

1 OCTOBER 1997
D 5215 - D 5213
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**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-96-21-T

Date: 1 October 1997

Original: English

IN THE TRIAL CHAMBER

**Before: Judge Adolphus G. Karibi-Whyte, Presiding
Judge Elizabeth Odio Benito
Judge Saad Saood Jan**

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Order of: 1 October 1997

PROSECUTOR

v.

**ZEJNIL DELALIĆ
ZDRAVKO MUCIĆ also known as "PAVO"
HAZIM DELIĆ
ESAD LANDŽO also known as "ZENGA"**

**ORDER ON THE PROSECUTION'S MOTION FOR LEAVE TO CALL WITNESS
"R" AS A WITNESS**

The Office of the Prosecutor:

**Mr. Grant Niemann
Ms. Teresa McHenry
Mr. Giuliano Turone**

Counsel for the Accused:

**Ms. Edina Rešidović, Mr. Ekrem Galijatović, Mr. Eugene O'Sullivan, for Zejnil Delalić
Mr. Željko Olujić, Mr. Michael Greaves, for Zdravko Mucić
Mr. Salih Karabdić, Mr. Thomas Moran, for Hazim Delić
Mr. John Ackerman, Ms. Cynthia McMurrey, for Esad Landžo**

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 (“International Tribunal”);

BEING SEISED of a “Motion for Leave to Call Witness “R” as a Witness” (Official Record at Registry Page (RP) D4033 - D4035) filed by the Office of the Prosecutor (“Prosecution”) on 22 July 1997 (“Motion”);

CONSIDERING that the Prosecution asserts that the testimony of Witness “R” has become important to the Prosecution’s case following the decision by a number of witnesses not to testify;

CONSIDERING that the Prosecution disclosed Witness “R”’s statement to the Defence in November 1996 and had made known to the Defence its intention to call Witness “R” as a witness by the end of July 1997;

CONSIDERING that during oral argument on the Motion before the Trial Chamber on 1 September 1997, none of the Defence voiced objections to the calling of Witness “R”;

CONSIDERING Article 20 of the Statute of the International Tribunal (“Statute”) which mandates the Trial Chamber to ensure that a trial is fair and expeditious and that the proceedings are conducted in accordance with the Rules of Procedure and Evidence;

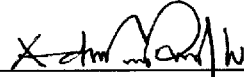
CONSIDERING Article 21(4) of the Statute which endows the accused with certain fair trial rights, in particular Article 21(4)(b) which stipulates that the accused shall be entitled to adequate time and facilities for the preparation of his defence;

CONSIDERING FURTHER that the request for an additional witness will not unduly affect any of the accused’s fair trial rights and in particular, the right to adequately prepare their defence;

FOR THE FOREGOING REASONS, PURSUANT TO RULE 54,

HEREBY GRANTS the Motion.

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



Adolphus Godwin Karibi-Whyte
Presiding Judge

Dated this first day of October 1997
At The Hague,
The Netherlands.

[Seal of the Tribunal]