

UNITED  
NATIONS

IT-98-29-T  
D 5807-D 5805  
19 JUNE 2002

5807

5815  
SF

D-98-29-T  
D 5815 - D 5813  
19 JUNE 2002



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: 18 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: 18 June 2002

PROSECUTOR

v.

STANISLAV GALIĆ

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DECISION ON CERTIFICATION PURSUANT TO RULE 73(B) REGARDING WITNESS  
BERKO ZEČEVIĆ

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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 Request of the Defence for certification of interlocutory appeals pursuant to Rule 73 (B) filed on 6 June 2002 (the “Application for Certification”);

**NOTING** the Trial Chamber’s decision dated 31 May 2002 granting leave to the Prosecution to call Mr. Berko Zečević as an expert witness (the “Impugned Decision”);

**CONSIDERING** that pursuant to Rule 73 (B), 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;

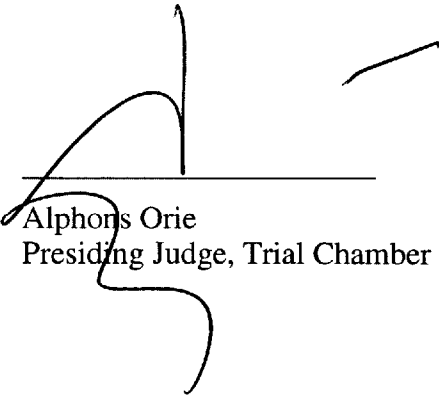
**CONSIDERING** that the Defence argues that (i) Berko Zečević is not an impartial expert as he was mandated to write a report at the Bosnian authorities’ request, (ii) Berko Zečević is a fact witness, therefore the admission of his report should not have been made under Rule 94 *bis*, (iii) the hearing of Berko Zečević will cause prejudice to the Defence, and (iv) the resolution of this question at this stage of the proceedings by the Appeals Chamber will allow a fair and expeditious continuation of the trial;

**FINDING** that the Impugned Decision does not involve an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial and for which, in the opinion of the Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings; that therefore an interlocutory appeal on the Impugned Decision is not appropriate;

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

**HEREBY DENIES** the Application for Certification.

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



Alphons Orie  
Presiding Judge, Trial Chamber 1

Dated this 18<sup>th</sup> Day of June 2002  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]