of 16 July 2003;

CONSIDERING the “Joint Defence Motion Requesting a Scheduling Order for Amended Indictment”, filed jointly by the defence for Enver Hadžihasanović and Amir Kubura (“Joint Defence”) on 14 August 2003, wherein, the Joint Defence states to have been informed about the Order of 5 August 2003 by the Prosecution by phone and letter on 13 August 2003, and, based on Rule 65*ter* (B) and (D), and 73 (A), the Joint Defence requests that a Scheduling Order be provided in order to be fully informed of the procedures being followed and in particular for the parties to respond to the outstanding motions on the Amended Indictment;

NOTING that on 15 August 2003 the Prosecution filed a “Motion for Leave to Amend the Amended Indictment”, which includes a new version of the Second Amended Indictment that takes into account, *inter alia*, the result of the Appeals Chamber’s Decision of 16 July 2003 and contains all proposed amendments as detailed in the Prosecution’s “Motion for Leave to Amend the Amended Indictment” filed on 25 March 2003 – including the *corrigenda* in the Prosecution’s filing of 31 March 2003;

TAKING INTO ACCOUNT Rule 50(A)(i)(c), and Rule 54;

CONSIDERING the necessity of proceeding in a timely fashion aiming at a commencement of the trial as soon as possible;

CONSIDERING the limited scope of changes in the new version of the Second Amended Indictment;

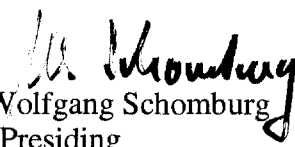
CONSIDERING the consent of the parties to the short time limits of this Scheduling Order in consultation with the Senior Legal Officer of this Chamber;

HEREBY ORDERS THAT

1. The Defence shall file a motion, if any, limited to complaints against the amendments of the Second Amended Indictment by Monday, 1 September 2003;
2. The Prosecution shall file its response to such motion by Monday, 8 September 2003, at latest.

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

Dated this 26th day of August 2003,
At The Hague
The Netherlands


Judge Wolfgang Schomburg
Presiding

[Seal of the Tribunal]