

IT-03-69-T
D22558 - D22556
08 July 2010

22558
SMS



**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-03-69-T
Date: 8 July 2010
Original: English

IN TRIAL CHAMBER I

**Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza**

Registrar: Mr John Hocking

Decision of: 8 July 2010

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON STANIŠIĆ DEFENCE REQUEST FOR MEDICAL OPINION FROM
REPORTING MEDICAL OFFICER AND RELATED REQUESTS TO MEDICAL
EXPERTS**

Office of the Prosecutor

Mr Dermot Groome

Counsel for Jovica Stanišić

Mr Geert-Jan Alexander Knoops
Mr Wayne Jordash

Counsel for Franko Simatović

Mr Mihajlo Bakrač
Mr Vladimir Petrović

1. On 28 June 2010, the Chamber invited the parties to make submissions with regard to the possibility of an increased number of court sitting days per week after the summer recess and to file these no later than 9 July 2010.¹

2. On 1 July 2010, the Stanišić Defence requested the Chamber that it be permitted, before filing its submissions, to address three questions to the Reporting Medical Officer (“RMO”) relating to Mr Stanišić’s health and a possible increase in sitting days per week (“Request”).² In addressing these questions, the Stanišić Defence requests that the RMO take into account that an increased number of days in court would involve an increase in trial preparation for Mr Stanišić out of court.³ On 6 July 2010, the Prosecution responded that it does not oppose the Request, and requests that two additional questions be put to the RMO.⁴

3. The Chamber finds that there is merit in the Request and that the Stanišić Defence should have the requested information before making submissions on an increased sitting schedule. Further, the Chamber considers that it would be assisted by the RMO addressing this specific matter, before deciding on possible amendments to the current trial modalities. However, the Chamber does not consider that the questions, as they are formulated by the Stanišić Defence and the Prosecution, would provide it with the optimal assistance and has therefore reformulated them. Finally, the Chamber considers that it would be assisted by the independent experts, Dr De Man and either Dr Siersema or Dr Oldenburg, addressing the same matter.

4. For the foregoing reasons, the Chamber

GRANTS the Request **IN PART**, and **REQUESTS** the RMO to report to it on the following question by no later than **16 July 2010**:

The Chamber is considering gradually increasing the court sitting days from two to four days per week after the summer recess. The increased sitting schedule will last approximately until the winter recess, although it might be extended beyond that. In your view, are there any objective medical reasons which would prevent Mr Stanišić from participating in such an increased sitting regime during this period, either in person

¹ T. 5962.

² Stanišić Defence Request for Medical Opinion from Reporting Medical Officer, 1 July 2010.

³ *Ibid.*, para. 2.

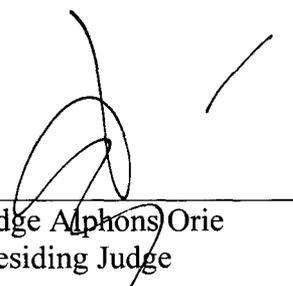
or, if he so wishes, through the video-conference link from the United Nation Detention Unit? If so, please provide explanations for your opinion. In your explanations, please also provide references to any medical literature on which you rely. Please also take into account that an increased number of days in court would involve an increase in trial preparation for Mr Stanišić out of court.

DECIDES to extend the deadline for the Stanišić Defence to make submissions on an increased number of court sitting days per week after the summer recess until **23 July 2010**;

REQUESTS Dr De Man and either Dr Siersema or Dr Oldenburg to report to it on the above question by no later than **23 July 2010**;

INSTRUCTS the Registrar to provide the RMO, Dr De Man and Dr Siersema with this decision.

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



Judge Alphons Orie
Presiding Judge

Dated this eighth day of July 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴ Prosecution Submission on “Stanišić Defence Request for Medical Opinion from Reporting Medical Officer”, 6 July 2010, paras 2-3.