



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-02-54-T

Date: 12 February 2004

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 12 February 2004

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

FURTHER SCHEDULING ORDER ON DEFENCE CASE

Office of the Prosecutor:

Mr. Geoffrey Nice
Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

Amici Curiae:

Mr. Steven Kay
Mr. Branislav Tapušковиć
Prof. Timothy McCormack

The Accused:

Mr. Slobodan Milošević

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”),

Proprio motu

NOTING the “Order Concerning the Preparation and Presentation of the Defence Case”, issued by the Trial Chamber on 17 September 2003 (“Order”), in which the Trial Chamber set out the procedures to be followed by the Accused in relation to the preparation and presentation of the Defence case,

NOTING that in the Order the Trial Chamber ordered, *inter alia*, that

- (1) the trial will be adjourned for three months between the close of the Prosecution case and the commencement of the Defence case;
- (2) the Accused is to produce the witness and exhibit lists required pursuant to Rule 65 *ter* within six weeks of the close of the Prosecution case;
- (3) the Trial Chamber will thereafter hold a Pre-Defence Conference, for the following purpose:
 - (a) to review the Accused’s witness list and set the number of witnesses he will be entitled to call;¹
 - (b) to determine the time which will be available to the Accused to present his case;² and
 - (c) to deal with such other matters as the Chamber considers appropriate for the purposes of facilitating the presentation of the Accused’s case, including practical arrangements to be made to bring defence witnesses to the Tribunal and for the Accused to prepare for his examination-in-chief.

CONSIDERING Rule 73 *ter*, which provides for the Trial Chamber to set the number of witnesses the Accused may call and the time available for the Accused to present his evidence,³

¹ Rule 73 *ter* (C).

CONSIDERING that the Prosecution case will close on 19 February 2004, and that it would be appropriate for the Trial Chamber to set a timetable in preparation for the Defence case,

PURSUANT to Rules 54, 65 *ter* and 73 *ter* of the Rules

HEREBY CONFIRMS ITS PREVIOUS ORDERS AND FURTHER ORDERS:

- (1) The witness and exhibit lists the Accused is required to produce under Rule 65 *ter*, shall be filed by 1 April 2004;
- (2) A Pre-Defence Conference shall be held on Friday, 23 April 2004, at 10am;
- (3) The Defence case shall commence on 19 May 2004, and the Trial Chamber will sit in that week on Wednesday 19 to Friday 21 May 2004;
- (4) The Trial Chamber shall, until further notice, continue to sit three days per week; and

² Rule 73 *ter* (E).

³ **Rule 73 *ter* (Pre-Defence Conference)** reads as follows in its entirety:

- (A) Prior to the commencement by the defence of its case the Trial Chamber may hold a Conference.
- (B) In the light of the file submitted to the Trial Chamber by the pre-trial Judge pursuant to Rule 65 *ter* (L)(ii), the Trial Chamber may call upon the defence to shorten the estimated length of the examination-in-chief for some witnesses.
- (C) In the light of the file submitted to the Trial Chamber by the pre-trial Judge pursuant to Rule 65 *ter* (L)(ii), the Trial Chamber, after having heard the defence, shall set the number of witnesses the defence may call.
- (D) After commencement of the defence case, the defence may, if it considers it to be in the interests of justice, file a motion to reinstate the list of witnesses or to vary the decision as to which witnesses are to be called.
- (E) After having heard the defence, the Trial Chamber shall determine the time available to the defence for presenting evidence.
- (F) During a trial, the Trial Chamber may grant a defence request for additional time to present evidence if this is in the interests of justice.

- (5) Further orders relevant to the Defence case will be made in due course.

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



Patrick Robinson
Judge

Dated this twelfth day of February 2004
At The Hague
The Netherlands

[Seal of the Tribunal]