

IT-01-42-T  
D 3861 - D 3859  
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**UNITED  
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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-01-42-T  
Date: 16 April 2004  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Kevin Parker, Presiding  
Judge Krister Thelin  
Judge Christine Van Den Wyngaert

**Registrar:** Mr. Hans Holthuis

**Decision of:** 16 April 2004

**PROSECUTOR**

v.

**PAVLE STRUGAR**

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**DECISION ON THE PROSECUTION MOTION  
FOR VIDEO-LINK TESTIMONY**

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**The Office of the Prosecutor:**

Ms. Susan Somers  
Mr. Philip Weiner

**Counsel for the Accused:**

Mr. Goran Rodić  
Mr. Vladimir Petrović

**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 SEIZED** of the oral request submitted by the Prosecution on 16 April 2004 that Dr. Bennett Blum be allowed to give evidence by video-conference link from a federal facility in Tucson, Arizona in the United States (“Request”);

**NOTING** the “Defence Notice and Confidential Annex”, filed confidentially by the Defence for the accused on 2 February 2004 (“Defence Report”);

**NOTING** the “Defence Motion to Terminate Proceedings”, filed confidentially on 12 February 2004;

**NOTING** the “Prosecution’s Submission of Medical Report”, filed confidentially on 22 March 2004 (“Prosecution Report”);

**NOTING** the oral decision rendered by the Trial Chamber on 1 April 2004 that the author of the Defence Report and at least one of the authors of the Prosecution Report should be called to give evidence and that this evidence may be given by video-conference link;<sup>1</sup>

**NOTING** Rule 71 *bis* of the Rules of Procedure and Evidence (“Rules”), which provides that “a Trial Chamber may, in the interests of justice, order that testimony be received via video-conference link”,

**NOTING** the decision dated 25 June 1996 in the *Tadić* case<sup>2</sup> setting out guidelines for the giving of evidence by video-conference link,

**CONSIDERING** that in the present case, the Prosecution has indicated that the witness was unable to travel to The Hague to testify due to family illness;

**CONSIDERING** that the Trial Chamber finds it to be in the interests of justice to hear this witness via video-conference link,

**FOR THE FOREGOING REASONS,**

**PURSUANT** to Rule 71 *bis* of the Rules,

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<sup>1</sup> T. 4324-4325.

<sup>2</sup> *Prosecutor v. Duško Tadić*, Case No. IT-94-1-T, Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-Link, 25 June 1996, para. 22.