



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-95-17/1-PT  
Date: 29 April 1998  
Original: ENGLISH

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**IN THE TRIAL CHAMBER**

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

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

**Decision of:** 29 April 1998

**PROSECUTOR**

v.

**ANTO FURUNDŽIJA**

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**DECISION ON MOTION OF DEFENDANT ANTO FURUNDŽIJA TO PRECLUDE  
TESTIMONY OF CERTAIN PROSECUTION WITNESSES**

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**The Office of the Prosecutor:**

Mr. Michael Blaxill  
Ms. Patricia Viseur-Sellers

**Counsel for the Accused:**

Mr. Luka Misetić

**THE 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"),

**FURTHER TO** the Motion of the Defendant Anto Furundžija to Preclude Testimony of Certain Prosecution Witnesses filed on 24 April 1998 ("Defence Motion"),

**NOTING** that a motion to preclude testimony of certain witnesses is dealt with under Rule 73 of the Rules of Procedure and Evidence,

**NOTING ALSO** the failure of the Prosecution to make available to the Defence no later than sixty days before the date set for trial, i.e., 8 June 1998, copies of the statements of all the witnesses whom the Prosecutor intends to call to testify, as mandated by Rule 66 (A)(ii), and the further failure of the Prosecution to satisfy the Trial Chamber in a timely manner of any reason for its failure to comply with its obligations pursuant to Rule 66 (A)(ii),

**CONSIDERING** the importance of full and timely compliance by the Parties with the disclosure obligations set forth in the Rules of Procedure and Evidence in order to ensure a fair trial,

**EXPRESSES** grave concern at the unjustifiable failure of the Prosecution to comply with its disclosure obligations and

**HEREBY DISMISSES** the Defence Motion and refers the parties to the ensuing Scheduling Order.

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



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Florence Ndepele Mwachande Mumba  
Presiding Judge

Dated this twenty-ninth day of April 1998  
At The Hague  
The Netherlands

[Seal of the Tribunal]