



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-95-10-T

Date: 27 April 1999

English

Original: French

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Fouad Riad
Judge Almiro Simões Rodrigues

Registrar: Mr. Jean-Jacques Heintz, Deputy Registrar

Decision of: 27 April 1999

THE PROSECUTOR

v.

GORAN JELISIĆ

**DECISION ON THE PROSECUTOR'S MOTIONS
TO ADD A FEW MORE WITNESSES ACCORDING TO RULE 73(E) DATED
17 AND 24 MARCH 1999**

The Office of the Prosecutor:

**Mr. Geoffrey Nice
Mr. Vladimir Tochilovsky**

Defence Counsel:

**Mr. Veselin Londrović
Mr. Michael Greaves**

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 (hereinafter “the Tribunal”);

NOTING the Motion of the Prosecutor to add a few more witnesses according to Rule 73(E) of the Rules filed on 17 March 1999 (hereinafter “the Motion of 17 March 1999”);

NOTING the Motion of the Prosecutor to add one more witness according to Rule 73(E), dated 24 March 1999 (hereinafter “the Motion of 24 March 1999”);

NOTING the corrigendum to the Motion of the Prosecutor to add a few more witnesses dated 17 March 1999 which was presented on 7 April 1999;

PURSUANT to Article 21 of the Statute and Rule 73 *bis* of the Rules of Procedure and Evidence (hereinafter “the Rules”);

CONSIDERING that the Prosecutor, pursuant to Sub-rule 73 *bis* (E) of the Rules, requests permission to add four additional witnesses to the list initially submitted in accordance with Sub-rule 73 *bis* (B)(iv) of the Rules; that the names of the witnesses and the summary of the facts about which they would, if necessary, testify appear in the Motions of 17 and 24 March 1999;

CONSIDERING that Sub-rule 73 *bis* (E) provides that after commencement of the trial, the Prosecutor may, if she considers it to be in the interests of justice, file a motion to reinstate the list of witnesses or to vary her decision as to which witnesses are to be called;

CONSIDERING, however, that Sub-rule 73 *bis* (D) of the Rules states that the Trial Chamber may call upon the Prosecutor to reduce the number of witnesses if it considers that an excessive number of witnesses are being called to prove the same facts; that pursuant to Sub-rule 73 *bis* (C) of the Rules, the Trial Chamber may call upon the Prosecutor to shorten the estimated length of the examination-in-chief for some witnesses;

CONSIDERING that the Trial Chamber holds it to be in the interests of justice that any evidence necessary to ascertain the truth be presented to it and subject to examination by the parties;

CONSIDERING, however, that the Trial Chamber deems that such interests must not prejudice the principle that the accused has the right to be tried without undue delay;

CONSIDERING that the Prosecutor asserts that the additional witnesses will, if necessary, shed light on the alleged genocidal intent of the accused at the time of the facts ascribed to him;

CONSIDERING, however, that in her Motion of 17 March 1999, the Prosecutor concedes that one of the four additional witnesses will be called to give evidence "covering the same or similar topics to those covered by his brother who is presently on the witness list" even if the latter were to be more familiar with the details of the events in question;

CONSIDERING that in view of the foregoing, as the case now stands, the Trial Chamber does not deem it necessary to hear both the additional witness and his brother whose name already appears on the initial list; that the Prosecutor must decide which of the two would be the most appropriate to call.

FOR THE FOREGOING REASONS,

AUTHORISES the Prosecutor to add the following witnesses to the initial list:

- Nermin SULJAGIĆ
- Paul BASHAM;
- Osman KAVAZOVIĆ.

ORDERS the Prosecutor to call only Mustafa RAMIĆ or his brother Ibrahim RAMIĆ as a witness.

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

Done this twenty-seventh of April 1999
 At The Hague
 The Netherlands

(signed)

Claude Jorda
 Presiding Judge, Trial Chamber I

(Seal of the Tribunal)