



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-08-91-T
Date: 24 September 2009
Original: English

IN TRIAL CHAMBER II

Before: Judge Burton Hall, Presiding
Judge Guy Delvoie
Judge Frederik Harhoff

Registrar: Mr. John Hocking

Order of: 24 September 2009

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

SCHEDULING ORDER

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Igor Pantelić and Mr. Dragan Krgović for Stojan Župljanin

TRIAL CHAMBER II (“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”);

BEING SEISED of the “Prosecution’s notice regarding scheduling of expert witness Dr. Nielsen” filed on 23 September 2009 (“Request”) whereby the Prosecution requests that the Chamber (1) permits the Prosecution to call its next witness on Wednesday, 30 September 2009, and (2) use the scheduled sitting on 29 September 2009 to consider procedural matters;¹

RECALLING the order that following the conclusion of the testimony of Robert Donia, subject to his recall for further cross-examination, trial proceedings stand adjourned until 29 September 2009;²

NOTING the Prosecution’s formal notice that it will postpone Dr. Nielsen’s scheduled appearance on 29 September 2009 to a date not before 2 November 2009;³

NOTING the Prosecution submission that the re-scheduling of Dr. Nielsen’s appearance, combined with the ban on the Prosecution from calling a number of witnesses for whom there was late disclosure of witness-related materials, has resulted in no suitable substitute witness being available to testify on Tuesday, 29 September 2009;⁴

NOTING the Prosecution submission that using the scheduled sitting on 29 September 2009 to address various procedural and administrative matters, and thus finalise some of the procedural matters, will expedite the proceedings as a whole;⁵

CONSIDERING that, in the view of the Trial Chamber, none of the matters raised by the Prosecution necessitate the holding of a separate court sitting;

CONSIDERING however, that certain of the points raised are properly to be addressed in the guidelines on the admission and presentation of evidence issued by the Trial Chamber on 10 September 2009;

¹ Request, para. 7.

² Decision on the motion of Mićo Stanišić for certification to appeal the decision denying the motion to vary trial date and on joint motion for postponement of the start of trial, 14 September 2009, p. 9.

³ Request, para. 3.

⁴ Request, para. 4.

⁵ Request, para. 5.

PURSUANT to Rule 54 of the Rules;

GRANTS the Request **IN PART**;

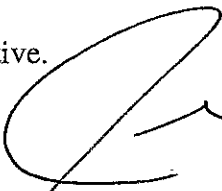
ORDERS the Prosecution to call its next witness on Wednesday, 30 September 2009;

ORDERS that the trial proceedings shall stand adjourned until Wednesday, 30 September 2009;

INFORMS the parties that the procedural matters raised in the Request shall be addressed by the Trial Chamber at a later date; and

DENIES the Request in all other respects.

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



Judge Guy Delvoie

Dated this twenty-fourth day of September 2009

At The Hague

The Netherlands

[Seal of the Tribunal]