



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-98-29/1-PT
Date: 23 November 2006
Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Pre-trial Judge
Judge Krister Thelin
Judge Antoine Kesia-Mbe Mindua

Registrar: Mr. Hans Holthuis

Order of: 23 November 2006

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

**SCHEDULING ORDER VARYING TIME-LIMITS WITH
REGARD TO THE COMMENCEMENT OF TRIAL AND
REQUEST TO PROSECUTION
TO REDUCE THE SCOPE OF ITS CASE**

The Office of the Prosecutor:

Mr. Alex Whiting
Mr. Stefan Waespi

Counsel for the Accused:

Mr. Branislav Tapušković
Ms. Branislava Isailović

TRIAL CHAMBER III 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 Reassigning a Case to a Trial Chamber” issued by the President of the Tribunal on 22 November 2006, assigning the case *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1, to Trial Chamber III with immediate effect and the “Order Assigning *Ad Litem* Judges for Pre-Trial Work” issued by the President of the Tribunal on 23 November 2006, assigning *ad litem* Judges Krister Thelin and Antoine Kesia-Mbe Mindua to the instant case, and designating Judge Patrick Robinson as Pre-trial Judge;

CONSIDERING that the instant case is ready for trial and that the trial in this case shall commence as soon as possible after the court winter recess, subject to further announcements that will be made in due course;

CONSIDERING that it is necessary, given this timeframe, to adapt the time-limits given by the Pre-trial Judge previously seised of the case for the response and reply to the Prosecution’s Motion Seeking Leave to Amend the Indictment (“Motion”) of 13 November 2006, namely, that the Defence shall respond to the Motion before 19 December 2006, and the Prosecution file a reply before 29 December 2006;¹

NOTING that the Prosecution’s Rule 65ter(E)(ii) witness list provides for the testimony of 145 individuals, and that the Prosecution’s case is anticipated to last for 330.5 hours;

RECALLING the Trial Chamber’s duty pursuant to Article 20 of the Tribunal’s Statute to ensure a fair and expeditious trial;

CONSIDERING that Rule 73bis(D) of the Rules provides that “[a]fter having heard the Prosecutor, the Trial Chamber, in the interest of a fair and expeditious trial, may invite the Prosecutor to reduce the number of counts charged in the Indictment and may fix a number of crime sites or incidents comprised in one or more of the charges in respect of which evidence may be presented by the Prosecutor which, having regard to all the relevant circumstances, including the crimes charged in the indictment, their classification and nature, the places where they are alleged to have been committed, their scale and the victims of the crimes, are reasonably representative of the crimes charged”;

FOR THE FOREGOING REASONS and PURSUANT TO RULES 54, 65ter, 72, 73bis and 126bis OF THE RULES

¹ Scheduling Order Regarding Proposed Amendment of the Indictment, 17 November 2006.

THE TRIAL CHAMBER HEREBY

- 1) **ORDERS** the Defence, in variation of the Trial Chamber's Order of 17 November 2006, to file a response to the Motion (including both challenges to the proposed amended indictment and challenges to its form, if any) by no later than 5 December 2006;
- 2) **GRANTS** leave to the Prosecution to file a reply to this response, in variation of the Trial Chamber's Order of 17 November 2006, by no later than 8 December 2006;
- 3) **INVITES** the Prosecution, pursuant to Rule 73*bis* of the Rules, to propose means to the Trial Chamber, by no later than 5 December 2006, of reducing the scope of its case by at least one-third by reducing (i) the number of counts charged in the indictment, and/or (ii) the number of crime sites or incidents comprised in one or more of the charges in the indictment;
- 4) **FURTHER INVITES** the Prosecution to reconsider the overall number of witnesses and exhibits in support of the charges; and
- 5) **ORDERS** the Defence to file a response, if any, to the Prosecution's filing which is due on 5 December 2006, by no later than 8 December 2006.

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

Dated this twenty-third day of November 2006

At The Hague

The Netherlands



Patrick Robinson

Pre-trial Judge

[Seal of the Tribunal]