

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-15-96-T

Date: 23 June 2020

Original: English

IN THE TRIAL CHAMBER

Before: Judge Burton Hall, Presiding
Judge Joseph E. Chiondo Masanche
Judge Seon Ki Park

Registrar: Mr. Olufemi Elias

Order of: 23 June 2020

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

ORDER FOR SUBMISSIONS

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Douglas Stringer

Counsel for the Defence:

Mr. Wayne Jordash and Mr. Iain Edwards for Mr. Jovica Stanišić
Mr. Mihajlo Bakrač and Mr. Vladimir Petrović for Mr. Franko Simatović

THE TRIAL CHAMBER OF the International Residual Mechanism for Criminal Tribunals (“Trial Chamber” and “Mechanism”, respectively);¹

RECALLING that, on 17 March 2020, due to the evolving COVID-19 pandemic and ensuing restrictions on work and travel, the Trial Chamber decided to postpone the resumption of in-court hearings, originally set for 28 April 2020, until no sooner than 2 June 2020;²

RECALLING that, on 11 May 2020, having considered the then status and the anticipated relaxation of pandemic-related restrictions, as well as the need to provide adequate time to the parties to prepare and for all necessary logistical arrangements to be made, the Trial Chamber scheduled the recommencement of in-court hearings for Tuesday, 7 July 2020;³

CONSIDERING that, following informal consultations with the Registry and the receipt of relevant information from the Simatović Defence, including the list of the remaining witnesses and an update on pandemic-related matters, the Trial Chamber considered it prudent to reschedule the resumption of in-court hearings for Tuesday, 18 August 2020;⁴

CONSIDERING that, in order to ensure the efficient management of the proceedings and to avoid unnecessary delays in bringing the Simatović Defence case to a close, the Trial Chamber would benefit from receiving timely information on any pandemic-related issues that may have an impact on the scheduled resumption of in-court hearings, as well as any related measures designed to mitigate such impact;

CONSIDERING that such submissions should be specific, based on individualized assessments, and, if possible, should note anticipated changes in relevant circumstances;

NOTING that, even in the absence of in-court hearings, this case continues to advance and that the Trial Chamber has continued to assess requests for the admission of extensive documentary evidence from the bar table and has insisted that the parties continue to make progress, to the extent possible, on matters related to bringing this trial to a close;

PURSUANT to Rule 55 of the Rules of Procedure and Evidence,

¹ Order Replacing a Judge in a Case Before a Trial Chamber, 21 February 2017, p. 1.

² Decision on Simatović’s Motion for Extension of Provisional Release, 21 April 2020, p. 1, *referring to* Internal Communication of 17 March 2020.

³ Decision on Further Extension of Franko Simatović’s Provisional Release, 20 May 2020, pp. 1, 2, *referring, inter alia,* to Internal Communication of 11 May 2020.

⁴ Internal Communication, 16 June 2020.

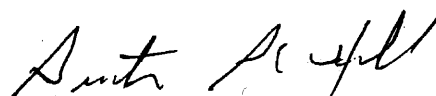
HEREBY INSTRUCTS the Registry to file, no later than Tuesday, 7 July 2020, submissions on any pandemic-related issues that may have an impact on the resumption of in-court hearings on Tuesday, 18 August 2020, as well as any measures designed to mitigate such impact related to the:

- 1) Preparedness of the courtroom;
- 2) The return of Simatović from provisional release and the conditions of his detention at the United Nations Detention Unit, including the available medical facilities;
- 3) Arrangements to ensure Simatović's participation in the proceedings, including his physical presence in the courtroom or his participation through other means, if physical presence is not possible or recommended;
- 4) Arrangements to ensure the appearance of witnesses at the seat of the Mechanism, taking into account the witnesses' individual circumstances and associated risks;
- 5) Availability of a video-conference link facility away from the Mechanism's premises, if necessary, for the purposes of hearing witness testimony; and
- 6) Any other issues relevant to the Mechanism's ability to resume in-court hearings as scheduled; and

INSTRUCTS the parties to file any submissions concerning the resumption of in-court hearings within seven days of the filing of the Registry's submission.

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

Done this 23rd day of June 2020,
At The Hague,
The Netherlands



Judge Burton Hall, Presiding

[Seal of the Mechanism]



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