



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-05-87-T

Date: 15 November 2006

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Order of: 15 November 2006

PROSECUTOR

v.

**MILAN MILUTINOVIĆ
NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ
NEBOJŠA PAVKOVIĆ
VLADIMIR LAZAREVIĆ
SRETEN LUKIĆ**

SCHEDULING ORDER

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

Counsel for the Accused

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksandar Aleksić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

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”) hereby issues, *ex proprio motu*, this scheduling order for the trial.

1. Article 20 of the Statute of the Tribunal charges the Chamber with, *inter alia*, the responsibility of ensuring “that [the] trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence.” Article 21 sets forth the rights of the Accused, including the right “to have adequate time and facilities for the preparation of his defence” and the right “to be tried without undue delay.” In a recent decision on interlocutory appeal in the *Prlić* case, the Appeals Chamber held that the right of the accused to be tried without undue delay, as recognised in Article 21, extends to all stages of the trial and imposes upon a Trial Chamber an obligation “to ensure ... that the trial is completed within a reasonable time.”¹

2. In discharging these above responsibilities, the Chamber, from the beginning of the trial,² has utilised several different methods, such as the application of temporal demarcations upon the Prosecution’s case-in-chief, as well as upon the length of the examination of witnesses.³ The Chamber also has found it appropriate to sit for full days, rather than half days, on certain weeks, while still ensuring that adequate rest periods are built into the trial schedule so that the parties have adequate time to prepare their cases, especially the Defence.⁴ To this end, the Chamber ordered, in the Decision on Use of Time, that the Trial Chamber would “sit longer hours when courtroom availability permits and the Chamber deems it appropriate, but such sittings will generally not

¹ See *Prosecutor v. Prlić, Stojić, Praljak, Petković, Ćorić, and Pušić*, Case No. IT-04-74-AR73.2, Decision on Joint Defence Interlocutory Appeal Against the Trial Chamber’s Oral Decision of 8 May 2006 Relating to Cross-Examination by Defence and on Association of Defence Counsel’s Request for Leave to File an *Amicus Curiae* Brief, 4 July 2006, p. 4 (noting that this right “is recognized as a fundamental right of due process under international human rights law” and citing international human rights treaties and authoritative interpretations thereof).

² Order on Procedure and Evidence, 11 July 2006, para. 2 (“The Chamber shall continually monitor the use of time, and may make further orders, as it considers necessary, concerning time used by the Prosecution or the Defence.”); see Memorandum re *Prosecutor v. Milutinović et al.*: Report on Use of Time in the Trial Period Ending 31 October 2006, 9 November 2006.

³ See Scheduling Order and Decision on Joint Defence Motion to Modify Trial Schedule for Trial Week Beginning 25 September 2006, 15 September 2006 (“Scheduling Order of 15 September 2006”); Decision on Use of Time, 9 October 2006.

⁴ See, e.g., Scheduling Order of 15 September 2006, para. 9 (“The Chamber notes the following breaks in the trial: (1) there is no hearing today, 15 September 2006, as a result of witness scheduling issues; (2) the discretionary week of recess is being used so that the trial is not sitting during the week of 2 October 2006; and (3) the trial will not be sitting on Friday, 20 October and Monday–Tuesday, 23–24 October, due to an appeal hearing and the United Nations holiday.”).

exceed five hours per day, and any period of extended hours normally will be followed by an equivalent period when the Chamber sits only half-days.”⁵

3. Moreover, as already intimated to the parties,⁶ the Chamber has decided to extend the winter recess to four weeks in order to take account of the Orthodox New Year, and also notes that there will most likely be a two-week break in April 2007 and a four-week summer recess in 2007.

4. Pursuant to Articles 20 and 21 of the Statute and Rule 54 of the Rules of Procedure and Evidence of the Tribunal, the Chamber hereby ORDERS as follows:

a. Hearings in the trial will proceed as follows:

i. 20 to 24 November 2006, from 2:15 p.m. to 7:00 p.m.

ii. 27 November 2006,

1. from 9:00 a.m. to 10:45 a.m.

2. from 11:15 a.m. to 12:45 p.m.

3. from 1:45 p.m. to 3:30 p.m.

iii. 28 November 2006,

1. from 10:30 a.m. to 12:15 p.m.

2. from 1:15 p.m. to 2:45 p.m.

3. from 3:15 p.m. to 5:00 p.m.

iv. 29 November to 30 November 2006,

1. from 9:00 a.m. to 10:45 a.m.

2. from 11:15 a.m. to 12:45 p.m.

3. from 1:45 p.m. to 3:30 p.m.

v. 1 December 2006, from 9:00 a.m. to 1:45 p.m.

⁵ Decision on Use of Time, 9 October 2006, p. 6.

⁶ Scheduling Order of 15 September 2006, para. 11.

vi. 4 December 2006,

1. from 9:00 a.m. to 10:45 a.m.
2. from 11:15 a.m. to 12:45 p.m.
3. from 1:45 p.m. to 3:30 p.m.

vii. 5–8 December 2006, from 2:15 p.m. to 7:00 p.m.⁷

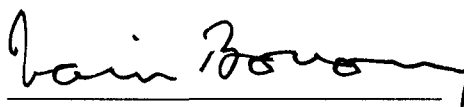
viii. 11 to 15 December 2006,

1. from 9:00 a.m. to 10:45 a.m.
2. from 11:15 a.m. to 12:45 p.m.
3. from 1:45 p.m. to 3:30 p.m.

ix. The winter recess shall be from 16 December 2006 to 15 January 2007.

- b. The Registry is REQUESTED to schedule tentatively full five-hour days for hearings in this trial during the weeks of 16 January 2007, 29 January 2007, 12 February 2007, and 26 February 2007.
- c. The Trial Chamber may alter any of the orders set forth above and will issue additional orders in due course, as it deems appropriate.

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


 Judge Iain Bonomy
 Presiding

Dated this fifteenth day of November 2006
 At The Hague
 The Netherlands

[Seal of the Tribunal]

⁷ On Friday, 8 December 2006, the hearing will be held in Courtroom III.