



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-98-30/1-T

Date 12 May 2000

Original: French  
English

**IN THE TRIAL CHAMBER**

**Before:** Judge Almiro Rodrigues, Presiding  
Judge Fouad Riad  
Judge Patricia Wald

**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh

**Order of:** 12 May 2000

**THE PROSECUTOR**

v.

**MIROSLAV KVOČKA  
MILOJICA KOS  
MLAĐO RADIĆ  
ZORAN ZIGIĆ  
DRAGOLJUB PRCAĆ**

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**DECISION ON DEFENSE MOTION TO OBTAIN THE ASSIGNMENT OF EXPERTS  
FOR THE ACCUSED MIROSLAV KVOČKA**

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**The Office of the Prosecutor:**

**Ms. Brenda Hollis  
Mr. Michael Keegan  
Mr. Kapila Waidyaratne**

**Defence Counsels:**

**Mr. Krstan Simić for Miroslav Kvočka  
Mr. Zarko Nikolić for Milojica Kos  
Mr. Toma Fila for Mlado Radić  
Mr. Simo Tosić for Zoran Zigić  
Mr. Jovan Simić for Dragoljub Prcać**

**TRIAL CHAMBER I** 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 (“the Tribunal”);

**BEING SEIZED** of the Defense “Motion for a Medical Expert and a Police Law Expert Hearing” filed on 21 April 2000;

**NOTING** Article 18 of the Directive on Assignment of Defense Counsel (hereby “the Directive”);

**CONSIDERING** that the Defense is of the view that it is necessary and in the interest of justice to hear a police law expert; that for this purpose, the Defense requests the authorization from Trial Chamber for reimbursement of costs and expenses of 70 hours work incurred by appointment of Mrs. Ljiljana Mijović, who will study the police law and draft a report;

**CONSIDERING** however that it is up to the Defense to decide the relevance and utility of such an expert opinion; that it is not up to the Trial Chamber to decide, at this stage, whether to authorize costs and expenses for such an expert; that Mr. Kvočka’s Defense was assigned to him by the Registrar, who applies the Directive, which governs modalities of assignment of Defence Counsel; that the Defense must therefore request the authorization to obtain the reimbursement of costs and expenses to the Registry, as required by the Directive ;

**CONSIDERING** that the Defense also argues that a psychiatric examination of the accused, conducted by Mr. Bogdan Stojaković, would reveal relevant psychological characteristics of the accused; that the Defense requests the payment of 30 hours work for Mr. Stojaković to examine the accused and draft a report;

**CONSIDERING** that the Chamber deems that a psychiatric examination of the accused might reveal relevant indications regarding his mental state before, during and after the commission of acts attributed to him and this might disclose circumstances necessary to be taken into consideration for the sentencing; that however, the Trial Chamber is not competent to decide upon the number of hours needed to produce such an opinion and that experts must be designated in conformity with Rule 74 *bis* of the Rules of Procedure and Evidence (hereinafter “the Rules”);

**PURSUANT** to Rules 54, 74 *bis* and 94 *bis* of the Rules of Procedure and Evidence;

**DECLARES** that the Defense should address itself to the Registry for authorization to meet costs and expenses related to a expert opinion in police law, as required by Article 18 of the Directive;


**HEREBY ORDERS** a psychiatric examination of the accused Miroslav Kvočka proceed in conformity with the regulations of the profession with the purpose of, among other things:

- 1- giving indications regarding the past and present physical and mental ability of the accused;
- 2- making any necessary observations on the mental state of the accused during the commission of the alleged crimes and interpreting the results obtained;
- 3- giving information on the present psychological state of the accused and on his potential ability to be reintegrated into society, and formulating any needed recommendations in this regard;

**REQUESTS** the Registry to assign this task to two experts, one of them being Mr. Stojaković, the expert psychiatrist proposed by the Defense, if he satisfies the Registrar that he meets the criteria to have his name on the list mentioned in Rule 74 *bis*;

**DECLARES** that a joint written report of the evaluations, observations and recommendations formulated by the psychiatric experts shall be transmitted to the Registry the latest before 19 June 2000.

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

  
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Almiro Rodrigues  
Presiding Judge

Dated this Twelfth Day of May 2000,  
At The Hague  
The Netherlands.