



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-08-91-PT

Date: 8 May 2009

Original: English

IN TRIAL CHAMBER III

Before: Judge Frederik Harhoff, Pre-Trial Judge

Registrar: Mr. John Hocking, Acting Registrar

Order of: 8 May 2009

THE PROSECUTOR

v.

**MIĆO STANIŠIĆ
&
STOJAN ŽUPLJANIN**

PUBLIC

**SCHEDULING ORDER FOR SUBMISSION OF PRE-TRIAL BRIEFS
AND OTHER MATERIAL PURSUANT TO RULE 65 TER**

The Office of the Prosecutor

Mr. Thomas Hannis
Mrs. Joanna Korner

Counsel for the Accused

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

I, Frederik Harhoff, Judge 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 (“International Tribunal”) and Pre-trial Judge in this case;¹

NOTING the indication made by the Pre-trial Judge at the last Status Conference on 20 March 2009 that the trial in this case is due to commence before the summer recess beginning on Monday, 27 July 2009;²

NOTING Prosecution's Motion for Clarification on Trial Chamber's *Obiter* Indication *Re* the Commencement of Trial, filed on 24 April 2009, wherein it sought clarity on the “imminent” commencement of the trial and on a timetable for the submission of its Joint Pre-Trial Brief and other filings;³

NOTING the Prosecution's Motion to Amend its Rule 65ter Witness List with Confidential Annexes, filed on 29 March 2008, whereby the Prosecution sought to add 28 witnesses and remove 24 witnesses⁴ from its original Rule 65ter (E) list of witnesses filed along with the Revised Pre-Trial Brief on 16 February 2007;⁵

NOTING further the Prosecution's Motion Seeking Leave to Amend its Rule 65ter Exhibit List, with Confidential Annexes, filed on 21 May 2008, whereby the Prosecution sought to add 363 documents to, and remove 741 documents from, its original Rule 65ter (E) Exhibit List, also filed on 16 February 2007;⁶

NOTING that the Defence for Mićo Stanišić, in its Response to the Motion to Amend the Exhibit List, filed on 29 May 2008, did not object to the removal of the 741 documents identified by the Prosecution but summarily objected to the addition of 363 documents;⁷

CONSIDERING that since the filing of the Motion to Amend the Witness List and Motion to Amend the Exhibit List, the Trial Chamber granted the Prosecution's motion for joinder of the

¹ Order Re-Assigning Case to a Trial Chamber and Assigning Ad Litem Judges for the Purposes of Pre-Trial Work, 24 March 2009.

² Status Conference, 20 March 2009, T. 15.

³ Prosecution's Motion for Clarification on Trial Chamber's *Obiter* Indication *Re* the Commencement of Trial, 24 April 2009, p. 1.

⁴ *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, ‘Prosecution's Motion to Amend its Rule 65ter Witness List with Confidential Annexes’, 29 February 2008 (“Motion to Amend the Witness List”). Although paragraph 4 states that 27 witnesses are sought to be added, as per paragraphs 8, 11, 12 and 13, there are a total of 28 witnesses proposed for addition.

⁵ *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, ‘Prosecution's Revised Pre-Trial Brief’, 16 February 2007.

⁶ *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, ‘Prosecution's Motion to Amend its Rule 65ter Exhibit List with Confidential Annexes’, 21 May 2008 (“Motion to Amend the Exhibit List”).

cases against both the Accused⁸ and the latest amended consolidated Indictment to conduct the trial jointly was filed as recently as 29 April 2009;⁹

CONSIDERING, in light thereof, that all Parties may be inclined to review and further amend their respective Rule 65ter filings to present reliable and pertinent evidence that is directly relevant to the latest consolidated Indictment;

CONSIDERING, further, that the Parties are required to prepare for the Pre-Trial Conference pursuant to Rule 73bis of the Rules of Procedure and Evidence (“Rules”), to be scheduled before the said date;

CONSIDERING the obligation on the Prosecution under Rule 65ter (E) of the Rules to file, not less than six weeks before the Pre-Trial Conference, its Pre-Trial Brief, its list of witnesses to be called at trial and its list of exhibits to be proffered, and the corresponding obligation on the Defence pursuant to Rule 65ter (F) of the Rules to file their Pre-Trial Briefs no later than 3 weeks prior to the Pre-Trial Conference;

HAVING consulted the Parties on the matter;

PURSUANT to Rules 54 and 65ter of the Rules;

HEREBY ORDER the Prosecution to file by Monday, 8 June 2009, its Pre-Trial Brief, a consolidated list of witnesses it intends to call at trial, including those whose evidence will be presented through Rules 92bis, 92ter and 92quater, and a consolidated list of exhibits it intends to proffer, as specified in Rule 65ter (E) (i), (ii) and (iii) of the Rules;

DECLARE MOOT the Prosecution’s Motion to Amend its Rule 65ter Witness List with Confidential Annexes filed on 28 February 2008 and Prosecution’s Motion to Amend its Rule 65ter Exhibit List filed on 21 May 2008;

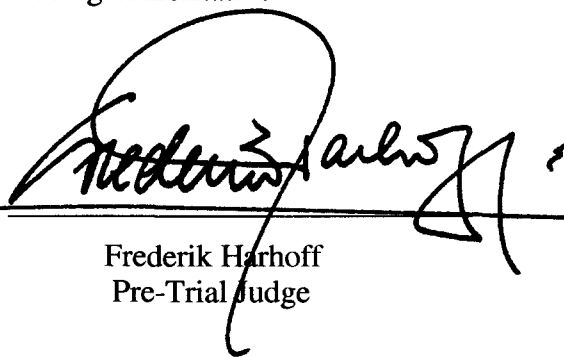
ORDER the Defence to file, as specified in Rule 65ter (F) (i), (ii) and (iii) of the Rules, their Pre-Trial Briefs by Monday, 29 June 2009.

⁷ *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, “Defence’s Response to Prosecution’s Motion Seeking Leave to Amend its Rule 65ter Exhibit List, 29 May 2009 (“Response”).

⁸ Decision on Prosecution’s Motion for Joinder and for Leave to Consolidate and Amend Indictments, 23 September 2008 (“Decision on Joinder”).

⁹ Prosecution’s Submission of Amended Consolidated Indictment with Partially Confidential Annex, 29 April 2009 (“Indictment”).

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

A handwritten signature in black ink, appearing to read 'Frederik Harhoff', is written over a horizontal line. The signature is stylized and cursive.

Frederik Harhoff
Pre-Trial Judge

Dated this eighth day of May, 2009
At The Hague
The Netherlands

[Seal of the Tribunal]