



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-T  
Date: 31 March 2011  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Burton Hall, Presiding  
Judge Guy Delvoie  
Judge Frederik Harhoff

**Registrar:** Mr. John Hocking

**Decision of:** 31 March 2011

**PROSECUTOR**

**v.**

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION PARTIALLY GRANTING THE DEFENCE  
MOTIONS FOR VARIATION OF THE TIME LIMITS  
SET OUT IN THE ORDER OF 9 FEBRUARY 2011**

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**The Office of the Prosecutor**

Ms. Joanna Korner  
Mr. Thomas Hannis

**Counsel for the Accused**

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić  
Mr. Dragan Krgović and Mr. Aleksandar Aleksić for Stojan Župljanin

**TRIAL CHAMBER II** (“Trial 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 (“Tribunal”);

**BEING SEISED** of the “Urgent request for variation to the order pursuant to Rule 94 bis” and the “Request for variation to the order pursuant to Rule 94 bis”, filed confidentially on 25 March 2011 (“Motions”) by the Defence of Mićo Stanišić and the Defence of Stojan Župljanin respectively (“Defence”);

**NOTING** that the Defence requests variation of the Trial Chamber’s order of 9 February 2011 to disclose expert reports in English by noon on 28 March 2011 (“Order of 9 February 2011”),<sup>1</sup> and permission to disclose such reports on specific dates set out in the Motions, or as soon as they are provided to the Defence by the Conference and Language Services Section of the Tribunal (“CLSS”);

**NOTING** the Defence submission that the request for delayed disclosure is due to information which the Defence has received from the CLSS that the translations of (a) the expert report of Mladen Bajagić will be completed by 30 March 2011, (b) the expert report of Stevo Pašalić is expected to be completed by 4 April 2011, and (c) the expert report of Vidosav Kovačević will be completed by 8 April 2011;

**NOTING** that the Defence of Mićo Stanišić intends to call Mladen Bajagić on 2 May 2011 and Stevo Pašalić in mid May 2011, and that the Defence of Stojan Župljanin intends to call Vidosav Kovačević in August 2011;

**NOTING** that, although the Prosecution does not oppose the Motions, it submits that the testimony of Mladen Bajagić – the first expert witness listed for the Defence – may need to be postponed if the English translation of the documents referenced in the footnotes to his report are not available sufficiently in advance of the date on which he is scheduled to testify as to allow the Prosecution to prepare adequately for his cross-examination;<sup>2</sup>

**NOTING** that the English translation of Mladen Bajagić’s expert report was uploaded onto e-Court on 31 March 2011;<sup>3</sup>

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<sup>1</sup> Order pursuant to Rule 94 bis, 9 Feb 2011.

<sup>2</sup> E-mail communications between the parties copied to the Senior Legal Officer of this Trial Chamber, 25 and 27 March 2011.

<sup>3</sup> E-mail communications between the parties copied to the Senior Legal Officer of this Trial Chamber, 31 March 2011.

**CONSIDERING** that the English translation of Mladen Bajagić's expert report was received approximately thirty days prior to his expected testimony, but that the English translation of approximately twenty-five documents referred to in the footnotes to his report has not been completed;<sup>4</sup>

**CONSIDERING** that, based on the Defence's estimates, the Trial Chamber and the Prosecution will receive (i) Stevo Pašalić's expert report approximately forty-five days prior to his expected testimony, and (ii) Vidosav Kovačević's expert report approximately four months prior to his expected testimony;

**CONSIDERING** further that, although the Motions were filed confidentially, the Trial Chamber sees no reason not to issue this Decision as a public document, the time for the Defence to file requests for protective measures, including non-disclosure of the names of witnesses, having passed;

**CONSIDERING** that it is in the interests of good case management and judicial economy to vary the Order of 9 February 2011;

**PURSUANT TO** Rules 54 and 94 *bis* of the Rules;

**GRANTS** the Motions in part;

**VARIES** the time-limits set out in the Order of 9 February 2011;

**ORDERS** the Defence to disclose to the Trial Chamber and to the Prosecution:

- 1) the pending English translations of the documents referred to in the footnotes of Mladen Bajagić's expert report thereto immediately upon their being provided to the Defence by CLSS;
- 2) the English translations of the expert report of Stevo Pašalić and of the documents referred to in the footnotes of his expert report by 4 April 2011;
- 3) the English translations of the expert report of Vidosav Kovačević and of the documents referred to in the footnotes of his expert report by 8 April 2011;

**ORDERS** the Prosecution to file notices pursuant to Rule 94 *bis*(B):

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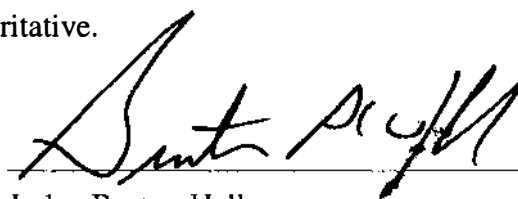
<sup>4</sup> *Ibid.*

- 1) within 30 days of disclosure of the pending English translations of the documents referred to in the footnotes of Mladen Bajagić's expert report by the Defence;
- 2) by 4 May 2011 in respect of Stevo Pašalić;
- 3) by 8 May 2011 in respect of Vidosav Kovačević;

**ORDERS** that Mladen Bajagić be called to testify no earlier than one week after the date in which the Prosecution files its notice pursuant to Rule 94 *bis* (B) in respect of Mladen Bajagić;

**ORDERS** the Defence of Mićo Stanišić to schedule other witnesses for the week starting 2 May 2011.

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



Judge Burton Hall  
Presiding

Dated this thirty-first day of March 2011  
At The Hague  
The Netherlands

[Seal of the Tribunal]