

Kovacevic Case: New Medical Expertise

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Tribunal Update 47: Last Week in The Hague (October 6 - 10 ,1997)

The parties have agreed that the medical teams will work together, and that their report will be submitted to the Trial Chamber at the hearing scheduled for 31 October.

The hearing on a series of preliminary objections lodged by Kovacevic's defence team last week was largely taken up by the consideration of the request for the provisional release of the accused. The defence attempted to argue the existence of "exceptional circumstances" under the Rules of Procedure which allow for the temporary release of the accused until the beginning of the trial.

According to his team, Kovacevic has some new heart problems which may be fatal. Moreover, such is his psychological condition that he refuses treatment in Holland. The defence maintains that Kovacevic would report to SFOR every day whilst being treated at home or in hospital. He would also wear a tracking device which would allow his movements to be monitored.

Two letters from Republika Srpska have also been submitted to the Chamber which allegedly contain government guarantees that Kovacevic would be returned to the Tribunal after he has received the necessary treatment. The prosecution however has expressed doubt over the validity of the guarantees referring to an earlier failed attempt at co-operation with Srpska authorities.

The defence has also lodged an objection to the fact that the indictment under which Kovacevic was arrested was sealed and therefore "deprived their defendant of the possibility of surrendering himself to the Tribunal."

Leading defence counsel, US lawyer Antonio D'Amato, noted that Kovacevic was disadvantaged because not knowing about the indictment, he was not in a situation to use the benefits promised by the US government (See Update 46) to those accused who surrender themselves voluntarily to the Tribunal. In response, presiding Judge Sir Ninian Stephen from Australia replied coolly: "That was a statement by US government and it has no relevance to this Tribunal."

Focus: [International Criminal Tribunal for the former Yugoslavia](#)

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