



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-PT  
Date: 16 January 2009  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge O-Gon Kwon, Presiding  
Judge Kimberly Prost  
Judge Ole Bjørn Støle

**Registrar:** Mr. John Hocking, Acting Registrar

**Decision:** 16 January 2009

**PROSECUTOR**

v.

**MIĆO STANIŠIĆ  
STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION ON STOJAN ŽUPLJANIN'S MOTION FOR  
THE TRIAL CHAMBER TO RECONSIDER ITS  
DECISION OF 15 DECEMBER 2008**

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**The Office of the Prosecutor:**

Mr Thomas Hannis

**Counsel for the Accused:**

Mr Slobodan Zečević and Mr Slobodan Cvijetić for Mićo Stanišić  
Mr Tomislav Višnjić and Mr Igor Pantelić for Stojan Župljanin

**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”);

**BEING SEISED** of “Stojan Župljanin’s Motion for the Trial Chamber to Reconsider its Decision of 15 December 2008”, filed by Counsel for Stojan Župljanin (“Župljanin Defence”) on 12 January 2009 (“Motion”), in which the Župljanin Defence requests an extension of time in order to file a final notice under Rule 94*bis* of the Rules of Procedure and Evidence (“Rules”) “until 1 June 2009, and in any event a significant time after the Prosecution has supplied of a cross-referenced indictment and a pre-trial brief”;<sup>1</sup>

**NOTING** the “Prosecution’s Response to Stojan Župljanin’s Motion for the Trial Chamber to reconsider its Decision of 15 December 2008”, filed on 13 January 2009 (“Response”), in which the Prosecution asserts that it has complied with the Chamber’s orders and that whether or not to grant an extension of time to the Župljanin Defence is a matter for the Chamber’s discretion;<sup>2</sup>

**RECALLING** the Chamber’s “Decision on Stojan Župljanin’s Motion requesting an order that the Prosecution clarify its Motion of 19 November 2008”, filed on 15 December 2008 (“Decision of 15 December 2008”), in which the Prosecution was ordered to provide to the Župljanin Defence and the Chamber cross-references to the relevant provisions in the Consolidated Indictment<sup>3</sup> by 19 December 2008, and the Župljanin Defence was ordered to file its response to the Prosecution’s 29 February 2008 Motions<sup>4</sup> no later than 26 January 2009;<sup>5</sup>

**NOTING** the “Prosecution’s Submission in Response to Decision on Stojan Župljanin’s Motion Requesting an Order that the Prosecution Clarify its Motion of 19 November 2008, with Confidential Annexes”, filed on 19 December 2008 (“Submission of 19 December 2008”), in which the Prosecution submits that it has updated the cross-references to the Consolidated Indictment in the Annexes to four of its 29 February 2008 Motions,<sup>6</sup> and that no revision to the annexes of the

<sup>1</sup> Motion, para 18.

<sup>2</sup> Response, para 3 *et seq.*

<sup>3</sup> Consolidated Indictment, 29 September 2008 (“Consolidated Indictment”).

<sup>4</sup> The five 29 February 2008 Motions are “Motion to amend its Rule 65*ter* Witness List, With Confidential Annexes”, “Prosecution Motion for Admission of Transcripts and Written Transcripts in Lieu of Viva Voce Testimony Pursuant to Rule 92*bis*”, “Prosecution Motion for Admission of Evidence Pursuant to Rule 92*ter*”, “Prosecution Motion for Admission of Evidence Pursuant to Rule 92*quater*”, “Prosecution Notice of Disclosure of Expert Witness Statements under Rule 94*bis*”, all filed on 29 February 2008 (“29 February 2008 Motions”).

<sup>5</sup> Decision of 15 December 2008, p 4.

<sup>6</sup> Submission of 19 December 2008, para 2.

Prosecution's Notice of Disclosure of Expert Witness Statements Under Rule 94bis is provided as the original annexes do not contain cross-references to the prior operative indictment;<sup>7</sup>

**CONSIDERING** that cross-references to the Consolidated Indictment relating to expert witness statements can be found in Confidential Annex 1, Confidential Annex 2 and Confidential Annex 6 to the Prosecution's Submission of 19 December 2008;

**NOTING** that on 2 December 2008 the Župljanin Defence has been provided with a copy of the Prosecution's Rule 94bis Notice with respect to the proposed expert evidence and that, in the Prosecution's submission, the expert statements and reports had been disclosed to the Župljanin Defence in July 2008;

**NOTING** the Župljanin Defence's obligation to file, within 30 days of disclosure of expert witness statements and reports, a notice under Rule 94bis(B) of the Rules, indicating whether it accepts the expert witnesses statements and whether it wishes to cross-examine the said expert witnesses;

**CONSIDERING** that a voluminous amount of material relating to 12 expert witnesses has been disclosed to the Župljanin Defence on 2 December 2008, simultaneously with extensive material under Rules 92bis, 92ter and 92quater of the Rules;

**FINDING** that, due to the amount of material disclosed to the Župljanin Defence, an extension of time relating to the filing of a notice under Rule 94bis of the Rules will be in the interests of justice;

**PURSUANT TO** Rules 54, 94bis, and 127(A) of the Rules,

**GRANTS** the Motion **IN PART**; and

**ORDERS** the Župljanin Defence to file a notice under Rule 94bis(B) of the Rules by 27 February 2009.

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<sup>7</sup> *Ibid*, para 4.

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



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Judge O-Gon Kwon  
Presiding

Dated this sixteenth day of January 2009

At The Hague

The Netherlands

**[Seal of the Tribunal]**