



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: 9 January 2008

Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 9 January 2008

PROSECUTOR

v.

**JOVICA STANIŠIĆ
AND
FRANKO SIMATOVIĆ**

PUBLIC

**ORDER ON FILING OF MEDICAL EXPERT REPORTS
BY DEFENCE FOR JOVICA STANIŠIĆ**

The Office of the Prosecutor

Mr. Dermot Groome
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 the *Prosecutor v. Jovica Stanišić and Franko Simatović*;

BEING SEISED of the “Second Stanišić Motion on Fitness of the Accused to Stand Trial with Confidential and Partly Ex-Parte Annexes”, filed on 3 January 2008 (“Motion”);

NOTING the “Order Establishing Deadlines for Submissions on the Accused Stanišić’s Fitness to Stand Trial”, filed on 18 December 2007, in which the Defence for Jovica Stanišić (“Accused”) is ordered to file its motion on the Accused’s fitness to stand trial no later than 3 January 2008 and in which instructions are given as to the information that is to be provided in the medical expert reports of the Parties;

NOTING that in its Motion, the Defence for the Accused indicates that the reports of two medical experts “are not yet ready”, without providing a sufficient explanation as to why the reports are not yet finalised, or asking for additional time to file these reports;

NOTING that in its Motion, the Defence also indicates that it will file a response by Dr. Tarabar to the report by Dr. Van den Boomgaard, which report was filed by the Prosecution on 2 January 2008;

NOTING that on 8 January 2008 the Defence for the Accused informed the Trial Chamber and the Prosecutor that due to unavailability of its expert in psychiatry, Prof. Ariyeh Y. Shalev, it will file a report by forensic psychologist Ms. Ana Najman;

NOTING that on 8 January 2008 the Defence also informed the Trial Chamber and the Prosecutor of the dates at which a total of three medical experts will visit the Accused;


CONSIDERING that in light of the failure of the Defence to provide an adequate explanation for the absence of above mentioned medical reports in its Motion, the Trial Chamber is perfectly entitled to dispose of the Motion without those reports;

CONSIDERING, however, the significance of those reports for any decision to be taken by the Trial Chamber in this matter;

ORDER, therefore, that the Defence file an explanation as to the reasons for the tardiness of the reports of its medical experts and file the reports of Ms. Najman, Dr. Penchas and Dr. Rachmilewitz, as well as the response of Dr. Tarabar to the report for the Prosecution by Dr. Van den Boomgaard, and any other medical expert report it intends to bring before the Trial Chamber for consideration on the matter of the Accused's fitness to stand trial, no later than 23 January 2008; and,

ORDER the Prosecution, if it chooses to do so, to respond to the above mentioned reports no later than 6 February 2008.

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



Judge Patrick Robinson
Pre-Trial Judge

Dated this ninth day of January 2008
At The Hague
The Netherlands

[Seal of the Tribunal]