



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-98-34-T
Date: 9 May 2002
Original: English

BEFORE TRIAL CHAMBER I SECTION A

Before: Judge Liu Daqun, Presiding
Judge Maureen Harding Clark
Judge Fatoumata Diarra

Registrar: Mr. Hans Holthuis

Decision of: 9 May 2002

PROSECUTOR

v.

**MLADEN NALETILIĆ aka "TUTA"
and
VINKO MARTINOVIĆ aka "ŠTELA"**

**DECISION ON PROSECUTOR'S MOTION FOR CLARIFICATION
OF THE SCHEDULING OF DEPOSITION HEARINGS IN
THE LATEST COURTROOM CALENDAR**

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

**Mr. Krešimir Krsnik, for Mladen Naletilić
Mr. Branko Šerić, for Vinko Martinović**

TRIAL CHAMBER I, SECTION A (“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”):

BEING SEISED OF the “Prosecutor’s Motion for Clarification of the Scheduling of Deposition Hearings in the latest Courtroom Calendar” filed on 26 April 2002 (“the Motion”);

CONSIDERING that the Prosecution in the Motion by referring to the courtroom schedule issued on 18 April 2002 by the Registry, requests the Chamber “to clarify the scheduling of deposition hearings in Mostar during the week of 8 to 12 July 2002” and “also hopes that such scheduling does not indicate that the matter is pre-judged or a *fait accompli*” and further, resubmits that it opposes the taking of depositions in Mostar as the Defence has not provided “(a) fair and adequate summaries of the witnesses’ proposed testimony; or (b) the required showing as to why the witnesses or evidence listed by the Defence are appropriate for depositions”.

CONSIDERING that the scheduling in the courtroom calendar does not in anyway prejudice the Chamber’s decision on the taking of deposition in Mostar;

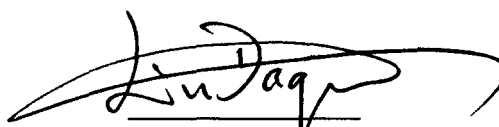
CONSIDERING that, in order for the Chamber to be in a position to take its decision, a revised list of proposed witnesses from the Defence for Naletilić, including summaries and the reasons why these witnesses are appropriate as deposition witnesses;

CONSIDERING FURTHER that the Chamber has requested such list;

INFORMS the parties that the Chamber will decide on the issue of deposition as soon as it is seised with the revised list of deposition witnesses.

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

Dated this ninth day of May 2002,
At The Hague,
The Netherlands



Judge Liu Dajun
Presiding Judge

[Seal of the Tribunal]