



**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**

IT-04-84-R77.5
D142-D138
03 JUNE 2008

142 AT

Case No. IT-04-84-R77.5
Date: 3 June 2008
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Pre-Trial Judge
Registrar: Mr Hans Holthuis
Order of: 3 June 2008

PROSECUTOR

v.

BATON HAXHIU

PUBLIC

ORDER SCHEDULING START OF TRIAL

Office of the Prosecutor

Mr David Re
Mr Vincent Lunny

Counsel for the Accused

Mr Christian Kemperdick

I, JUDGE ALPHONS ORIE, Presiding Judge of Trial Chamber I 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 that the Indictment for contempt against Baton Haxhiu (“Accused”) was confirmed on 10 April 2008;¹

NOTING that the Accused was transferred to the seat of the Tribunal on 20 May 2008 and that his initial appearance was held on the following day, during which the Accused pleaded not guilty;²

NOTING that the Accused was provisionally released on 23 May 2008;³

NOTING that pursuant to Rule 65 *ter* (E) of the Rules of Procedure and Evidence (“Rules”), the Pre-Trial Judge shall order the Prosecution 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;

NOTING that pursuant to Rule 65 *ter* (F) of the Rules, the Pre-Trial Judge shall order counsel for the accused to file, not later than three weeks before the Pre-Trial Conference, a pre-trial brief;

NOTING that pursuant to Rule 65 *ter* (G) of the Rules, after the close of the Prosecution’s case and before the commencement of the Defence case, the Pre-Trial Judge shall order the Defence to file a list of witnesses the Defence intends to call and a list of exhibits the Defence intends to offer in its case;

NOTING that pursuant to Rule 127 of the Rules, the Pre-Trial Judge may on good cause enlarge or reduce any time prescribed by the Rules;

CONSIDERING that the nature and complexity of the instant case merits an expedited process for filing of pre-trial documents;

CONSIDERING that the parties have communicated to the Chamber’s Senior Legal Officer that they are ready for the trial to take place on the dates indicated below;

¹ Decision on Review of Indictment, 10 April 2008.

² Transcript in *Prosecutor v. Haxhiu*, pp. 1-13.

³ Decision on Provisional Release of Baton Haxhiu, 23 May 2008.

FINDING that therefore there is good cause for the purposes of Rule 127 of the Rules, which in this case need not be shown by a motion;

PURSUANT TO Article 20 of the Tribunal's Statute and Rules 54, 65 *ter*, 73 *bis*, 77, 84 and 127 of the Rules;

ORDER as follows:

1. The Prosecution shall file, not later than 10 June 2008:

a. a pre-trial brief, including a summary of the evidence which the Prosecution intends to bring 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. 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 92 *bis*, 92 *ter* or 92 *quater* of the Rules, 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;

2. The Defence shall file, not later than 17 June 2008:

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 and 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. 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 92 *bis*, 92 *ter* or 92 *quater* of the Rules, 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 the Defence intends to offer;

3. The Pre-Trial Conference shall be held on 24 June 2008;

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:

- 24 June 2008, from 9 to 13.45 hours in Courtroom 1

- 26 June 2008, from 9 to 13.45 hours in Courtroom 2

Further **ORDER** that the following shall be lifted:

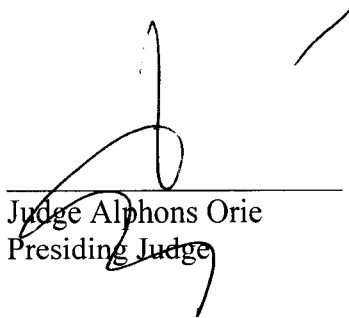
- The *ex parte* status of the Decision on Review of Indictment filed on 10 April 2008;

- The confidentiality and the *ex parte* status of the Order Composing a Chamber filed on 16 April 2008;

- The confidentiality of the Warrant of Arrest and Order for Surrender of Baton Haxhiu filed on 15 May 2008;

NOTE that the termination of the Accused's provisional release will be dealt with in a separate order at the appropriate time.

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



Judge Alphons Orié
Presiding Judge

Dated this 3rd day of June 2008
At The Hague
The Netherlands

[Seal of the Tribunal]