



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-99-36-T
Date: 22 October 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge Ivana Janu
Judge Chikako Taya

Registrar: Mr. Hans Holthuis

Decision of: 22 October 2002

PROSECUTOR

v.

RADOSLAV BRĐANIN

**DECISION ON PROSECUTION'S REQUEST FOR ORAL
HEARING**

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Andrew Cayley

Counsel for the Accused:

Mr. John Ackerman
Mr. Milan Trbojević

TRIAL CHAMBER II (“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 (“Tribunal”):

BEING SEISED OF the “Prosecution’s Request for an Oral Hearing”, filed by the Prosecution on 22 October 2002 (“Request”) and the attached Annexes;

NOTING the “Motion for Relief from Rule 68 Violations by the Prosecutor and for Sanctions to Be Imposed Pursuant to Rule 68*bis* and Motion for Adjournment while Matters Affecting Justice and a Fair Trial Can Be Resolved”, filed on behalf of the Accused Radoslav Brđanin (“Accused”) on 17 October 2002, arguing *inter alia* that the Prosecution has not fulfilled its disclosure obligations under Rule 68 of the Rules of Procedure and Evidence (“Rules”);

NOTING that the Prosecution requests an oral hearing on Wednesday, 23 October, in order to make submissions on the applicability of an Appeals Chamber decision in the *Prosecutor v. Rutaganda* case (Case No. ICTR-96-03-A), rendered during an appeals hearing on 4 July 2002, as this decision “could well alter the application made by the [D]efence on 17 October 2002”;

CONSIDERING that the Trial Chamber does not see the need for the oral hearing requested by the Prosecution;

CONSIDERING that the Trial Chamber, however, requests Defence Counsel to the Accused to file his remarks in writing on the relevance or otherwise of the documents attached to the Prosecution’s Request for an oral hearing;

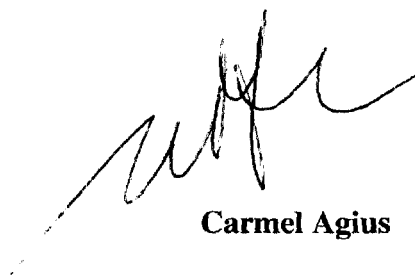
FOR THE FOREGOING REASONS**PURSUANT TO** Rule 54 of the Rules;**HEREBY REJECTS** the Prosecution's Request for an oral hearing and **ORDERS** Defence Counsel to the Accused to file his remarks in writing on the relevance or otherwise of the documents attached to the Prosecution's Request by not later than tomorrow, 23 October 2002.

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

Dated this 22nd day of October 2002,

At The Hague

The Netherlands

**Carmel Agius****Presiding Judge****[Seal of the Tribunal]**