



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: 29 September 2009
Original: English

IN TRIAL CHAMBER II

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

Registrar: Mr. John Hocking

Order of: 29 September 2009

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**ORDER ON PROSECUTION'S MOTION FOR
TESTIMONY TO BE HEARD VIA VIDEO-
CONFERENCE LINK, WITH ANNEX A**

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. Igor Pantelić and Mr. Dragan Krgović 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”);

BEING SEISED of the “Prosecution’s motion for testimony to be heard via video-conference link, with annex A, filed confidentially on 29 September 2009 (“Motion”), whereby the Prosecution requests that the testimony of ST161 and ST203 be heard via video-conference link pursuant to Rule 81 *bis* of the Rules of Procedure and Evidence (“Rules”) on 8-9 October 2009 and 12-13 October 2009, respectively;

NOTING the declaration of a Prosecution investigator which is attached to the Motion, wherein it is submitted that both witnesses are willing to testify, but are unable to come to the Tribunal for medical reasons;¹

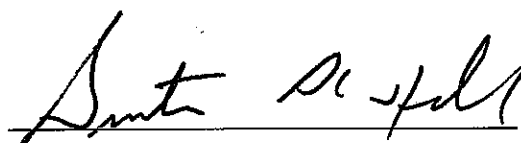
NOTING the statement in the declaration by the Prosecution investigator that ST161 and ST203 informed the Prosecution as early as 20 July 2009 and 29 July 2009, respectively, that their individual state of health does not allow travelling to the Tribunal;

CONSIDERING that the Trial Chamber is unable to assess the documents attached in support of the Motion as the documents are not submitted in an official language of the Tribunal;

PURSUANT TO Rules 54, 81 *bis* and 126 *bis* of the Rules;

REJECTS the Motion without prejudice to a subsequent application by the Prosecution which contains supporting medical documentation in an official language of the Tribunal; and

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



Judge Burton Hall
Presiding

Dated this twenty-ninth day of September 2009

At The Hague

The Netherlands

[Seal of the Tribunal]

¹ Motion, confidential declaration of investigator Michael Koehler in support of Prosecution’s motion for testimony to be heard via video-conference link, pp. 1-2.