



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-95-13/1-PT
Date: 20 July 2005
Original: English

IT-95-13/1-PT
DJ042 - D3037
20 July 2005

3042
SF

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 20 July 2005

PROSECUTOR

v.

**MILE MRKŠIĆ
MIROSLAV RADIĆ
VESELIN ŠLJIVANČANIN**

SCHEDULING ORDER

The Office of the Prosecutor:

Mr. Marks Moore

Counsel for the Accused Mile Mrkšić:

Mr. Miroslav Vasić

Counsel for the Accused Miroslav Radić:

Mr. Borivoje Borović
Ms. Mira Tapusković

Counsel for the Accused Veselin Šljivančanin

Mr. Novak Lukić
Mr. Momčilo Bulatović

I, Carmel Agius, 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”);

NOTING Rule 65*ter* of the Rules of Procedure and Evidence (“Rules”) which provides, in relevant parts, that

(E) Once any existing preliminary motions filed within the time-limit provided by Rule 72 are disposed of, the pre-trial Judge shall order the Prosecutor, upon the report of the Senior Legal Officer, and within a time-limit set by the pre-trial Judge and not less than six weeks before the Pre-Trial Conference required by Rule 73bis, to file the following:

(i) the final version of the Prosecutor’s pre-trial brief including, for each count, a summary of the evidence which the Prosecutor intends to bring regarding the commission of the alleged crime and the form of responsibility incurred by the accused; this brief shall include any admissions by the parties and a statement of matters which are not in dispute; as well as a statement of contested matters of fact and law;

(ii) the list of witnesses the Prosecutor intends to call with:

- (a) the name or pseudonym of each witness;
- (b) a summary of the facts on which each witness will testify;
- (c) the points in the indictment as to which each witness will testify, including specific references to counts and relevant paragraphs in the indictment;
- (d) the total number of witnesses and the number of witnesses who will testify against each accused and on each count;
- (e) an indication of whether the witness will testify in person or pursuant to Rule 92 *bis* by way of written statement or use of a transcript of testimony from other proceedings before the Tribunal; and
- (f) the estimated length of time required for each witness and the total time estimated for presentation of the Prosecutor’s case.

(iii) the list of exhibits the Prosecutor intends to offer stating where possible whether the defence has any objection to authenticity. The Prosecutor shall serve on the defence copies of the exhibits so listed.

(F) After the submission by the Prosecutor of the items mentioned in paragraph (E), the pre-trial Judge shall order the defence, within a time-limit set by the pre-trial Judge, and not later than three weeks before the Pre-Trial Conference, to file a pre-trial brief addressing the factual and legal issues, and including a written statement setting out:

- (i) in general terms, the nature of the accused's defence;
- (ii) the matters with which the accused takes issue in the Prosecutor's pre-trial brief; and
- (iii) in the case of each such matter, the reason why the accused takes issue with it.

NOTING Rule 73bis(A) of the Rules pursuant to which, before the commencement of trial, the Trial Chamber shall hold a Pre-Trial Conference;

NOTING further the discussions held between by the Office of the Prosecutor ("Prosecution") and counsel for Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin (all together "Defence") during the meeting convened by the Senior Legal Officer on Tuesday 19 July 2005 pursuant to Rule 65ter(D)(iv) of the Rules;

FOR THE FOREGOING REASONS

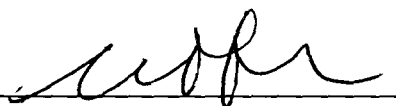
PURSUANT TO Rules 54, 65ter and 73bis(A) of the Rules;

HEREBY ORDER that

1. The Prosecution shall file its pre-trial brief, including the list of witnesses it intends to call and the list of exhibits it intends to offer, no later than Monday 29 August 2005;
2. The Defence shall file their respective pre-trial briefs no later than Monday 19 September 2005;
3. A Pre-Defence Conference shall be convened on Monday 3 October 2005;
4. The Prosecution and the Defence shall make their opening statements on Tuesday 4 and Wednesday 5 October 2005; and
5. The Prosecution shall start presenting its evidence on Monday 10 October 2005.

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

Dated this twentieth day of July 2005,
At The Hague
The Netherlands



Carmel Agius
Pre-Trial Judge

[Seal of the Tribunal]