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13 May 2013

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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-T  
Date: 13 May 2013  
Original: English

**IN TRIAL CHAMBER I**

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

**Registrar:** Mr John Hocking

**Decision of:** 13 May 2013

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

***PUBLIC***

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**DECISIONS ON OUTSTANDING MATTERS**

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**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. Certain procedural matters remain outstanding in this case. In this decision, the Chamber will address an eCourt-related matter, put a number of informal communications on the record, and decide on two pending motions.

A. eCourt matter related to D1280

2. The Registry informed the Chamber that exhibit D1280 contained two extraneous documents. The Chamber hereby **INSTRUCTS** the Registry to detach 1D3526 (consisting of 1D04-8639 and 1D07-1963) from exhibit D1280.

B. Informal communications

3. On 21 February 2013, the Chamber requested verification of the accuracy of the English translation of exhibit P1517. Upon receiving a revised version of this translation, the Chamber instructed the Registry on 1 March 2013 to replace the initial with the revised translation.

4. On 4 March 2013, the Simatović Defence requested an extension of two deadlines in relation to filing public redacted versions of confidential exhibits and filing a consolidated list of all information which was granted protective measures in this case. The other parties joined this request and on 6 March 2013 the Chamber granted this request, setting the new deadline for these filings to 2 April 2013.

5. On 29 April 2013, the Prosecution requested that exhibit P1697 be placed under seal. The Stanišić Defence also requested that D239 be placed under seal. The Chamber hereby **INSTRUCTS** the Registry to place these exhibits under seal.

C. Prosecution’s final brief corrigendum

6. On 25 March 2013, the Prosecution filed a corrigendum to its final trial brief (“Corrigendum”).<sup>1</sup> It made a number of corrections to its final trial brief and further requested that exhibit P2984 be replaced in eCourt with an unredacted version of the same document.<sup>2</sup> On 4 April 2013, the Stanišić Defence requested that the Chamber reject the Corrigendum (“Request”).<sup>3</sup> On 11 April 2013, the Prosecution responded to the Request.<sup>4</sup>

<sup>1</sup> Prosecution Second Corrigendum to Final Trial Brief, 25 March 2013 (Confidential).

<sup>2</sup> Prosecution Second Corrigendum to Final Trial Brief, 25 March 2013 (Confidential), paras 2-91.

<sup>3</sup> Stanišić Defence Response to Prosecution Second Corrigendum to Final Trial Brief, 4 April 2013, para. 12.

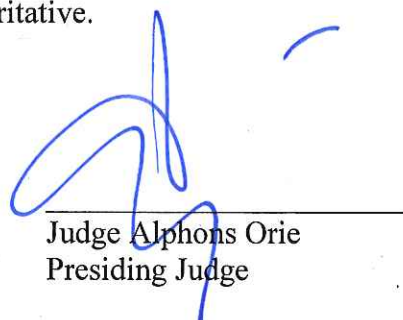
<sup>4</sup> Prosecution Response to Stanišić Defence Submission on the Prosecution’s Second Corrigendum to its Final Trial Brief, 11 April 2013.

7. The Chamber appreciates the parties' desire to ensure that all references in the final trial briefs are accurate. Nonetheless, the deadline for the final trial briefs in this case was 14 December 2012. In the Corrigendum, the Prosecution presents 89 paragraphs of corrections, often adding or replacing references. The Corrigendum was filed almost three-and-a-half months after the final trial briefs were filed and almost two months after the closing arguments were heard. Under these circumstances, the Chamber considers it appropriate to reject the Corrigendum. The Request is therefore granted. In relation to the Prosecution's request to replace exhibit P2984 with its unredacted version, the Chamber finds that the Prosecution has not demonstrated that a change to the evidentiary basis is warranted in light of the very late stage of the proceedings in this case.

D. Prosecution motion for status changes of a number of exhibits

8. On 24 April 2013, the Prosecution requested that the confidential status of 292 exhibits be lifted and requested that the titles of four documents in eCourt be amended.<sup>5</sup> The Defence did not respond to this request. The Chamber hereby **INSTRUCTS** the Registry to lift the confidential status of all documents mentioned in Annex A of the Prosecution's request. As for the titles in eCourt, the Chamber clarifies that the parties give descriptions and titles to Rule 65 *ter* documents. Once a document is admitted, the Registry will give a neutral title and description of the document solely based on its content; with due regard to any confidentiality concerns. For technical reasons, the party titles and descriptions may still be visible for exhibits on eCourt, but they do not form part of the exhibit and will not appear in the public judicial database. As such, the request to change the titles of the four documents is moot.

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



Judge Alphons Orie  
Presiding Judge

Dated this thirteenth day of May 2013  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

<sup>5</sup> Request for Change in Status of Certain Exhibits Admitted under Seal, 24 April 2013 (Confidential), paras 2-4.