



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: 18 February 2004
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision of: 18 February 2004

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

DECISION ON PROSECUTION'S REQUEST TO CALL WITNESS C-063

The Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice
Mr. Dermot Groome

The Accused

Mr. Slobodan Milošević

Amici Curiae

Mr. Steven Kay, QC
Mr. Branislav Tapušković
Prof. Timothy L.H. McCormack

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 confidential “Prosecution’s Request to Call Witness C-063”, filed on 20 January 2004 (“Motion”), in which the Prosecution seeks permission to call this witness,

CONSIDERING the Trial Chamber’s ruling subsequent to the filing of the Prosecution’s pre-trial material for the Croatia and Bosnia part of these proceedings that it would only allow the admission of additional material by the Prosecution on good cause being shown,¹

CONSIDERING that this witness appeared neither on the Prosecution’s final witness list, nor in its omnibus motion for the admission of certain witnesses,²

NOTING that despite the witness agreeing to testify on 10 December 2003, this Motion was not filed until 20 January 2004, a matter of weeks prior to the close of its case, in circumstances in which the Accused had been put on notice by the Prosecution of its intention to call a number of substantial and important Prosecution witnesses, and that the witness whilst identified as a potential Prosecution witness was not scheduled to testify in its confidential “Witness Schedule to End of Prosecution Case”,

CONSIDERING that, in all the circumstances, the Accused has not been given a sufficient opportunity to prepare for the testimony this witness could give,

CONSIDERING the Trial Chamber does not, therefore, accept that the Prosecution has shown good cause such that the witness should be added to the witness list,

¹ “Decision on Prosecution Request for Agreement of Trial Chamber to Amend Schedule of Filings”, 18 April 2002, p.3.

² “Decision on Prosecution’s Fourth Omnibus Motion for Leave to Amend the Witness List and Request for Protective Measures”, 21 November 2003.

PURSUANT TO Rules 54 and 73 *bis* of the Rules of Procedure and Evidence

HEREBY DENIES THE MOTION.

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



Patrick Robinson
Judge

Dated this eighteenth day of February 2004
At The Hague
The Netherlands

[Seal of the Tribunal]