



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-03-69-PT
Date: 24 April 2008
Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Pedro David
Judge Michèle Picard

Registrar: Mr. Hans Holthuis

Decision of: 24 April 2008

PROSECUTOR

v.

**JOVICA STANIŠIĆ
AND
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON DEFENCE MOTION TO RECONSIDER
DECISION ON ORAL SUBMISSIONS DURING THE
HEARING OF 14 APRIL 2008**

The Office of the Prosecutor

Mr. Dermot Groome
Ms. Doris Brehmeier-Metz
Mr. Gregory Townsend
Mr. John Docherty

Counsel for the Accused

Mr. Geert-Jan Alexander Knoops and Mr. Wayne Jordash for Jovica Stanišić
Mr. Zoran Jovanović and Mr. Vladimir Domazet for Franko Simatović

TRIAL CHAMBER III (“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 “Defence Motion to Reconsider the Decision on Oral Submissions During the Hearing of 14 April 2008” filed on 22 April 2008, wherein Defence Counsel for the Accused Franko Simatović requests that the Trial Chamber reconsider its decision to commence with the trial against the Accused Jovica Stanišić and Franko Simatović on 28 April 2008¹, by re-scheduling the start of the proceedings to 29 April 2008;

NOTING that Defence Counsel’s request arises from his desire to observe the Serbian Orthodox Easter season and to be thereby relieved by the Trial Chamber of the obligation to travel to the Tribunal for the start of any trial proceedings during that period²;

NOTING that Defence Counsel also submits that re-scheduling the hearing to commence on 29 April 2008 would “ease [the] Prosecution’s problems in witness planning”³;

NOTING, as previously stated by the Trial Chamber in the earlier decision, that the Trial Chamber is sympathetic to the religious persuasions of Counsel but that the timely start of proceedings has already been repeatedly delayed by the health condition of the Accused Mr. Jovica Stanišić⁴ and that Wednesday, 30 April 2008 is a holiday that the Trial Chamber is obliged to observe⁵;

CONSIDERING that the Defence has failed to advance any argument warranting a reconsideration of the decision by the Trial Chamber;

FOR THE FOREGOING REASONS,

¹ Decision on Oral Submissions During Hearing of 14 April 2008, 15 April 2008 at para. 3.

² Defence Motion to Reconsider the Decision on Oral Submissions During the Hearing of 14 April 2008, 22 April 2008, para. 1.

³ *Ibid.* at para. 6.

⁴ Decision on Oral Submissions During Hearing of 14 April 2008, 15 April 2008, para. 3.

⁵ *Ibid.* at para. 3.

PURSUANT to Rule 54 of the Rules of Procedure and Evidence,

HEREBY DENIES the Motion.

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



Judge Patrick Robinson
Presiding Judge

Dated this twenty-fourth day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]