



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-T  
Date: 9 November  
2010  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Michèle Picard  
Judge Elizabeth Gwaunza

**Registrar:** Mr John Hocking

**Reasons of:** 9 November 2010

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

***PUBLIC***

**REASONS FOR DECISION ON PROSECUTION'S FORMAL  
APPLICATION IN RELATION TO WITNESS DR. CHARLES  
KIRUDJA**

**Office of the Prosecutor**  
**(Stanišić and Simatović)**

Mr Dermot Groome

**Counsel for Jovica Stanišić**

Mr Geert-Jan Alexander Knoops  
Mr Wayne Jordash

**Counsel for Franko Simatović**

Mr Mihajlo Bakrač  
Mr Vladimir Petrović

**Office of the Prosecutor**  
**(Karadžić)**

Mr Alan Tieger  
Ms Hildegard Uertz-Retzlaff

**The Accused**

Radovan Karadžić

**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 (“Chamber”);

**NOTING** that witness Dr Charles Kirudja (“Witness”), who partially testified on 26 August 2009 in the *Stanišić & Simatović* case and who is scheduled to return for cross-examination by the Simatović Defence on 15 November 2010, was instructed not to discuss the testimony he gave until further notice;<sup>1</sup>

**BEING SEISED** of the ‘Prosecution’s Formal Application in Relation to Witness Dr Charles Kirudja’, filed on 21 October 2010 (“Application”), in which the Prosecution requested that the Chamber allow the *Karadžić* Prosecution to contact the Witness to advise him of travel arrangements vis-à-vis his appearances in the *Karadžić* case and the *Stanišić & Simatović* case; to discuss a draft amalgamated witness statement and associated exhibits; and to proof the Witness prior to his appearance in the *Karadžić* case;

**NOTING** that the Stanišić Defence and Simatović Defence stated that they had no objections to the Application;<sup>2</sup>

**CONSIDERING** the Witness’s availability and current place of residence, and that co-ordination of testimony between the above two cases would not affect the rights of the accused Jovica Stanišić and Franko Simatović;

**FURTHER CONSIDERING** the Prosecution’s undertaking that there will be no communication between the *Karadžić* and the *Stanišić & Simatović* Prosecution teams before the completion of the Witness’s testimony in the *Stanišić & Simatović* case;

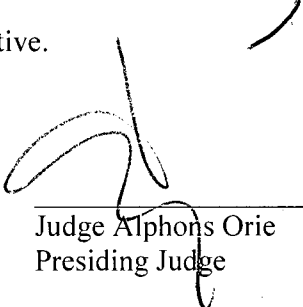
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<sup>1</sup> Instructions to Witness Charles Kirudja in Relation to Contact Before the End of Testimony, 9 September 2009. See also Order on the Re-calling of Two Witnesses, 26 April 2010.

<sup>2</sup> T. 8261.

**FOR THE FOREGOING REASONS****DECIDED** to grant the Application in all respects on 28 October 2010.<sup>3</sup>

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

  
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Judge Alphons Orié  
Presiding JudgeDated this ninth day of November 2010  
At The Hague  
The Netherlands**[Seal of the Tribunal]**

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<sup>3</sup> T. 8261-8262.