



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-08-91-T  
Date: 15 February 2012  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Burton Hall, Presiding  
Judge Guy Delvoie  
Judge Frederik Harhoff

**Registrar:** Mr. John Hocking

**Decision of:** 15 February 2012

**PROSECUTOR**

**v.**

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION TO HEAR THE TESTIMONY OF WITNESS  
SRBOLJUB JOVIČINAC VIA VIDEO-CONFERENCE  
LINK**

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**The Office of the Prosecutor**

Ms. Joanna Korner  
Mr. Thomas Hannis

**Counsel for the Accused**

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić  
Mr. Dragan Krgović and Mr. Aleksandar Aleksić for Stojan Župljanin

**TRIAL CHAMBER II** (“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 (“Tribunal”);

**NOTING** that the Trial Chamber has decided to call Srboľjub Jovićinac to testify pursuant to Rule 98 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) in the current proceedings;<sup>1</sup>

**NOTING** that the witness has indicated to the Chamber’s Legal Officer and the Tribunal’s Victims and Witnesses Section that he is unable to travel to The Hague to testify at the Tribunal and that he has requested to testify via video-conference link;

**CONSIDERING** that the Trial Chamber is satisfied that there are good and sufficient reasons why the witness is unable to travel to The Hague and that his testimony is sufficiently important to this case;

**CONSIDERING** that, in accordance with Rule 81 *bis*, it is in the interests of justice to allow Srboľjub Jovićinac to give evidence via video-conference link from the Tribunal’s facilities in Belgrade;

**GRANTS** the Motion; and

**ORDERS**, pursuant to Articles 20 and 21 of the Tribunal’s Statute and Rule 81 *bis* of the Rules:

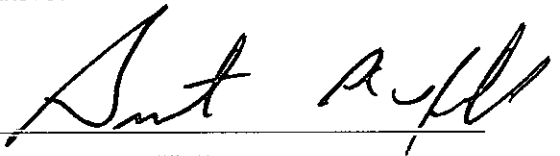
- a. that Srboľjub Jovićinac shall testify via video-conference link from the Belgrade Field Office on 23 February 2012;
- b. the Registrar to take all reasonable steps to ensure that the video-conference link is established for 23 February 2012 and to inform without delay the Trial Chamber should that not be possible;
- c. the Registrar to appoint a Presiding Officer to ensure that the testimony is given freely and voluntarily;
- d. the Presiding Officer to identify the witness and explain the nature of the proceedings and the obligation to speak the truth, to inform the witness that he or she is liable to prosecution for perjury in case of false testimony, to administer the taking of the oath, and to keep the Trial Chamber informed at all times of the conditions at the location;

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<sup>1</sup> See Hearing, 18 January 2012, T. 26671; Order on procedure for the testimonial evidence of witnesses pursuant to Rule 98, 6 February 2012; Order scheduling the appearance of three witnesses pursuant to Rule 98, 15 February 2012.

- e. that the testimony of Srboľjub Jovićinac shall be given in the physical presence only of the Presiding Officer and, if necessary, of a member of the Registry technical staff, unless the Trial Chamber decides otherwise;
- f. that the witness, using a monitor, shall be able to see, at various times, the Judges, the Accused, and the questioner and that the Judges, the Accused, and the questioner must be able to observe the witness on their monitors;
- g. that any statement made under solemn declaration by the witness shall be treated as having been made in the courtroom and that the witness shall be liable to prosecution for perjury in exactly the same way as if he or she had given evidence at the seat of the Tribunal.

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



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Judge Burton Hall  
Presiding

Dated this 15th day of February 2012  
At The Hague  
The Netherlands

[Seal of the Tribunal]