



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: IT-00-39-PT
Date: 5 December 2003
Original: English

THE PRE-TRIAL JUDGE

Before: Judge Alphons Orie

Registrar: Mr Hans Holthuis

Decision of: 5 December 2003

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

**SCEDULING ORDER FOR THE FILING
OF SUPPLEMENT TO THE PRE-TRIAL BRIEFS**

Office of the Prosecutor:

Mr. Mark B. Harmon
Mr. Alan Tieger

Counsel for the Defence:

Mr. Nicholas Stewart
Ms Chrissa Loukas

I, Alphons Orie, 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 (“the Tribunal”);

NOTING the Presiding Judge’s decision of 11th March 2003 under Rule 65^{ter}(A) of the Rules of Procedure and Evidence (the “Rules”) to designate me as the Pre-Trial Judge in the case *The Prosecutor vs. Momčilo Krajišnik* (the “Accused”);

NOTING that, according to Rule 65^{ter} (E) of the Rules, the Pre-Trial Judge shall order the Prosecution to file, not less than six weeks before the Pre-Trial Conference required by Rule 73 *bis* of the Rules: 1) the final version of the Prosecutor’s pre-trial brief; 2) the list of witnesses the Prosecution intends to call; and 3) the list of exhibits the Prosecutor intends to offer;

NOTING that pursuant to Rule 65^{ter} (F) of the Rules, the Pre-Trial Judge shall order the Defence to file a pre-trial brief not later than three weeks before the Pre-Trial Conference;

NOTING that pursuant to Rule 65^{ter} (B), the Pre-Trial Judge shall take any measure necessary to prepare the case for a fair and expeditious trial;

NOTING the Order issued by the previous Trial Chamber assigned to this case and setting the timetable for the filing of the pre-trial briefs in the case “*The Prosecutor v. Momčilo Krajišnik and Biljana Plavšić*”¹ and the subsequent Orders of the previous Trial Chamber granting the Prosecution’s request to exceed the page limit for its pre-trial brief and granting an extension of time to the Defence to file its pre-trial brief;²

NOTING that, in accordance with the above-mentioned Orders, the Prosecution filed its Pre-Trial Brief on 2 May 2002 and the Defence filed its Pre-Trial Brief on 14 October 2002;

TAKING INTO ACCOUNT the Registrar’s Decision of 2 May 2003 withdrawing the assignment of Mr. Deyan Brashich as lead counsel to the Accused as well as the Registrar’s decisions of

¹ “Order Setting Timetable for Pre-Trial Briefs”, 11 March 2002, Case No. IT-00-39 & 40-PT.

² “Decision on Prosecution Second Motion for Extension of Limit of Length of Pre-Trial Brief”, 16 April 2002, Case No. IT-00-39 & 40-PT; cf. also the “Decision on Defence Motion to Exclude Evidence and Limit Scope of Trial”, 18 June 2002 (Case No. IT-00-39 & 40-PT), whereby the Trial Chamber previously assigned to the case *The Prosecutor v. Momčilo Krajišnik and Biljana Plavšić* ordered the Defence to submit its pre-trial brief by 30 September 2002. Cf. also, “Order granting request from the Accused Momčilo Krajišnik for Extension of Time to File Pre-Trial Brief”, 30 September 2002, Case No. IT-00-39 & 40-PT.

30 July 2003 and 16 September 2003 assigning, respectively, Mr. Nicholas Stewart Q.C as lead counsel of the Accused and Ms. Chrissa Loukas, as co-counsel to the Accused;

RECALLING that, as indicated to the parties during the last status conference held on 26 September 2003, the trial is due to start on 2 February 2004;

CONSIDERING that, given the length of time elapsed since the filing of the pre-trial briefs and the change of Defence counsels, it is in the interest of justice to allow the parties to file a supplement to their pre-trial brief, *if they so wish*, as quickly as possible;

FOR THE AFOREMENTIONED REASONS,


PURSUANT to Rules 54 and 65*ter* of the Rules;

HEREBY,

DECIDES that the parties shall file, *if they so wish*, a supplement to their pre-trial brief not later than 19 December 2003.

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

Done this 5th Day of December 2003.
At The Hague, The Netherlands.



Alphons Orie
Pre-Trial Judge

[Seal of the Tribunal]