



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-PT
Date: 7 May 2004
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Bert Swart

Registrar: Mr. Hans Holthuis

Decision of: 7 May 2004

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

**DECISION ON PROSECUTION MOTION OF 6 MAY 2004 REGARDING
THE PROVISIONAL RELEASE HEARING**

The Office of the Prosecutor

Mr. Dermot Groome
Ms. Melissa Pack

Counsel for the Accused

Mr. Gerardus Godefridus Johannes Knoops, for Jovica Stanišić
Mr. Zoran Jovanović, for Franko Simatović

THIS 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 (“International Tribunal”),

BEING SEISED OF a confidential “Prosecution Motion for Permission to Call OTP Investigators or Alternatively Rely Upon the Written Declarations of OTP Investigators and Filing of Further Evidence” filed on 6 May 2004 (“Motion”) by the Office of the Prosecutor (“Prosecution”), requesting permission to call two Prosecution’s investigators named in the Motion, or in the alternative, requesting permission to rely upon the written declarations of the two Prosecution’s investigators, for the provisional release hearing scheduled to commence on Monday, 10 May 2004,

NOTING the confidential “Response Motion to Prosecution Motion for Permission to Call OTP Investigators or Alternatively Rely Upon the Written Declarations of OTP Investigators and Filing of Further Evidence” filed on 7 May 2004 (“Response”), by the Defence of Jovica Stanišić, opposing the Motion for various reasons, including the defence need for sufficient time to address the opinions of the two Prosecution’s investigators,

CONSIDERING that the Trial Chamber is satisfied that, in the circumstances of this case regarding provisional release, it is in the interests of justice to hear all the evidence proposed by the parties in order to make a determination,

CONSIDERING HOWEVER that the defence may require additional time in order to properly address the opinions of the two Prosecution’s investigators,

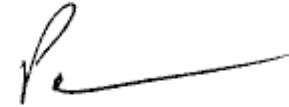
PURSUANT TO Rules 54 and 65 of the Rules of Procedure and Evidence of the International Tribunal

HEREBY GRANTS the Motion and **ORDERS** as follows:

- (1) Prosecution may call the two Prosecution’s investigators named in the Motion; and
- (2) Defence of Jovica Stanišić and Franko Simatović may:

- (i) commence its cross-examination of the two Prosecution's investigators at the hearing on 10 May 2004, immediately after the examination-in-chief by the Prosecution, if it so wishes; or
- (ii) request permission from the Trial Chamber, at the hearing on 10 May 2004 for an additional time of one week, in which to prepare for its cross-examination of the two Prosecution's investigators, if it so wishes.

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



Patrick Robinson
Presiding

Dated this seventh day of May 2004
At The Hague
The Netherlands

[Seal of the Tribunal]