

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding

Judge Antonio Cassese

Judge Florence Ndepele Mwachande Mumba

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Order of: 7 May 1998

PROSECUTOR

v.

**MILAN KOVACEVIC;
MIROSLAV KVOCKA;
MLADEN RADIC and
ZORAN ZIGIC**

SCHEDULING ORDER

The Office of the Prosecutor:

**Ms. Brenda Hollis
Mr. Michael Keegan**

Counsel for the Accused:

**Mr. Dusan Vucicevic and Mr. Anthony D'Amato, for Milan Kovacevic;
Mr. M. Krstan Simic, for Miroslav Kvocka
Mr. Veljko Guberina, for Mladen Radic
Mr. Simo Tosic, for Zoran Zigic**

THE TRIAL CHAMBER, *proprio motu*,

NOTING the Motion For Joinder Of Accused And Concurrent Presentation Of Evidence ("Motion for Joinder") filed by the Office of the Prosecutor ("Prosecution") on 22 April 1998, the reply filed by counsel for the accused, Milan Kovacevic, on 1 May 1998 seeking bifurcation of the trial of Milan Kovacevic, the reply filed on 1 May 1998 by counsel for the accused, Mladen Radic, seeking postponement of the hearing on this matter scheduled for Monday 11 May 1998 and the request filed by the Prosecution for rescheduling of the hearing to Friday 8 May 1998,

NOTING THAT responses from counsel for the accused, Miroslav Kvocka and Zoran Zigic, are due to be filed by 7 May 1998,

CONSIDERING THAT an appeal against a Decision of this Trial Chamber is still pending before the Appeals Chamber of this International Tribunal and therefore it will not be possible for the trial of the accused, Milan Kovacevic, to commence on Monday 11 May 1998 as originally scheduled,

CONSIDERING THEREFORE THAT the reasons given by the Prosecution for advancing the hearing of the Motion for Joinder no longer apply,

CONSIDERING FURTHER THAT the matters raised by counsel for the accused, Mladen Radic, do not warrant a postponement and an oral hearing at this stage may facilitate the resolution of the Motion for Joinder,

NOTING the Motion to Protect Victims and Witnesses filed by the Prosecution on 20 April 1998, the response of the Defence thereto and the Request for Leave to File a Reply thereto filed by the Prosecution on 4 May 1998, the Motion for Protective Measures for Witness P filed by the Prosecution on 4 May 1998, the Request for Judicial Notice filed by the Prosecution on 20 April 1998 and the response of the Defence thereto, the Motion for the Pre-trial Admission of Evidence filed by the Prosecution on 20 April 1998, the Motion to Allow Lead Investigator to Observe Court Proceedings filed by the Prosecution on 4 May 1998,

NOTING ALSO the Motion for a Prosecutorial Code of Conduct filed by the Defence on 29 April 1998, the response of the Prosecution and the Defence Substitute Motion filed on 6 May 1998,

PURSUANT TO RULE 54 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY ORDERS as follows:

1. the commencement of the trial of the accused, Milan Kovacevic, is postponed to a date to be fixed by the Trial Chamber;
2. the Trial Chamber will hear oral argument on the Motion for Joinder as scheduled on Monday 11 May 1998 at 10 a.m.;
3. the Trial Chamber will hear oral argument on the remainder of the motions after the hearing of the Motion for Joinder on Monday 11 May 1998 and on Tuesday 12 May 1998 if necessary;
4. a closed session status conference will follow the hearing of the motions; and
5. the Prosecution may submit a reply to the Defence response to the Motion for Protection of Victims and Witnesses by Friday 8 May 1998.

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

Richard
May

Presiding
Judge

Dated this seventh day of May 1998

At The Hague

The Netherlands

[Seal
of

the
Tribunal]