

IT-03-69-T  
D35052-035050  
04 November 2011

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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: 4 November 2011  
Original: English

**IN TRIAL CHAMBER I**

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

**Registrar:** Mr John Hocking

**Order of:** 4 November 2011

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

***PUBLIC***

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**ORDER SCHEDULING A HEARING**

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**Office of the Prosecutor**

Mr Dermot Groome

**Counsel for Jovica Stanišić**

Mr Wayne Jordash  
Mr Scott Martin

**The Government of the Republic of Serbia**

*Per:* The Embassy of the Republic of Serbia  
to the Kingdom of the Netherlands

**Counsel for Franko Simatović**

Mr Mihajlo Bakrač  
Mr Vladimir Petrović

**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”);

**BEING SEISED** of the Stanišić Defence Application for an Order Pursuant to Rule 54 *bis* Directing the Government of the Republic of Serbia to Produce Documents, filed on 25 October 2011 (“Application”) and the Simatović Defence Motion for Binding Order Pursuant to Rule 54 *bis*: Republic of Serbia, filed on 30 May 2011 (“Motion”);

**NOTING** that, upon an invitation from the Chamber, on 7 September 2011, the Republic of Serbia requested a copy of the Motion and additional time to make submissions on it;<sup>1</sup>

**CONSIDERING** that, according to the Application and the Motion, the Republic of Serbia has failed to provide the Stanišić and Simatović Defence with a number of requested documents;<sup>2</sup>

**CONSIDERING** the stage of the proceedings in this case;

**FINDING** it appropriate to hear oral submissions from the parties and the Republic of Serbia with regard to the Application and the Motion;

**CONSIDERING** the Republic of Serbia’s obligation to co-operate with the Tribunal pursuant to Article 29 of the Tribunal’s Statute;

**PURSUANT TO** Article 29 of the Tribunal’s Statute and Rules 54 and 54 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”);

**HEREBY ORDERS** that a hearing be held on 21 November 2011, at 3 p.m. in Courtroom III of the Tribunal;

**REQUESTS** that the Republic of Serbia appear before the Chamber through (an) authorized and informed representative(s) at the time and place indicated above;

**INVITES** the Republic of Serbia’s representatives and the Defence - and the Prosecution, if it so wishes - to be ready to discuss the documents sought by the Defence in the order provided for by Annexes A-C to the Application and described in paragraph 5 of the Motion;

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<sup>1</sup> The Republic of Serbia’s Reply to the Trial Chamber’s Invitation to the Republic of Serbia in Relation to the Simatović Motion for an Order Pursuant to Rules 54 and 54 *bis*, 7 September 2011 (Confidential).

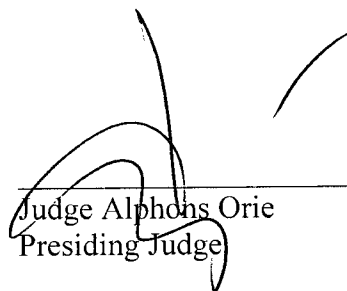
<sup>2</sup> Application, paras 11-21, Annexes A-C; Motion, paras 13-16, Annexes 1-2.

**INFORMS** the Republic of Serbia that if it wishes to raise an objection on the grounds that disclosure of any of the sought material would prejudice its national security interests, it should file a notice of objection, specifying any requests in that regard, pursuant to Rule 54 *bis* (F) of the Rules not less than five days before the date of the hearing;

**INFORMS** the Republic of Serbia that irrespective of any notice of objection filed pursuant to Rule 54 *bis* (F) of the Rules, the Chamber will consider any reasoned requests for protective measures in relation to any documents to be provided to the Defence;

**REQUESTS** that the Registry provide the Republic of Serbia with a copy of the Motion without delay.

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



Judge Alphons Orié  
Presiding Judge

Dated this Fourth of November 2011  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**