



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***

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

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**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 2008<sup>1</sup>, 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 period<sup>2</sup>;

**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”<sup>3</sup>;

**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 Stanišić<sup>4</sup> and that Wednesday, 30 April 2008 is a holiday that the Trial Chamber is obliged to observe<sup>5</sup>;

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

**FOR THE FOREGOING REASONS,**

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

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

<sup>3</sup> *Ibid.* at para. 6.

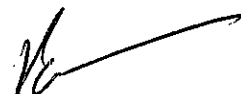
<sup>4</sup> Decision on Oral Submissions During Hearing of 14 April 2008, 15 April 2008, para. 3.

<sup>5</sup> *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.



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Judge Patrick Robinson  
Presiding Judge

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

[Seal of the Tribunal]