



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: 1 July 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: 1 July 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

FOURTH 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 a “Third Order on the Use of Time in the Defence Case and Decision on Prosecution’s Further Submissions on the Recording and Use of Time During the Defence Case” on 19 May 2005, in which the Trial Chamber revised the system for the allocation of time used in the Defence case, and ordered, *inter alia*,

1. The 360 hours, or 90 sitting days, allotted to the Accused in the [“Order Re-Scheduling and Setting the Time Available to Present the Defence Case” of 25 February 2004] for the presentation of his case-in-chief, *i.e.* for examination-in-chief and re-examination of Defence witnesses and which includes procedural issues arising directly therefrom, such as discussion of the admissibility of exhibits, remains unchanged.
2. The revised Prosecution allocation is 216 hours or 54 sitting days, being 60 percent of the time allotted to the Accused, for cross-examination of Defence witnesses and procedural issues arising directly therefrom, such as discussion of the admissibility of exhibits.
3. A separate record of time spent on administrative matters shall be kept, but shall not be counted against the time allotted to either Party. Administrative matters are those which do not fall into the category of procedural issues arising from the examination-in-chief, cross-examination or re-examination of Defence witnesses, including discussion of the admissibility of exhibits and other matters as determined by the Trial Chamber.

CONSIDERING that it is appropriate that the total time used to date in the Defence case should continue to be recorded and a statement thereof issued to the parties periodically,

CONSIDERING that, based on the figures provided by the Registry to the Trial Chamber, the following time has been used by each Party as of the conclusion of court on 30 June 2005:

- Defence: 10553 minutes [175 hours 53 minutes, or 43.97 days]
- Prosecution: 6860 minutes [114 hours 20 minutes, or 28.58 days]

CONSIDERING THEREFORE that 72.55 days of effective time have been used during the Defence case, including 175 hours and 53 minutes of the 360 hours allotted to the Defence for presentation of its case-in-chief,

CONSIDERING FURTHER that the time taken by the Prosecution amounts to just over 65% of the time taken by the Defence in the presentation of its case-in-chief,

PURSUANT to Rule 54 of the Rules,

HEREBY ORDERS AS FOLLOWS:

1. 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 30 June 2005; and
2. Future statements of the use of time in the Defence case will be issued to the parties by the Senior Legal Officer, and the parties shall file any challenge they wish to make to such statements within seven days, in the form of a written application to the Chamber; if no challenge is filed in that time, the time recorded in such statements shall be entered as the official record of the time used in the Defence case.

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



Judge Robinson
Presiding

Dated this first day of July 2005
At The Hague
The Netherlands

[Seal of the Tribunal]