



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-04-82-PT
Date: 15 September 2005
Original: English

IN TRIAL CHAMBER II

Before: Judge Albin Eser, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 15 September 2005

PROSECUTOR

v.

**Ljube BOŠKOSKI
Johan TARČULOVSKI**

SCHEDULING ORDER

The Office of the Prosecutor:

Mr. Dan Saxon
Mr. William Smith

Counsel for the Accused:

Mr. Dragan Godžo for Ljube Boškoski
Mr. Antonio Apostolski for Johan Tarčulovski

I, Albin Eser, Judge of **TRIAL CHAMBER II** (“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 (“Tribunal”);

BEING SEISED OF the “Prosecution Motion for Leave to Amend the Original Indictment with Attachments Annex A and B” (“Prosecution Motion”) filed on 5 September 2005 and the “Corrigendum to Proposed Amended Indictment” filed on 12 September 2005 by the Office of the Prosecutor (“Prosecution”);

NOTING that the initial indictment against the accused Ljube Boškoski (“Boškoski”) and the accused Johan Tarčulovski (“Tarčulovski”) (collectively “Defence”) was reviewed and confirmed on 9 March 2005;¹

NOTING the “Decision on Ljube Boškoski’s Motion Challenging the Form of the Indictment” (“Decision”) dated 22 August 2005 in which the Trial Chamber ordered the Prosecution to file an amended indictment;

NOTING that the Prosecution Motion was filed along with an appended proposed Amended Indictment (“Proposed Amended Indictment”) in response to the Decision;

CONSIDERING, however, that the Prosecution’s Proposed Amended Indictment comprises two different types of modifications, namely, changes proposed in conformity with the Decision by the Trial Chamber and amendments newly suggested by the Prosecution;

CONSIDERING that the Defence is entitled to file a Response to the Prosecution Motion within the provisions of Rule 50(A)(i)(c) of the Rules of Procedure and Evidence of the Tribunal (“Rules”), and that the Defence has a right to further challenge the form of the Proposed Amended Indictment pursuant to Rule 72(A)(ii) of the Rules, should the newly suggested amendments be granted;

CONSIDERING that in view of the necessity to expedite the proceedings, it is appropriate to order the Defence to raise objections as to Prosecution’s request to be granted leave to amend the Original Indictment within the scope of Rule 50 (A)(i)(c) of the Rules and challenges to the form of the Proposed Amended Indictment pursuant to Rule 72(A)(ii) of the Rules, should those amendments be granted, in a Response to the Prosecution Motion;

¹ “Original Indictment” 22 December 2004.
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CONSIDERING that this would not deprive the Defence of any right to file comprehensive comments on the form of the Proposed Amended Indictment, and that expediency forms part of the concept of fair trial;

CONSIDERING that the Prosecution should be given an opportunity to reply to the Defence's Response, since following this order the Response might include allegations that in substance constitute a preliminary motion challenging the form of the Proposed Amended Indictment under Rule 72(A)(ii) of the Rules;

CONSIDERING the time-limits prescribed in Rule 126*bis* and Rule 50(C) of the Rules;

DESIRING to regulate the filings in this matter;

PURSUANT TO Rule 50, Rule 72(A)(ii) and Rule 126*bis* of the Rules of Procedure and Evidence;

HEREBY ORDERS the Defence to file its Response to the Prosecution Motion (including both challenges to the filing of the Proposed Amended Indictment amending the Original Indictment and challenges to the form of the Proposed Amended Indictment, if any,) no later than 29 September 2005,

GRANTS the Prosecution leave to file its Reply to the Defence's Response, and

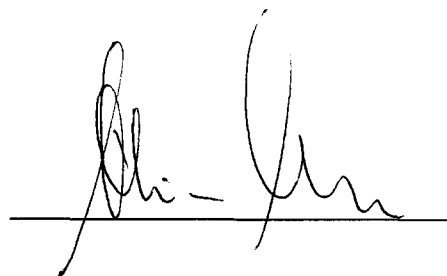
ORDERS the Prosecution to file its Reply, should it decide to file one, no later than 6 October 2005.

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

Dated this fifteenth day of September 2005,

At The Hague

The Netherlands

A handwritten signature in black ink, appearing to read 'Albin Eser', is written over a horizontal line. The signature is fluid and cursive.

Judge Albin Eser

Pre-Trial Judge

[Seal of the Tribunal]