

**UNITED  
NATIONS**



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: 23 May 2012  
Original: English

IT-03-69-T  
D 40760 - D 40758  
23 May 2012

40760  
Y.S.

**IN TRIAL CHAMBER I**

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

**Registrar:** Mr John Hocking

**Decision of:** 23 May 2012

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

***PUBLIC***

**PUBLIC REDACTED VERSION OF THE CONFIDENTIAL  
“INVITATION TO THE REGISTRY TO MAKE A  
SUBMISSION PURSUANT TO RULE 33 (B) CONCERNING  
JOVICA STANIŠIĆ’S PSYCHIATRIC TREATMENT” OF 2  
MARCH 2012**

**Office of the Prosecutor**  
Mr Dermot Groome

**Counsel for Jovica Stanišić**  
Mr Wayne Jordash  
Mr Scott Martin

**Counsel for Franko Simatović**  
Mr Mihajlo Bakrač  
Mr Vladimir Petrović

1. On 7 February 2012, the Stanišić Defence (“Defence”) informed the Chamber that following several requests to the Registry, it had received medical documents concerning Mr. Stanišić.<sup>1</sup> The Defence submitted that it had recently learned about the existence of reports of Dr. Petrović pertaining to psychotherapy received by Mr. Stanišić, and that these reports were not disclosed by the Registry.<sup>2</sup> The Registry informed the Defence that Dr. Petrović’s reports contained information about other detainees, and that this information would need to be redacted before they can be disclosed to the Defence, which could take some time.<sup>3</sup> In the meantime, the Registry requested that Dr. Petrović provide the Defence with a “summary report”.<sup>4</sup>

2. On the same day, [REDACTED], the Head of the Office for Legal Aid and Detention Matters, addressed the Chamber requesting that a portion of the 7 February transcript dealing with the Defence’s attempt to obtain Mr. Stanišić’s medical records be redacted, as it contained confidential information. Judge Orie discussed the request for redaction with [REDACTED] over the phone, and the Chamber decided not to proceed with it for the time being.

3. On 21 February 2012, the Defence informed the Chamber that it had received a summary of Mr. Stanišić’s records compiled by Dr. Petrović, where it was indicated that Mr. Stanišić’s treatment, in particular his psychotherapy, has been insufficient.<sup>5</sup> The Defence further underlined that Mr. Stanišić’s state of health could have an impact on the continuation of the trial.<sup>6</sup>

4. The Chamber informally consulted the Registry on 9 and 23 February 2012. Having received information about the treatment of Mr. Stanišić and the availability of his medical records to the Defence, the Chamber is of the opinion that in various respects, information concerning Mr. Stanišić’s psychiatric treatment, including the status and role of a psychiatrist, Dr. Westendorp,<sup>7</sup> require further clarification.

5. In view of the above, the Chamber hereby **INVITES** the Registry, pursuant to Rule 33 (B) of the of the Tribunal’s Rules of Procedure and Evidence, to provide, within two weeks from the date of this decision, responses to the following questions:

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<sup>1</sup> T. 16931-16932.

<sup>2</sup> Ibid.

<sup>3</sup> T. 16932.

<sup>4</sup> Ibid.

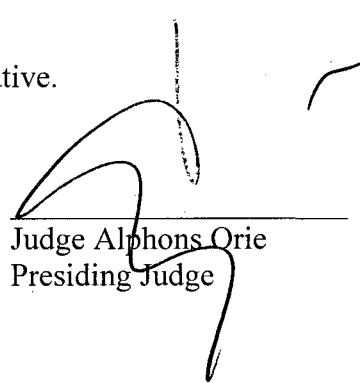
<sup>5</sup> T. 17517.

<sup>6</sup> T. 17519.

<sup>7</sup> See Registry Submission of Expert Report, 1 March 2010, Medical Report by Dr. De Man, p. 2.

- 1) What kind of psychiatric treatment, if any, does Mr. Stanišić currently receive? What psychiatric treatment, if any, has he received until now at the United Nations Detention Unit ("UNDU")?
- 2) Is Dr. Petrović a treating psychiatrist at the UNDU? What is her exact status and role, and how was this status communicated to Mr. Stanišić?
- 3) What is the status and content of Dr. Petrović's reports, and to whom are these reports available? In what language, and at what point in time after having been drafted, were these reports initially available? If they were subsequently translated into another language, at whose request, and when were such translations made?
- 4) Has Mr. Stanišić received any treatment prescribed, advised or given by Dr. Petrović?
- 5) Is the Registry, or any person employed by the Registry to provide medical care to detainees, aware of any statement made by Dr. Petrović relating to inadequate medical treatment received by Mr. Stanišić?
- 6) Has Mr. Stanišić been treated by Dr. Westendorp, and if so, when was he examined by Dr. Westendorp, and what did the therapy consist of? Also, are there any records of these meetings?

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



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Judge Alphons Orie  
Presiding Judge

Dated this twenty-third of May 2012  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**