

**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-04-75-T
Date: 30 May 2014
Original: English

IN THE TRIAL CHAMBER

Before: Judge Guy Delvoie, Presiding
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua

Registrar: Mr. John Hocking

Order: 30 May 2014

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**AMENDED SCHEDULING ORDER FOR PREPARATION AND
COMMENCEMENT OF DEFENCE CASE**

The Office of the Prosecutor:

Mr. Douglas Stringer

Counsel for Goran Hadžić:

Mr. Zoran Živanović

Mr. Christopher Gosnell

1. **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”) hereby issues this scheduling order in relation to the forthcoming Defence case.

2. The Trial Chamber recalls that—in its “Order on Close of Prosecution Case-in-Chief, Rule 98 *bis* Proceedings, and Preparation and Commencement of Defence Case”, issued on 18 July 2013 (“18 July Order”)—it was decided that the Defence case would commence four months after the Trial Chamber’s decision on the Defence’s Rule 98 *bis* motion, in the event that the motion does not result in a full acquittal.¹ On 20 February 2014, the Chamber issued its decision on the motion and did not issue a judgement of full acquittal.² The Trial Chamber therefore set 24 June 2014 as the date for commencement of the Defence case in its “Scheduling Order for Preparation and Commencement of Defence Case”, issued on 20 February 2014 (“20 February Order”).³

3. Pursuant to Rule 15 *bis*(B)(i) and (ii) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) “if (i) a Judge is, for illness or urgent personal reasons, or for reasons of authorised Tribunal business, unable to continue sitting in a part-heard case for a period which is likely to be of short duration, and (ii) the remaining Judges of the Chamber are not satisfied that it is in the interests of justice to order that the hearing of the case continue in the absence of that Judge, then (a) those remaining Judges of the Chamber may nevertheless conduct those matters which they are satisfied it is in the interests of justice that they be disposed of notwithstanding the absence of that Judge, and (b) the remaining Judges of the Chamber may adjourn the proceedings.”

4. The Trial Chamber notes that Judge Mindua will be unavailable on 24, 25, and 26 June 2014 for urgent personal reasons and Judge Hall will be unavailable due to Tribunal business on 30 June, 1 July, and 2 July 2014.

5. Considering the fact that Judge Hall’s and Judge Mindua’s dates of unavailability fall at the start of the Defence case and during the hearing of the Defence’s first witnesses, the Trial Chamber is not satisfied that it is in the interests of justice to order that the hearing of the case continue in the absence of either Judge Hall or Judge Mindua. The Trial Chamber will therefore postpone the start of the Defence case until 3 July 2014 and, in order to account for this postponement, the Trial Chamber will sit five days per week thereafter during the months of July and August save for the period of the Tribunal’s summer recess.

¹ Order on Close of Prosecution Case-in-Chief, Rule 98 *bis* Proceedings, and Preparation and Commencement of Defence Case, 18 July 2013, paras 10, 12(e).

² Hearing, 20 February 2014.

³ Scheduling Order for Preparation and Commencement of Defence Case, 20 February 2014, para. 4(a).

6. Nothing in the foregoing decision shall be construed as altering any other dates or deadlines set out in the 20 February Order.

7. Accordingly, the Trial Chamber, pursuant to Rules 15 *bis*(B) and 54 of the Rules hereby:

ORDERS that the Defence case shall commence on Thursday, 3 July 2014.

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

Done this thirtieth day of May 2014,
At The Hague,
The Netherlands.



Judge Guy Delvoic
Presiding

[Seal of the Tribunal]