

BEFORE THE TRIAL CHAMBER I SECTION A

Before:

**Judge Liu Daqun, Presiding
Judge Maureen Harding Clark
Judge Fatoumata Diarra**

Registrar:

Mr. Hans Holthuis

Order of:

9 October 2001

PROSECUTOR

v.

**MLADEN NALETILIC aka "TUTA"
and
VINKO MARTINOVIC aka "STELA"**

**ORDER RELATING TO DEFENCE'S REQUEST FOR ALTERNATIVE TRIAL SCHEDULE
DUE TO ACCUSED MEDICAL CONDITION**

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

**Mr. Kresimir Krsnik, for Mladen Naletilic
Mr. Branko Seric, for Vinko Martinovic**

TRIAL CHAMBER I, SECTION A ("the 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 ("the Tribunal");

BEING SEISED OF the "Request for Alternative Trial Schedule due to Accused Medical Condition and Defence Counsel's Schedule", filed on 25 September 2001 by Counsel for the accused Mladen Naletilic ("the Motion");

NOTING that the Motion requests to alternate the current trial schedule in order to allow each Wednesday afternoon to be free. The Request argues, *inter alia*, that: i) "the accused's heart problems have necessitated in the past certain heart surgeries"; ii) the "accused's heart problem is chronic and causes the accused to become tired easily"; and iii) "when the accused is tired he cannot concentrate in a manner which best serves his interests in this trial"; and iv) "in order to meaningfully assist his defence counsel" - "it is not alleged that the accused is presently incompetent or mentally incapacitated to stand trial";

NOTING the "Prosecutor's Response to Defence Request for Alternative Trial Schedule due to Accused Medical Condition and Defence Counsel's Schedule; and Motion for an Alternative Trial Schedule", filed on 2 October 2001 ("the Response" and "Prosecutor's Motion");

NOTING that the Response opposes the Motion. The Response argues that any general shortening of the trial proceedings on the basis of this argument can not be made without the support of a medical expert's certificate;

NOTING that the Prosecutor's Motion requests an alternative schedule to allow for longer trial days as follows: Monday to Thursday: 09h15 to 10h45, 11h15 to 12h30, 13h45 to 15h15, 15h30 to 16h45 and Friday: 09h25 to 11h00, 11h30 to 13h30. The Motion argues that: i) the current trial weeks and trial days are too short; ii) "the current trial schedule does not allow the Prosecutor to call as many witnesses to testify each week as she had contemplated in planning the trial";

NOTING that the current trial schedule is as follows: Monday to Thursday: 09h30 to 11h, 11h30 to 13h, 14h30 to 16h, Friday: 09h30 to 11h, 11h30 to 13h;

CONSIDERING that the physical condition of the accused should allow him to follow the trial;

FOR THE FOREGOING REASONS

HEREBY REQUESTS the Registry to make the necessary arrangement for an independent medical expert of the Department of Cardiology from the Academic Medical Centre, University of Amsterdam, to conduct a medical examination of the accused Mladen Naletilic in order to make suggestions to the Chamber as to his physical capability to sit the above-mentioned schedules. The report by the medical expert should be filed at the Registry not later than 1 November 2001;

FURTHER ORDERS that, while considering the Motion, the Chamber will continue its current trial schedule.

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

Dated this ninth day of October 2001,
At The Hague,
The Netherlands

Judge Liu Daqun
Presiding Judge

[Seal of the Tribunal]