



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-95-14-R77.2
Date: 12 December 2005
Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding
Judge Patrick Robinson
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Order of: 12 December 2005

PROSECUTOR

v.

**IVICA MARIJAČIĆ
MARKICA REBIĆ**

**ORDER ON SCHEDULING OF TRIAL AND
PRODUCTION OF DEFENCE WITNESS-LIST**

The Office of the Prosecutor:

Mr. David Akerson

Counsel for Ivica Marijačić:

Mr. Marin Ivanović

Counsel for Markica Rebić:

Mr. Krešimir Krsnik

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 (“Tribunal”),

NOTING the Indictment against Ivica Marijačić and Markica Rebić (“the Accused”) filed on 10 February and confirmed by Judge Orić on 26 April 2005, and the amended Indictment filed by the Office of the Prosecutor (“Prosecution”) on 14 October 2005, charging the Accused with contempt of the Tribunal, punishable under the Tribunal’s inherent power and Rule 77(A)(ii) of the Rules of Procedure and Evidence of the Tribunal (“Rules”),

CONSIDERING that Rule 77(E) of the Rules provides that the rules of procedure and evidence in Parts Four to Eight of the Rules shall apply *mutatis mutandis* in contempt proceedings,

CONSIDERING that all preliminary motions have been disposed of and that the case is ready to go to trial,

NOTING the “Prosecutor’s Pre-Trial Brief Pursuant to Rule 65 *ter* (E),” filed confidentially on 31 October 2005, and the “Corrigenda to Prosecution’s Pre-Trial Brief,” filed confidentially on 9 November 2005, annexing a list of proposed witnesses and exhibits,

CONSIDERING that, if it has not already done so, the Prosecution should immediately furnish the Defence for both accused with copies of its proposed exhibits,

NOTING “the Accused Markica Rebić’s Pre-Trial Brief Pursuant to Rule 65 *ter* (F),” filed confidentially on 28 November 2005, and the “Defendant Ivica Marijačić’s Pre-Trial Brief Pursuant to Rule 65 (F) *ter*,” filed confidentially on 1 December 2005,

CONSIDERING that it is in the interests of justice and the expeditious conduct of these contempt proceedings for the Defence for both accused to now file: their list of proposed witnesses, identified by name or pseudonym; a summary of the facts on which each witness will testify; the points in the Indictment as to which each witness will testify; an indication of whether each witness will testify in person or pursuant to Rule 92 *bis*; the estimated length of time required for each witness; and a list of exhibits that they intend to offer, providing copies to the Prosecution of these exhibits;

REMINDING the Prosecution and the Defence for both accused of the need to focus their arguments and submissions at trial on the essential, disputed points of fact and law, and for their submissions to be as clear and concise as possible;

CONSIDERING that it would be in the interests of the expeditious conduct of the trial for the Prosecution and the Defence for both accused to make written submissions prior to the trial on points of disagreement and any points of agreement concerning relevant matters of fact or law;

FURTHER REMINDING the Prosecution and the Defence for both accused of the continuing obligation to respect all orders for protective measures and confidentiality issued by the Tribunal;

PURSUANT TO Rules 54, 65 *ter*, 73 *bis*, and 77 of the Rules,

HEREBY ORDERS as follows:

- (1) If it has not yet done so, the Prosecution shall provide immediately to the Defence for both accused copies of all proposed exhibits as listed in the annex to its Pre-Trial Brief;
- (2) The Defence for both accused shall file their list of proposed witnesses, identified by name or pseudonym; a summary of the facts on which each witness will testify; the points in the Indictment as to which each witness will testify; an indication of whether each witness will testify in person or pursuant to Rule 92 *bis*; the estimated length of time required for each witness; and a list of exhibits that they intend to offer, by 9 January 2006, and shall provide copies to the Prosecution of these exhibits by that date;
- (3) Following discussion between them, the Prosecution and the Defence for both accused shall, by 9 January 2006, file written submissions on points of disagreement and any points of agreement concerning relevant matters of fact or law;
- (4) A pre-trial conference shall be held on Tuesday, 17 January 2006, commencing at 9:00 a.m. and proceeding immediately thereafter to trial, which shall continue on Wednesday 18 January 2006, at 9:00 a.m.;
- (5) Ivica Marijačić and Markica Rebić shall travel to The Hague to be present at the pre-trial conference and trial on 17 January 2006, and thereafter as directed by the Trial Chamber;

and **HEREBY INSTRUCTS** the Registry to make the necessary arrangements to ensure the presence of Ivica Marijačić and Markica Rebić in the Hague on 17 January 2006, and thereafter for the period of their trial.

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



Judge O-Gon Kwon
Presiding

Dated this twelfth day of December 2005
At The Hague
The Netherlands

[Seal of the Tribunal]