



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-95-13a-PT  
Date: 28 November 1997  
Original: ENGLISH

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**IN THE TRIAL CHAMBER**

**Before:** Judge Antonio Cassese, Presiding  
Judge Richard May  
Judge Florence Mumba

**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh

**Order of:** 28 November 1997

**PROSECUTOR**

v.

**SLAVKO DOKMANOVIĆ**

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**ORDER**

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**The Office of the Prosecutor:**

**Mr. Grant Niemann  
Mr. Clint Williamson**

**Counsel for the Accused:**

**Mr. Toma Fila  
Ms. Jelena Lopičić**

THE TRIAL CHAMBER,

PURSUANT to the provisions of Article 21(4)(c) of the Statute, which guarantees the accused's right "to be tried without undue delay"; Article 20(1) of the Statute which enshrines the right to "a fair and expeditious" trial; and the principle of equality of arms between the Prosecutor and Defence;

NOTING the importance of clarifying the issues that will be argued before the Trial Chamber in the course of the trial of Slavko Dokmanović;

CONSIDERING that the Trial Chamber will benefit from having access to Witness Statements and other documentary materials which will be relied on by the parties at trial and the production of Pre-Trial Briefs setting out the positions of the Parties;

NOTING that perusal of such documents by the Trial Chamber is primarily for the purpose of promoting better comprehension of the issues and more effective management of the trial;

NOTING FURTHER that the rationale behind Rule 15(C) of the Rules of Procedure and Evidence does not necessarily prevent the Trial Chamber from examining material supporting the Indictment. As was stated by the European Court of Human Rights in Hauschildt (Judgement of 24 May 1989):

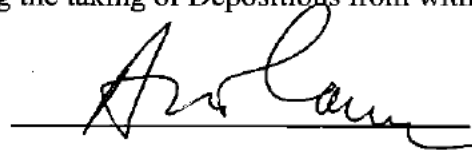
"Suspicion and a formal finding of guilt are not to be treated as being the same .... In the Court's view .... the mere fact that a Trial Judge or an Appeal Judge .... has also made pre-trial decisions in the case, including those concerning detention or remand, cannot be held as in itself justifying fears as to his impartiality." (Publications of the European Court of Human Rights, Series A, Vol. 154, p. 22, para. 50)

CONSIDERING that this material will not be regarded as evidence by the Trial Chamber unless and until submitted in the course of trial;

HAVING HEARD the willingness of the Prosecutor and Defence Counsel to assist in the expeditious conduct and management of the trial and having consulted them as to the proposed measures to achieve this purpose;

## DECIDES THAT

- (1) By 15 December 1997, the Prosecution shall, through the Registry, deliver to the Trial Chamber Witness Statements taken from witnesses whom the Prosecution intends to call for trial and other material on which the Prosecution intends to rely at trial;
- (2) By 15 December 1997, the Prosecution shall, through the Registry, file a Pre-Trial Brief clarifying the allegations in the Indictment, setting out in full the details of their case against Slavko Dokmanović and identifying the points in issue;
- (3) At least one week prior to the commencement of the trial, copies of the Prosecution's proposed Opening Statement shall, through the Registry, be delivered to the Defence and the Trial Chamber, and Defence Counsel shall likewise deliver copies of his proposed Opening Statement at least one week before delivery;
- (4) The Defence shall, through the Registry, immediately deliver to the Trial Chamber Notice of Alibi that was provided to the Prosecution on 27 November 1997;
- (5) By 15 December 1997, the Defence shall, through the Registry, deliver to the Trial Chamber Witness Statements taken from witnesses whom the Defence intends to call for trial and other material that they intend to rely on at trial;
- (6) By 5 January 1997, the Defence shall file a document setting out those points, if any, in the amended Indictment approved by the Trial Chamber on 28 November 1997 which are admitted, those which are denied and the grounds for so doing, and setting out in general terms the defence to the Indictment; and
- (7) By 12 January 1997, the Defence shall file motions, if any, including those seeking orders for safe conduct and orders authorising the taking of Depositions from witnesses for the purposes of trial before the Chamber.



Antonio Cassese  
Presiding Judge

Dated this twenty-eighth day of November 1997  
At The Hague  
The Netherlands

[Seal of the Tribunal]