



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-04-74-T
Date: 4 January 2011
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr John Hocking

Order of: 4 January 2011

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

PUBLIC

**THIRD AMENDED SCHEDULING ORDER (FINAL BRIEFS, CLOSING
ARGUMENTS FOR THE PROSECUTION AND THE DEFENCE)**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A.A. Khan for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Zoran Ivanišević for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“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”);

SEIZED of “Jadranko Prlić’s Urgent Motion for an Extension of Time for his Defence to File its Final Brief due to the Remote Unavailability of the E-court Database”, filed publicly with confidential Annex by Counsel for the Accused Jadranko Prlić (“Prlić Defence”) on 4 January 2011 (“Prlić Defence Motion”), in which Defence Counsel for Bruno Stojić, Slobodan Praljak, Valentin Ćorić and Berislav Pušić joined¹ (“Joinder of Four Defence Teams”),

SEIZED of the “Prosecution Motion on Distribution of Final Trial Briefs and Modification of Calendar for Closing Arguments”, filed publicly on 4 January 2011 by the Office of the Prosecutor (“Prosecution”; “Prosecution Motion”),

NOTING the “Petković Defence Response to Jadranko Prlić’s Urgent Motion for an Extension of Time for his Defence to File its Final Brief due to the Remote Unavailability of the E-court Database”, filed publicly on 4 January 2011 by Defence Counsel for Milivoj Petković (“Petković Defence”; “Petković Defence Response”),

NOTING the “Second Amended Scheduling Order (Final Briefs, Closing Arguments for the Prosecution and the Defence)”, issued publicly by the Chamber on 6 December 2010 (“Order of 6 December 2010”), wherein the Chamber decided to amend the schedule for the end of the trial for a second time and, in particular, ordered that the parties file their final trial briefs no later than 4 January 2011 and that it would hear the closing arguments for the Prosecution starting on 7 February 2011 and the closing arguments for the Defence once the Prosecution had ended its closing arguments,²

CONSIDERING that in the Prlić Defence Motion the Prlić Defence requests that the Chamber extend the deadline for filing its final trial brief from 4 January 2011 to 7

¹ “Joinder of Bruno Stojić to Jadranko Prlić’s Urgent Motion for an Extension of Time for his Defence to File its Final Brief due to the Remote Unavailability of the E-court Database”; “Slobodan Praljak’s Urgent Notice of Joinder in Jadranko Prlić’s Urgent Motion for an Extension of Time to File Final Brief due to the Remote Unavailability of the E-court Database”; “Joinder of Valentin Ćorić to Jadranko Prlić’s Urgent Motion or an Extension of Time for his Defence to File its Final Brief due to the Remote Unavailability of the E-court Database”; “Berislav Pušić’s Motion to Join Jadranko Prlić’s Urgent Motion for an Extension of Time for his Defence to File its Final Brief due to the Remote Unavailability of the E-court Database”, all filed publicly on 4 January 2011.

January 2011 because of a technical problem with access to the E-court database and to the Tribunal's website experienced by all Defence teams since 1 January 2011, which also makes it impossible to finalise its final trial brief within the deadline of 4 January 2011,³

CONSIDERING that in the Petković Defence Response the Petković Defence informs the Chamber that it does not ask to extend the deadline for filing its Final Brief but nevertheless asks the Chamber, should it grant the Prlić Defence Motion, that any extension of the deadline for filing their final briefs apply equally to all the parties, including the Petković Defence,⁴

CONSIDERING that the Chamber, informed by email by the Defence teams on 2 January 2011 about the technical problems they encountered and their requests to extend the deadline of 4 January 2011 for filing their final trial brief, informed all the parties by email on 3 January 2011 about its intention to grant the request for extension and authorise all the parties to file their final trial briefs no later than 7 January 2011 and that a written decision would be issued as soon as possible,

CONSIDERING that the Prosecution, consequently, filed the Prosecution Motion, whereby it requests that the Chamber (a) order the Defence teams to provide it with courtesy copies of their final trial briefs on 7 January 2011, without waiting for their distribution by the Registry, which would not take place before 10 January 2011, and (b) postpone the beginning of the closing arguments for the Prosecution from 7 February 2011 to 9 February 2011, because of the delay caused by the filing of the final trial briefs,⁵

CONSIDERING, regarding the Prlić Defence Motion and the Joinder of Four Defence Teams to extend the deadline for filing their final trial briefs, that the Chamber recalls that on 2 January 2011 it was alerted to the technical problems encountered by the Defence teams and confirms its decision to postpone the filing of the final trial briefs for all the parties to 7 January 2011 to enable the Defence teams to finalise their work,

² Order of 6 December 2010, p. 8.

³ Prlić Defence Motion, pp. 1 and 4, para. 11.

⁴ Petković Defence Response, p. 2.

⁵ Prosecution Motion, paras 1 and 12.

CONSIDERING, regarding the first part of the Prosecution Motion, that the Chamber considers that it would be appropriate for all the parties to be able to receive courtesy copies of the final trial briefs on 7 January 2011, without waiting for their distribution by the Registry, which could only take place on weekdays and during working hours, that is, on 10 January 2011,

CONSIDERING, however, that with regard to the second part of the Prosecution Motion concerning the change of the date of the beginning of the closing arguments for the Prosecution from 7 February 2011 to 9 February 2011, the Chamber deems that the delay of three days caused by the filing of final trial briefs would not cause prejudice to the Prosecution, which has enough time to analyse the final trial briefs of the Defence teams and be ready to begin its closing arguments by Monday, 7 February 2011,

CONSIDERING that the Chamber decides, consequently, to authorise all the parties to file their final trial briefs by 7 January 2011, directs them to provide all the parties as well as the Chamber with courtesy copies of the briefs by 7 January 2011 and decides to keep the date of 7 February 2011, as set out in the Order of 6 December 2010, for the beginning of the closing arguments for the Prosecution,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54, 86 and 127 (A)(i) of the Rules of Procedure and Evidence,

GRANTS the Prlić Defence Motion and the Joinder of Four Defence Teams,

PARTIALLY GRANTS the Prosecution Motion,

ORDERS that:

all the parties file their final briefs no later than 7 January 2011 and provide one another as well as the Chamber with a courtesy copy of their briefs by 7 January 2011,

RECALLS that:

the Chamber will hear the closing arguments for the Prosecution starting on 7 February 2011 and the closing arguments for the Defence once the Prosecution has ended its closing arguments.

UPHOLDS the Order of 6 December 2010 in all other respects,

AND

DENIES the remainder of the Prosecution Motion for the reasons set out in this Order.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this fourth day of January 2011
At The Hague
The Netherlands

[Seal of the Tribunal]