



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: 23 March 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: 23 March 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

SECOND ORDER RECORDING USE OF TIME IN 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

Amicus 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[.]

HAVING ISSUED an “Order Recording Use of Time Used In The Defence Case” on 1 March 2005 (“First Order”), in which the Trial Chamber noted that 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],

NOTING that in the First Order, the Chamber concluded that in total, 28.21 days of effective time had been used during the Defence case by the end of 24 January 2005, including 57 hours and 45 minutes of the 360 hours allowed the Defence for presentation of its case-in-chief,

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 10 March 2005, the Trial Chamber has been informed by the Registry that the following time has been used:

- Defence examination-in-chief and re-examination, excluding opening statement: 5292 minutes [88 hours 12 minutes, or 22.05 days];
- Prosecution in cross-examination: 3523 minutes [58 hours 43 minutes, or 14.68 days];
- Administrative matters: 1055 minutes [17.58 hours, or 4.4 days];

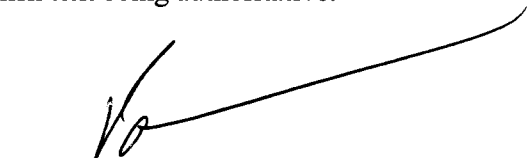
CONSIDERING THEREFORE that 41.13 days of effective time have been used during the Defence case, including 88 hours and 12 minutes of the 360 hours allowed the Defence for presentation of its case-in-chief,

CONSIDERING FURTHER that the time taken by the Prosecution in cross-examination alone amounts to just over two-thirds of the time taken by the Defence in the presentation of its case-in-chief, and that the time taken by the Prosecution and administrative matters together amount to over 86% of the time taken by the Defence in the presentation of its case-in-chief,

PURSUANT to Rule 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 and that, if no challenge is filed in that time, the time recorded above shall be entered as the time used as at the conclusion of court on 10 March 2005.

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



Judge Robinson
Presiding

Dated this twenty-third day of March 2005
At The Hague
The Netherlands

[Seal of the Tribunal]