

IT-03-69-T
D 18761 - D 18759
29 October 2009

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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-03-69-T
Date: 29 October 2009
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 29 October 2009

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON REQUEST TO EXTEND TIME FOR REPORT
BY GASTROENTEROLOGIST**

Office of the Prosecutor

Mr Dermot Groome
Ms Doris Brehmeier-Metz

Counsel for Jovica Stanišić

Mr Geert-Jan Alexander Knoops
Mr Wayne Jordash

Counsel for Franko Simatović

Mr Mihajlo Bakrač
Mr Vladimir Petrović

TRIAL CHAMBER I 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 (“Chamber”);

BEING SEISED of the request communicated to the Chamber informally on 27 October 2009 for an extension of the time limit in which the gastroenterologist may file his report on Jovica Stanišić (the “Request” and “Accused”, respectively);

NOTING the “Second Decision Amending Modalities for Trial” issued on 1 September 2009, in which the Chamber decided that “Mr Stanišić is to be examined at least once every eight weeks by a gastroenterologist who will report in writing to the Chamber on the Accused’s medical condition after each examination”;¹

NOTING that the last examination of the Accused by a gastroenterologist was conducted by Dr Oldenburg on 2 September 2009;²

NOTING therefore that a new gastroenterological examination should have been conducted no later than 28 October 2009 with a report submitted to the Chamber shortly thereafter;

NOTING that the Chamber was informed in the Request that neither appointed gastroenterologist was available to examine the Accused prior to 4 November 2009;

CONSIDERING that in light of the appointment of two independent expert gastroenterologists³ and the low frequency of reporting, both Dr Siersema and Dr Oldenburg should, in the future, respect the time limits imposed by the Chamber;

CONSIDERING however that the extension of time sought in the Request is not unreasonable;

FOR THE FOREGOING REASONS

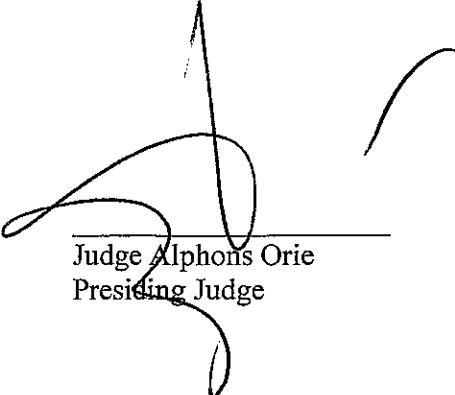
HEREBY GRANTS the Request and **ORDERS** the next gastroenterologist’s report to be submitted to the Chamber no later than 5 November 2009.

¹ Second Decision Amending Modalities for Trial, 1 September 2009, Annex A, para. 3; see also Corrigendum to Second Decision Amending Modalities for Trial, 7 September 2009, para. 1, Annex B, para. 3.

² See Registry Submission of Expert Report, 10 September 2009.

³ Registry Submission Pursuant to Rule 33(B) Concerning Expert Report, partly confidential, 26 June 2009, para. 3.

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



Judge Alphons Orié
Presiding Judge

Dated this twenty-ninth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]