



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: IT-98-29-PT
Date: 11 May 2000
Original: English

IN THE TRIAL CHAMBER

Before: Judge Almiro Rodrigues, Presiding
Judge Fouad Riad
Judge Patricia Wald

Registrar: Mrs Dorothee de Sampayo Garrido-Nijgh

Order of: 11 May 2000

PROSECUTOR

v

STANISLAV GALIĆ

ORDER ON THE DEFENCE MOTION FOR DISCOVERY

Office of the Prosecutor:

Mr Franck Terrier

Counsel for the Defence:

Mr Nikola P. Kostich

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 (“International Tribunal”);

BEING SEIZED of the Defence’s “Motion to Compel Production of Discovery and Exculpatory Information”, dated 7 April 2000 and filed on 13 April 2000 (the “Motion”), in which the Defence demands that the Prosecution disclose and provide a considerable number of categories of information and materials described in general terms;

NOTING the “Prosecutor’s Response to Defence Motion for Discovery”, dated and filed on 20 April 2000 (the “Response”), in which the Prosecution argues that the Motion appears to import broad and general terminology and practice from a national jurisdiction, and that except where it is not inconsistent with the Rules of Procedure and Evidence (the “Rules”) and practice of the Tribunal, the Motion should be denied;

CONSIDERING first and foremost that in great part the Motion is clearly not founded on the criminal procedural law applicable before the International Tribunal as provided in its Statute and Rules, which raises serious concerns;

CONSIDERING that the Prosecution’s disclosure obligations are provided for in Section 4 (Production of evidence) of Part 5 (Pre-trial proceedings) of the Rules; that any questioning by the Prosecution of the accused is subject to the provisions of Rules 63 and 43; and that the statement of any expert witness is to be disclosed in accordance with Rule 94 *bis*;

CONSIDERING further that, as submitted by the Prosecution in its Response, the Defence’s request to inspect evidence in the possession of the Prosecution is to be interpreted as a request pursuant to Rule 66(B) of the Rules;

FOR THE FOREGOING REASONS,

REJECTS the Motion;

NOTES that the Prosecution shall be entitled to act in pursuance of Rule 67(C) of the Rules;

STATES that any further Defence motion that so blatantly ignores the general rules and procedures governing the proceedings before the International Tribunal shall be considered a major failure of counsel for the Defence to perform his obligations.

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



Almiro Rodrigues
Presiding Judge

Done this 11 May 2000
At The Hague,
The Netherlands.

[Seal of the Tribunal]