

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-15-96-T

Date: 26 September 2017

Original: English

IN THE TRIAL CHAMBER

Before: Judge Burton Hall, Presiding
Judge Joseph E. Chiondo Masanche
Judge Seon Ki Park

Registrar: Mr. Olufemi Elias

Decision of: 26 September 2017

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON PROSECUTION MOTION FOR
VIDEO-CONFERENCE LINK FOR WITNESS RFJ-144**

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Douglas Stringer

Counsel for the Defence:

Mr. Wayne Jordash and Mr. Iain Edwards for Mr. Jovica Stanišić
Mr. Mihajlo Bakrač and Mr. Vladimir Petrović for Mr. Franko Simatović

THE TRIAL CHAMBER OF the International Residual Mechanism for Criminal Tribunals (“Trial Chamber” and “Mechanism”, respectively);¹

BEING SEISED OF a motion filed on 6 September 2017,² in which the Prosecution requests, pursuant to Rules 80 and 96 of the Rules of Procedure and Evidence (“Rules”), that Witness RFJ-144’s evidence be heard via video-conference link because: (i) the witness has serious health problems that prevent him from travelling to The Hague to testify; (ii) the witness’s evidence is sufficiently important to make it unfair to the Prosecution to proceed without it; and (iii) the Accused’s right to confront the witness would not be unfairly prejudiced;³

NOTING that Jovica Stanišić does not oppose the Motion⁴ and that Franko Simatović did not file a response;

RECALLING the applicable law governing the admission of testimony via video-conference link as set out in a previous decision;⁵

RECALLING that the Trial Chamber has found that the evidence of Witness RFJ-144 is appropriate for admission pursuant to Rule 111 of the Rules;⁶

CONSIDERING that Witness RFJ-144’s medical conditions are serious enough to warrant hearing his evidence via video-conference link,⁷ that his testimony is sufficiently important that proceeding without it would be unfair to the Prosecution, and that receiving the witness’s testimony via video-conference link will not cause prejudice to the Accused;

FINDING that it is, therefore, in the interests of justice to hear Witness RFJ-144’s testimony by way of video-conference link;

HEREBY GRANTS the Motion; and,

¹ Order Replacing a Judge in a Case Before a Trial Chamber, 21 February 2017, p.1.

² Prosecution Motion for Video-Conference Link (RFJ-144), 6 September 2017 (confidential with confidential Annex A) (“Motion”).

³ Motion, paras. 1, 3-8.

⁴ Stanišić Defence Consolidated Response to Prosecution Motions for the Admission of Evidence Pursuant to Rule 111 of (1) RFJ-038 and (2) RFJ-157, and (3) for Video-Conference Link (RFJ-144), 20 September 2017 (confidential), paras. 6, 7.

⁵ See Decision on Motion for Video-Conference Link for Witness RFJ-066, 12 June 2017 (confidential), para. 5.

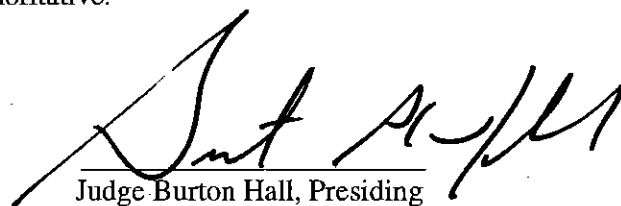
⁶ Decision on Prosecution Motion for Admission of Evidence of RFJ-144 Pursuant to Rule 111, 7 September 2017 (confidential), p. 2.

⁷ See Motion, Annex A, Registry Pagination 12044-12042, 12040, 12033, 12032, 12030, 12029, 12027.

DIRECTS the Registry to facilitate the testimony of Witness RFJ-144 by video-conference link and to inform the Trial Chamber and the parties if it is unable to make timely arrangements.

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

Done this 26th day of September 2017,
At The Hague,
The Netherlands.



Judge Burton Hall, Presiding

[Seal of the Mechanism]



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