



International Tribunal for the Prosecution of  
Persons Responsible for Serious Violations of  
International Humanitarian Law Committed  
in the Territory of Former Yugoslavia since  
1991

Case No. IT-01-42/2-I  
Date: 9 April 2005  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orié  
Judge Amin El Mahdi  
Judge Joaquín Martín Canivell

**Registrar:** Mr. Hans Holthuis

**Order of:** 9 April 2005

**PROSECUTOR**  
v.  
**VLADIMIR KOVAČEVIĆ**

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**SCHEDULING ORDER**

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**The Office of the Prosecutor:**

Ms. Susan Somers  
Mr. Philip Weiner

**The Defence:**

Ms. Tanja Radosavljević

**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 (“the Tribunal”);

**NOTING** that Mr. Vladimir Kovačević (“the Accused”) was arrested on 25 September 2003 in Belgrade and transferred to The Hague’s United Nations Detention Unit (“UNDU”) on 23 October 2003;

**NOTING** that at the initial appearances of the Accused on 3 November 2003 and 28 November 2003 the Defence and the Prosecution (“the Parties”) raised the question of the ability of the Accused to enter a plea and to stand trial, and that, on both of these occasions, the Chamber was unable to conclude that the Accused had the mental capacity to enter a plea and therefore did not invite him to do so;

**NOTING** the Chamber’s Decision of 2 June 2004 ordering the Provisional Release of the Accused in order to make available to him the specialized medical treatment he needs for a period of six months;

**NOTING** the Chamber’s Decision to Extend the Provisional Release of the Accused until further notice filed on 2 December 2004;

**CONSIDERING** that it is in the interests of justice that the Chamber discuss the issue of the ability of the Accused to enter a plea;

**CONSIDERING** that the Chamber must determine how to proceed in relation to the plea of the Accused and a trial to be conducted, also in view of parallel proceedings in this case before the Chamber specially appointed to decide on the motion filed pursuant to Rule 11*bis* to defer this case to national authorities;

**PURSUANT** to Rule 54 of the Rules of Procedure and Evidence;

**ORDERS** that:

- 1- a hearing shall be held on Wednesday 13 April 2005;
- 2- the presence of the Accused shall not be required;
- 3- a forensic medical expert to be appointed by the Registry shall be available to provide oral observations;

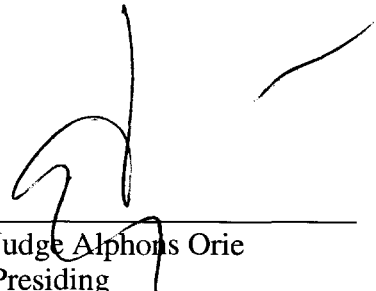
4- the Parties shall be ready to discuss:

a- the scope and nature of the discrepancies between the medical reports submitted to the Chamber on 20 January 2005 and 22 March 2005 and how to solve disagreements;

b- the possible courses of actions to be taken with regard to the plea of the Accused and his trial, also in view of parallel proceedings in this case before the Chamber specially appointed to decide on the Prosecution's motion filed pursuant to Rule 11*bis* to defer this case to national authorities.

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

Dated this 9<sup>th</sup> day of April 2005  
At The Hague,  
The Netherlands.



Judge Alphons Orie  
Presiding

**[Seal of the Tribunal]**