

IT-03-69-T
D44699 - D44697
09 November 2012

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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: 9 November 2012
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 9 November 2012

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON DEFENCE MOTIONS FOR EXTENSION OF
TIME TO FILE REJOINER MOTIONS**

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”);

NOTING that on 5 November 2012, the Chamber issued its Decision on Prosecution Motion for Admission into Evidence of Rebuttal Material from the Bar Table: Miscellaneous Documents (“5 November Decision”), in which it ordered the Defence, within one week of its decision, to (i) file a reasoned request for a rejoinder case, if any, containing all documentary evidence that the Defence intends to present in rejoinder, and/or (ii) other motions resulting from the Chamber’s decisions on the three Prosecution rebuttal motions, if any;¹

NOTING that on 7 November 2012, the Simatović Defence filed its “Urgent Defence Request for Additional Time to file Request for Rejoinder Case or Request for Reconsideration” (“Simatović Defence Motion”), whereby it requests the Chamber to either (i) reconsider its 5 November Decision regarding the deadline to file rejoinder motions within one week, or (ii) allow the Simatović Defence an extension of an additional three weeks from the deadline originally set by the Chamber to file its rejoinder motion;²

NOTING that on 8 November 2012, the Stanišić Defence filed its “Urgent Stanišić Defence Request for Extension of Time to File Rejoinder” (“Stanišić Defence Motion”), whereby it requests the Chamber to allow the Stanišić Defence an additional 16 weeks to file its rejoinder motion, which it submits should exclude the period of the Tribunal’s Winter Recess (17 December 2012 until 4 January 2013);³

NOTING that on 8 November 2012, the Prosecution sent a courtesy copy to the Chamber and the Parties by informal communication of its “Prosecution Consolidated Response to Urgent Defence Requests for Additional Time to File Rejoinder”, filed on 9 November 2012, whereby the Prosecution opposes the Stanišić Defence Motion, while not taking a position on the Simatović Defence Motion;⁴

¹ Decision on Prosecution Motion for Admission into Evidence of Rebuttal Material from the Bar Table: Miscellaneous Documents, 5 November 2012, para. 25 (xiii).

² Urgent Defence Request for Additional Time to file Request for Rejoinder Case or Request for Reconsideration, 7 November 2012, para. 11.

³ Urgent Stanišić Defence Request for Extension of Time to File Rejoinder, 8 November 2012. The Chamber received a courtesy copy and a corrigendum to the courtesy copy from the Stanišić Defence by eMail on 7 November 2012.

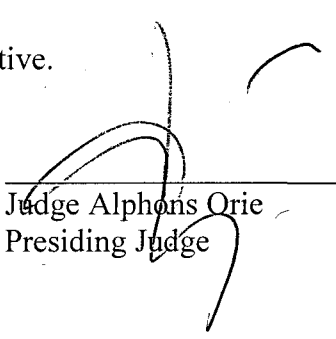
⁴ Prosecution Consolidated Response to Urgent Defence Requests for Additional Time to File Rejoinder, 9 November 2012.

CONSIDERING that the Chamber has determined the Defence motions for an extension of time and finds it appropriate to inform the Parties of its decision as soon as possible;⁵

DECIDES, with reasons to follow, to allow the Defence to file a reasoned request for a rejoinder case, containing all documentary evidence that the Defence intends to present in rejoinder, by 15 November 2012; and

DENIES the Stanišić Defence Motion and the Simatović Defence Motion in all other respects.

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



Judge Alphons Orié
Presiding Judge

Dated this ninth day of November 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ The Chamber notes that it informed the Parties of the present decision today, by means of an informal communication.