

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

Case No. IT-08-91-PT

IN TRIAL CHAMBER III

Before: Judge **Iain Bonomy, Presiding**  
Judge **Frederik Harhoff, Pre-Trial Judge**  
Judge **Ole Bjørn Støle**

Registrar: Mr. John Hocking

Date Filed: **31 July 2009**

THE PROSECUTOR

V.

MIĆO STANIŠIĆ  
STOJAN ŽUPLJANIN

*Public with Confidential Annex*

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**SUPPLEMENT TO DEFENCE PRE-TRIAL BRIEF ON BEHALF OF  
MR. STOJAN ŽUPLJANIN PURSUANT TO RULE 65 TER (F)**

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The Office of the Prosecutor:

**Mr. Thomas Hannis**  
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## I. INTRODUCTION

1. On 9 July 2009, the Trial Chamber ordered Mr. Župljanin to file, by 31 July 2009, a supplement to the Defence Pre-Trial Briefs, so as to comply fully with the requirements of Rule 65 *ter* (F).<sup>1</sup>

## II. PRELIMINARY CHALLENGE

2. Mr. Župljanin is concerned that the requirement of Rule 65 *ter* (F) of the Rules of Procedure and Evidence (“Rules”) requiring the filing of a Defence Pre Trial Brief at this stage of the proceedings stands in contrast to the provisions of the Statute and reserves such objection for purposes of appeal. In particular, Mr. Župljanin challenges the Order of the Trial Chamber based on a particularly restrictive reading of Rule 65 *ter* (F).
3. The Statute recognizes that the presumption of innocence attaches immediately upon the entry of a “not guilty” plea. Mr. Župljanin has plead not guilty on 21 July 2008<sup>2</sup> and thus, the presumption of innocence attaches since that date.
4. Article 21 of the Statute assures the Accused of the right not to give evidence at trial and no adverse inference may be drawn from such refusal to give evidence. Rule 65 *ter* is in direct conflict with Article 21. By directing the Defence to file a Pre Trial Brief, and to provide “substantive or tangible reasons for [the] denial relative to any of the specific factual circumstances of the [alleged] individual crimes”,<sup>3</sup> the Trial Chamber impermissibly shifts the burden of proof before the establishment of a *prima facie* case sufficient to withstand a motion for acquittal. The requirement of a Defence pre-trial brief, especially pursuant to the Trial Chamber’s restrictive reading of Rule 65 *ter* (F), is contrary to the Statute.
5. The right to a “fair hearing” means that an accused has the right to remain silent and not contribute to incriminating himself.<sup>4</sup> Thus, Mr. Župljanin is prejudiced by having to, in advance of trial, do “anything”. In an adversarial system, the Prosecution does not need to have advance notice of the theory of the Defence and the Župljanin Defence is prejudiced thereby by having to elect at this juncture having not had the benefit of hearing the Prosecution’s case in chief. The Župljanin Defence further interposes a general denial as to each and every allegation set forth in the Amended Consolidated Indictment (“Indictment”) and in the Prosecution’s Pre-Trial Brief (“OTP PTB”) and puts the Prosecution to its proof. The Župljanin Defence preserves these issues for appeal.

<sup>1</sup> Order to the Defence to Supplement the Pre-Trial Briefs Pursuant to Rule 65 *ter* (F), 9 July 2009 (“Order”), p. 3.

<sup>2</sup> Further Initial Appearance, 21 July 2008, T. 22.

<sup>3</sup> Order, p. 3.

<sup>4</sup> *Funke v. France*, Eur Ct H R, Judgement of 25 February 1993, para. 44, interpreting Article 6 of the European Convention on Human Rights, 1950.

### III. OUTSTANDING ISSUES WHICH SIGNIFICANTLY IMPACT THE ABILITY OF THE DEFENCE TO PROVIDE ADDITIONAL DETAILS VIA A PRE-TRIAL BRIEF

#### (a) *Ongoing Negotiations with the Prosecution*

6. The Defence teams of both Mr. Župljanin and Mr. Stanisić are currently engaged in negotiations with the Prosecution as to several aspects relevant in the case. It is foreseeable that agreement will be reached to a certain extent in one or more of the following matters: MUP Structure;<sup>5</sup> Laws & Regulations;<sup>6</sup> MUP membership (in particular the question of the proper definition a police officer);<sup>7</sup> further particulars concerning the principal perpetrators;<sup>8</sup> forensic experts. Unfortunately, in spite of good faith efforts to reach agreement, the issue of crime base is one which will have to be litigated. Barring a willingness on behalf of the Prosecution to entertain reasonable negotiations, the Defence cannot but deny all factual allegations. There is no legitimate purpose in requiring the Defence to provide reasons as to why all factual allegations are being denied.

#### (b) *Outstanding Motions*

7. There are currently a number of motions pending before the Trial Chamber, the outcome of which will have a substantial impact upon the Defence strategy, including the approach towards the specific factual circumstances of the individual crimes narrated in the OTP PTB.<sup>9</sup> These outstanding motions relate to, among others, the admission of evidence pursuant to Rules 92 *bis*, 92 *ter*, and 92 *quater*, as well as adjudicated facts pursuant to Rule 94(B). The absence of any guidance from the Trial Chamber on any of these motions is yet another tangible reason for the denial of all factual allegations in the Indictment and the OTP PTB.

#### (c) *Limited time and resources*

8. Further reasons for the general approach taken in the Defence Pre-Trial Brief on Behalf of Mr. Župljanin are the limited resources available to the Defence and the limited time available for Trial Preparation. The Župljanin Defence team is currently engaged in preparations for the trial in order to be ready to react to the Prosecution case as it develops. In addition, substantive filings by the Prosecution are being made on an ongoing basis and require the Defence to allocate time and resources for drafting adequate responses.<sup>10</sup> Being forced to “show your hand” at this stage would entail deviating time and resources from these important tasks, which would be both improper and impossible.

<sup>5</sup> 65 *ter* Meeting, 8 July 2009, T. 230, 233.

<sup>6</sup> 65 *ter* Meeting, 8 July 2009, T. 230, 232.

<sup>7</sup> 65 *ter* Meeting, 8 July 2009, T. 231, 233.

<sup>8</sup> 65 *ter* Meeting, 8 July 2009, T. 233-234.

<sup>9</sup> See Annex A.

<sup>10</sup> See, e.g., Prosecution’s Supplemental Motion for Admission of Evidence Pursuant to Rules 92*bis* and 92*ter*, with Confidential Annexes, 28 July 2009, which amounts to 110 pages in total.

9. In addition, since the Chamber decided to remove Mr. Višnić from the case, Mr. Pantelić, as the new lead counsel,<sup>11</sup> has engaged in diligent efforts to obtain the assignment of another qualified candidate from the list of counsel pursuant to Rule 45. Unfortunately, this has proven to be a time consuming exercise, given that most of the candidates asked were not willing or able to represent Mr. Župljanin as co-counsel. The issue of assignment is not only an obstacle for the formation of a fully functioning defence team. It has also become an issue of considerable contention with the Registry, which continues to reject the assignment of the only suitable candidate available, thus creating an additional burden on Mr. Župljanin's defence team.

*(d) Flaws in the Prosecution's description of the factual allegations*

10. Mr. Župljanin notes that the Prosecution has withdrawn a number of incidents from the Schedules attached to the Indictment,<sup>12</sup> that updated schedules have been filed,<sup>13</sup> and that the Prosecution will evaluate whether this will affect any witnesses.<sup>14</sup> However, a great deal of confusion has been caused by this process. For instance, the location of Miska Glava was removed from Schedule C as a detention facility, yet it remained charged in Schedule D (item 5.5) as a site of torture, cruel treatment, or inhumane acts in a detention facility until very recently. Along the same lines, there was a discrepancy related to the site of Novi Izvor factory in Zvornik (Schedule D, item 17.5 had been removed, while Schedule C, item 18.6 remained charged). However, these deficiencies were addressed and seemingly cured by the Corrigendum to the OTP motion to Amend the Schedules of the Indictment filed on 23 July 2009 (not yet ruled upon). Moreover, during a recent field investigation of Mr. Župljanin's Defence team, further discrepancies were noted between what was present and what is alleged by the Prosecution.<sup>15</sup>
11. Another reason why it would be impossible and potentially dangerous to the Defence not to challenge all factual allegations is the fact that many of these allegations are likely untrue. This is exemplified by the fact that more than 30 people listed in Schedules A and B are identified as having been killed in multiple places.<sup>16</sup> The circumstances described in this section, and others within this supplement, display the complicated landscape which the defence must navigate. Due to inherent uncertainty related to the specifics of the events charged, the Župljanin defence must remain vigilant and insist that

<sup>11</sup> Status Conference, 12 June 2009, T. 2.

<sup>12</sup> Schedule B 5.1 (Sanski Most – killing of a number of men in the area called Hrastova Glavica), 14.6 (Zvornik – killing of a number of men taken from Novi Izvor factory); Schedule C 5.5 (Prijeedor – Miska Glava Dom), 8.3 (Bileća – Moše Pijade's Barracks), 18.6 (Zvornik – Novi Izvor factory); Schedule D 5.5 (Miska Glava Community Centre – detainees were beaten with police batons and rifle butts in the presence of other detainees. The suffered concussions, bleeding, and heavy bruising), 17.5 (Zvornik – Novi Izvor factory – detainees were taken out and beaten on a regular basis).

<sup>13</sup> Prosecution's Motion to Amend Schedules of the Indictment, 20 July 2009; Corrigendum to Prosecution's Motion to Amend Schedules of the Indictment, 23 July 2009.

<sup>14</sup> 65 *ter* Meeting, 8 July 2009, T. 220-221.

<sup>15</sup> For instance, the site of Ljubija football stadium, when visited, could not be reconciled with the visual representation provided by the Prosecution in the materials accompanying the OTP PTB. See OTP PTB, Appendix 5, p. 9.

<sup>16</sup> See confidential Annex B.

the Prosecution actually prove, beyond a reasonable doubt, the allegations levied against the accused.

***(e) Prejudicial disclosure remains ongoing***

12. Batch 75 – which contains Rule 66(A)(ii), 66(B), and 68 material – in the ongoing deluge of disclosure was received on 20 July 2009. Batch 76, which contains comparable material, was just received on 30 July 2009. Both of these batches of disclosure contain highly relevant (and exculpatory) material for the preparation of an adequate defence. Unfortunately, analysis of this material remains ongoing as it is voluminous. Moreover, further materials are going to be disclosed as the case proceeds; Batch 77 is anticipated in the near future. From a procedural standpoint, it is unconceivable for the Defence to make concessions or agreement when all relevant material is not at its disposal. Surely the Defence cannot be expected to make any conclusive statement on the reasons for the denial of all factual allegations when: i) it is not yet in possession of all disclosure; and/or ii) had a reasonable opportunity to thoroughly review and analyse all relevant materials.

***(f) Lack of access to confidential materials in related cases***

13. Mr. Župljanin welcomes the recent supplemental notice by the Prosecution stating that he can be granted access to three transcripts of hearings in 2002,<sup>17</sup> as well as the Trial Chamber's order of 24 July 2009 clarifying that his access to confidential materials in the *Krajišnik, Mrđa, Stakić, and Brđanin* cases includes non-evidentiary material.<sup>18</sup> However, Mr. Župljanin reiterates his strong concern, already voiced in his Pre-Trial Brief,<sup>19</sup> that he still does not have physical access to these materials. Without access to these materials, the Defence is not in a position to effectively address all allegations made by the Prosecution.

#### **IV. NATURE OF THE ACCUSED'S DEFENCE**

***(a) General Denial as to the alleged common plan and Mr. Župljanin's participation therein***

14. The Župljanin Defence hereby interposes a general denial as to each and every allegation set forth in the portion of the OTP PTB relating to the alleged common criminal plan and puts the Prosecution to its proof. The Župljanin Defence has taken the position that by entry of a plea of not guilty, all the allegations of the indictment and the OTP PTB, must be proven, applying the beyond a reasonable doubt standard.
15. Mr. Župljanin takes issue with the characterisation of the history of political events on the territory of the former Yugoslavia as set forth in the OTP PTB.<sup>20</sup> The reason for this is

<sup>17</sup> Prosecution's Supplemental Notice of Compliance with Decision re Access by Župljanin, 24 July 2009.

<sup>18</sup> Order Relating to Prosecution Notifications of Compliance with the Decision on Stojan Župljanin's Access to Confidential Materials in the *Krajišnik, Mrđa, Stakić, and Brđanin* Cases Dated 15 May 2009, 24 July 2009.

<sup>19</sup> See Defence Pre-Trial Brief on Behalf of Mr. Stojan Župljanin Pursuant to Rule 65 *ter*(F), 29 June 2009 ("Župljanin PTB"), paras. 8–10.

<sup>20</sup> OTP PTB, paras. 22–36.

the fact that the characterisation of the events in question is false and misleading and reflects but one possible view of the history of events.

16. Mr. Župljanin denies to have participated in a common criminal plan together with exponents of the Bosnian Serb leadership, including leading SDS members.<sup>21</sup> Mr. Župljanin was never a member of the SDS nor did he endorse its political goals. Statements as to the beliefs, aspirations, or individual political policies, made by the individuals said to have been participants in the alleged common criminal plan, may not be ascribed to him.
17. In particular, Mr. Župljanin takes issue with the allegation that by virtue of his position as Chief of the CSB in Banja Luka, he wielded great power and influence.<sup>22</sup> In reality, the role of the police was minor in comparison with the role of the army. Moreover, Mr. Župljanin's *de jure* position did not correspond to his *de facto* power and influence, which was in reality *de minimis* during the indictment period.
18. Mr. Župljanin also takes issue with allegation that he was an active member of the ARK Crisis Staff and instrumental in implementation of the alleged plan.<sup>23</sup> In reality, his role was minor and he did not have any influence upon the ARK Crisis Staff, which was directed and controlled by Radoslav Brđanin.<sup>24</sup> Mr. Župljanin especially disputes the contention that his alleged appointment to a delegation going to Pale to discuss enlargement of the territory of the ARK would demonstrate his role in the ARK Crisis staff.<sup>25</sup>

***(b) General Denial as to the formations executing the alleged common plan***

19. The Župljanin Defence hereby interposes a general denial as to each and every allegation set forth in the portion of the OTP PTB relating to the formations executing the alleged common criminal plan and puts the Prosecution to its proof. The Župljanin Defence has taken the position that by entry of a plea of not guilty, all the allegations of the indictment and the OTP PTB, must be proven, applying the beyond a reasonable doubt standard.
20. The implementation of the alleged common criminal plan is said to have been carried out by various groups, including RSMUP, police and special police units, VRS, JNA, VJ, TO, Bosnian Serb paramilitary groups, "local Bosnian Serbs", municipal SDS main boards, municipal and regional crisis staffs, war presidencies, war commissions, Serbian MUP, and paramilitary forces from Serbia.<sup>26</sup>
21. Mr. Župljanin takes issue with the allegation that the role of the RSMUP, including any police or special police units, in the overall plan was crucial.<sup>27</sup> The reasons for this are

<sup>21</sup> OTP PTB, paras. 3–8; Indictment, paras. 7–8.

<sup>22</sup> OTP PTB, para. 48.

<sup>23</sup> OTP PTB, para. 101.

<sup>24</sup> See *Prosecutor v. Brđanin*, Case No. IT-99-36-T, Judgement, 1 September 2004, paras. 296–302.

<sup>25</sup> OTP PTB, para. 49.

<sup>26</sup> See OTP PTB, para. 87; Indictment, para. 9.

<sup>27</sup> OTP PTB, para. 90, 98–183.

the following. Mr. Župljanin did not have any significant role in connection with Bosnian Serb political organs that oversaw and directed implementation of the alleged common plan. He did not in any way contribute to the formation, support, and coordination of Serb forces as alleged in the OTP PTB. The military, not the police, were the primary forces involved in the disarmament of non-Serbs and the takeovers of municipalities described in the OTP PTB. The RSMUP did not play any significant role in the arrest of non-Serbs, their confinement at detention facilities or their expulsion from the territory under Bosnian Serb control.

22. The Prosecution itself has underlined the crucial role of the JNA, VRS, and paramilitary groups in the implementation of the alleged common plan.<sup>28</sup> However, Mr. Župljanin was not in command and control of the JNA, the VJ, the TO, the paramilitaries, or any “local Bosnian Serb” as set forth in the Indictment and the OTP PTB. Nor did he in any way cooperate in, contribute to, or condone the actions of these groups.
23. The SDS was a legitimate political party and its political aims for self determination were justified and recognised by international law. Moreover, it is reiterated that Mr. Župljanin was never a member of the SDS nor did he endorse its political goals.
24. The “crisis staff” was a SFRY institution. As the name suggests, it assured a continuum of civilian control during a time of crisis. The break-up of the former Yugoslavia was a time of crisis. Various municipalities refused to recognise a central government which no longer represented their political interests. Municipalities on an *ad hoc* basis established crisis staffs at different times in different ways. The municipal crisis staffs acted independently in respect of their geographical area especially for the crucial period of April 1992 through December 1992.
25. The “crisis staffs”, “war presidencies” and “war presidencies” were interchangeable nomenclatures for the same institution. The “crisis staffs” operated independently on a local level. They did so without direct command and control and any of their actions which may be deemed to have been in violation of international law were done without the approval, command and control of the ARK crisis staff. Mr Župljanin takes issue with the contention that the ARK Crisis Staff issued decisions which were sent to municipal crisis staffs and put into effect. The municipal “crisis staffs” were neither charged to do so, nor did they do so in fact.
26. The Serbian MUP and paramilitary forces from Serbia were under exclusive control of the authorities of another state and, in any event, beyond the influence of the Bosnian Serb state. None of the members of the alleged JCE had the power or the intent of using those groups for the alleged common criminal purpose. For these reasons, Mr. Župljanin takes issue with the inclusion of these groups in those said to have carried out the crimes alleged in the Indictment.

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<sup>28</sup> OTP PTB, paras. 88–89.



***(c) Law on modes of liability***

27. Mr. Župljanin takes issue with the concept of JCE applied before this Tribunal for the reasons outlined in his Pre-Trial Brief.<sup>29</sup> Mr. Župljanin further takes issue, for the reasons set out in his Pre-Trial Brief, with the characterisation of the mental element of aiding and abetting set out in the OTP PTB.<sup>30</sup>
28. Mr. Župljanin reminds the Trial Chamber that the law on imputing criminal acts of principle perpetrators via a JCE member “using” these perpetrators remains ill-defined and requires clarification, especially in cases like this, where none of the principal perpetrators was part of the alleged JCE.<sup>31</sup>

***(d) Allegations related to the crime base***

29. The Župljanin Defence hereby interposes a general denial as to each and every allegation set forth in the portion of the OTP PTB relating to the crime base in the different municipalities and puts the Prosecution to its proof. The Župljanin Defence has taken the position that by entry of a plea of not guilty, all the allegations of the indictment and the OTP PTB, must be proven, applying the beyond a reasonable doubt standard. However, as noted above, the Prosecution has not been willing to entertain reasonable negotiations and the issue of crime base will have to be litigated.
30. In regards to the ARK municipalities outside Banja Luka, the Župljanin Defence notes the presence of entrenched local leaders, crisis staffs, and other figures of power. If the crimes did in fact occur, it is submitted that these local warlords bear responsibility. The blame cannot be put on Mr. Župljanin, who might appear as a geographically connected “superior”, but who did not have any effective control nor any *de facto* authority.

***(i) Banja Luka***

31. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of the allegations set forth in paragraphs 200–204 of the OTP PTB, including but not limited to JNA, Bosnian-Serb authorities, and the SOS, is explicitly denied.
32. Mr. Župljanin disputes that he had any knowledge of, or control or any other kind of influence on the distribution of weapons by the JNA and Bosnian-Serb authorities referred to in paragraph 202 of the OTP PTB. He further disputes that the disarmament of the civilian population referred to in the same paragraph was carried out in a discriminatory manner.
33. It is disputed that the bombing incidents referred to in paragraph 205 of the OTP PTB

<sup>29</sup> See Župljanin PTB, paras. 46–57.

<sup>30</sup> See Župljanin PTB, para. 64.

<sup>31</sup> See Župljanin PTB, paras. 60–61.

only targeted non-Serb homes, businesses, churches and mosques. Moreover, it is disputed that the orders and decisions of the ARK Crisis Staff referred to in paragraphs 206 and 207 of the OTP PTB in fact resulted in the dismissal of non-Serbs from employment or their departure from the municipality. In any event, Mr. Župljanin's role in that organ was negligible and his acts and conduct did not have any impact upon the creation of either the orders and decisions or the outcome alleged in these paragraphs.

34. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of the allegations of arbitrary arrests of non-Serbs, inhumane detention conditions or beatings and deaths of detainees set forth in paragraphs 208–211 of the OTP PTB, including but not limited to the VRS military police and the members of the police referred to in these paragraphs is explicitly denied.

***(ii) Donji Vakuf***

35. Mr. Župljanin explicitly denies any involvement of the Bosnian-Serb police forces under his command in the allegations set forth in paragraphs 230–232 of the OTP PTB, including but not limited to evidence of involvement of police in the disarmament of non-Serbs, attacks upon and looting of villages, destruction of religious property, arbitrary arrests of non-Serbs, and beatings of detainees as set forth in these paragraphs.
36. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of the allegations set forth in paragraphs 230–232 of the OTP PTB, including but not limited to the Serb forces and paramilitaries referred to in these paragraphs is explicitly denied.

***(iii) Ključ***

37. Mr. Župljanin explicitly denies any involvement of the Bosnian-Serb police forces under his command in the allegations set forth in paragraphs 234–238 of the OTP PTB, including but not limited to evidence of involvement of police in dismissal non-Serbs from employment, enforcing a curfew only against non-Serbs, shelling of Muslim villages, arbitrary arrest and beatings of non-Serbs, murders, summary executions, deportation, and destruction of religious monuments as set forth in these paragraphs.
38. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of the allegations set forth in paragraphs 234–238 of the OTP PTB, including but not limited to Bosnian Serb soldiers referred to in these paragraphs is explicitly denied.

***(iv) Kotor Varoš***

39. Mr. Župljanin explicitly denies any involvement of the Bosnian-Serb police forces under his command in the allegations set forth in paragraphs 240–244 of the OTP PTB, including but not limited to evidence of involvement of police in forcing non-Serbs to sign loyalty oaths, attacks on villages, arbitrary arrests, torture, beatings, sexual assault,

rape, and killings as set forth in these paragraphs.

40. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of the allegations set forth in paragraphs 241–245 of the OTP PTB, including but not limited to Serb forces, Bosnian Serb soldiers, and the War Presidency referred to in these paragraphs is explicitly denied.

**(v) Prijedor**

41. Mr. Župljanin explicitly denies any involvement of the Bosnian-Serb police forces under his command in the incidents mentioned in paragraphs 212–217 of the OTP PTB. He further explicitly denies any ordering, planning, instigating, aiding and abetting, as well as command and control, contact with, knowledge of, or complicity with the Serb forces and paramilitary forces mentioned in these paragraphs.
42. The incident relating to the alleged beatings and killings at Ljubija football stadium is explicitly denied,<sup>32</sup> given the discrepancies in the material provided by the Prosecution and the actual site, described above.
43. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of the allegations relating to detention facilities set forth in paragraphs 219–222 of the OTP PTB, including but not limited to TO commander Slobodan Kuruzović, or any members of the police referred to in these paragraphs is explicitly denied.

**(vi) Sanski Most**

44. Any involvement of the Bosnian-Serb police forces under Mr. Župljanin's command in the incidents mentioned in paragraphs 224–228 of the OTP PTB is explicitly denied, including but not limited to evidence of involvement of police in take-overs of municipalities, arbitrary arrests of non-Serbs, beatings, and inhumane treatment as set forth in these paragraphs.
45. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of the allegations set forth in paragraphs 224–228 of the OTP PTB, including but not limited to the Serb TO, 6<sup>th</sup> Krajina Brigade, Serb paramilitary forces, military police, VRS, or the Sanski Most Crisis Staff mentioned in these paragraphs is explicitly denied.

**(vii) Skender Vakuf**

46. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of involvement of the Bosnian-Serb police forces under Mr. Župljanin's command in the Vlasici Mountain massacre mentioned in paragraph 313 of the OTP PTB is explicitly denied.

<sup>32</sup> OTP PTB, para. 218.

**(viii) Teslić**

47. Any involvement of the Bosnian-Serb police forces under Mr. Župljanin's command in the incidents mentioned in paragraphs 247–248 of the OTP PTB is explicitly denied, including but not limited to evidence of involvement of police in arbitrary searches, looting, destruction of houses and religious monuments, arbitrary arrest and beatings of non-Serbs as set forth in these paragraphs.
48. Any ordering, planning, instigating, aiding and abetting, as well as command, control, contact with, knowledge of or reason to know of the allegations set forth in paragraphs 247–248 of the OTP PTB, including but not limited to the Miće paramilitary group or VRS members mentioned in these paragraphs.

**VI. CONCLUSION**

49. Mr. Župljanin has pleaded not guilty, he asserts that he is not guilty as alleged in the Indictment or the OTP PTB, and he puts the Prosecution to proof of its case.

Word Count: 5,030

Respectfully Submitted:



Igor Pantelić  
Counsel for Stojan Župljanin

Dated this 31<sup>st</sup> day of July 2009  
At The Hague, Netherlands

# **ANNEX A - *Public***

**Motions Pending Before the Trial Chamber ("TC") as of 31 July 2009**

<b>Motion</b>	<b>Date Filed</b>	<b>Status</b>
Prosecution's Third Motion for Judicial Notice of Adjudicated Facts	25 January 2008	Pending TC decision
Prosecution's Motion for Admission of Evidence Pursuant to Rule 92 <i>ter</i>	29 February 2008	Pending TC decision
Prosecution's Motion for Admission of Evidence Pursuant to Rule 92 <i>quater</i>	29 February 2008	Pending TC decision
Prosecution's Motion for Admission of Transcripts and Written Statements In Lieu of <i>Viva Voce</i> Testimony Pursuant to Rule 92 <i>bis</i>	29 February 2008	Pending TC decision
Prosecution's Response to Trial Chamber's Invitation to Reduce the Scope of Its Indictment	24 April 2008	Pending TC decision
Prosecution's Fourth Motion for Judicial Notice of Adjudicated Facts	24 April 2008	Pending TC decision
Prosecution's Response to Trial Chamber's Invitation Pursuant to Rule 73 <i>bis</i> (D)	20 May 2008	Pending TC decision
Prosecution Notice and Request Regarding Rule 92 <i>bis</i> , 92 <i>ter</i> , and 92 <i>quater</i> Evidence	18 November 2008	Pending TC decision
Prosecution Amended Notice and Request Regarding Rule 92 <i>bis</i> , 92 <i>ter</i> , and 92 <i>quater</i> Evidence	10 December 2008 (amended request)	
Prosecution's Supplemental Motion for Admission of Evidence Pursuant to Rules 92 <i>bis</i> and 92 <i>ter</i>	28 July 2009	
Prosecution Request and Notice Regarding Application of Adjudicated Facts to Stojan Župljanin	24 February 2009	Pending TC decision
Motion by Radovan Karadžić for Access to Confidential Materials in the <i>Stanišić and Župljanin Case</i>	9 April 2009	Pending TC decision
Prosecution Motion Pursuant to Rule 66(C) ( <i>ex parte and confidential</i> )	8 May 2009	Pending TC decision
The Republic of Serbia's Supplemental Motion for Protective Measures in Relation to Serbia's Confidential Motion from 26 February and Trial Chamber III's Decision from 24 April 2009	18 May 2009	Pending TC decision
Joint Motion by Defence of Mićo Stanišić and Stojan Župljanin Requesting the Trial Chamber to Preclude Prosecution's New Witnesses and New Exhibits	22 June 2009	Pending TC decision (OTP filed its response on 3 July 2009, while the defence filed a reply to the OTP response on 13 July 2009)
Prosecution Motion to Amend the Schedules of the Indictment	17 June 2009	Pending TC decision
Corrigendum to Prosecution Motion to Amend the Schedules of the Indictment	23 June 2009	