



International Tribunal for the Prosecution of  
Persons Responsible for Serious Violations  
of International Humanitarian Law  
Committed in the Territory of Former  
Yugoslavia since 1991

Case No. IT-95-14-R77.6  
Date: 31 October 2006  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Christine Van den Wyngaert  
Judge Bakone Justice Moloto

**Registrar:** Mr. Hans Holthuis

**Order of:** 31 October 2006

**PROSECUTOR**  
v.  
**DOMAGOJ MARGETIĆ**

**SCHEDULING ORDER REGARDING COMMENCEMENT OF TRIAL**

**The Office of the Prosecutor:**

Ms. Carla Del Ponte  
Ms. Ann Sutherland  
Mr. Salvatore Cannata

**The Accused:**

Mr. Domagoj Margetić

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**TRIAL CHAMBER I** (“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 SEIZED OF** the case *Prosecutor v. Domagoj Margetić*;

**NOTING** the indictment against Domagoj Margetić (“Accused”) filed by the Office of the Prosecutor (“Prosecution”) on 30 August 2006 and subsequently confirmed on 11 September 2006 (“Indictment”),<sup>1</sup> charging the Accused with contempt of the Tribunal, punishable under Rule 77(A)(iii) of the Tribunal’s Rules of Procedure and Evidence (“Rules”);

**NOTING** that Rule 77(E) of the Rules provides that parts four to eight of the Rules shall apply *mutatis mutandis* in contempt proceedings;

**NOTING** that on 13 October 2006, an initial hearing was held before the Pre-trial Judge during which the Accused acknowledged that he had received the Indictment and understood the charges contained therein;<sup>2</sup>

**NOTING** that during this same hearing the Accused entered a plea of not guilty;<sup>3</sup>

**NOTING** that pursuant to Rule 65ter(E) of the Rules, the Pre-trial Judge shall order the Prosecution to file, not later than six weeks before the Pre-trial Conference, the final version of the Prosecution’s Pre-trial Brief, the list of witnesses the Prosecution intends to call and the list of exhibits the Prosecution intends to offer;

**NOTING** that pursuant to Rule 65ter(F) of the Rules, the Pre-trial Judge shall order counsel for the accused (“Defence”) to file, not later than three weeks before the Pre-trial Conference, a Pre-trial Brief;

**NOTING** that pursuant to Rule 127 of the Rules, the Pre-trial Judge may on good cause enlarge or reduce any time prescribed by the Rules;

**CONSIDERING** that the nature and complexity of the instant case merits an expedited process for the filing of pre-trial documents;

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<sup>1</sup> Decision on Review of Indictment and Order for Non-Disclosure, 11 September 2006.

<sup>2</sup> IT-95-14-R77.6, Initial Appearance, 13 October 2006 (“Initial Appearance”), transcript page (T.) 3.

<sup>3</sup> Initial Appearance, T. 5.

**PURSUANT TO** Article 20 of the Statute of the Tribunal (“Statute”) and Rules 54, 65*ter* and 127 of the Rules

**HEREBY ORDERS** as follows:

1. The Prosecution shall file not later than 16 November 2006:
  - a. a Pre-trial Brief, including a summary of the evidence which the Prosecution 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;
  - b. the list of witnesses the Prosecution intends to call. This list shall include the name or pseudonym of each witness, a summary of the facts on which each witness will testify, the points in the indictment as to which each witness will testify, the total number of witnesses, an indication of whether the witness will testify in person or pursuant to Rules 92*bis*, 92*ter* or 92*quater*, the estimated length of time required for each witness and the total time estimated for presentation of the Prosecution’s case;
  - c. the list of exhibits the Prosecution intends to offer;
2. The Defence shall file, not later than 23 November 2006:
  - a. a Pre-trial Brief which shall address the factual and legal issues and include a written statement setting out in general terms the nature of the Accused’s defence, the matters with which the Accused takes issue in the Prosecution’s Pre-trial Brief and, in the case of each such matter, the reason why the Accused takes issue with it;
  - b. the list of witnesses the Defence intends to call. This list shall include the name or pseudonym of each witness, a summary of the facts on which each witness will testify, the points in the indictment as to which each witness will testify, the total number of witnesses, an indication of whether the witness will testify in person or pursuant to Rules 92*bis*, 92*ter* or 92*quater*, the estimated length of time required for each witness and the total time estimated for presentation of the Defence case;

c. the list of exhibits the Defence intends to offer.

3. The trial shall take place on 30 November 2006 at 9 a.m. in Courtroom II.

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

Done this thirty-first day of October 2006,

At The Hague

The Netherlands



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**Alphons Orie**  
**Presiding Judge**

**[Seal of the Tribunal]**