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l'ex-Yougoslavie



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CHAMBERS

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JUDGES IN MILOŠEVIĆ CASE DECIDE ON FUTURE SHAPE OF TRIAL

- Kosovo indictment will not be severed
- Milošević's application for extension of time to present his case is denied
- Brief period of rest granted; trial adjourned to 23 January 2006

The judges in the trial of Slobodan Milošević today issued a decision on the possibility of severing the Kosovo indictment and concluding that part of the trial; the accused's application for an extension of time to present his case; and his application for a period of rest.

Regarding the issues of extension of time and severance of the Kosovo indictment, Judges Robinson (presiding), Kwon and Bonomy noted that Milošević had already used 75.35% of the time allotted to him. They stated that in that time *"...he has led almost entirely Kosovo-related evidence. The Trial Chamber has repeatedly had cause to warn the Accused not to waste time and that he needed to use the time available to address evidence in relation to all three indictments. It has also repeatedly counselled and warned the Accused that he should make use of the facility of written testimony, pursuant to Rules 89(F) and 92bis, to enable him to lead a reasonable amount of evidence in the time allocated to him."*

The judges concluded that Milošević, *"...has deliberately used the time available to him so that at the end of that time he would have led little or virtually no evidence on the Croatia and Bosnia parts of the case, thus seeking to provide a foundation for a request for additional time."* The judges added that *"...the Accused has failed to take a reasonable approach to the presentation of his case."*

The judges further noted that, *"...the conclusion of the Accused's allotted time will take the trial well into March 2006. Once rebuttal and rejoinder cases are heard and concluding arguments made, it is likely the trial hearings would still not conclude until the middle of 2006. Judgement drafting will occupy a further substantial period. The Trial Chamber's fundamental obligation is to bring this trial to a fair and expeditious conclusion."*

The judges again urged Milošević to begin dealing with the Bosnia and Croatia indictments and stressed that they will *"...not allow the Accused any additional time, other than that to deal with minor adjustments to its initial calculation, and the Accused's application for additional time is denied. He is strenuously urged to move on to deal with his case on the Croatia and Bosnia indictments forthwith. The position might have been different had the Accused shown a willingness to act reasonably in the presentation of his case. Should there be a clear indication in the future that he makes proper and efficient use of time the Chamber might reconsider the position."*

The judges made a clear link between this decision and the question of severance. They did not consider it appropriate to sever the Kosovo indictment indicating that, *"In light of the foregoing decision, which would lead to the conclusion of the trial within the anticipated time scale, the Trial Chamber does not consider it appropriate to sever the Kosovo indictment."*

Internet address: <http://www.un.org/icty>

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In their decision to grant Milošević a period of rest for six weeks, the judges considered the advice of the medical specialists treating him. In his report, the treating cardiologist, Dr. van Dijkman, "...confirmed his advice that the Accused be given sufficient periods of rest, and explained that the weekly four-day rest period built into the trial sitting regime should be sufficient if used appropriately by the Accused for resting. He also noted the upcoming Christmas recess which, in the Trial Chamber's view, will allow a significant period of rest." The judges stated that it was important that the accused did indeed use this time to rest.

Since its inception in 1993, the Tribunal has charged 161 persons for war crimes committed in the former Yugoslavia. To date, proceedings against 88 persons have concluded. Six indicted persons remain at large.

*The decision can be found on the Tribunal's website at
<http://www.un.org/icty/milosevic/trialc/decision-e/051212.htm>.
Courtroom proceedings can be followed on the Tribunal's website.*