



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-04-81-PT
Date: 11 October 2006
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 11 October 2006

PROSECUTOR

v.

MOMČILO PERIŠIĆ

ORDER FOLLOWING STATUS CONFERENCE

The Office of the Prosecutor:

Ms. Susan Somers

Counsel for Momčilo Perišić:

Mr. James Castle

I, **Patrick Robinson**, a 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 the Status Conference held on 11 October 2006, at which I oral orders and established a Work Plan pursuant to my authority as Pre-trial Judge in this case,

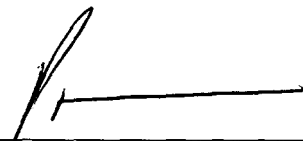
CONSIDERING the usefulness of enumerating those orders in writing and of attaching the Work Plan to this Order,

PURSUANT TO Rules 54, 65 *ter*(B), 65 *ter*(D)(ii) and 65 *ter*(K) of the Tribunal's Rules of Procedure and Evidence ("Rules"),

HEREBY ORDER as follows:

- (1) the Prosecution shall, no later than 25 October 2006, disclose all witness statements in its possession which fall within the scope of Rule 66(A)(ii) or it shall, within that timeframe, apply to the Chamber for any protective measures that may justify the non-disclosure of the witness statements;
- (2) the Prosecution shall no later than 25 October 2006 clearly identify in the material that has been disclosed to the Defence to date all material that has been disclosed pursuant to Rule 68(i) of the Rules, and shall continue to do so in the future;
- (3) the Prosecution shall no later than 15 January 2007 disclose to the Defence all intercepts in its possession that refer to Mr. Perišić; and
- (4) the parties shall be bound by the deadlines set out in the Work Plan attached to this Order.

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



Judge Patrick Robinson
Presiding

Dated this eleventh day of October 2006
At The Hague
The Netherlands

[Seal of the Tribunal]

WORK PLAN PURSUANT TO RULE 65 TER (D)(ii)

**PERISIC
CASE NO. IT-04-81-PT**

The following document has been prepared in accordance with Rule 65 *ter*(D)(ii) of the Rules. Rule 65 *ter*(D)(ii) states:

The pre-trial Judge shall establish a work plan indicating, in general terms, the obligations that the parties are required to meet pursuant to this Rule and the dates by which these obligations must be fulfilled.

This is a case that has been in pre-trial for over a year. Disclosure pursuant to Rule 66(A)(i) is largely complete. There is a need for disclosure pursuant to Rules 66(A)(ii) and 68 to be conducted more rapidly. Moreover, the time is right to start ensuring that this case is trial ready by 30 April 2007.

- 20 November 2006: Trial Chamber to request Prosecution to propose ways of reducing the indictment. Consideration to be given by Prosecution in advance of Rule 65 *ter* Conference on 1 December 2006.
- 1 December 2006: Rule 65 *ter* Conference.
- 4 December 2006: Deadline for Prosecution to file proposals for reducing the indictment pursuant to Rule 73 *bis*.
- 15 January 2007: Deadline for disclosure to the Defence of all intercepts that refer to Mr. Perišić.
- 7 February 2007: Status Conference.
- 19 February 2007: Prosecution pre-trial brief and Rule 65 *ter*(E) material to be filed, including its witness and exhibit lists, which shall conform to the requirements of Rules 65 *ter*(E)(ii) and (iii) and which shall indicate, with respect to each witness, the exhibit(s) the witness will offer in evidence. The lists shall also indicate, with respect to each exhibit, the witness who will offer the exhibit in evidence. With regard to each proposed *viva voce* witness, the Prosecution shall indicate whether the witness will offer written evidence pursuant to Rule 92 *ter*. With regard to each proposed Rule 92 *bis* witness, the Prosecution shall indicate whether it believes the witness should attend for cross-examination.
- 19 March 2007: Parties to file joint submission setting out where agreement has been reached on matters of law and fact and what points have not been agreed upon and why.
[The parties are expected to conduct whatever meetings and exchange of correspondence required to enable them to file a comprehensive submission on this date.]

Prosecution to file any motion for adjudicated facts and any motion for judicial notice of documentary evidence.

- 26 March 2007: Rule 65 *ter* Conference.
- 2 April 2007: Prosecution to file a motion clearly stating:
(1) which witnesses will be proposed as Rule 92 *bis* witnesses; whether statement or transcript witnesses; whether it is proposed that they attend for cross-examination, and any other relevant information;
(2) which *viva voce* witnesses it is proposed will give evidence-in-chief in writing in accordance Rule 92 *ter*.
[The Prosecution will be encouraged to lead most, if not all, non-92 *bis* witnesses in this way.]
- Prosecution to file Motion requesting admission of written testimony in accordance with Rules 92 *bis* and 92 *ter* as set out above.
- 2 April 2007: Defence pre-trial briefs due
- 23 April 2007: Case ready for Pre-Trial Conference
- 30 April 2007: Case ready for trial