

UNITED
NATIONS



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-T

Date: 7 June 2002

Original: English

IN THE TRIAL CHAMBER

Before: Judge Alphons Orie, Presiding
Judge Amin El Mahdi
Judge Rafael Nieto-Navia

Registrar: Mr. Hans Holthuis

Decision of: 7 June 2002

PROSECUTOR

v.

STANISLAV GALIĆ

DECISION ON CERTIFICATION PURSUANT TO RULE 73(C)

Office of the Prosecutor:

Mr. Mark Ierace

Counsel for the Defence:

**Ms. Mara Pilipović
Mr. Stéphane Piletta-Zanin**

TRIAL CHAMBER I Section B (“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 (“the Tribunal”);

BEING SEISED of the Requests of the Defence for certification of interlocutory appeals pursuant to Rule 73 (C) filed on 23 May 2002 and 6 June 2002 (the “Application for Certification”);

NOTING the Trial Chamber’s oral decision dated 22 May 2002 and written decision dated 31 May 2002 granting leave to the Prosecution to add the name of Witness AD in its list of witnesses and granting protective measures to Witness AD (the “Impugned Decisions”);

CONSIDERING that pursuant to Rule 73 (C), the Trial Chamber may certify that an interlocutory appeal during trial from a decision involving evidence or procedure is appropriate for the continuation of the trial upon a request made within seven days of the issuing of the decision;

CONSIDERING that the Defence argues that the Trial Chamber has not heard the arguments of the Defence on the Prosecutor’s Request for, and Addition to the Prosecution’s Witness List, of Witness AD dated 16 May 2002 before rendering the oral Decision and that therefore the rights of the Defence have been violated;

CONSIDERING however that, after the Oral Decision was rendered, the Defence requested the opportunity to file supplementary submissions in respect of the addition of Witness AD’s name to the list of witnesses of the Prosecution; that the Trial Chamber allowed the Defence to file supplementary submissions on 22 May 2002; that the Trial Chamber gave in writing the reasons of its Oral Decision on 31 May 2002 after reviewing the submissions of the Defence;

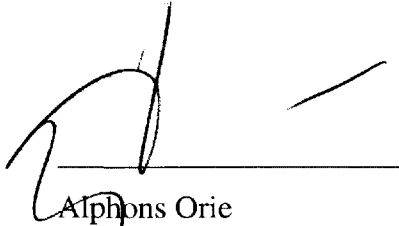
FINDING that the Application for Certification has failed to establish any alleged prejudice arising from the Impugned Decisions, which could not be cured by the final disposal of the trial including post-judgement appeal;

FINDING therefore that that an interlocutory appeal on the Impugned Decisions is not appropriate;

PURSUANT to Rule 73 (C) of the Rules of Procedure and Evidence;

HEREBY DENIES the Application for Certification.

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



Alphons Orié
Presiding Judge, Trial Chamber 1

Dated this 7th Day of June 2002
At The Hague,
The Netherlands.

[Seal of the Tribunal]