



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 December 2005
Original: English

IN TRIAL CHAMBER II

Before: Judge Albin Eser, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 15 December 2005

PROSECUTOR

v.

**Ljube BOŠKOSKI
Johan TARČULOVSKI**

**THIRD SCHEDULING ORDER SETTING TIME FOR
SUBMISSIONS**

The Office of the Prosecutor:

Mr. Dan Saxon
Mr. William Smith
Mr. Anees Ahmed

Counsel for the Accused:

Mr. Dragan Godžo and Ms. Edina Residović for Ljube Boškosi
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”):

NOTING the Order of 5 April 2005 issued by the Presiding Judge of the Trial Chamber pursuant to Rule 65^{ter} of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) designating me as the Pre-Trial Judge in the case of *Prosecutor v. Ljube Boškoski and Johan Tarčulovski*;

NOTING the “Prosecution Motion for Leave to Amend the Original Indictment with Attachments Annex A and B”, filed by the Prosecution on 5 September 2005 and “Corrigendum to Proposed Amended Indictment”, filed by the Prosecution on 12 September 2005;

NOTING the “Order concerning Supporting Material”, issued on 14 October 2005 and the “Second Order concerning Supporting Material”, issued on 20 October 2005;

NOTING the “Scheduling Order Setting Time for Submissions” issued on 18 October 2005;

NOTING the “Prosecution’s Second Notice of Compliance with the Trial Chamber’s Second Order concerning Supporting Material Dated 20 October 2005 with Annex A”, filed by the Prosecution on 25 October 2005;

NOTING the “Second Scheduling Order Setting Time for Submissions” issued on 28 October 2005;

NOTING the “Decision on Prosecution Motion for Leave to Amend the Original Indictment and Defence Motions Challenging the Form of the Proposed Amended Indictment”, issued by Trial Chamber II on 1 November 2005;

NOTING the “Prosecution’s Notice of Compliance with the Trial Chamber’s ‘Decision on Prosecution’s Motion for Leave to Amend the Original Indictment and Defence Motions Challenging the Form of the Proposed Amended Indictment,’ with Annex A”, filed by the Prosecution on 2 November 2005;

NOTING the “Partly Confidential Prosecution’s Submission of Pre-Trial Filings pursuant to Rule 65 *ter* and Motion for Non-Disclosure with Annexes”, filed by the Prosecution on 7 November 2005 (“Pre-Trial Brief”);

NOTING the “Motion to Compel Disclosure of All Exculpatory Evidence in the Possession of the Office of the Prosecutor pursuant to Rule 68”, filed by the Defence for Mr. Boškoski on 11 November 2005;

NOTING the “Confidential Defence Motion to Ensure a Fair Trial”, filed by the Defence for Mr. Boškoski on 14 November 2005;

NOTING the “Prosecution’s Response to Accused Boškoski’s ,Motion to Compel Disclosure of All Exculpatory Evidence in the Possession of the Office of the Prosecutor pursuant to Rule 68’, with Annexes A, B and C”, filed by the Prosecution on 21 November 2005 and “Prosecution’s Revised Response to Accused Boškoski’s ,Motion to Compel Disclosure of All Exculpatory Evidence in the Possession of the Office of the Prosecutor pursuant to Rule 68’, with Annexes A, B and C”, filed by the Prosecution on 22 November 2005;

NOTING the “Prosecution’s Response to the Accused Boškoski’s ,Defence Motion to Ensure a Fair Trial’, filed by the Prosecution on 23 November 2005;

NOTING the “Defence Motion Seeking Leave to Reply to the Prosecution’s Response to Accused Boškoski’s ,Motion to Compel Disclosure of All Exculpatory Evidence in the Possession of the Office of the Prosecutor pursuant to Rule 68””, filed by the Defence for Mr. Boškoski on 25 November 2005;

NOTING the “Order in Relation to the Defence Request for Extension of Time”, filed on 28 November 2005, in which I ordered that the deadline for the filing of the Defence Pre-Trial Brief be extended until further notice;

NOTING the “Urgent Defence Motion to Compel the Prosecution to Disclose Witness Statements pursuant to Rule 66 and Extend the Time for Submission of the Pre-Trial Brief”, filed by the Defence for Mr. Tarčulovski on 28 November 2005;

NOTING the “Prosecution’s Response to Accused Tarčulovski’s Motion Seeking Disclosure and Enlargement of Time to File his Pre-Trial Brief”, filed by the Prosecution on 1 December 2005;

NOTING that on 9 December 2005, a meeting pursuant to Rule 65 *ter* (D)(v) took place with the Senior Legal Officer of Trial Chamber II and the parties in this case and that on 12 December 2005, a Status Conference pursuant to Rule 65 *bis* took place before me;

CONSIDERING that at both the Rule 65 *ter* (D)(v) and the Status Conference, the parties discussed the disclosure obligations of the Prosecution and the further planning of the pre-trial phase and that, apart from the need to set new deadlines for the further preparation of the case, there is no need to decide upon the various motions mentioned above;

PURSUANT TO Rule 65*ter* (E) and (F), Rule 66 (A)(i) and (ii), Rule 68, Rule 92 *bis* and Rule 94 *bis* of the Rules;

HEREBY, revising the First and Second Scheduling Order with regard to the relevant dates,
ORDER

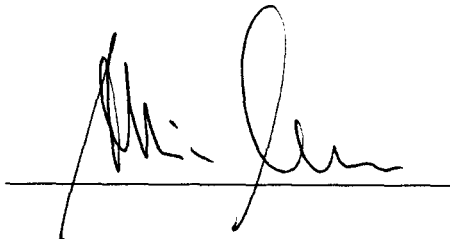
- (a) The Prosecution to make available to the Defence translations into the language which both accused understand of copies of the relevant parts of the further supporting material relating to the Amended Indictment, filed by the Prosecution on 2 November 2005, before Friday 27 January 2006;
- (b) The Prosecution (i) to prepare statements of 16 witnesses, identified in the Pre-Trial Brief, who have not yet given statements, (ii) to have those statements translated into the language which both accused understand and (iii) to disclose such statements and the translations thereof on an ongoing basis but not later than Friday 31 March 2006;
- (c) The Prosecution (i) to update the present exhibit list, contained in the Pre-Trial Brief, with possible additional exhibits, both in relation to witnesses whose statements have already been taken and disclosed to the Defence and in relation to witnesses whose statements have not yet been taken, and (ii) to disclose such proposed exhibits to the Defence, including translations thereof in a language that both accused understand, on an ongoing basis, but not later than Friday 31 March 2006;
- (d) The Prosecution, notwithstanding its continuous obligation pursuant to Rule 68, to finalise the present ongoing searches pursuant to Rule 68(i) in relation to a total number of 145 search criteria and to disclose the results of such searches to the Defence not later than Friday 31 March 2006, with the understanding that such searches extend also over any material that the Prosecution may have made available to the Defence pursuant to Rule 68 (ii);
- (e) The Prosecution (i) to submit a first motion relating to written statements of witnesses, the Prosecution may seek to have admitted as evidence pursuant to Rule 92 *bis* before Friday 27

January 2006, and (ii) to have one or more of such motions submitted thereafter, with the last motion being submitted not later than Friday 31 March 2006;

- (f) The Prosecution (i) to have prepared any reports by expert witnesses pursuant to Rule 94 *bis* and disclose such reports to the Defence before Friday 31 March 2006, (ii) to include any proposed exhibits appended to such reports in the exhibit list, mentioned under paragraph (c) above and disclose such proposed exhibits before Friday 31 March 2006, and (iii) to disclose the translation of such reports and proposed exhibits appended thereto into a language that both accused understand as soon as practicable thereafter;
- (g) Both Parties (i) to undertake discussions in relation to the Prosecution's First and Second Agreed Facts Proposal, as contained in Annex E and F of the Pre-Trial Brief, or any other agreed facts proposals suggested by either party, and (ii) to report on the progress made in relation to these proposals not later than Friday 5 May 2006;
- (h) The Defence to submit their Pre-Trial Brief pursuant to Rule 65 *ter* (F) not later than Friday 19 May 2006.

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

Dated this fifteenth day of December 2005,
At The Hague
The Netherlands



Judge Albin Eser

Pre-Trial Judge

[Seal of the Tribunal]