



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-04-81-PT

Date: 27 June 2008

Original: English

**IN TRIAL CHAMBER I**

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

**Registrar:** Mr. Hans Holthuis

**Order of:** 27 June 2008

**PROSECUTOR**

**v.**

**MOMČILO PERIŠIĆ**

***PUBLIC***

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**ORDER RESCHEDULING START OF TRIAL**

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**The Office of the Prosecutor**

Mr. Mark Harmon  
Mr. Evangelos Thomas

**Counsel for the Defence**

Mr. James Castle  
Mr. Novak Lukić

**Republic of Serbia**

*via* the Embassy of the Republic of  
Serbia to The Netherlands, The Hague

**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”);

**NOTING** the “Order Composing a Pre-Trial Bench” by the Presiding Judge of Trial Chamber I, filed on 20 March 2008, ordering that Trial Chamber I, for the purposes of pre-trial proceedings, be composed of Judge Alphons Orie, Judge Christine Van den Wyngaert, and Judge Bakone Justice Moloto;

**NOTING** the “Order Designating a Pre-Trial Judge”, issued on 26 March 2008, designating Judge Bakone Justice Moloto as Pre-Trial Judge in the instant case;

**NOTING** the “Order Scheduling Start of Trial”, issued on 8 May 2008, scheduling the Pre-Trial Conference to take place on 21 July 2008 and setting the Opening Statement of the Prosecution to take place on 24 July 2008, followed on 25 July 2008 by the Opening Statement of the Defence and/or a statement of the Accused, if any, at this stage;

**NOTING** that this same Order also reminded the Parties to be prepared for the presentation of the evidence by the Prosecution in the period between the latter end of August and the beginning of September 2008, on a date to be fixed by the Trial Chamber;

**NOTING** the “Decision on Momčilo Perišić’s Motion for Provisional Release”, filed on 9 June 2005, whereby the Trial Chamber set out the conditions concerning the provisional release of Momčilo Perišić, and ordered that Momčilo Perišić “return to the International Tribunal at such time and on such date as the Trial Chamber may order” and “comply strictly with any further Order of the Trial Chamber varying the terms of or terminating his provisional release”;<sup>1</sup>

**NOTING** the “Order Recalling Momčilo Perišić from Provisional Release”, issued on 18 June 2008, ordering Momčilo Perišić to return to the United Nations Detention Unit in The Hague on 14 July 2008;

**CONSIDERING** that several pendent matters no longer make the earlier anticipated beginning of the presentation of the evidence in this case feasible,<sup>2</sup> but that the parties are in agreement that they will be prepared to begin on 1 October 2008;

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<sup>1</sup> *Prosecutor v Momčilo Perišić*, Decision on Momčilo Perišić’s Motion for Provisional Release, 9 June 2005, p 5.

<sup>2</sup> For example, lead counsel for the accused submitted a formal request to the Registrar to withdraw from representation on 23 June 2008; the Prosecution is continuing its efforts to reduce the estimated length of its proposed case-in-chief; and the *ad litem* judges appointed to the Trial Chamber for pre-trial proceedings with a view to serving at trial are awaiting approval of their extension by the UN Security Council.

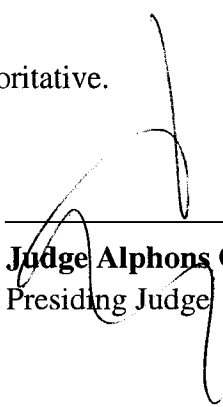
**PURSUANT TO** Rules 54, 73 *bis*, 84, 84 *bis* and 85 of the Rules of Procedure and Evidence (“Rules”);

**ORDERS:**

1. the Pre-Trial Conference pursuant to Rule 73*bis* to take place on 24 September 2008;
2. the Opening Statement of the Prosecution pursuant to Rule 84 to take place on 1 October 2008, followed on 2 October 2008 by the Opening Statement of the Defence and/or a statement of the Accused pursuant to Rule 84*bis*, if any, at this stage of the proceedings; and therefore
  - the Defence to indicate by 15 August 2008 if it elects to defer its Opening Statement pursuant to Rule 84 and if the Accused wishes to make a statement pursuant to Rule 84 *bis*;
3. the Parties to begin the presentation of evidence pursuant to Rule 85 on 3 October 2008 if the Defence and/or the Accused indicate their intention to make the statements mentioned in Order No. 2, or otherwise on 2 October 2008; and

**REVOKES** the “Order Recalling Momčilo Perišić from Provisional Release” issued on 18 June 2008.

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



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**Judge Alphons Orie**  
Presiding Judge

Dated this twenty-seventh day of June 2008

At The Hague

The Netherlands

**[Seal of the Tribunal]**