



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-04-74-T
Date: 14 April 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Order of: 14 April 2008

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

PUBLIC

ORDER ON THE PROCEDURE FOR THE TESTIMONY OF AN ACCUSED

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A.A. Khan for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“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,

NOTING the meeting of 17 March 2008 pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“Rules”) attended by the Judges of the Chamber, representatives of the Office of the Prosecutor (“Prosecution”) and Defence Counsel for the six Accused (“Defence”),¹

CONSIDERING that during the meeting of 17 March 2008 pursuant to Rule 65 *ter* of the Rules, the issue of the conditions in which an accused can testify in his own defence was brought up by some of the Counsel, the Prosecution, and one of the Accused, even though this issue was not on the meeting’s agenda,

CONSIDERING that the Parties discussed in particular whether an accused can have contact with his lawyer during his hearing before the Chamber as a witness,

CONSIDERING that Article 21 (4) (b), (e) and (g) of the Statute of the Tribunal (“Statute”) guarantees the right of an accused “to communicate with counsel of his own choosing”, “to examine or have examined the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him” and “not to be compelled to testify against himself or to confess guilt,”

CONSIDERING that pursuant to Rule 85 (C) of the Rules, “[i]f the accused so desires, the accused may appear as a witness in his or her own defence”,

CONSIDERING that several of the Accused have announced their desire to testify in their own defence,

CONSIDERING that the Chamber finds that each Party must have the possibility of presenting its observations to the Chamber on the issue of the conditions regarding the testimony of an accused,

¹ Court Transcript in French pp. 27239-27248.

FOR THE FOREGOING REASONS,

PURSUANT TO Article 21 (4) (b), (e) and (g) of the Statute and Rule 85 (C) of the Rules,

REQUESTS the Prosecution and the Defence to present to the Chamber in writing their position on the issue of the conditions regarding the testimony of an accused before Monday, 28 April 2008.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this fourteenth day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]