



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-02-54-T
Date: 13 June 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 13 June 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER FOR FURTHER SUBMISSIONS

The Office of the Prosecutor

Mr. Geoffrey Nice

The Accused

Slobodan Milošević

Amicus Curiae

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Michail Wladimiroff

THIS 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 International Tribunal"),

BEING SEISED of a "Prosecution's Application for Admission of Witness Statements under Rule 92 *bis* and for Variation of the Order of 11 January 2002" filed by the Office of the Prosecutor ("Prosecution") on 2 May 2002, as subsequently varied by the Prosecution, seeking, *inter alia*, permission to call witnesses not on the Rule 65 *ter* witness list, and five confidential *ex parte* Prosecution Motions for protective measures filed by the Prosecution on 31 May 2002 (together "the Motions") in respect of six of the proposed new witnesses identified by the Prosecution in the Motions as K32, K33, K34, K37, K38 and K39,

NOTING that the statements of these witnesses were not disclosed to the accused prior to the commencement of trial, as required by the Trial Chamber in its written Order of 11 January 2002, and that therefore the Prosecution requires leave from the Trial Chamber to call the proposed new witnesses,

NOTING that the protective measures sought in respect of the six witnesses appear reasonable in view of the information available to the Trial Chamber, and would be likely to be granted in substantially the same format if a decision were made to permit the Prosecution to call the witnesses,

NOTING that summaries of the expected testimony of most of the proposed new witnesses have been provided to the Trial Chamber but that no reasons have been given to justify the inclusion of these witnesses at this stage of the Kosovo proceedings,

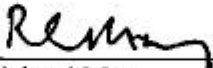
CONSIDERING that, in order to ensure a fair trial for the accused, the Prosecution must satisfy the Trial Chamber as to those reasons, so that the Trial Chamber may determine whether it would be in the interests of justice to permit the Prosecution to call the proposed new witnesses pursuant to Rule 73 *bis* of the Rules of Procedure and Evidence of the International Tribunal ("Rules"),

PURSUANT TO Rules 54 and 73 *bis* of the Rules,

HEREBY ORDERS the Prosecution, by 20 June 2002, to make a confidential filing, to be served on both the *amici curiae* and the accused, setting out the reasons in support of the application to call each of the six additional witnesses for whom protective measures are sought at this stage of the proceedings.

The Trial Chamber remains seised of the Motions.

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


Richard May
Presiding

Dated this thirteenth day of June 2002
At The Hague
The Netherlands

[Seal of the Tribunal]