

**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: 4 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. Afandé

Registrar: Mr. John Hocking

Order of: 4 December 2015

PROSECUTOR

v.

**MIĆO STANIŠIĆ
STOJAN ŽUPLJANIN**

PUBLIC

***ADDENDUM TO SCHEDULING ORDER FOR 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);

BEING SEISED of the appeals lodged by Mićo Stanišić (“Stanišić”),¹ Stojan Župljanin (“Župljanin”),² and the Office of the Prosecutor (“Prosecution”)³ (jointly, “Appeals”) against the judgement rendered in this case by Trial Chamber II of the Tribunal (“Trial Chamber”) on 27 March 2013;⁴

NOTING the “Scheduling Order for Appeal Hearing”, issued on 30 October 2015 which set the date for the hearing of the appeals in this case (“Scheduling Order” and “Appeal Hearing”, respectively) as 16 December 2015;⁵

RECALLING that in the Scheduling Order, the Appeals Chamber informed the parties that a timetable for the hearing would be provided in due course and that other modalities of the Appeal Hearing would be specified by further order;⁶

HEREBY INFORMS the parties that the timetable for the Appeal Hearing shall be as follows, subject to adjustments as appropriate:

8:45-8:55 Introductory Statement by the Presiding Judge (10 minutes)

8:55-10:40 Submissions by Stanišić (1 hour 45 minutes)

10:40-11:00 *Pause* (20 minutes)

11:00-11:50 Response by the Prosecution (50 minutes)

11:50-12:10 Reply by Stanišić (20 minutes)

12:10-12:55 Submissions by Župljanin (45 minutes)

¹ Notice of Appeal on Behalf of Mićo Stanišić, 13 May 2013; Amended Notice of Appeal on behalf of Mićo Stanišić, 23 April 2014; Appellant’s Brief on Behalf of Mićo Stanišić, 19 August 2013; Additional Appellant’s Brief on Behalf of Mićo Stanišić, 26 June 2014.

² Notice of Appeal on Behalf of Stojan [Ž]upljanin, 13 May 2013; [Ž]upljanin’s Submission of Corrected Notice of Appeal, 22 August 2013; [Ž]upljanin’s Submission of Amended Notice of Appeal, 9 October 2013; Župljanin’s Submission of Second Amended Notice of Appeal, 22 April 2014; Stojan [Ž]upljanin’s Appeal Brief, 19 August 2013 (confidential) (public redacted version filed on 23 August 2013); Stojan Župljanin’s Supplement to Appeal Brief (Ground Six), 26 June 2014.

³ Prosecution Notice of Appeal, 13 May 2013; Prosecution Appeal Brief, 19 August 2013.

⁴ *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-T, Judgement, 27 March 2013 (“Trial Judgement”).

⁵ Scheduling Order, p. 1.

⁶ Scheduling Order, p. 1.

12:55-14:00 Lunch (1 hour 5 minutes)

14:00-15:00 Submissions by Župljanin (1 hour)

15:00-15:50 Response by the Prosecution (50 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)

CONSIDERING the need to ensure that the time allotted for the Appeal Hearing is used as efficiently as possible;

RECALLING that the parties are expected to focus their oral arguments on the grounds of appeal raised in their briefs and that an appeal hearing is not the occasion for presenting new arguments on the merits of the case;⁷

EMPHASISING that the present *Addendum* in no way expresses the Appeals Chamber's views on the merits of the Appeals or limits its discretion to raise further questions in writing prior to the hearing as the case may require;

INVITES Stanišić, Župljanin, and the Prosecution, without prejudice to any other matter which they or the Appeals Chamber may wish to address, to discuss, with references to the record:

in relation to Stanišić's ground of appeal *1bis* and Župljanin's sixth ground of appeal, should the Appeals Chamber find that an appearance of bias on behalf of Judge Harhoff is

⁷ *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-A, *Addendum* to the Scheduling Order for Appeal Hearing, 31 October 2014, p. 1; *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-A, Order for the Preparation of the Appeal Hearing, 6 November 2013, p. 1; *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-A, *Addendum* to the Scheduling Order for Appeal Hearing, 12 April 2013, p. 1.

established: (i) whether Judge Harhoff's participation in the proceedings invalidates Stanišić's and Župljanin's convictions; and (ii) if Judge Harhoff's participation does not invalidate the convictions, what remedies for the breach of Stanišić's and Župljanin's fair trial rights may be appropriate;

INVITES Stanišić and the Prosecution, without prejudice to any other matter which they or the Appeals Chamber may wish to address, with references to the record:

1. in relation to Stanišić's first ground of appeal, to: (i) discuss, in light of the Trial Chamber's findings in paragraphs 737 to 759 and in particular, paragraph 757 of volume two of the Trial Judgement, whether the Trial Chamber found Stanišić responsible for failing to investigate crimes committed by police re-subordinated to the military; and (ii) identify evidence and Trial Chamber findings undermining or supporting the Trial Chamber's conclusions concerning Stanišić's contribution to, and shared intent to further, the joint criminal enterprise ("JCE"), as set out in paragraphs 729-765 and 766-769 of volume two of the Trial Judgement, respectively;
2. in relation to Stanišić's fourth ground of appeal, to discuss as of when, in the view of the parties, the Trial Chamber found that Stanišić had knowledge of the crimes and possessed the required intent for the first category of joint criminal enterprise;
3. in relation to Stanišić's sixth ground of appeal, to discuss as of when Stanišić was found by the Trial Chamber to have begun to contribute to the JCE;

INVITES Župljanin and the Prosecution, without prejudice to any other matter which they or the Appeals Chamber may wish to address, to discuss, with references to the record:

1. in relation to Župljanin's first ground of appeal, whether the Trial Chamber: (i) found Župljanin responsible for failing to investigate crimes committed by police re-subordinated to the military; and (ii) erred in relying on Župljanin's presence at the meeting at the Holiday Inn of the SDS Main and Executive Boards in assessing his intent;
2. in relation to Župljanin's third ground of appeal, whether the Trial Chamber made the required finding that the perpetrators of the killing of 20 detainees during their transport from Betonirka detention facility in Sanski Most to Manjača detention camp on 7 July 1992 possessed the required intent for extermination, and if not, whether the absence of such a finding would invalidate the Trial Chamber's conclusion.

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

Dated this fourth day of December 2015,
At The Hague,
The Netherlands



Judge Carmel Agius
Presiding

[Seal of the Tribunal]