



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-02-54-R77.5

Date: 11 June 2009

Original: English

IN A SPECIALLY APPOINTED CHAMBER

Before: Judge Bakone Justice Moloto, Presiding
Judge Mehmet Güney
Judge Liu Daqun

Registrar: Mr. John Hocking

Decision of: 11 June 2009

IN THE CASE

AGAINST

FLORENCE HARTMANN

PUBLIC

**DECISION ON JOINT SUBMISSION BY THE PARTIES
ON THE EVIDENCE OF MR. GAVIN RUXTON**

Amicus Curiae Prosecutor

Mr. Bruce MacFarlane, QC

Counsel for the Accused

Mr. Karim A. A. Khan, Counsel
Mr. Guénaél Mettraux, Co-Counsel

THE SPECIALLY APPOINTED CHAMBER (“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 SEIZED OF the “Joint Admission [*sic*] by the Parties on the Evidence of Mr. Gavin Ruxton”, filed on 10 June 2009 (“Joint Submission”), whereby the Prosecutor seeks leave to amend the Rule 65*ter* witness list by removing Mr. Ruxton from it;

NOTING that Mr. Ruxton has informed the Prosecutor that he will not be available to testify on 15 June 2009 as scheduled, due to commitments elsewhere;¹

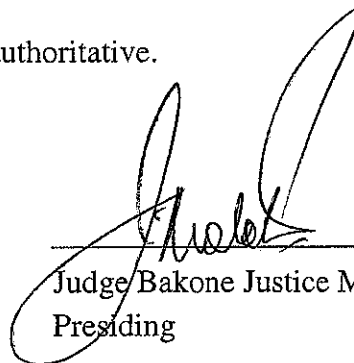
NOTING that the parties jointly submit an “Agreed Statement of Mr. Gavin Ruxton”, outlining “what Mr. Ruxton would have said if his evidence had been given *viva voce* at the trial”;²

CONSIDERING that the Chamber deems it appropriate, under these circumstances, to allow for the removal of Mr. Ruxton from the Prosecution’s Rule 65*ter* witness list;

PURSUANT to Rules 54 and 65*ter* (E) of the Rules of Procedure and Evidence;

GRANTS leave to the Prosecution to amend its Rule 65*ter* witness list, and **ORDERS** the Prosecution to file a revised version of this list by no later than Friday 12 June, 16:00 hours.

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



Judge Bakone Justice Moloto
Presiding

Dated this eleventh day of June 2009

At The Hague

The Netherlands

[Seal of the Tribunal]

¹ Joint Submission, para. 2.

² Joint Submission, para. 3 and Annex A.