

IT-08-91-A  
A5146 - A5143  
02 May 2014

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UNITED  
NATIONS



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-08-91-A  
Date: 2 May 2014  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Carmel Agius, Pre-Appeal Judge  
**Registrar:** Mr John Hocking  
**Decision of:** 2 May 2014

**PROSECUTOR**

v.

**MIĆO STANIŠIĆ  
STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION ON URGENT PROSECUTION MOTION FOR  
VARIATION OF SUPPLEMENTAL BRIEFING SCHEDULE**

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**The Office of the Prosecutor**  
Ms. Laurel Baig

**Counsel for Mićo Stanišić**  
Mr. Slobodan Zečević and Mr. Stéphane Bourgon

**Counsel for Stojan Župljanin**  
Mr. Dragan Krgović and Ms. Tatjana Čmerić

**I, CARMEL AGIUS**, Judge of the Appeals Chamber 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 (“Appeals Chamber” and “Tribunal”, respectively), and Pre-Appeal Judge in this case;<sup>1</sup>

**BEING SEISED OF** the “Urgent Prosecution Motion for Variation of Supplemental Briefing Schedule” filed by the Office of the Prosecutor (“Prosecution”) on 17 April 2014 (“Motion”), requesting variation of the briefing schedule for the filing of additional appeal briefs and corresponding response and reply briefs (“Supplemental Briefing Schedule”), such that the deadlines follow the Appeals Chamber’s decision on the admissibility of rebuttal evidence filed by the Prosecution;<sup>2</sup>

**BEING SEISED OF** “Župljanin’s Motion Joining Prosecution Urgent Motion for Variation of Supplemental Briefing Schedule”, filed by Župljanin on 22 April 2014, in which Župljanin adopts the Prosecution’s arguments and joins the relief set out in the Motion;<sup>3</sup>

**NOTING** the Prosecution’s submissions that, based on the Supplemental Briefing Schedule, parties will file their additional briefs relating to the new grounds of appeal and the Defence’s additional evidence without knowing the full scope of the additional evidence,<sup>4</sup> and that, absent a variation of the schedule, the parties will likely litigate the admissibility of the Prosecution’s rebuttal evidence at the same time that they will be preparing their additional briefs;<sup>5</sup>

**NOTING** further the Prosecution’s submission that requiring supplemental briefing before the admissibility of rebuttal evidence is determined risks prejudicing the parties’ ability to fully address the additional evidence in their briefs, and may require a second round of briefing on the impact of the admitted rebuttal evidence;<sup>6</sup>

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<sup>1</sup> Order Designating a Pre-Appeal Judge, 2 May 2014.

<sup>2</sup> Motion, para. 1. According to the Supplemental Briefing Schedule, Mićo Stanišić (“Stanišić”) and Stojan Župljanin (“Župljanin”) are to file an addition to their appeal briefs by 5 May 2014, the Prosecution is to file any responses by 26 May 2014, and Župljanin and Stanišić are to file any replies by 2 June 2014. *See* Decision on Mićo Stanišić’s Motion Seeking Leave to Amend Notice of Appeal, 14 April 2014, para. 24; Decision on Župljanin’s Second Request to Amend his Notice of Appeal and Supplement his Appeal Brief, 14 April 2014, para. 19.

<sup>3</sup> Župljanin’s Motion Joining Prosecution Urgent Motion for Variation of Supplemental Briefing Schedule, 22 April 2014, para. 1.

<sup>4</sup> Motion, paras 2-3. *See* Decision on Mićo Stanišić’s Motion Seeking Additional Evidence Pursuant to Rule 115, 14 April 2014.

<sup>5</sup> Motion, para. 2.

<sup>6</sup> Motion, para. 3.

**CONSIDERING** that the Prosecution filed its "Prosecution Motion to Admit Rebuttal Material" on 1 May 2014 ("Motion to Admit Rebuttal Material"), seeking the admission of three documents as rebuttal material,<sup>7</sup> and that the Appeals Chamber will issue its decision on that motion in due course;

**CONSIDERING** that Stanišić and Župljanin may wish to respond to the Motion to Admit Rebuttal Material, before any such decision is issued by the Appeals Chamber;

**CONSIDERING** that, pursuant to Rule 115 (A) of the Rules of Procedure and Evidence of the Tribunal ("Rules"), supplemental briefs on the impact of additional evidence are due to be filed within 15 days of the decision on the admissibility of the rebuttal material;

**CONSIDERING** further that variation of the Supplemental Briefing Schedule would allow the parties to more fully and efficiently address both the new grounds of appeal and the impact of the additional evidence;

**CONSIDERING** therefore that it is in the interests of justice and practicality to vary the Supplemental Briefing Schedule;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rules 115 and 127 of the Rules,

**HEREBY GRANT** the Motion;

**ORDER** Stanišić and Župljanin to each file a response to the Motion to Admit Rebuttal Material, if any, by 12 May 2014;

**ORDER** Stanišić to file an addition to his appeal brief with respect to the proposed ground of appeal *1bis* no later than 15 days after the decision on the Motion to Admit Rebuttal Material;

**ORDER** Župljanin to file an addition to his appeal brief with respect to the proposed ground of appeal 6 no later than 15 days after the decision on the Motion to Admit Rebuttal Material;

**ORDER** the Prosecution to file an addition to its response to Stanišić's appeal brief with respect to the proposed ground of appeal *1bis*, if any, no later than 21 days after the filing of an addition to Stanišić's appeal brief;

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<sup>7</sup> Prosecution Motion to Admit Rebuttal Material, 1 May 2014, paras 1, 8.

**ORDER** the Prosecution to file an addition to its response to Župljanin's appeal brief with respect to the proposed ground of appeal 6, if any, no later than 21 days after the filing of an addition to Župljanin's appeal brief;

**ORDER** Stanišić to file an addition to his reply brief with respect to the proposed ground of appeal 1 *bis*, if any, no later than seven days after the filing of any Prosecution response; and

**ORDER** Župljanin to file an addition to his reply brief with respect to the proposed ground of appeal 6, if any, no later than seven days after the filing of any Prosecution response.

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

Dated this second day of May 2014,  
At The Hague,  
The Netherlands.



Judge Carmel Agius  
Pre-Appeal Judge

[Seal of the Tribunal]