



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

Date: 21 May 1999

English
Original: French

IN THE TRIAL CHAMBER

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

Registrar: Mr. Jean-Jacques Heintz, Deputy Registrar

Decision of: 21 May 1999

THE PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

**DECISION OF TRIAL CHAMBER I
TO CALL GENERAL MILIVOJ PETKOVIĆ
AS A WITNESS OF THE TRIAL CHAMBER**

The Office of the Prosecutor:

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

Defence Counsel:

Mr. Anto Nobilo
Mr. Russell Hayman

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 Decision of 25 March 1999 in respect of the appearance of General Milivoj Petković (hereinafter “the Witness”),

NOTING the correspondence from the Embassy of Bosnia and Herzegovina in The Hague dated 19 May 1999 which confirms, inter alia, that the Federal Ministry of Justice of the Federation of Bosnia and Herzegovina has forwarded to the Witness, through the Ministry of Justice of the Republic of Croatia in Zagreb, the Decision of 25 March ordering him to appear before the Tribunal,

NOTING the correspondence of the Federal Ministry of Justice of the Federation of Bosnia and Herzegovina dated 10 May 1999 which indicates, inter alia, that the Federal Ministry of Justice of the Federation of Bosnia and Herzegovina forwarded to the Witness on 10 May 1999 through the Ministry of Justice of the Republic of Croatia in Zagreb, the Decision of 25 March 1999 ordering him to appear before the Tribunal;

CONSIDERING that no application for protective measures has been submitted to the Trial Chamber,

FOR THE FOREGOING REASONS,

ORDERS General Milivoj Petković to appear as witness before the Trial Chamber on 23 June 1999 at 14:00 hours and states that the hearing may, if necessary, continue on the first appropriate following day;

STATES that the testimony shall *inter alia* cover:

1) the organisation and structure of the HVO forces (in particular, their deployment on the ground, their strength as compared to the forces of the Army of Bosnia and Herzegovina, their communication systems and the operation of their channels of authority: the chain or chains of command and, in particular, the determination of operative zones, the authority of the military commanders or civilian authorities over the military, military police, para-

military and other armed forces in the region as well as any role played by the political leaders in this area and the disciplinary procedures);

2) the principal subjects of the meetings in which the witness participated and, if necessary, communication, attitudes, proposals or other matters discussed during those meetings, in particular, by the accused or his representatives, and correspondence or discussions between the accused and the Witness, especially in the following areas: a) investigations into the crimes committed, among others, in Ahmići (and in this context, the meeting of 30 April 1993 in Vitez and the report the accused forwarded to the Witness on 24 April 1993); b) incidents pitting the HVO and the Army of Bosnia and Herzegovina against one another during the conflict in the area of central Bosnia (particularly the incident involving the explosives factory in Vitez); c) arrangement, organisation, implementation and respect of cease-fires; c) movements of populations, status of the refugees, exchange of prisoners;

3) the Witness' perception of the accused's personality both professionally and personally;

STATES that the Witness shall first make a spontaneous statement and that, although he may assist himself by relying on notes, he should not read a prepared statement; and **INVITES** the Witness to note that his spontaneous statement should not exceed one hour and fifteen minutes insofar as possible and that the parties shall each have about 45 minutes to put their questions to him;

ORDERS that the scope of the questions asked by the Prosecutor and the Defence be limited to the scope of the Witness' initial statement with the Trial Chamber reserving for itself the right to settle any dispute in that respect;

AUTHORISES the Witness to inform the Judges that the requested information is, wholly or in part, confidential;

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

Done this twenty-first day of May 1999,
At The Hague,
The Netherlands

/signed/
Claude Jorda
Presiding Judge Trial Chamber I
(Seal of the Tribunal)