

UNITED
NATIONS

IT-98-29-T
D 7024- D 7022
13 NOVEMBER 2002

7024
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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: 13 November 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: 13 November 2002

PROSECUTOR

v.

STANISLAV GALIĆ

**DECISION ON THE DEFENCE'S REQUEST FOR CERTIFICATION TO APPEAL THE
DECISION ON CO-OPERATION BETWEEN THE PARTIES**

Office of the Prosecutor:
Mr. Mark Ierace

Counsel for the Defence:
Ms. Mara Pilipović
Mr. Stephane Piletta-Zanin

TRIAL CHAMBER I Section B (“the 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”);

NOTING the meeting held with the Presiding Judge and the parties on 10 October 2002 (“the Meeting”);

NOTING the “Decision on Co-operation Between the Parties”, filed on 16 October 2002 (“the Decision”);

NOTING the “Defence’s Request for Certification to Appeal”, filed on 22 October 2002 (“the Request”);

NOTING the “Prosecution’s Response to Defence Request for Certification to Appeal”, filed on 30 October 2002 (“the Response”);

CONSIDERING that the Defence claims that the Decision inaccurately states that “the parties conceded at the Meeting that an agreement could be expected on various points”, while instead the Defence rather conceded that “there were indeed certain matters in respect of which specific agreements could be reached but that the Defence did not make any commitments whatsoever that went beyond that”;¹ that the Chamber cannot “force parties that have supposedly been unable to reach any points of agreement to find or indeed seek some out”;²

CONSIDERING that it is in the interest of justice and foremost for the benefit of the accused to have a fair and expeditious trial; that one way of reaching this goal is to clearly determine contentious and non contentious issues at trial; that co-operation between the parties to seek points of agreement can be instrumental in this respect;

¹ Request, p. 2.

² Request, p. 4.

CONSIDERING that the Decision “requests”, as opposed to “orders”, the parties to submit a written document on points of agreement; that the object of the Decision is not to “force” the parties to find points of agreement, but to rather help them, upon request,³ to find points of agreement, which would serve their interest;

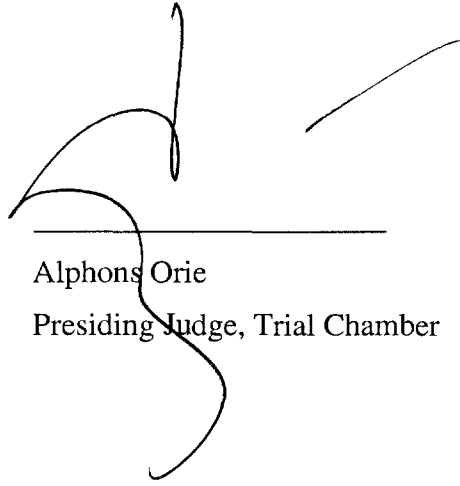
CONSIDERING that the Decision does not limit in whatever way the exercise of the rights of the Defence at trial, does not create new obligations for the Defence, and cannot be regarded as involving evidence or procedure;

FOR THE FOREGOING REASONS,

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

REJECTS the Request.

Done this thirteenth day of November, 2002
At The Hague,
The Netherlands.



Alphons Orie
Presiding Judge, Trial Chamber

[Seal of the Tribunal]

³ The Prosecution asked for the assistance of the Chamber on 20 September 2002, T. 13126 and 9 October 2002, T. 13452.