

IT-95-11-T
D10321 - D10324
31 August 2006

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**UNITED
NATIONS**



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-95-11-T

Date: 31 August 2006

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Janet Nosworthy
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Decision of: 31 August 2006

PROSECUTOR

v.

MILAN MARTIĆ

**DECISION ON DEFENCE SUBMISSION REGARDING
DEFENCE WITNESSES**

The Office of the Prosecutor:

Mr. Alex Whiting
Ms. Anna Richterova
Mr. Colin Black
Ms. Nisha Valabhji

Counsel for the Accused:

Mr. Predrag Milovančević
Mr. Nikola Perović

TRIAL CHAMBER I (“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 “Defence Submission Regarding Defence Witnesses”, filed *confidentially* on 23 August 2006 (“Defence Submission”), wherein the Defence submits that “Witness MM-097 has died recently”, that “the Defence was unable to make contact with Witnesses MM-115, MM-122, MM-123 and MM-130 regarding their testimony in the instant proceedings,” and that the witnesses “should, therefore, be dropped from the witness list”;¹

CONSIDERING that the Defence Submission must be understood as a request pursuant to Rule 73 *ter* (D) of the Rules to amend the Defence’s 65 *ter* (G) witness list by withdrawing Witnesses MM-097, MM-115, MM-122, MM-123 and MM-130;

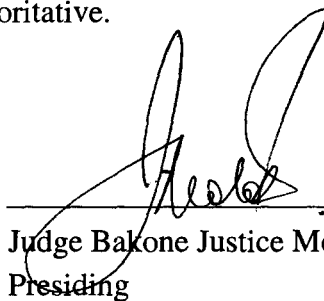
CONSIDERING that as a result of the Defence not being able to contact Witnesses MM-115, MM-122, MM-123 and MM-130, it has been unable to provide the Trial Chamber with, on the one hand, summaries of the expected testimony of the witnesses that meet the requirements of Rule 65 *ter* (G)(i), and, on the other hand, with reliable estimates of the time needed for their testimony;

NOTING the Defence submission that the initial interviews with Witnesses MM-115, MM-122, MM-123 and MM-130 took place several years ago;²

CONSIDERING that it is in the interests of justice to grant the Defence Submission;

FOR THE FOREGOING REASONS,
PURSUANT TO Rule 73 *ter* of the Rules,
GRANTS the Defence Submission.

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



Judge Bakone Justice Moloto
Presiding

Dated this thirty-first day of August 2006
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Defence Submission, para. 4.

² *Ibid.*