



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-95-9-T
Date: 24 June 2002
Original: English

IN TRIAL CHAMBER IIB

Before: Judge Florence Ndepele Mwachande Mumba, Presiding
Judge Sharon A. Williams
Judge Per-Johan Lindholm

Registrar: Mr. Hans Holthuis

Date: 24 June 2002

PROSECUTOR

v.

**BLAGOJE SIMIĆ
MIROSLAV TADIĆ
SIMO ZARIĆ**

**ORDER TO RECEIVE TESTIMONY VIA VIDEO-
CONFERENCE PURSUANT TO RULE 71 *bis***

The Office of the Prosecutor:

Mr. Gramsci Di Fazio
Mr. Phillip Weiner
Ms. Aisling Reidy

Counsel for the Accused:

Mr. Igor Pantelić and Mr. Srdjan Vuković for Blagoje Simić
Mr. Novak Lukić and Mr. Dragan Krgović for Miroslav Tadić
Mr. Borislav Pisarević and Mr. Aleksandar Lazarević for Simo Zarić

THIS 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 “Motion of the Prosecutor to Receive Testimony via Video-Conference Link Pursuant to Rule 71bis” (“Motion”) filed on 18 June 2002, in which the Office of the Prosecutor (“Prosecution”) seeks to have one witness testify via video-link from the United States,

NOTING that the Defence did not object to the Motion, stating their position as “neutral”,¹

CONSIDERING that the witness was recently in a car accident and suffered from a broken arm, collarbone and broken ribs, making it an extreme hardship to travel from the United States to The Hague,

CONSIDERING that the Prosecution considers the witness to be an important witness,

CONSIDERING that Rule 71bis allows that testimony be received via video-conference link in the interests of justice,

CONSIDERING that criteria and guidelines for the giving of evidence by video-conference link have been laid down in the “Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-Link” issued in *Prosecutor v Duško Tadić*, 26 June 1996, (“*Tadić* Decision”) and that the criteria are satisfied in this case,

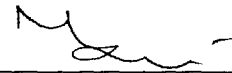
PURSUANT TO Rule 71bis of the Rules of Procedure and Evidence of the Tribunal,

HEREBY GRANTS the Motion and orders that the evidence of the named witness, Hasan Subasić, be given by a video-conference link, on a date to be determined after consultation among all the affected parties, including the Trial Chamber, the Prosecution, and law enforcement and judicial authorities in the United States, and

REQUESTS the Registrar to take all necessary steps in the circumstances of the present case to ensure that the guidelines established in the *Tadić* Decision, para. 22 are followed.

¹ T.9727 (in closed session on 20 June 2002)

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



Florence Ndepele Mwachande Mumba
Presiding Judge

Done this twenty fourth day of June 2002,
At The Hague,
The Netherlands.

[Seal of the Tribunal]