



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-98-29/1-PT
Date: 13 December 2006
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Pre-trial Judge

Registrar: Mr. Hans Holthuis

Order of: 13 December 2006

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

**SCHEDULING ORDER REGARDING
OPENING STATEMENTS AND PRESENTATION OF
EVIDENCE**

The Office of the Prosecutor:

Mr. Alex Whiting
Mr. Stefan Waespi
Ms. Carolyn Edgerton
Mr. John Docherty

Counsel for the Accused:

Mr. Branislav Tapušković
Ms. Branislava Isailović

TRIAL CHAMBER III (“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 Reassigning a Case to a Trial Chamber”, issued by the President of the Tribunal on 22 November 2006, assigning the case *Prosecutor v. Dragomir Milošević*, Case No. IT -98-29/1, to Trial Chamber III and the “Order Assigning *ad litem* Judges for Pre-trial Work”, issued by the President of the Tribunal on 23 November 2006, assigning Judge Krister Thelin and Judge Antoine Kesia-Mbe Mindua to the case and appointing Judge Patrick Robinson as Pre-trial Judge;

NOTING the “Scheduling Order Regarding Commencement of Trial”, issued on 28 November 2006, by which a pre-trial conference will be held on 9 January 2007 and the trial shall commence with opening statements on 10 January 2007;

RECALLING that pursuant to Rule 84 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) each party may make an opening statement before the presentation of evidence by the Prosecutor but that the Defence can elect to make its opening statement at the end of the Prosecution’s case and before the commencement of its case;

RECALLING further that Rule 84 *bis* of the Rules provides that:

- (A) After the opening statements of the parties, or if the defence elects to defer its opening statement pursuant to Rule 84, after the opening statement of the Prosecutor, if any, the accused may, if he or she so wishes, and the Trial Chamber so decides, make a statement under the control of the Trial Chamber. The accused shall not be compelled to make a solemn declaration and shall not be examined about the content of the statement.
- (B) The Trial Chamber shall decide on the probative value, if any, of the statement.

CONSIDERING that at the Rule 65 *ter* Conference held on 12 December 2006 the Defence informed the Trial Chamber that it would defer its opening statement until the end of the Prosecution’s case and before the commencement of its case and that it is possible that the Accused will wish to make a statement under Rule 84 *bis* of the Rules;

NOTING the expression by the parties at the Rule 65 *ter* Conference held on 12 December 2006 of a preference to start the presentation of evidence on 15 January 2007;

CONSIDERING that it is appropriate to start the presentation of evidence on 15 January 2007.

FOR THE FOREGOING REASONS and pursuant to Rules 54 and 65 *ter* of the Rules, the Trial Chamber hereby **ORDERS** that:

1. The Prosecution will have two hours to deliver its opening statement and the Accused, should he elect to make a statement, will have one hour to deliver his statement unless, upon request of the Accused, the Trial Chamber determines otherwise.
2. The presentation of evidence will start on 15 January 2007.



Patrick Robinson
Pre-trial Judge

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

Dated this thirteenth day of December 2006

At The Hague

The Netherlands

[Seal of the Tribunal]