



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-95-5/18-PT

Date: 6 April 2009

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Acting Registrar: Mr. John Hocking

Order of: 6 April 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**ORDER FOLLOWING ON STATUS CONFERENCE
AND APPENDED WORK PLAN**

Office of the Prosecutor

Mr. Alan Tieger
Mr. Mark B. Harmon
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

THIS 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”), having held a status conference on 2 April 2009 (“Conference”), as per Rule 65 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”), hereby renders this order.

1. During the Conference, the Chamber addressed a number of issues related to the Pre-trial management of the case, heard from both the Office of the Prosecutor (“Prosecution”) and the Accused on these issues, and made certain orders.

2. Rule 65 *ter*(D)(ii) of the Rules provides that the “pre-trial Judge shall establish a work plan indicating, in general terms, the obligations that the parties are required to meet pursuant to [their responsibility to prepare for trial], and the dates by which these obligations must be fulfilled”. Furthermore, Rule 65 *ter*(M) provides that a “Trial Chamber may *proprio motu* exercise any of the functions of the pre-trial Judge”.

3. Having heard from the parties on the various issues discussed at the Conference, and taking into consideration the progress in principle made by the parties toward bringing this case to trial, the Chamber considers that it is now time for a work plan to be issued so that this case can proceed expeditiously to trial.

4. The Chamber notes that disclosure has been made by the Prosecution of statements and/or reports of the following expert witnesses in terms of Rule 94 *bis*: José Baraybar, Kathryn Barr, Ewan Brown, John Clark, Richard Higgs, Johan de Koeijer, William Haglund, Christopher Lawrence, Christian Nielsen, Thomas Parsons, Freddy Peccerelli, Richard Wright, and Berko Zečević.

5. The Chamber also notes the indication given by the Prosecution at the Status Conference that it intends to file an expert report prepared by András Riedlmayer specifically relating to this case. The Prosecution has already filed a notice of disclosure of other expert reports prepared by Riedlmayer, and the Chamber considers that this notice should be withdrawn and replaced by a new one upon disclosure of the new report.

6. The Chamber further notes that the Prosecution intends to disclose the statements and/or reports of other expert witnesses in terms of Rule 94 *bis* in the course of the coming weeks, but considers that with regard to witness Richard Butler the date agreed at the Status Conference should be advanced by two weeks.

7. Accordingly, pursuant to Rules 54, 65 *bis*, 65 *ter*, 66, 67, 68, 72, 73 *bis*, 92 *bis*, 92 *ter*, 92 *quater*, and 94 *bis* of the Rules, the Trial Chamber hereby **AFFIRMS** its orders made at the Conference and further **ORDERS** as follows:

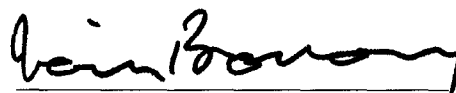
- (1) the Prosecution shall disclose, no later than 7 May 2009, its witness statements pursuant to Rule 66(A)(ii);
- (2) the Prosecution shall file, no later than 18 May 2009, the final version of its pre-trial brief, which shall conform to each of the requirements of Rule 65 *ter*(E)(i);
- (3) the Prosecution shall file, no later than 18 May 2009, its witness and exhibits lists, which shall conform to each of the requirements of Rules 65 *ter*(E)(ii) and (iii) and which shall indicate in addition, with respect to each witness, the exhibit(s) which will be referred to in the course of the evidence of the witness. The lists shall also indicate, with respect to each exhibit, which witness(es) will refer to the exhibit in evidence. The Prosecution shall also identify those witnesses and persons in respect of whom it will apply for admission of evidence in terms of Rule 92 *bis* or Rule 92 *quater*. With regard to each proposed *viva voce* witness, the Prosecution shall indicate whether any part of the evidence of the witness will be offered in the form of a statement or a transcript, pursuant to Rule 92 *ter*;
- (4) the Prosecution shall serve on the Accused, no later than 25 May 2009, any copies of exhibits falling within the terms of its Rule 65 *ter*(E)(iii) list that have not previously been disclosed to the Accused;
- (5) the Prosecution shall file, no later than 29 May 2009, its motion to admit written evidence pursuant to Rules 92 *bis* and 92 *quater*, in accordance with the witness and exhibit lists filed by 18 May 2009;
- (6) the Accused shall file notice in terms of Rule 94 *bis*(B) in respect to each of the witnesses listed above in paragraph four no later than 11 May 2009;
- (7) the Prosecution shall withdraw the notice of disclosure of András Riedlmayer's expert reports, filed on 25 March 2009;
- (8) the Prosecution shall disclose statements and/or reports for the following expert witnesses on or before the dates listed hereunder:

Helge Brunborg Dorothea Hanson	9 April 2009
Richard Philipps	11 April 2009
Robert Donia Reynaud Theunens	15 April 2009
András Riedlmayer Mark Thompson Patrick Treanor	30 April 2009
Ewa Tabeau	1 May 2009
Morten Torkildsen Ferenc Vegh	7 May 2009

Richard Butler Patrick van der Weijden	15 May 2009
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- (9) the Accused shall file notice in terms of Rule 94 *bis*(B) in respect to each of the witnesses listed in item number eight above within 30 days of disclosure by the Prosecution;
- (10) the Accused shall file, no later than 22 June 2009, his pre-trial brief, which shall conform to each of the requirements of Rule 65 *ter*(F);
- (11) the parties shall make all reasonable efforts to adhere to the appended Work Plan.

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



Judge Iain Bonomy

Dated this sixth day of April 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

APPENDIX: WORK PLAN FOR PROSECUTOR v. KARADŽIĆ

	Required action	Target date
1.	Prosecution interim pre-trial brief	8 April 2009
2.	Full disclosure of witness statements, pursuant to Rule 66(A)(ii)	7 May 2009
3.	Defence notices as to acceptance/cross-examination/challenge of already disclosed expert witnesses and expert reports, pursuant to Rule 94 bis(B)	11 May 2009
4.	Disclosure of expert reports pursuant to Rule 94 bis	Ongoing obligation and no later than 15 May 2009
5.	Defence notices as to acceptance/cross-examination/challenge of remaining expert witnesses and expert reports, pursuant to Rule 94 bis(B)	30 days as of date of disclosure by the Prosecution
6.	Prosecution final pre-trial brief, list of witnesses, list of exhibits (Rule 65 ter (E))	18 May 2009
7.	Disclosure of exhibits falling within the terms of Prosecution's Rule 65 ter (E)(iii) list, not previously disclosed to the Accused	25 May 2009
8.	Motions for admission of evidence pursuant to Rules 92 bis and <i>quater</i>	29 May 2009
9.	Defence notice of alibi and special defences, if any, pursuant to Rule 67(B)	22 June 2009
10.	Defence pre-trial brief (Rule 65 ter (F))	22 June 2009
11.	Pre-trial Conference (Rule 73 bis)	20 July 2009