

IT-00-39-T  
D 10337-D 10335  
26 APRIL 2004

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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: IT-00-39-T

Date: 23 April 2004

Original: English

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**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr Hans Holthuis

**Decision of:** 23 April 2004

**PROSECUTOR**

**v.**

**MOMČILO KRAJIŠNIK**

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**SCHEDULING ORDER**

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**Office of the Prosecutor:**

Mr Mark Harmon  
Mr Alan Tieger

**Counsel for the Defence:**

Mr Nicholas Stewart, QC  
Ms Chrissa Loukas

**TRIAL CHAMBER I** (“the 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;

**NOTING** the letter from the Defence dated 8 April 2004 requesting an adjournment of the trial from 3 May to 5 July 2004 (nine weeks in total) to allow the Defence more time to prepare its case;

**NOTING** the proposal of the parties, as expressed in a memorandum prepared by the Defence and presented to the Chamber on 22 April 2004, to use a portion of the proposed adjournment for negotiations between themselves aimed at reaching agreement on several matters having to do with the scope and efficient running of the case (“the scheduled matters”);

**RECALLING** the Chamber’s own repeated expressions of encouragement at two informal meetings with the parties (on 12 March and 16 April 2004) for the holding of such negotiations;

**NOTING** the in-court discussions on 23 April 2004 on the Defence’s proposal for adjournment, during which the Chamber presented the parties with two alternative schedules of adjournment (one granting four weeks and the other about five weeks out of court), neither of which was accepted as sufficient by the Defence;

**CONSIDERING** the need to set a schedule for the forthcoming months of trial while making allowance for reasonable non-sitting periods to enable the Defence more time to prepare its case and to allow the parties sufficient time to negotiate common ground;

**CONSIDERING** that the proposed adjournment of nine weeks (in addition to the scheduled adjournment of one week at the end of April 2004) is, in the Chamber’s opinion, unacceptably long in view of the history of this case and the imperative to use the Tribunal’s resources efficiently and in conformity with the Accused’s right to a fair and expeditious trial;

**HAVING DELIBERATED,**

**THE CHAMBER HEREBY ORDERS:**

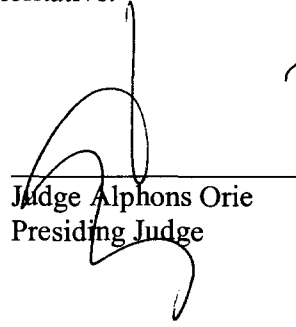
- (i) The trial is adjourned to 24 May 2004;
- (ii) The parties shall report to the Chamber on the results of their negotiations on the scheduled matters;

**AND CONSIDERS that:**

(iii) The Chamber may decide, after taking into account the reports it receives from the parties, that there shall be no hearings in the period 7 to 11 June 2004 and/or in the period 28 June to 2 July 2004;

(iv) From 5 July 2004 onwards, the hearings shall continue without interruption until the summer recess.

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



Judge Alphons Orie  
Presiding Judge

Dated this 23rd day of April 2004  
At The Hague  
The Netherlands

[Seal of the Tribunal]