



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-95-14-T

25 March, 1999
English
Original: French

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Almiro Simões Rodrigues
Judge Mohamed Shahabuddeen

Registrar: Mr. Jean-Jacques Heintz, Deputy Registrar

Decision of: 25 March 1999

THE PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

**DECISION OF TRIAL CHAMBER I IN RESPECT OF THE
APPEARANCE OF GENERAL MILIJOV PETKOVIĆ**

The Office of the Prosecutor:

Mr. Mark Harmon
Mr. Andrew Cayley
Mr. Gregory Kehoe

Defence Counsel:

Mr. Anto Nobile
Mr. Russell Hayman

TRIAL CHAMBER I (hereinafter “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;

PURSUANT to Article 29 of the Statute and Rules 54, 75, 90 and 98 of the Rules of Procedure and Evidence (hereinafter “the Rules”);

CONSIDERING that Rule 98 of the Rules expressly provides that “a Trial Chamber may order either party to produce additional evidence. It may *proprio motu* summon witnesses and order their attendance”;

CONSIDERING that having reached this stage of the proceedings and having heard the main Defence and Prosecution witnesses - with the exception of two individuals whose identity has been provided to it - in order to ascertain the truth in respect of the crimes with which the accused has been charged, the Trial Chamber considers it absolutely necessary to call General Milijov Petković (hereinafter “the Witness” or “General Petković”), Commander of the General Staff of the HVO Croatian Defence Council at the time of the acts mentioned in the amended indictment issued on 25 April 1997 against Tihomir Blaškić; that the appearance of the Witness must occur before the closing arguments of the Defence and Prosecution, that is, before the end of June 1999;

CONSIDERING that the Trial Chamber is aware of the need to ensure, if necessary, the protection of the witnesses for their appearance before the Tribunal;

CONSIDERING that, pursuant to the provisions of Sub-rule 90(G) of the Rules, “the Trial Chamber shall exercise control over the mode and order of interrogating witnesses and presenting evidence so as to (i) make the interrogation and presentation effective for the ascertainment of the truth and (ii) avoid needless consumption of time”;

FOR THE FOREGOING REASONS,

ORDERS General Petković to appear before Trial Chamber I to be heard as a witness at a date to be subsequently communicated to him by the Registry;

STATES that should the Witness desire protective measures or assistance, he may so request the Registrar within fifteen days starting from the filing of this Decision and, in any event, as soon as he is able to do so and that, if so required, the Registrar shall address the Trial Chamber so that it may make the arrangements which would be necessary;

REQUESTS that the Registrar of the Tribunal, in co-operation with the Victims and Witnesses Unit if so required, take all the necessary measures to ensure that the Witness appears;

ORDERS the Prosecution, the Defence and the authorities of the Republic of Bosnia and Herzegovina and of the Republic of Croatia to co-operate fully with the Registrar of the Tribunal to ensure that the Witness appears and *inter alia* to provide him with all the information appropriate to this end;

ORDERS the Prosecution and the Defence to provide under seal and *ex parte* all statements of the Witness or any material in their possession produced or annotated by him and relating to the indictment within 15 days from the filing of this Decision;

REQUESTS that the Registrar provide the Witness with a copy of the indictment issued against Tihomir Blaškić;

STATES that the testimony of the Witness shall proceed as follows:

- the Witness shall testify freely about the matters of which he had knowledge that occurred within the scope of his then mission and that relate to the acts with which the accused has been charged as they appear in the indictment; he shall answer the questions put to him by the Judges;
- the Prosecutor and then the Defence shall have the same limited time for questioning the Witness within the scope of the statements made by him at trial and under the control of the Trial Chamber;

STATES that, during his testimony, the Witness may rely on personal notes but may not, however, read a prepared statement;

REQUESTS that the Registrar of the Tribunal transmit as soon as possible a copy of this Decision to the Embassies of the Republic of Bosnia and Herzegovina and the Republic of Croatia in The Hague and, if necessary, to any authority which might permit or facilitate the appearance of the said Witness.

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

Done this twenty-fifth day of March 1999
At The Hague
The Netherlands

(signed)

Claude Jorda
Presiding Judge Trial Chamber I

(Seal of the Tribunal)