

IT-03-69-PT
D 16667 - D 16666
23 April 2009

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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: 23 April 2009
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Pre-Trial Judge, Presiding
Judge Flavia Lattanzi
Judge Michèle Picard

Acting Registrar: Mr John Hocking

Order of: 23 April 2009

PROSECUTOR

v.

JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ

CONFIDENTIAL

ORDER TO CHANGE STATUS OF TWO REPORTS

Office of the Prosecutor

Mr Dermot Groome
Ms Doris Brehmeier-Metz

Counsel for Jovica Stanišić

Mr Geert-Jan Alexander Knoops
Mr Wayne Jordash

Counsel for Franko Simatović

Mr Zoran Jovanović
Mr Vladimir Domazet

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”);

CONSIDERING that the Simatović Defence on 26 March 2009 requested the Chamber to lift the *ex parte* status of the two independent expert reports of Dr de Man and Dr Siersema filed on 19 and 23 March 2009 (“Request” and “Medical Reports”);

CONSIDERING that previous discussions concerning Mr Stanišić’s health were held in public session and that Dr de Man testified in public session about Mr Stanišić’s health on 7 and 8 April 2008;

NOTING however that the two previous independent expert reports of Dr de Man and Dr Siersema, filed on 1 and 12 September 2008 respectively, were also filed as confidential and *ex parte* and that the Simatović Defence did not seek to have their *ex parte* status lifted;

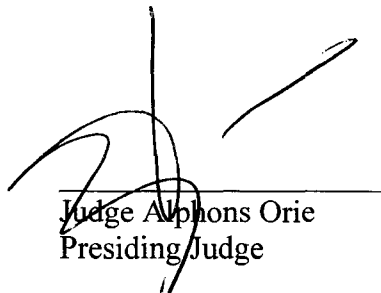
NOTING that neither the Prosecution nor the Stanišić Defence responded to the Request;

CONSIDERING that even though the Medical Reports concern the health situation of Mr Stanišić only, Mr Simatović and Mr Stanišić are co-accused in the present case;

FINDING that Mr Simatović has a legitimate interest in reviewing the Medical Reports, which might have an important impact on the question of whether the trial can be re-started;

HEREBY ORDERS the Registry to lift the *ex parte* status of the Medical Reports.

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



Judge Alphons Orie
Presiding Judge

Dated this twenty-third day of April 2009
At The Hague
The Netherlands

[Seal of the Tribunal]