



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: 18 December 2007

Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 18 December 2007

PROSECUTOR

v.

**JOVICA STANIŠIĆ
AND
FRANKO SIMATOVIĆ**

PUBLIC

**ORDER ESTABLISHING DEADLINES FOR
SUBMISSIONS ON THE ACCUSED STANIŠIĆ'S
FITNESS TO STAND TRIAL**

The Office of the Prosecutor

Ms. Doris Brehmeier-Metz

Counsel for the Accused

Mr. Geert-Jan Alexander Knoops and Mr. Wayne Jordash for Jovica Stanišić
Mr. Zoran Jovanović for Franko Simatović

I, Patrick Robinson, Presiding Judge of Trial Chamber III 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”) and Pre-Trial Judge in the case of *Prosecutor v. Stanišić and Simatović*¹;

NOTING the “Decision on Stanišić Defence’s Motion on the Fitness of the Accused to Stand at Trial with Confidential Annexes”, rendered by Trial Chamber III on 27 April 2006, whereby the Trial Chamber dismissed without prejudice the Stanišić Defence’s Motion, finding that the motion was premature at the time when it was filed²;

CONSIDERING that the issue of the Accused’s health situation has been an ongoing matter of discussion during the past several status conferences, and that the Stanišić Defence has expressed its intent to raise the issue of the Accused’s fitness to stand at trial by means of a motion filed prior the start of the trial³;

RECALLING that at the status conference of 23 November 2007 the Pre-Trial Judge invited the Stanišić Defence to proceed with filing its motion regarding the Accused’s fitness to stand at trial⁴;

NOTING that the Trial Chamber has not to the present date received a new filing on this issue from the Stanišić Defence;

CONSIDERING that the case is otherwise ready to proceed to trial, and that any issue which might be raised by the Stanišić Defence with respect to the Accused’s fitness to stand trial is now ripe for determination;

¹ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-PT, Order Assigning a Pre-Trial Judge, 12 December 2007.

² *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-PT, Decision on Stanišić Defence’s Motion on the Fitness of the Accused to Stand at Trial with Confidential Annexes (Public with Confidential Annexes), 27 April 2006.

³ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-PT, Status Conference of 29 November 2006, T.572-576; Status Conference of 21 March 2007, T.604-607; Status Conference of 18 July 2007, T.641, 650-651; Status Conference of 23 November 2007, T.654-661.

⁴ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-PT, Status Conference of 23 November 2007, T.660.

HEREBY ORDER as follows:

- (1) the Defence for Jovica Stanišić shall file its motion, if any, on the Accused's fitness to stand trial no later than 3 January 2008;
- (2) the Prosecution shall file its response, if any, to the Stanišić Defence motion on the Accused's fitness to stand at trial no later than 17 January 2008;
- (3) medical expert reports submitted by the parties should provide information, among other matters, on the following issues:
 - (i) whether the Accused is able to understand the nature of the charges and proceedings against him, to include the consequences of a conviction on those charges;
 - (ii) whether the Accused is able to instruct his Defence counsel as to his defence of the charges;
 - (iii) whether the Accused is able to testify on his on behalf if he elects to do so;
 - (iv) whether the Accused is physically able to withstand full-time trial proceedings (approximately five hours per day, five days per week) or some lesser formula of scheduling;
 - (v) whether the Accused's health situation requires any particular accommodation to support his ability to stand trial.

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



Judge Patrick Robinson
Pre-Trial Judge

Dated this eighteenth day of December 2007

At The Hague

The Netherlands

[Seal of the Tribunal]