



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: 29 January 2004
Original: English

IN THE TRIAL CHAMBER

Before: Judge Alphons Orie , Presiding
Judge Amin El Mahdi
Judge Joaquín Martín Canivell

Registrar: Mr Hans Holthuis

Decision of: 29 January 2004

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

SCHEDULING ORDER

Office of the Prosecutor:

**Mr. Mark B. Harmon
Mr. Alan Tieger**

Counsel for the Defence:

**Mr. Nicholas Stewart
Ms. Chrissa Loukas**

TRIAL CHAMBER I 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 International Tribunal”),

BEING SEIZED OF the case *The Prosecutor v. Momčilo Krajišnik* (Case No. IT-00-39) by the “Order of the President Assigning a case to a Trial Chamber” issued by the President of the Tribunal on 28 November 2002 under Rule 28(A) of the Rules of Procedure and Evidence (the “Rules”);

NOTING that Momčilo Krajišnik (the “Accused”), was arrested and was brought to the United Nations Detention Unit on 3 April 2000; that the Accused had his initial appearance on 7 April 2000;

NOTING that according to the “Scheduling Order” issued on 6 May 2003, the trial was due to start on 12 May 2003;

CONSIDERING that, given the problems that arose with respect to Counsel of the Accused in this trial and in order to ensure the right of the Accused to a fair trial, the Chamber vacated its former scheduling order and reserved its decision on setting a new date for a Status Conference pursuant to Rule 65*bis* of the Rules and for the commencement of the Trial;

TAKING INTO ACCOUNT the Registrar’s Decision of 30 July 2003 and 16 September 2003 assigning Mr. Nicholas Stewart Q.C. as lead counsel of the Accused and Ms. Chrissa Loukas as co-counsel to the Accused;

RECALLING that according to Rule 65*bis* of the Rules, a Trial Chamber or a permanent Trial Chamber Judge shall convene a status conference within one hundred and twenty days after the last status conference;

NOTING that, at a meeting organized pursuant to Rule 65*bis* of the Rules on 25 September 2003, the commencement of trial was scheduled for the beginning of February 2004;

CONSIDERING that the Accused was afforded an opportunity to address the Trial Chamber during a hearing held on 7 November 2003; that given the upcoming start of the Trial, it is not necessary to convene a status conference;

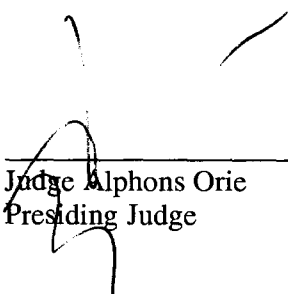
NOTING that pursuant to Rule 73 *bis* of the Rules, a Pre-Trial Conference shall be convened by the Trial Chamber prior to the commencement of the trial,

PURSUANT TO Article 20 of the Statute and Rule 54 of the Rules,

HEREBY ORDERS that

1. the Pre-Trial Conference shall be held on Tuesday 3 February 2004 in Courtroom I, commencing at 14:15, pursuant to Rule 73*bis* of the Rules;
2. the trial shall commence on Tuesday 3 February 2004 in Courtroom I at 15:15;
3. the trial proceedings shall begin with the Opening Statement of the Prosecution, pursuant to Rule 84 of the Rules;
4. the trial proceedings shall continue with the Opening Statement of the Defence Counsel for the Accused, should the Defence elect to make its Opening Statement at this stage of the proceedings as provided for by Rule 84 of the Rules;
5. the Accused may, if he so wishes and the Trial Chamber so decides, make a statement under the control of the Trial Chamber, as provided for by Rule 84 *bis* of the Rules;
6. the Prosecution shall immediately commence the presentation of evidence upon completion of the Opening Statement and statements by the Accused, if any, as indicated in Rule 85 of the Rules;

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



Judge Alphons Orie
Presiding Judge

Dated this 29th day of January 2004,
At The Hague
The Netherlands

[Seal of the Tribunal]