



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-02-54-T

Date: 10 February 2005

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Order of: 10 February 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**ORDER CONCERNING THE TIME AVAILABLE
TO PRESENT THE DEFENCE CASE**

Office of the Prosecutor:

Ms. Carla Del Ponte

Mr. Geoffrey Nice

The Accused:

Mr. Slobodan Milošević

Court Assigned Counsel

Mr. Steven Kay

Ms. Gillian Higgins

Amici Curiae:

Prof. Timothy McCormack

THIS TRIAL 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 (“International Tribunal”),

Proprio motu

HAVING issued an “Order Re-Scheduling and Setting the Time Available to Present the Defence Case” on 25 February 2004, in which the Trial Chamber noted that “the Accused should have the same time as the Prosecution had to present his (the Accused[’s]) case in chief”, and set out the following calculation of time available to him:

- (1) The Prosecution spent approximately 360 hours presenting its case in chief, or approximately 90 sitting days, which will be the amount of time for the Accused to present his case in chief;
- (2) However, to that is added two-thirds of that time for cross-examination of Defence witnesses and administrative matters, which amounts to approximately 240 hours, or 60 sitting days; and
- (3) Therefore, the Accused shall have 150 sitting days in which to present his case, which shall be subject to adjustment depending on the time taken in cross-examination and administrative matters[.]

NOTING that the Accused has on numerous occasions complained that the Prosecution had 300 days in which to present its case and he is being unfairly apportioned half of that time for his case,

CONSIDERING that:

1. The Prosecution case was presented over a period of 294 sitting days;
2. Throughout that period, the Prosecution used 360 hours of time, or 90 sitting days of 4 hours, in presentation of its case in chief, excluding opening statements;
3. The Accused, during the presentation of the Prosecution case in chief, used more time in cross-examination than the Prosecution used in presenting its case in chief, and considerably more than the Prosecution has been allocated to cross-examine during the course of the Defence case;

4. On a considerable number of days during the presentation of the Prosecution case, no evidence was heard, the proceedings being adjourned on account of the illness of the Accused;
5. The Accused has been allocated exactly the same amount of time as the Prosecution (360 hours, or 90 sitting days of four hours) to present his case in chief;
6. The Prosecution has been given considerably less time than the Accused to cross-examine, being two-thirds of the time allocated to the Accused to present his case, to include administrative matters (240 hours, or 60 sitting days of four hours),

CONSIDERING that it is appropriate that the time used should be recorded and a statement thereof issued to the parties periodically,

CONSIDERING that, as at the conclusion of court on 24 January 2005, the following time had been used:

- Defence examination-in-chief and re-examination, excluding opening statement: 3465 minutes [57 hours 45 minutes, or 14.44 days]
- Prosecution in cross-examination: 2623 minutes [43 hours 43 minutes, or 10.93 days].
- Administrative matters: 682 minutes [11 hours 22 minutes, or 2.84 days]

CONSIDERING THEREFORE that 28.21 days of effective time has been used during the Defence case, including 57 hours and 45 minutes of the 360 hours allowed the Defence for presentation of its case-in-chief.

CONSIDERING FURTHER that the time taken together by the Prosecution and for administrative matters amounts to 79.38% of the time taken by the Accused in the presentation of his case, significantly more than two-thirds of the time taken by the Accused,

PURSUANT to Rules 54 of the Rules

HEREBY ORDERS that the parties are to file in writing, within seven days, any challenge they wish to make to the time recorded above.

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



Judge Robinson
Presiding

Dated this tenth day of February 2005
At The Hague
The Netherlands

[Seal of the Tribunal]