



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: 31 January 2011
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr John Hocking

Decision of: 31 January 2011

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON PRLIĆ DEFENCE MOTION FOR ADDITIONAL TIME FOR
CLOSING ARGUMENTS**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A. A. Khan for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Zoran Ivanišević for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec 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”),

SEIZED of “Jadranko Prlić’s Motion for Additional Time for Closing Arguments”, filed as a public document by Counsel for the Accused Jadranko Prlić (“Prlić Defence”) on 26 January 2011, in which the Prlić Defence respectfully asks the Chamber to grant it three additional hours – eight hours in total – for the presentation of its closing arguments (“Motion”),¹

NOTING the “Prosecution Response to Jadranko Prlić’s Request for Admission of Exhibit 1D00526 & Motion for Additional Time for Closing Arguments”, filed as a public document by the Office of the Prosecutor (“Prosecution”) on 28 January 2011, in which the Prosecution objects to the Motion and respectfully asks the Chamber, in the event that it grants the Motion, to grant it equal additional time for the presentation of its closing arguments (“Prosecution Response”),²

NOTING the “Ćorić Defence Response to Jadranko Prlić’s Motion for Additional Time for Closing Arguments”, filed as a public document by Counsel for the Accused Valentin Ćorić (“Ćorić Defence”) on 28 January 2011, in which the Ćorić Defence respectfully asks the Chamber, in the event that it grants the Motion, to also grant it eight hours for the presentation of its closing arguments (“Ćorić Defence Response”),³

NOTING the “Petković Defence Response to Jadranko Prlić’s Motion for Additional Time for Closing Arguments”, filed as a public document by Counsel for the Accused Milivoj Petković (“Petković Defence”) on 28 January 2011, in which the Petković Defence respectfully asks the Chamber, in the event that it grants the Motion, to also grant it eight hours for the presentation of its closing arguments (“Petković Defence Response”),⁴

NOTING “Bruno Stojić’s Response to Jadranko Prlić’s Motion for Additional Time for Closing Arguments Dated 25 January 2011”, filed as a public document by

¹ Motion, pp. 1 and 3.

² Prosecution Response, paras 1, 3 and 4.

³ Ćorić Defence Response, para. 3.

⁴ Petković Defence Response, para. 6.

Counsel for the Accused Bruno Stojić (“Stojić Defence”) on 28 January 2011, in which the Stojić Defence respectfully asks the Chamber, in the event that it grants the Motion, to also grant it eight hours for the presentation of its closing arguments (“Stojić Defence Response”),⁵

NOTING “Slobodan Praljak’s Response to Jadranko Prlić’s Motion for Additional Time for Closing Arguments”, filed as a public document by Counsel for the Accused Slobodan Praljak (“Praljak Defence”) on 28 January 2011, in which the Praljak Defence respectfully asks the Chamber, in the event that it grants the Motion, to grant it equal time for the presentation of its closing arguments (“Praljak Defence Response”),⁶

NOTING the “Scheduling Order (Final Briefs, Closing Arguments for the Prosecution and the Defence)” rendered as a public document by the Chamber on 1 November 2010 (“Order of 1 November 2010”), in which the Chamber ordered, on the one hand that the Prosecution’s final brief not exceed 300 pages and that those of each of the Defence teams not exceed 200 pages, and on the other, granted 15 hours to the Prosecution to present its closing arguments and four hours to each of the Defence teams for their closing arguments,⁷

NOTING the “Amended Scheduling Order (Final Trial Briefs, Closing Arguments for the Prosecution and the Defence)”, rendered as a public document by the Chamber on 22 November 2010 (“Order of 22 November 2010”), in which the Chamber amended the Order of 1 November 2010 and increased the page number granted to the Prosecution for its final trial brief – 400 pages – and deemed it necessary, therefore, to grant additional time to the Defence teams for their closing arguments, namely five hours instead of four,⁸

NOTING the “Second Amended Scheduling Order (Final Briefs, Closing Arguments for the Prosecution and the Defence)”, rendered as a public document by the Chamber on 6 December 2010 (“Order of 6 December 2010”) and the “Third Amended Scheduling Order (Final Briefs, Closing Arguments for the Prosecution and the Defence)”, rendered as a public document by the Chamber on 4 January 2011 (“Order

⁵ Stojić Defence Response, p. 4.

⁶ Praljak Defence Response, para. 2.

⁷ Order of 1 November 2010, p. 8.

of 4 January 2011”), in which the Chamber upheld its previous orders with regard to the number of hours granted to the parties for the presentation of their closing arguments,⁹

CONSIDERING that in support of its Motion, the Prlić Defence argues that it needs additional time for its closing arguments on the ground that it must address more subjects than the other Defence Teams¹⁰ insofar as: (1) the Prlić Defence put forth the most comprehensive case in terms of the number of its witnesses and that the five hours allocated by the Chamber for its closing arguments are inadequate;¹¹ (2) the terminology used in the Prosecution’s final trial brief and the space devoted to the Accused Prlić present the latter as the primary responsible individual for the crimes alleged in the Amended Indictment of 11 June 2008 and put him at the apex of the alleged joint criminal enterprise¹² and finally (3) the Prlić Defence must respond not only to the Prosecution’s final trial brief, but also to the final trial briefs of the other Defence Teams,¹³

CONSIDERING that in the Prosecution’s Response, the Prosecution objected to the Motion on the ground that: (1) all the Defence teams must respond to all the final trial briefs and that the Prlić Defence failed to prove how its case stands out from the rest and required more time than the other Defence Teams, and (2) as a whole, the Defence Teams have twice as much time as the Prosecution,¹⁴

CONSIDERING that, alternatively, and in the event the Chamber grants the Motion, the Prosecution respectfully asks the Chamber to grant it equal additional time for the presentation of its closing arguments,¹⁵

CONSIDERING that the Chamber notes that the Stojić, Praljak, Petković and Ćorić Defence teams have no objections to the Motion but respectfully ask the Chamber, in the event that it grants the Motion, to grant them equal time to present their closing arguments,

⁸ Order of 22 November 2010, pp. 9-11.

⁹ Order of 6 December 2011, p. 8 and Order of 4 January 2011, p. 5.

¹⁰ Motion, p. 1.

¹¹ Motion, para. 1.

¹² Motion, para. 2.

¹³ Motion, para. 3.

¹⁴ Prosecution Response, paras 1 and 3.

¹⁵ Prosecution Response, para. 4.

CONSIDERING that the Chamber recalls to the Prlić Defence that it duly took into consideration the complexity and size of the case, the number of Accused, the number of witnesses heard by the Chamber and the number of exhibits admitted into evidence when determining the length of the final trial briefs and the respective time granted to the Prosecution for its closing arguments and to each of the Defence Teams for their closing arguments,¹⁶

CONSIDERING that the Chamber recalls to the Prlić Defence, *in sus*, that by way of the Order of 22 November 2010 it also dealt with the consequences of the increase in size of the Prosecution's final trial brief by granting an additional hour to each of the Defence teams for their closing arguments,¹⁷

CONSIDERING that the Chamber notes that none of the arguments put forth by the Prlić Defence in support of its Motion constitute an argument that was not taken into consideration by the Chamber when determining the appropriate number of hours to be granted to the Prlić Defence for its closing arguments,

CONSIDERING that, at this stage in the proceedings, the Prlić Defence cannot reasonably submit that the content of the Prosecution's final trial brief and the space devoted to the Accused Prlić in it are of such a new nature that five hours would no longer suffice to present its closing arguments,

CONSIDERING that the Chamber decides, therefore, to deny the Motion and to uphold the dispositions of the Order of 22 November 2010, recalled by the Order of 6 December 2010¹⁸ and the Order of 4 January 2011,¹⁹ wherein the time granted to the Prlić Defence for the presentation of its closing arguments is set at five hours,

CONSIDERING, consequently, that the alternative motions for additional time filed by the Stojić, Praljak, Petković and Ćorić Defence teams and by the Prosecution in their respective responses in the event that the Chamber grants the Motion are moot,

¹⁶ Order of 1 November 2010, pp. 6 and 7.

¹⁷ Order of 22 November 2010, pp. 9 and 10.

¹⁸ Order of 6 December 2010, p. 8.

¹⁹ Order of 4 January 2011, p. 5.

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54, 86 and 126 *bis* of the Rules of Procedure and Evidence,

DENIES the Motion,

DECLARES AS MOOT the motions for additional time filed by the Prosecution and the Stojić, Praljak, Petković and Čorić Defence teams in the event that the Chamber grants the Motion,

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this thirty-first day of January 2011
At The Hague
The Netherlands

[Seal of the Tribunal]