



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-97-25/1-PT
Date: 5 December 2003
Original: English

IN TRIAL CHAMBER II

Before: Judge Jean-Claude Antonetti, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 5 December 2003

PROSECUTOR

v

MITAR RAŠEVIĆ

SCHEDULING ORDER

The Office of the Prosecutor:

Ms. Hildegard Uertz-Retzlaff

Counsel for the Accused:

Mr. Vladimir Domazet

I, Jean-Claude Antonetti, 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 (“Tribunal”),

BEING seized of the “Defence’s Preliminary Motion Pursuant to the Rule 72(A)(ii) of the Rules of Procedure and Evidence of the Tribunal” (“Rules”) filed by the Defence for Mitar Rašević (“Defence”) on 20 November 2003 (“Defence Preliminary Motion”),

NOTING the “Prosecution’s Request to Hold the Decision on the Defence Preliminary Motion on the Form of the Indictment in Abeyance” (“Prosecution Request”) filed by the Office of the Prosecutor (“Prosecution”) on 28 November 2003, in which the Prosecution asks the Trial Chamber to postpone its Decision on the Defence Preliminary Motion, because the Prosecution intends to file an amended indictment and therein also take into account the issues raised by the Defence in its Preliminary Motion,

NOTING “The Defence Response upon Prosecution Request to Hold the Decision on the Defence Preliminary Motion on the Form of the Indictment in Abeyance” (“Defence Response”) filed by the Defence on 1 December 2003, in which the Defence agrees with the Prosecution Request to hold the Decision on its Preliminary Motion,

NOTING the in part confidential “Prosecution Motion For Leave to Amend the Original Indictment with Attached Annex A and B and Confidential Annex C and D” (“Prosecution Motion”) filed by the Prosecution on 2 December 2003,

CONSIDERING that it is in the interest of ensuring an expeditious trial to decide on all questions raised by the Defence concerning the Prosecution Motion and the form of indictment in the same Decision,

PURSUANT TO Rules 50, 54, 72 and 127 of the Rules

HEREBY GRANT the Prosecution Request to stay the Decision on the Defence Preliminary Motion

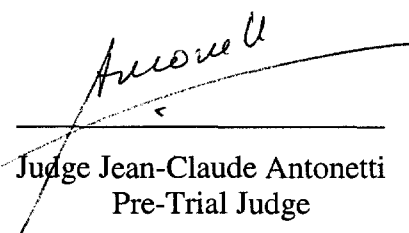
AND ORDER AS FOLLOWS

The Defence shall file its response to the Prosecution Motion for leave to amend the indictment by Monday, 15 December 2003, **AND**

In the event that the Defence does not oppose the Prosecution Motion, file preliminary motions under Rule 72 in a consolidated manner, that is including issues raised in the Defence Preliminary Motion, at the latest by 14 January 2004.

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

Dated this fifth day of December 2003,
At The Hague
The Netherlands



Judge Jean-Claude Antonetti
Pre-Trial Judge

[Seal of the Tribunal]