



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-04-74-T
Date: 12 July 2006
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel

Registrar: Mr Hans Holthuis

Order of: 12 July 2006

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

**DECISION ON THE IMPLEMENTATION OF
THE DECISION OF 8 MAY 2006 ON TIME ALLOCATED
FOR CROSS-EXAMINATION BY DEFENCE**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Defence Counsel:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Peter Murphey for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić for Milivoj Petković
Ms Dijana Tomašegović-Tomić for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“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 (“Tribunal”);

NOTING the oral decision on time allocated for cross-examination by Defence rendered on 8 May 2006 (“Decision”);

NOTING the “Decision on Defence Request Filed Jointly by the Six Accused for Certification of Interlocutory Appeal Against the Oral Decision of 8 May on Time Allocated for Cross-Examination by Defence” rendered on 29 May 2006 whereby the Chamber authorised the Defence to file an interlocutory appeal;

NOTING the Appeals Chamber “Decision on Joint Defence Interlocutory Appeal Against the Trial Chamber’s Oral Decision of 8 May 2006 Relating to Cross-Examination by Defence and on Association of Defence Counsel’s Request for Leave to File an *Amicus Curiae* Brief” rendered on 4 July 2006 whereby the Appeals Chamber dismissed the Defence interlocutory appeal and request (“Appeals Chamber Decision”);

CONSIDERING that the Chamber first wishes to recall the principles which, pursuant to the Appeals Chamber Decision, must be implemented with flexibility¹: 1) the total time to be allocated for cross-examination by Counsel for the six accused shall not, in principle, exceed the time allocated for the Prosecution’s examination-in-chief; 2) each Counsel, in principle, shall have one-sixth of the time allocated for the examination-in-chief; 3) Counsel may agree among themselves on a different allocation of time for their respective cross-examinations provided that the total time allocated for all the cross-examinations does not exceed the time allocated for the Prosecution’s examination-in-chief; and 4) if one or several accused are directly concerned by the testimony of a witness – because the testimony relates to the responsibility of the accused – the Chamber may allocate the accused additional time for cross-examination at the request of the Defence;

CONSIDERING that, in order to ensure a proper administration of justice and facilitate the organisation of witness examination, at the beginning of each month (and

¹ Appeals Chamber Decision, p. 4.

not every two weeks as initially determined in the “Revised Version of the Decision Adopting Guidelines on Conduct of Trial Proceedings” rendered on 28 April 2006) the Prosecution shall submit to the Chamber and the Defence a schedule of witnesses it intends to call in that month and indicate the time to be allocated for the examination of each witness;

CONSIDERING that, in accordance with the above-mentioned principles, upon receipt of the schedule, the Chamber shall estimate the time to be allocated for cross-examination by the Defence and shall inform the Parties accordingly as soon as possible;

CONSIDERING that, for the purpose of such estimation, the Chamber shall first take into account the expected duration of the Prosecution’s examinations;

CONSIDERING that, in order to establish to what extent one or several accused are directly concerned by the hearing of witnesses, the Chamber shall examine the preliminary witness statements and summaries submitted to the pre-trial Judge pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“Rules”) during the pre-trial phase;

CONSIDERING that the Chamber shall also take into account the chart to be submitted by the Prosecution by 4 September 2006 pursuant to the “Order on Guidelines for Drawing Up the List of Witnesses and Exhibits” rendered on 30 November 2005 and reiterated on 28 April 2006;

CONSIDERING that the estimated allocation of time for cross-examinations may exceptionally be revised by the Chamber in light of the hearing of witnesses;

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 90(F) of the Rules,

ORDERS the Prosecution to submit every month to the Chamber and the Defence a schedule of the witnesses it intends to call during that month and to indicate the time to be allocated for the examination of each witness;

INVITES the Prosecution and the Defence to take due note of the above-mentioned method in estimating the time to be allocated for cross-examinations.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twelfth day of July 2006
At The Hague
The Netherlands

[Seal of the Tribunal]