

UNITED
NATIONS

5-08-91-T
D 16543 - D 16541
06 February 2012

16543
98.



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-08-91-T

Date: 6 February 2012

Original: English

IN TRIAL CHAMBER II

Before: Judge Burton Hall, Presiding
Judge Guy Delvoie
Judge Frederik Harhoff

Registrar: Mr. John Hocking

Order of: 6 February 2012

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**ORDER ON PROCEDURE FOR THE TESTIMONIAL
EVIDENCE OF WITNESSES PURSUANT TO RULE 98**

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Dragan Krgović and Mr. Aleksandar Aleksić for Stojan Župljanin

TRIAL CHAMBER II (“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”) *proprio motu* issues this order regarding the presentation of evidence of witnesses to be called by the Trial Chamber;

RECALLING that on 18 January 2012, the Trial Chamber indicated that it was “considering calling [three persons] as witnesses pursuant to Rule 98” and directed the Parties to refrain from any form of contact with these persons effective that day;¹

CONSIDERING that the Trial Chamber has decided to invite the said witnesses to testify on discrete issues of relevance to some of the crimes with which the Accused have been charged in the Indictment;

CONSIDERING FURTHER that pursuant to Rule 90(F), it is expedient to lay down a procedure for the presentation of the evidence of witnesses;

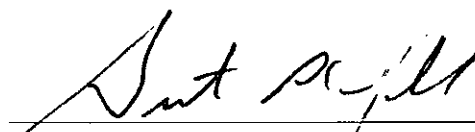
HEREBY sets out the following guidelines:

1. The Chamber shall prepare a list of topics for the proofing of the witness and the list shall be provided to the parties in advance.
2. The list of topics will be communicated to the witness to allow the witness to refresh his memory as well as to bring along any documents that he may consider relevant to the issues listed.
3. The Chamber shall issue a scheduling order as soon as the availability of the witnesses to travel to The Hague is confirmed, stating the order of, and time available for, their respective testimony.
4. Upon the witness’s arrival in The Hague, a Legal Officer of the Chamber shall proof the witness. The usual VWS support shall be provided at this stage.
5. Proofing, if any, shall be conducted by a Legal Officer of the Chamber, in the presence of a CLSS interpreter and CLSS court reporter. Should the witness require the presence of a lawyer, one may be present. The Legal Officer shall compile the witness’s translated answers into a note and have the English version read back to him in a language he understands.
6. After the proofing, the Chamber shall provide the note prepared by the Legal Officer to the parties, along with a list of documents, as soon as practicable.
7. All parties shall provide a list of documents they intend to use with the witness no later than 48 hours prior to the scheduled testimony.
8. During the witness’s testimony in court:

¹ Hearing, 18 Jan 2012, T. 26671 (PS).

- (i) Witness will be examined by Judges;
 - (ii) Witness will be cross-examined, first by the Prosecution, then by the Defence, within time limits prescribed by the Chamber;
 - (iii) Witness may be further examined by Judges and the Chamber may, on application, permit either party to ask questions arising out of such further examination.
9. Cross-examination shall be limited to the matters raised in examination-in-chief and challenges to witness credibility. Parties will be permitted to read into the record portions of previous statements alleged to be inconsistent with any evidence given by the witness during his testimony, in order to challenge the witness's credibility.

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



Judge Burton Hall
Presiding

Dated this 6th day of February 2012

At The Hague

The Netherlands

[Seal of the Tribunal]