



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-08-91-A
Date: 2 May 2014
Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Pre-Appeal Judge
Registrar: Mr John Hocking
Decision of: 2 May 2014

PROSECUTOR

v.

**MİĆO STANIŠIĆ
STOJAN ŽUPLJANIN**

PUBLIC

**DECISION ON URGENT PROSECUTION MOTION FOR
VARIATION OF SUPPLEMENTAL BRIEFING SCHEDULE**

The Office of the Prosecutor

Ms. Laurel Baig

Counsel for Mićo Stanišić

Mr. Slobodan Zečević and Mr. Stéphane Bourgon

Counsel for Stojan Župljanin

Mr. Dragan Krgović and Ms. Tatjana Čmerić

I, CARMEL AGIUS, Judge of the Appeals 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 ("Appeals Chamber" and "Tribunal", respectively), and Pre-Appeal Judge in this case;¹

BEING SEISED OF the "Urgent Prosecution Motion for Variation of Supplemental Briefing Schedule" filed by the Office of the Prosecutor ("Prosecution") on 17 April 2014 ("Motion"), requesting variation of the briefing schedule for the filing of additional appeal briefs and corresponding response and reply briefs ("Supplemental Briefing Schedule"), such that the deadlines follow the Appeals Chamber's decision on the admissibility of rebuttal evidence filed by the Prosecution;²

BEING SEISED OF "Župljanin's Motion Joining Prosecution Urgent Motion for Variation of Supplemental Briefing Schedule", filed by Župljanin on 22 April 2014, in which Župljanin adopts the Prosecution's arguments and joins the relief set out in the Motion;³

NOTING the Prosecution's submissions that, based on the Supplemental Briefing Schedule, parties will file their additional briefs relating to the new grounds of appeal and the Defence's additional evidence without knowing the full scope of the additional evidence,⁴ and that, absent a variation of the schedule, the parties will likely litigate the admissibility of the Prosecution's rebuttal evidence at the same time that they will be preparing their additional briefs;⁵

NOTING further the Prosecution's submission that requiring supplemental briefing before the admissibility of rebuttal evidence is determined risks prejudicing the parties' ability to fully address the additional evidence in their briefs, and may require a second round of briefing on the impact of the admitted rebuttal evidence;⁶

¹ Order Designating a Pre-Appeal Judge, 2 May 2014.

² Motion, para. 1. According to the Supplemental Briefing Schedule, Mićo Stanišić ("Stanišić") and Stojan Župljanin ("Župljanin") are to file an addition to their appeal briefs by 5 May 2014, the Prosecution is to file any responses by 26 May 2014, and Župljanin and Stanišić are to file any replies by 2 June 2014. See Decision on Mićo Stanišić's Motion Seeking Leave to Amend Notice of Appeal, 14 April 2014, para. 24; Decision on Župljanin's Second Request to Amend his Notice of Appeal and Supplement his Appeal Brief, 14 April 2014, para. 19.

³ Župljanin's Motion Joining Prosecution Urgent Motion for Variation of Supplemental Briefing Schedule, 22 April 2014, para. 1.

⁴ Motion, paras 2-3. See Decision on Mićo Stanišić's Motion Seeking Additional Evidence Pursuant to Rule 115, 14 April 2014.

⁵ Motion, para. 2.

⁶ Motion, para. 3.

CONSIDERING that the Prosecution filed its "Prosecution Motion to Admit Rebuttal Material" on 1 May 2014 ("Motion to Admit Rebuttal Material"), seeking the admission of three documents as rebuttal material,⁷ and that the Appeals Chamber will issue its decision on that motion in due course;

CONSIDERING that Stanišić and Župljanin may wish to respond to the Motion to Admit Rebuttal Material, before any such decision is issued by the Appeals Chamber;

CONSIDERING that, pursuant to Rule 115 (A) of the Rules of Procedure and Evidence of the Tribunal ("Rules"), supplemental briefs on the impact of additional evidence are due to be filed within 15 days of the decision on the admissibility of the rebuttal material;

CONSIDERING further that variation of the Supplemental Briefing Schedule would allow the parties to more fully and efficiently address both the new grounds of appeal and the impact of the additional evidence;

CONSIDERING therefore that it is in the interests of justice and practicality to vary the Supplemental Briefing Schedule;

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 115 and 127 of the Rules,

HEREBY GRANT the Motion;

ORDER Stanišić and Župljanin to each file a response to the Motion to Admit Rebuttal Material, if any, by 12 May 2014;

ORDER Stanišić to file an addition to his appeal brief with respect to the proposed ground of appeal 1*bis* no later than 15 days after the decision on the Motion to Admit Rebuttal Material;

ORDER Župljanin to file an addition to his appeal brief with respect to the proposed ground of appeal 6 no later than 15 days after the decision on the Motion to Admit Rebuttal Material;

ORDER the Prosecution to file an addition to its response to Stanišić's appeal brief with respect to the proposed ground of appeal 1*bis*, if any, no later than 21 days after the filing of an addition to Stanišić's appeal brief;

⁷ Prosecution Motion to Admit Rebuttal Material, 1 May 2014, paras 1, 8.

ORDER the Prosecution to file an addition to its response to Župljanin's appeal brief with respect to the proposed ground of appeal 6, if any, no later than 21 days after the filing of an addition to Župljanin's appeal brief;

ORDER Stanišić to file an addition to his reply brief with respect to the proposed ground of appeal 1*bis*, if any, no later than seven days after the filing of any Prosecution response; and

ORDER Župljanin to file an addition to his reply brief with respect to the proposed ground of appeal 6, if any, no later than seven days after the filing of any Prosecution response.

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

Dated this second day of May 2014,
At The Hague,
The Netherlands.



Judge Carmel Agius
Pre-Appeal Judge

[Seal of the Tribunal]