



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-04-84-R77.4

Date: 20 May 2008

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Order of: 20 May 2008

PROSECUTOR

v.

**ASTRIT HARAQIJA
and
BAJRUSH MORINA**

PUBLIC

**SCHEDULING ORDER REGARDING COMMENCEMENT OF
TRIAL**

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. David Re
Mr. Stefan Wäspi

Counsel for the Accused:

Mr. Karim A. A. Khan for Astrit Haraqija
Mr. Jens Dieckman for Bajrush Morina

I, Judge Bakone Justice MOLOTO, permanent Judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 (“Tribunal”), having been designated Pre-Trial Judge pursuant to Rule 65ter of the Tribunal’s Rules of Procedure and Evidence (“Rules”);¹

NOTING the indictment against Astrit Haraqija and Bajrush Morina (“Accused”) filed by the Office of the Prosecutor (“Prosecution”) on 8 January 2008 and subsequently confirmed on 12 February 2008 (“Indictment”);²

NOTING that the Indictment charges

(1) **Astrit Haraqija**, with Contempt of the Tribunal (Count 1) punishable under Rule 77(A)(iv) of the Rules or, alternatively, Incitement to Contempt of the Tribunal (Count 2), punishable under Rule 77(A)(iv) and (B) of the Rules; and

(2) **Bajrush Morina**, with Contempt of the Tribunal (Count 1) punishable under Rule 77 A(iv) of the 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 29 April 2008, an initial hearing was held before Judge Orić during which the Accused acknowledged that they had received the Indictment and understood the charges contained therein;³

NOTING that during this same hearing the Accused entered a plea of not guilty;⁴

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;

¹ Order on Composition of Trial Bench and Designating a Pre-Trial Judge, 15 February 2008.

² Decision on Review of Indictment, 12 February 2008.

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 filing of pre-trial documents;

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

HEREBY ORDERS as follows:

1. The Prosecution shall file, not later than 2 June 2008:

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 which shall not exceed 5000 words, 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 9 June 2008:

a. a Pre-trial Brief that shall not exceed 5000 words and which shall address the factual and legal issues and include a written statement setting out in general terms and 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

³ IT-04-84-R77.4, Initial Appearance, 29 April 2008 ("Initial Appearance"), T. 5.

⁴ Initial Appearance, T. 7-8.

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 92bis, 92ter or 92quater, the estimated length of time required for each witness and the total time estimated for the presentation of the Defence case;

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

3. The trial shall take place on:

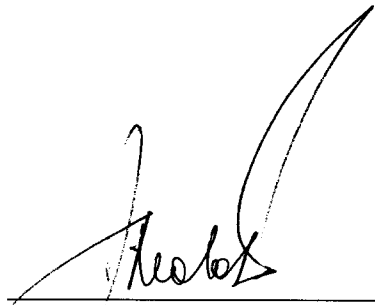
- 16 June 2008 at 14.15-19.00 in Courtroom 2;
- 17 June 2008 at 14.15-19.00 in Courtroom 2;
- 18 June 2008 at 14.15-19.00 in Courtroom 2;
- 19 June 2008 at 14.15-19.00 in Courtroom 2; and
- 20 June 2008 at 14.15-19.00 in Courtroom 2.

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

Dated this twentieth day of May 2008,

At The Hague

The Netherlands



Judge Bakone Justice Moloto
Pre-Trial Judge

[Seal of the Tribunal]