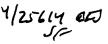
I'-04-74-5 DY-1/25LIY OA 18 July 2006

Case No.:

Original:

Date:



IT-04-74-T

12 July 2006

**ENGLISH** 

French

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**Before:** 

**Registrar:** 

**Order of:** 

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

Judge Jean-Claude Antonetti

Judge Árpád Prandler Judge Stefan Trechsel

**Mr Hans Holthuis** 

12 July 2006

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

THE PROSECUTOR

v.

**IN TRIAL CHAMBER III** 

## 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

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12 July 2006

**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 flexibility<sup>1</sup>: 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 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

<sup>&</sup>lt;sup>1</sup> 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;

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**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]