



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

ORDER RESCHEDULING START OF TRIAL

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”;¹

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,² but that the parties are in agreement that they will be prepared to begin on 1 October 2008;

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

² 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.



Judge Alphons Orie
Presiding Judge

Dated this twenty-seventh day of June 2008

At The Hague

The Netherlands

[Seal of the Tribunal]