



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-T

Date: 12 June 1998

Original: ENGLISH

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: 12 June 1998

PROSECUTOR

v.

ANTO FURUNDŽIJA

DECISION

The Office of the Prosecutor:

Mr. Michael Blaxill
Ms. Patricia Viseur-Sellers

Counsel for the Accused:

Mr. Luka Misetić
Mr. Sheldon Davidson

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;

HAVING HEARD the testimony of Witness A in closed session on 12 June 1998;

BEING SEISED of an oral motion by the Defence on 12 June 1998 to disregard the evidence of Witness A relating to acts with which the accused, Anto Furundžija, is not charged in the Indictment ("Oral Motion");

HAVING HEARD the submissions of the parties;

CONSIDERING the importance of preserving the accused's right to a fair trial, the need to avoid prejudice to him and to prevent a miscarriage of justice;

HEREBY

ALLOWS the Oral Motion and holds that in the circumstances, the Trial Chamber will only consider as relevant Witness A's evidence in so far as it relates to Paragraphs 25 and 26 as pleaded in the Indictment against the accused.

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



Florence Ndepele Mwachande Mumba
Presiding Judge

Dated this 12th day of June 1998
At The Hague,
The Netherlands.

[Seal of the Tribunal]