



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-05-88/2-PT

Date: 3 July 2009

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Kimberly Prost, Pre-Trial Judge  
**Registrar:** Mr. John Hocking  
**Order of:** 3 July 2009

**PROSECUTOR**

v.

**ZDRAVKO TOLIMIR**

**PUBLIC**

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**SCHEDULING ORDER ON DEFENCE PRE-TRIAL BRIEF  
AND NOTICE OF THE DEFENCE OF ALIBI AND SPECIAL DEFENCE**

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**Office of the Prosecutor**  
Mr. Peter McCloskey

**The Accused**  
Zdravko Tolimir

**I, KIMBERLY PROST**, Judge 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”);

**HAVING BEEN DESIGNATED** pre-trial Judge in the present case;<sup>1</sup>

**NOTING** that since August 2007 the Accused Zdravko Tolimir has elected to defend himself in this case pursuant to Rule 45(F) of the Rules of Procedure and Evidence (“Rules”);<sup>2</sup>

**NOTING** that in his notification filed on 23 June 2009 (“Notification”) the Accused submitted that due to the vast amount of material disclosed by the Prosecution, the volume of the Prosecution motions filed pursuant to Rules 92 *bis*, *ter*, 94(B), and 94 *bis*, the need for adequate time and additional defence investigation for preparation of a pre-trial brief (“Defence Pre-Trial Brief”) and a notice of special defence, the pre-trial conference in this case should be tentatively scheduled for mid-November 2009 and the definitive date of the commencement of the trial should be set in view of the outcome of the pre-trial conference;<sup>3</sup>

**NOTING** that the last Status Conference was held on 25 June 2009, during which the preparation for the start of the trial was discussed and the Prosecution stated that it concurred with the Accused’s position in the Notification;<sup>4</sup>

**NOTING** that at the Conference, the Accused submitted that he would be able to file the Defence Pre-Trial Brief at the end of September 2009;<sup>5</sup>

**NOTING** that Rule 65 *ter* (B) provides that the pre-trial Judge shall ensure that the proceedings are not unduly delayed and shall take any measure necessary to prepare the case for a fair and expeditious trial;

**CONSIDERING** the need for adequate time for preparation of the Defence Pre-Trial Brief in light of the length of the Prosecution Pre-Trial Brief<sup>6</sup> and the extensive Prosecution motions pursuant to Rules 92 *bis*, 92 *ter*, and 92 *quater* to which the Accused is to file his responses;<sup>7</sup>

<sup>1</sup> Order Designating a Pre-Trial Judge, 14 June 2007.

<sup>2</sup> Submission by the Accused to the Registrar for Leave to Conduct his own Defence or to Appoint Counsel of his own Choosing Pursuant to Article 21.4(d), and Rule 45(F) and Amended Rule 62(C) of the Rules, 6 August 2007 (BCS), 10 August 2007 (English). *See also* Notification by the Deputy Registrar, 27 August 2007. The Accused has two legal advisers and one case manager who were assigned to his defence team.

<sup>3</sup> Notification, 23 June 2009, paras. 2–12. *See also* T. 252 (25 June 2009).

<sup>4</sup> T. 251–255 (25 June 2009).

<sup>5</sup> T. 254 (25 June 2009).

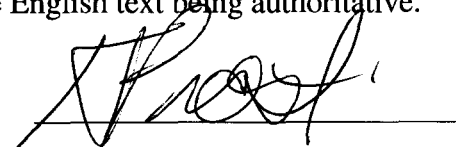
<sup>6</sup> Filed on 28 November 2008 (under seal). Its BCS version was filed on 30 March 2009.

**CONSIDERING** that additional time is required for the translation of the Defence Pre-Trial Brief;

**PURSUANT TO** Rules 65 *ter* (B)(F) and 67 (B)(i) of the Rules;

**HEREBY ORDER** that the Accused shall file the Defence Pre-Trial Brief and a notice of a defence of alibi and any special defence by no later than 30 September 2009.

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



Kimberly Prost  
Pre-Trial Judge

Dated this third day of July 2009  
At The Hague  
The Netherlands

[Seal of the Tribunal]

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<sup>7</sup> The Accused was granted an extension of time to file responses to the Prosecution motions under Rules 92 *bis* and 92 *ter*. See Decision on Tolimir's Request for Extension of Time Limit for Filing a Response to the Prosecution Motion Under Rule 92 *bis*, 29 May 2009; Decision on Tolimir's Motion for Extension of Time Limit for Filing a Response to the Prosecution's 92 *ter* Motion, 16 June 2009. On 18 March 2009, the Prosecution filed a confidential motion pursuant to Rule 92 *quater*. Its BCS version was filed on 3 July 2009.