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UNITED NATIONS



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: 17 June 2010

Original: English

IN TRIAL CHAMBER II

Before: Judge Burton Hall, Presiding

Judge Guy Delvoie

Judge Frederik Harhoff

Registrar: Mr. John Hocking

Decision of: 17 June 2010

PROSECUTOR

V.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

DECISION GRANTING PROSECUTION MOTION FOR TESTIMONY OF WITNESS ST204 TO BE HEARD VIA VIDEO-CONFERENCE LINK

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. Igor Pantelić and Mr. Dragan Krgović for Stojan Župljanin

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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");

BEING SEISED of the "Prosecution's motion for testimony of witness ST-204 to be heard via

video-conference link, with confidential annex A", filed on 14 June 2010 ("Motion"), whereby the

Prosecution requests that ST240 testify via video-conference link from the Sarajevo Field Office¹

pursuant to Rule 81 bis of the Rules of Procedure and Evidence ("Rules");

NOTING the medical certificates provided by ST240's physicians;²

NOTING that at the hearing on 16 June 2010 the Defence of Mićo Stanišić and the Defence of

Stojan Župljanin stated that they do not object to this witness being heard via video-conference

link;³

CONSIDERING that hearing testimony by video-conference link does not violate the rights of the

accused to cross-examine the witness and to confront the witness directly and that, according to the

jurisprudence of the Tribunal, testimony of witnesses by video-conference link has as much

probative value as testimony presented in the courtroom;⁴

CONSIDERING that the Prosecution has, on the basis of the Motion and the attached medical

certificates, demonstrated that it is in the interests of justice to hear the testimony of the witness via

video-conference link between 15 and 16 July 2010;

PURSUANT TO Rules 54 and 81 bis;

GRANTS the Motion; and

ORDERS as follows:

a. That the witness shall testify via video-conference link from the Sarajevo Field Office

between 15 July 2010 and 16 July 2010, or on a date to be decided should the witness order

be amended;

¹ Motion, para. 1.

² Id., Confidential Annex A.

³ T. 11824-11825.

⁴ Prosecutor v. Hadžihasanović & Kubura, Case No. IT-01-47-T, Decision on Prosecution motion for receiving testimony by video-conference link, 11 Mar 2004; Prosecutor v. Milutinović et al., Case No. IT-99-37-T, Decision on

Prosecution motion for testimony of K58 to be heard via video-conference link, 1 Nov 2006, p. 2.

b. the Registrar shall take all reasonable steps to ensure that the video-conference link is established for 15-16 July 2010 and to advise the Trial Chamber should that not be possible;

c. the Registrar to appoint a Presiding Officer to ensure that the testimony is given freely and voluntarily;

d. the Presiding Officer to identify the witness and explain the nature of the proceedings and the obligation to speak the truth, to inform the witness that he or she is liable to prosecution for perjury in case of false testimony, administer the taking of the oath, and keep the Trial Chamber informed at all times of the conditions at the location;

e. that the testimony of the witness shall be given in the physical presence only of the Presiding Officer and, if necessary, in the presence of a member of the Registry technical staff, unless the Trial Chamber decides otherwise;

f. that the witness, using a monitor, shall be able to see, at all appropriate times, the Judges, the Accused, and the questioner and that the Judges, the Accused, and the questioner must be able to observe the witness on their monitors;

g. that any statement made under solemn declaration by the witness shall be treated as having been made in the courtroom and that the witness shall be liable to prosecution for perjury in exactly the same way as if he or she had given evidence at the seat of the Tribunal.

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

Judge Burton Hall

Aufle

Presiding

Dated this seventeenth day of June 2010

At The Hague

The Netherlands

[Seal of the Tribunal]