

4-03-69-T
D 44947 - D 44945
05 December 2012

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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: 5 December 2012
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 5 December 2012

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**CLOSING AND SCHEDULING ORDER AND DECISION ON
DEFENCE REQUESTS FOR WORD LIMIT EXTENSIONS FOR
FINAL TRIAL BRIEFS**

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

1. On 5 December 2012, the Chamber issued its Decision on Stanišić Defence Motion for Admission into Evidence of Rejoinder Material from the Bar Table. That was the last evidentiary decision in this case.¹ Accordingly, the Chamber hereby **CLOSES** the presentation of evidence in this case.

2. On 11 September 2012, the Chamber decided that final trial briefs be filed one week after the last evidentiary decision in this case.² In November 2012, communicated in a series of informal communications, the Defence requested that the deadline for final trial briefs be set to no earlier than 14 December 2012. The Prosecution did not take a position on this request. The Chamber granted this request and informed the parties through an informal communication on 20 November 2012. Accordingly, the deadline for the final trial briefs is set to **14 December 2012**.

3. The Chamber previously instructed the parties to file public redacted versions of confidential exhibits in this case eight weeks after the filing of the final trial briefs.³ Accordingly, this deadline is set for **8 February 2013**.

4. On 29 November 2012, the Stanišić Defence requested additional 30,000 words for its final trial brief.⁴ The Simatović Defence supported this request and submitted its own request for additional 20,000 words for its final trial brief.⁵ On 30 November 2012, the Prosecution submitted that it deferred to the Chamber in relation to any increase in the word limit for the final trial briefs but requested that should any increase be granted, such increase apply to all parties.⁶ The Chamber **GRANTS** the Defence requests **IN PART** and hereby sets the word limit for the final trial briefs for all parties to 115,000 words.

5. On 11 September 2012, the Chamber further decided that closing arguments in this case be heard on the third Tuesday after the filing of the final trial briefs.⁷ On 2 November 2012, communicated through an informal communication, the Stanišić Defence requested that the closing arguments be heard in late January 2013 at the earliest. Neither the Simatović Defence nor the

¹ As a final housekeeping matter, through informal communications of 27 and 28 November 2012, the Prosecution informed the Registry that translations and corrected translation are available for exhibits P3132, P3136, P3137, and P3143. The Chamber hereby instructs the Registry to make the necessary additions and replacements for these exhibits on eCourt.

² Decision on Requests Related to Final Trial Briefs and Revised Scheduling Order, 11 September 2012 ("Final briefs decision"), p. 1.

³ Decision on Prosecution Motion for Admission of Redacted Copies of Confidential Exhibits as Public Exhibits, 23 August 2010, para. 5; T. 19768-19769.

⁴ Urgent Stanišić Defence Request for Extension of Word Limit for the Final Trial Brief, 29 November 2012.

⁵ Simatović Defence Request for Extension of Word Limit for the Final Trial Brief, 3 December 2012; see also informal communication of 29 November 2012.

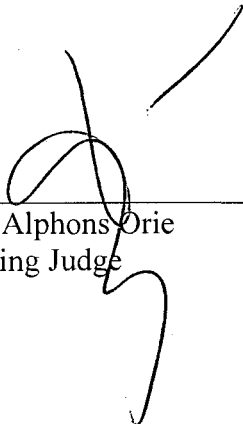
⁶ Prosecution Response to Urgent Stanišić Defence Request for Extension of Word Limit for the Final Trial Brief, 30 November 2012.

⁷ Final briefs decision, p. 2.

Prosecution responded to this request. In light of the current scheduling and the upcoming court winter recess, the Chamber hereby **GRANTS** this request and **DECIDES** that the closing arguments in this case be heard from **29-31 January 2013**. The Chamber's decision in relation to the times allotted to the parties for their closing arguments remains in force.⁸

6. The Chamber previously instructed the parties to file submissions in relation to documents admitted provisionally under seal in this case no later than two weeks after the closure of the case.⁹ In light of the above scheduling and the upcoming court winter recess, the Chamber amends this instruction and hereby **INSTRUCTS** the parties, no later than **8 February 2013**, to file an overview of all exhibits and transcript portions that were placed provisionally under seal pursuant to Rule 54 *bis* of the Tribunal's Rules of Procedure and Evidence ("Rules") and for which the Republic of Serbia has not submitted reasoned requests for protective measures or which are unaffected by the Chamber's prior decisions in relation to protective measures under Rules 54 *bis*, 75, and 79 of the Rules.

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



Judge Alphons Orie
Presiding Judge

Dated this Fifth day of December 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

⁸ Final briefs decision, p. 2; T. 20139.

⁹ T. 18677. The Chamber also notes in this regard that on 21 November 2012, through an informal communication, the Prosecution requested that exhibits P3170-P3203 be put provisionally under seal. The Chamber granted this request, through an informal communication, on the same day and informed the Registry.