



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-01-47-T  
Date: 29 June 2005  
Original: English  
French

**IN TRIAL CHAMBER II**

**Before:** Judge Jean-Claude Antonetti  
Judge Vonimbolana Rasoazanany  
Judge Bert Swart

**Registrar:** Mr Hans Holthuis

**Decision of:** 29 June 2005

**THE PROSECUTOR**

v.

**ENVER HADŽIHASANOVIĆ  
AMIR KUBURA**

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**ORDER AMENDING THE SCHEDULING ORDER FURTHER TO THE MOTION  
BY DEFENCE FOR ENVER HADŽIHASANOVIĆ TO OBTAIN AN EXTENSION OF  
TIME TO FILE HIS FINAL TRIAL BRIEF**

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**The Office of the Prosecutor:**

Mr Daryl Mundis  
Ms Tecla Henry-Benjamin  
Mr Stefan Waespi  
Mr Matthias Neuner

**Defence Counsel:**

Ms Edina Rešidović and Mr Stéphane Bourgon for Enver Hadžihasanović  
Mr Fahrudin Ibrišimović and Mr Rodney Dixon for Amir Kubura

**TRIAL CHAMBER II** (“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”),

**NOTING** the Motion by Defence for Enver Hadžihasanović (“Defence for Enver Hadžihasanović”) to Obtain an Extension of Time to File his Final Trial Brief (“Motion”) filed on 27 June 2005, in which the Defence for Mr Hadžihasanović requested an additional seven days to file its final trial brief further to the Chamber’s Order on Admission of Chamber Exhibits rendered on 22 June 2005, in which the Chamber ordered that all the war journals and operational logbooks (“War Diaries”) be admitted into evidence, pursuant to Rule 89(C) of the Rules of Procedure and Evidence (“Rules”) of the Tribunal;

**NOTING** the oral responses of the Prosecution and the Defence for Mr Kubura to the Motion on 28 June 2005;

**NOTING** the Scheduling Order of 22 June 2005 in which the Chamber ruled that the parties’ final trial briefs should be filed by 4 July 2005;

**CONSIDERING** that the Defence for Mr Hadžihasanović stated that, pursuant to Articles 20 and 21 of the Statute of the Tribunal (“Statute”), the accused should have adequate time and facilities for the preparation of his defence and should be able to present an effective defence in full equality;

**CONSIDERING** that, according to the Defence for Mr Hadžihasanović, the accused Hadžihasanović should have adequate time (i) to reconcile the arguments presented in his final brief in the light of the new evidence from the War Diaries, and (ii) to determine whether the fact that such new evidence was not taken into account during the Defence case has seriously prejudiced the Accused, thus warranting additional measures;

**CONSIDERING** that, pursuant to Rules 66 and 68 of the Rules, the Prosecution is obliged to disclose the documents in its possession or under its control which are necessary for the

preparation of an accused's defence, which will be used by the Prosecution as evidence at trial, or which constitute exculpatory evidence;

**CONSIDERING** that it has been established that all the documents from the War Diaries were disclosed to the Defence for Mr Hadžihasanović during the pre-trial stage of this case and that the Defence for Mr Hadžihasanović therefore had adequate time during both the Prosecution and Defence cases to develop its strategy in light of the documents taken from the War Diaries;

**CONSIDERING**, however, that Rule 127 of the Rules provides that a Trial Chamber may enlarge or reduce any time prescribed by these Rules on good cause being shown by motion;

**CONSIDERING** that, conscious of the additional workload generated by the filing of the entire War Diaries with regard to the drafting of the final brief, the Chamber considers that there is good cause for extending the time for the filing of the final trial briefs and the Prosecutor's closing arguments until Tuesday 12 July 2005, with the option of extending the hearing, if necessary, on the last day of the Defence closing arguments;

**FOR THE FOREOING REASONS,**

**PURSUANT** to Rule 127 of the Rules;

**PARTIALLY GRANTS** the Motion and

**ORDERS** that:

- the parties shall file their final trial briefs by 14:00 hours on 6 July 2005;
- the Prosecution shall present its closing arguments on 12 and 13 July 2005 and the Defence for Mr Hadžihasanović and the Defence for Mr Kubura shall present their closing arguments on 13 and 14 July 2005 and 14 and 15 July 2005 respectively, bearing in mind that the hearing of 15 July 2005 will commence at 09:00 hours and will, if necessary, continue until 19:00 hours;

**STATES** that, pursuant to Rule 87 of the Rules, the proceedings shall be declared closed after the Defence for Mr Kubura has presented its closing arguments.

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

/signed/

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Judge Jean-Claude Antonetti  
Presiding

Done this twenty-ninth day of June 2005  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**