



**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: IT-98-29-PT  
Date: 5 October 2001  
Original: English**

**IN THE TRIAL CHAMBER**

**Before: Judge Almiro Rodrigues, Presiding  
Judge Fouad Riad  
Judge Patricia Wald**

**Registrar: Mr Hans Holthuis**

**Order of: 5 October 2001**

**PROSECUTOR**

**v**

**STANISLAV GALIĆ**

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**SCHEDULING ORDER**

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**Office of the Prosecutor:**

**Mr. Mark Ierace**

**Counsel for the Defence:**

**Ms. Mara Pilipović**

**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 (“International Tribunal”);

**NOTING** the status conference held on 7 September 2001, during which the pre-trial Judge in this case proposed a schedule indicating that the final pre-trial conference (“PTC”) would be organised prior to the expiration of the mandate of the Judges in the Chamber, and that the trial of this case would begin on 3 December 2001; that the Prosecution proposed an alternative schedule while the Defence explained it needed to reflect on the matter until 2 October 2001; that the pre-trial Judge ordered the parties to meet on that date with the Chamber’s Senior Legal Officer (“SLO”);

**HAVING HEARD** the SLO’s oral report according to which, at meetings held on 2 and 3 October, the parties submitted, in particular that:

- they were engaged in a process of reciprocal discovery pursuant to Rules 66 and 67 of the Rules of Procedure and Evidence (“the Rules”), which involved a very large number of documents, many of which were, when coming from the Defence, in the “BCS” language; the parties were still to disclose one to another numerous documents;
- the Prosecutor was still awaiting translation of a number of documents which have to be disclosed to the Defence in a language the accused understands (*i.e.*, “BCS”) and emphasised that translation was to take a significant amount of time;
- the Prosecutor was in the process of reviewing the Schedules attached to the indictment, which would lead to the withdrawal of some incidents and the addition of others; that an amended schedule on the sniping incidents was ready and an amended schedule on the shelling incidents would soon be made available to the Defence;
- the Defence was facing difficulties in preparing for the trial due to lack of resources; the Defence was informed by the SLO that the Registry was appointing a co-counsel (able to use both official languages of the Tribunal) and granting additional legal assistance for the Defence;
- the parties envisaged to conduct a further visit of various locations relevant to the indictment;
- following analysis of the material disclosed, the parties considered reaching some agreements on general, “background” facts or on the consequences of incidents (*e.g.*, injuries caused to the victims);
- both parties favoured an opening of the trial in January 2002 and agreed on the date of 9 January;
- both parties could agree to begin the trial in the week beginning 3 December 2001 but would need time to finalise their respective pre-trial briefs;

- as a result, in both cases, the PTC would have to be held in late November, preferably early December 2001;

**CONSIDERING** however that the parties have been clearly advised to prepare for the case to begin in December 2001;

**CONSIDERING** that the Prosecution has had more than ample time to review the incidents listed in the Schedules;

**CONSIDERING** that, pursuant to the pre-trial Judge's oral order of 30 January 2001, the Prosecution filed a provisional pre-trial brief ("the Brief") as early as 20 February 2001; that the Brief sets clearly both the factual and legal arguments the Prosecution intends to present at trial; that, in particular, it refers to a number of casualties as a result of the snipping and shelling incidents "well over one thousand" and discusses "the command responsibility of the accused";

**CONSIDERING** therefore that, while the Chamber understands investigations may be on-going for the purpose of identifying additional victims, but may also lead to the Prosecution renouncing to some specific incidents, there is no point in awaiting, at this stage, for the submission by the Prosecutor of a final list of incidents forming the factual basis of the crimes charged against the accused;

**CONSIDERING** further that the Defence has also had ample time to prepare; that, at this phase of the proceedings, the Defence is not expected to have its entire case ready but, simply, to be in a position to understand fully the nature of the charges brought against the accused and to cross-examine the first Prosecution's witnesses; that, since the Brief was filed, the Defence has had sufficient time to elaborate, as is required by Rule 65 *ter* of the Rules, on its pre-trial brief "setting out:

- (i) in general terms, the nature of the accused's defence;
- (ii) the matters with which the accused takes issue in the Prosecutor's pre-trial brief; and
- (iii) in the case of each such matter, the reasons why the accused takes issue with it."

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<sup>1</sup> Motion hearing, 8 June 2000, Transcript, p. 108 and 128.

<sup>2</sup> Motion, p. 2.

<sup>3</sup> Motion hearing, 10 July 2000, Transcript, p. 165-173 and 178-180

<sup>4</sup> Motion hearing, 10 July 2000, Transcript, p. 173-178.

<sup>5</sup> Defense Motion for Continuance of Provisional Release Hearing, 11 May 2000, para. 4; Motion hearing, 8 June 2000, Transcript, p. 102-103.

**CONSIDERING** that, if indeed the Defence of the accused may not have been properly ensured initially, Ms. Pilipović was appointed on 24 November 2000;

**CONSIDERING** that the accused, General Galić, is in the custody of the Tribunal since 21 December 1999;

**CONSIDERING**, finally, that the time-limit set in paragraph (F) of Rule 65 *ter* is in the interest of the Chamber rather than in the interest of the parties and that the Chamber may therefore decide to apply to itself a shorter period of time;

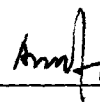
**PURSUANT** to Articles 20 and 21 of the Statute as well as Rules 54,65 *ter* and 73 *bis* of the Rules;

**FOR THE FOREGOING REASONS,**

**ORDERS** the following schedule:

- filing of the Prosecutor's final pre-trial brief: 15 October 2001;
- filing of the Defence final pre-trial brief: 23 October 2001;
- hearing for final pre-trial conference: 8 November 2001 in the afternoon.

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



Almiro Rodrigues  
Presiding Judge

Done this Fifth October 2001  
At The Hague,  
The Netherlands.

**[Seal of the Tribunal]**