

IT-02-54-R77.5 137
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28 November 2008

UNITED
NATIONS



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-02-54-R77.5
Date: 28 November 2008
Original: English

IN A SPECIALLY APPOINTED CHAMBER

Before: Judge Carmel Agius, Presiding
Judge Alphons Orié
Judge Christine Van den Wyngaert

Registrar: Mr Hans Holthuis

Order of: 28 November 2008

IN THE CASE AGAINST
FLORENCE HARTMANN

PUBLIC

SCHEDULING ORDER FOR COMMENCEMENT OF TRIAL

Amicus Curiae Prosecutor

Mr Bruce MacFarlane

Counsel for the Accused

Mr William Bourdon

I, JUDGE CARMEL AGIUS, Presiding Judge in a Specially Appointed 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 Amended Order in Lieu of an Indictment on Contempt, filed on 27 October 2008 against Florence Hartmann (“the Accused”);

NOTING that the Initial Appearance of the Accused was held on 27 October 2008 at which time the Prosecution was ordered to disclose the supporting materials accompanying the Amended Order in Lieu of Indictment on Contempt to the Accused pursuant to Rule 66(A)(i) of the Rules of Procedure and Evidence (“Rules”) by 10 November 2008, and the Defence was ordered the Defence to file any preliminary motions pursuant to Rule 72(A) of the Rules by 24 November 2008.

NOTING that a Further Appearance of the Accused was held on 14 November 2008 at which time a plea of not-guilty was entered on her behalf pursuant to Rule 62(A)(iv) of the Rules;

NOTING that pursuant to Rule 65*ter*(E) of the Rules, the Prosecution shall be ordered to file, not later than six weeks before the Pre-trial Conference, the final version of the Prosecution’s Pre-trial Brief, the list of witnesses the Prosecution intends to call and the list of exhibits the Prosecution intends to offer at trial;

NOTING that pursuant to Rule 65*ter*(F) of the Rules, counsel for the accused (“Defence”) shall be ordered to file, not later than three weeks before the Pre-trial Conference, a Pre-trial Brief;

CONSIDERING that pursuant to Rules 126*bis* and 127 of the Rules, and the Practice Direction on the Procedure for the Investigation and Prosecution of Contempt Before the International Tribunal (“Practice Direction”), the Chamber may reduce any time prescribed by or under the Rules having regard to the complexity of issues raised in the contempt proceedings.

PURSUANT TO Article 20 of the Statute of the Tribunal and Rules 54, 65*ter*, 73*ter*, 77 and 126*bis* and 127 of the Rules;

ORDER as follows;

- 1) The Prosecution to file, no later than 8 January 2009;


- (a) a Pre-trial Brief, including a summary of the evidence which the Prosecution intends to present at trial regarding the commission of the alleged crime and the form of responsibility incurred by the accused. This brief which shall not exceed 5000 words, shall include any admissions by the parties and a statement of matters which are not in dispute, as well as a statement of contested matters of fact and law;
- (b) the list of witnesses the Prosecution intends to call at trial. This list shall include the name or pseudonym of each witness, a summary of the facts on which each witness will testify, the points in the Indictment as to which each witness will testify, the total number of witnesses, an indication of whether each witness will testify in person or pursuant to Rules *92bis*, *92ter* or *92quater*, the estimated length of time required for each witness and the total time estimated for presentation of the Prosecution's case;
- (c) the list of exhibits the Prosecution intends to offer at trial;
2. The Defence to file, no later than 15 January 2009:
- (a) a Pre-trial Brief that shall not exceed 5000 words and which shall address the factual and legal issues and include a written statement setting out in general terms the nature of the Accused's defence, the matters with which the Accused takes issue in the Prosecution's Pre-trial Brief and, in the case of each such matter, the reason why the Accused takes issue with it;
- (b) the list of witnesses the Defence intends to call at trial, if any. This list shall include the name or pseudonym of each witness, a summary of the facts on which each witness will testify, the points in the Indictment as to which each witness will testify, the total number of witnesses, an indication of whether the witness will testify in person or pursuant to Rules *92bis*, *92ter* or *92quater*, the estimated length of time required for each witness and the total time estimated for the presentation of the Defence case;
- (c) the list of exhibits, if any, the Defence intends to offer at trial;
- 3) The Pre-Trial Conference shall be held on 5 February 2009;
- 4) The Trial is to commence immediately after the conclusion of the Pre-Trial Conference with the opening statement of the Prosecution and the Opening Statement of the

Defence, if any at this stage of the proceedings, and the presentation of the Prosecution's case immediately thereafter; the Defence case, if any, will follow the conclusion of the Prosecution's case;

5) The trial shall take place on:

- Thursday 5 February 2009, from 9 to 13.45 hours, and 14.15 to 19.00 hours in Courtroom I.
- Friday 6 February 2009, from 9 to 13.45 hours, and 14.15 to 19.00 hours in Courtroom I.

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



Judge Carmel Agius
Presiding Judge

Dated this 28th day of November 2008.
At The Hague
The Netherlands

[Seal of the Tribunal]