

**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: 11 December 2015
Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Presiding
Judge Liu Daqun
Judge Christoph Flügge
Judge Fausto Pocar
Judge Koffi Kumelio A. Afande

Registrar: Mr. John Hocking

Decision of: 11 December 2015

PROSECUTOR

v.

**MİĆO STANIŠIĆ
STOJAN ŽUPLJANIN**

PUBLIC

**DECISION ON PROSECUTION URGENT MOTION TO
REVISE THE TIMETABLE FOR THE APPEAL HEARING**

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, Ms. Tatjana Čmerić, and Mr. Christopher Gosnell

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);

NOTING the “*Addendum* to Scheduling Order for Appeal Hearing” issued by the Appeals Chamber on 4 December 2015 (“*Addendum*”) informing the parties of the timetable for the hearing of the appeals in this case (“*Timetable*”), whereby 105 minutes was allocated to each Mićo Stanišić (“*Stanišić*”) and Stojan Župljanin (“*Župljanin*”) to present their submissions, and 50 minutes to the Office of the Prosecutor (“*Prosecution*”) to respond to Stanišić’s and Župljanin’s respective submissions;¹

BEING SEISED of the “Prosecution Urgent Motion Seeking Revision of the Timetable for the Appeal Hearing”, filed by the Prosecution on 7 December 2015 (“*Motion*”), in which it requests that the Appeals Chamber revise the Timetable “to more fairly distribute the time between the parties” and to allow, at least two-thirds of the time allocated to Stanišić and Župljanin for their respective submissions, for the Prosecution response;²

NOTING the “Joint Stanišić and Župljanin Defence Response to Prosecution Urgent Motion Seeking Revision of the Timetable for the Appeal Hearing”, filed jointly by Stanišić and Župljanin on 9 December 2015 (“*Joint Response*”) which opposes the Motion;³

NOTING the Prosecution’s submission that the time currently allocated for its responses to Stanišić’s and Župljanin’s submissions is less than that given in recent appeal hearings, where the Prosecution has either had the same amount of time to respond to the appellant’s submissions as the appellants themselves had or, at minimum, two-thirds of the time given to the appellants;⁴

NOTING that the Prosecution further submits that in light of the breadth of the present case which involves a trial judgement of three volumes and crimes committed in 20 municipalities over a period of nine months, it is unreasonable to expect the Prosecution to respond to Stanišić’s and Župljanin’s submissions of 105 minutes each and address any questions posed by the Appeals Chamber in only 50 minutes;⁵

¹ *Addendum*, pp 1-2.

² Motion, paras 1, 7.

³ Joint Response, para. 1. The Appeals Chamber notes that through informal communication of 8 December 2015, the deadline for responses was shortened to noon, on 9 December 2015. By informal communication of 9 December 2015, the Prosecution indicated that it did not intend to file a reply to the Joint Response.

⁴ Motion, para. 3.

⁵ Motion, paras 5-6.

NOTING that Stanišić and Župljanin submit that the ratio of time accorded for oral submissions falls within the Appeals Chamber's discretion, and that the time allocated in the Timetable is reasonable considering the legal burden on the appellants and that the questions posed by the Appeals Chamber are addressed primarily to the appellants;⁶

NOTING Stanišić and Župljanin's request that, if the Appeals Chamber is nevertheless inclined to revise the Timetable: (i) the time allocated to their respective submissions not be reduced by more than 15 minutes;⁷ (ii) the time allocated to the Prosecution's response to their respective submissions should not be increased by more than ten minutes;⁸ and (iii) any increase in time allocated for the defence appeals should result in a commensurate reduction in time allocated to the Prosecution appeal;⁹

CONSIDERING that the time allocated for submissions is a matter to be determined on a case-by-case basis, taking into account the specific circumstances of each appeal;

CONSIDERING that in light of the volume and nature of the issues involved in the present appeal it is appropriate to adjust the distribution of time allocated to the parties;

FOR THE FOREGOING REASONS and pursuant to Rules 54 and 107 of the Rules of Procedure and Evidence of the Tribunal and Article 21(1) of the Statute of the Tribunal the Appeals Chamber hereby:

GRANTS the Motion in part; and

ORDERS that the Timetable be revised as follows:

8:45-8:55	Introductory Statement by the Presiding Judge (10 minutes)
8:55-10:30	Submissions by Stanišić (1 hour 35 minutes)
10:30-10:45	Response by the Prosecution (15 minutes)
10:45-11:05	<i>Pause</i> (20 minutes)
11:05-11:50	Response by the Prosecution (45 minutes)
11:50-12:10	Reply by Stanišić (20 minutes)

⁶ Joint Response, paras 2-3.

⁷ Joint Response, para. 5.

⁸ Joint Response, para. 6.

⁹ Joint Response, para. 7.

- 12:10-13:05 Submissions by Župljanin (55 minutes)
- 13:05-14:10 *Lunch* (1 hour 5 minutes)
- 14:10-14:50 Submissions by Župljanin (40 minutes)
- 14:50-15:50 Response by the Prosecution (60 minutes)
- 15:50-16:10 Reply by Župljanin (20 minutes)
- 16:10-16:35 *Pause* (25 minutes)
- 16:35-17:15 Submissions by the Prosecution (40 minutes)
- 17:15-17:35 Response by Stanišić (20 minutes)
- 17:35-17:55 Response by Župljanin (20 minutes)
- 17:55-18:10 Reply by the Prosecution (15 minutes)
- 18:10-18:20 Personal Address by Stanišić (10 minutes) (optional)
- 18:20-18:30 Personal Address by Župljanin (10 minutes) (optional)

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

Dated this eleventh day of December 2015,
At The Hague,
The Netherlands.



Judge Carmel Agius
Presiding

[Seal of the Tribunal]