



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: 25 April 2012
Original: English

IN TRIAL CHAMBER II

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

Registrar: Mr. John Hocking

Decision of: 25 April 2012

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**DECISION GRANTING IN PART PROSECUTION'S
MOTION FOR EXTENSION OF TIME TO FILE THE
FINAL TRIAL BRIEF AND ORDER ON FINAL TRIAL
BRIEFS AND CLOSING ARGUMENTS**

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 “Prosecution’s motion for extension of time to file the final trial brief” filed on 13 April 2012 (“Motion”) in which the Prosecution requests the Trial Chamber to extend the deadline for the filing of its final trial brief to 29 May 2012;

NOTING that the Defence does not object to the Motion;¹

RECALLING that the Trial Chamber ordered the parties to file their final trial briefs no later than 7 May 2012;²

NOTING that on 5 April 2012 the Prosecution filed its final and complete version of the CHS, a tool which structures and makes accessible all of the Prosecution’s evidence with regard to each alleged victim of the killings charged in the Indictment;³

NOTING that the Defence filed its submission on the CHS on 12 April 2012 (“Defence CHS Submission”),⁴ together with a motion in which it requested the Trial Chamber to exclude, or in the alternative to attach no weight, to certain material contained in the CHS (“CHS Motion”);⁵

NOTING that the main basis for the Motion is the Prosecution’s submission that due to the extent of the CHS Motion the Prosecution needs to allocate significant resources in order to respond to the CHS Motion, but also that even if the Defence had not sought to exclude from the evidence certain material, the Prosecution would still have requested two additional weeks for the filing of its final trial briefs so that it could respond to the Defence CHS Submission;⁶

RECALLING that when the Trial Chamber allowed the Defence to file its submission on the CHS on 8 December 2011 it also allowed the Prosecution to respond to that submission;⁷

CONSIDERING that in its Decision denying the joint Defence motion to reconsider the Decision granting Prosecution’s motion on proof of death database, filed on 18 April 2012, the Trial

¹ Župljanin Defence response to the Prosecution’s motion for extension of time to file the final trial brief, 17 April 2012. On 13 April 2012, the Trial Chamber received, through its legal officers, an email from the Counsel for Miro Stanišić that the Stanišić Defence was not opposing the Motion.

² Order on final trial briefs and closing arguments, 30 March 2012.

³ Prosecution’s notice of compliance with the Trial Chamber’s Decision of 29 March 2012, 5 April 2012; Prosecution’s corrigendum to the Prosecution’s notice of compliance with the Trial Chamber’s Decision of 29 March 2012, 11 April 2012; Second amended consolidated indictment, 23 November 2009 (“Indictment”).

⁴ See Annexes A to G to the Joint Defence final submissions on the CHS, filed confidentially on 12 April 2012.

⁵ Joint Defence final submissions on the CHS, filed confidentially on 12 April 2012.

⁶ Motion, paras 4-8, 11-12.

⁷ Hearing, 8 December 2011, T. 26410-26411.

Chamber denied the CHS Motion, in accordance with the Prosecution's submission, and that there is thus no longer any need for the Prosecution to respond to that Motion;

CONSIDERING that the Trial Chamber, in determining the deadline for final trial briefs, already took into account the time that the Prosecution would require to respond to the Defence submission on the CHS and allocated an additional, fifth week to the parties for the preparation of their briefs and oral arguments;

CONSIDERING that the Prosecution has nevertheless to respond to the new information provided by the Defence in relation to the individually named victims, which amounts to good cause meriting a limited extension of the relevant deadlines;

CONSIDERING that the Defence submission in respect of the CHS will be given the appropriate weight in light of other evidence adduced during trial;

HEREBY GRANTS the Motion **IN PART**.

ORDERS as follows:

- (i) The parties shall file their final trial briefs by no later than 14 May 2012.
- (ii) There shall be no written responses to final trial briefs.
- (iii) The Trial Chamber shall hear closing arguments from 29 May to 1 June 2012.
- (iv) The Prosecution shall commence presenting its closing arguments on 29 May 2012, and shall have six hours in total to do so.
- (v) After the completion of the Prosecution's closing arguments, the Defence teams shall have six hours in total to present their closing arguments, equally divided between them and with the Stanišić Defence starting first, unless both Defence teams agree otherwise.
- (vi) The Trial Chamber shall decide upon time for rebuttal and rejoinder arguments (if any), after the completion of the Defence closing arguments.

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


Judge Burton Hall
Presiding

Dated this 25th day of April 2012

At The Hague

The Netherlands

[Seal of the Tribunal]