



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-04-82-T
Date: 6 March 2008
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christine Van Den Wyngaert
Judge Krister Thelin

Registrar: Mr Hans Holthuis

Decision: 6 March 2008

PROSECUTOR
v.
LJUBE BOŠKOSKI
JOHAN TARČULOVSKI

PUBLIC

**DECISION ON TARČULOVSKI DEFENCE MOTION FOR
PERMISSION TO REMOVE WITNESSES FROM ITS
PROPOSED DEFENCE WITNESS LIST**

The Office of the Prosecutor:

Mr Dan Saxon
Ms Antoinette Issa
Ms Meritxell Regue
Mr Gerard Dobbyn
Ms Nisha Valabhji

Counsel for the Accused:

Ms Edina Rešidović and Mr Guénaél Mettraux for Ljube Boškoski
Mr Antonio Apostolski and Ms Jasmina Živković for Johan Tarčulovski

TRIAL CHAMBER II (“Chamber”) of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 (“Tribunal”);

BEING SEIZED of the “Tarčulovski Defence Motion for Permission to Remove Witnesses From its Proposed Defence Witness List”, filed confidentially by the Counsel for Johan Tarčulovski (“Defence”) on 19 February 2008 (“Motion”), in which it seeks leave to remove five witnesses from the previously filed witness list of 10 January 2008;¹

NOTING that the Prosecution did not file a Response to this Motion;

CONSIDERING that pursuant to Rule 73ter(D) of the Rules of Procedure and Evidence (“Rules”), the Defence may, after the commencement of the defence case and if it considers it to be in the interests of justice, file a motion to vary the decision as to which witnesses are to be called;

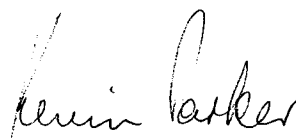
CONSIDERING the Defence submission that the removal of these five witnesses will not cause prejudice and will save 22.5 hours of court time;²

CONSIDERING that in the present circumstances the removal of these five witnesses is in the interests of justice and serves to expedite the proceedings and enhance judicial economy;

For the foregoing reasons and pursuant to Rule 73ter(D) of the Rules the Chamber **GRANTS** the Motion.

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

Dated this sixth day of March 2008
At The Hague
The Netherlands



Judge Kevin Parker
Presiding Judge

[Seal of the Tribunal]

¹ *Prosecutor v. Boškoski and Tarčulovski*, Case No. IT-04-82, ‘Tarčulovski submission of filings pursuant to Rule 65ter(G) and motion for non disclosure with Annexes A through C being confidential’, 10 January 2008.

² Motion, para 1.