

IT-03-69-T
D 43904 - D 43902
12 September 2012

43904

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**UNITED
NATIONS**



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-03-69-T
Date: 11 September 2012
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Decision of: 11 September 2012

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON REQUESTS RELATED TO FINAL TRIAL
BRIEFS AND REVISED SCHEDULING ORDER**

Office of the Prosecutor

Mr Dermot Groome

Counsel for Jovica Stanišić

Mr Wayne Jordash
Mr Scott Martin

Counsel for Franko Simatović

Mr Mihajlo Bakrač
Mr Vladimir Petrović

TRIAL CHAMBER I 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 (“Chamber”);

BEING SEISED of requests by all parties relating to the final trial briefs in this case;¹

NOTING that all parties request that the date for final trial briefs in this case be moved and scheduled for two weeks after the last evidentiary decision of the Chamber (“Timing Requests”);²

NOTING that the Prosecution also requests that it be allowed to publicly cite two kinds of confidential material (“Categories”) in its final trial brief, namely a) “instances where the original evidence was given publicly”, and b) “evidence which the Prosecution does not intend to redact in its filing of redacted witness statements and testimony as required by the Trial Chamber after the closing brief” (“Citation Request”);³

NOTING that the parties have announced the filing of rebuttal and possible rejoinder motions;⁴

CONSIDERING that it is in the interests of justice to receive the parties’ final trial briefs at a time after the Chamber has disposed of all evidentiary motions;

CONSIDERING that most of the evidence in this case has been known to the parties for a long time;

CONSIDERING that the Categories contain evidence already in the public domain or which will soon be made available to the public;

HEREBY GRANTS the Timing Requests **IN PART**;

GRANTS the Citation Request;

DECIDES that the final trial briefs be filed one week after the last evidentiary decision in this case;

¹ Prosecution’s Requests Related to Final Trial Briefs, 6 September 2012 (“Prosecution Submissions”); Defence Request Related to Final Trial Briefs, 7 September 2012 (“Simatović Submission”); Stanišić Defence Request Related to Final Trial Brief, 7 September 2012 (“Stanišić Submission”).

² Prosecution Submission, paras 6, 8; Simatović Submission, p. 3; Stanišić Submission, paras 7, 9.

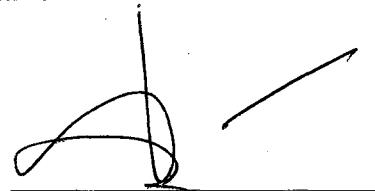
³ Prosecution Submission, paras 7-8. The Chamber understands the first category to relate to material which is publicly available in other cases but confidential in this case for technical reasons (for example, the public testimony of a witness in a previous case which was uploaded into eCourt together with private session portions). The Chamber also notes that its previous instruction to file public redacted versions of confidential exhibits is not limited to witness statements and testimony as the Prosecution Submission suggests. Finally, the Chamber notes that there are several pending requests for protective measures from the Republic of Serbia. To that extent, the parties cannot yet fully know what material eventually will have to be redacted and should err on the side of caution when compiling their final trial briefs.

⁴ Prosecution Submission, para. 5; Simatović Submission, p. 3; Stanišić Submission, paras 3-4.

DECIDES that the hearing of the closing arguments begins on the third Tuesday after the filing of the final trial briefs; and

CLARIFIES that the remainder of the Chamber's scheduling order of 7 June 2012 remains in force.⁵

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



Judge Alphons Orie
Presiding Judge

Dated this Eleventh day of September 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ See T. 20139.