

**UNITED  
NATIONS**



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-04-75-T  
Date: 15 November 2012  
Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge Guy Delvoie, Presiding  
Judge Burton Hall  
Judge Antoine Kesia-Mbe Mindua

**Registrar:** Mr. John Hocking

**Decision:** 15 November 2012

**PROSECUTOR**

v.

**GORAN HADŽIĆ**

**PUBLIC**

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**DECISION ON DEFENCE REQUEST FOR ADDITIONAL CROSS-  
EXAMINATION TIME FOR WITNESSES GH-021, GH-093, AND GH-067**

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**The Office of the Prosecutor:**

Mr. Douglas Stringer

**Counsel for Goran Hadžić:**

Mr. Zoran Živanović  
Mr. Christopher Gosnell

1. **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 (“Tribunal”) is seised of the Defence “Request to Extend Time for Cross-Examination for Witnesses GH-021, GH-093, and GH-067”, filed confidentially on 14 November 2012 (“Motion”). On 14 November 2012, the Prosecution filed confidentially its “Prosecution Response to Defence Request to Extend Time for Cross-Examination for Witnesses GH-021, GH-093, and GH-067” (“Response”).

2. In the Motion, the Defence requests additional time to conduct the cross-examination of GH-021 (one hour additional), GH-093 (two hours additional), and GH-067 (30 minutes additional), arguing that the breadth of the witnesses’ evidence, the lack of prior cross-examination, the uncertainty of whether the witnesses will meet with the Defence prior to their evidence, inconsistencies in the witnesses’ statements and the evidence of other witnesses, the importance of the evidence, and the age of the statements are all reasons that support additional time.<sup>1</sup>

3. The Prosecution opposes the Motion, acknowledging the accused’s right to fully cross-examine witnesses, but arguing that the requests for additional time for these three witnesses is excessive.<sup>2</sup> The Prosecution reduces the time it intends to take for the examination-in-chief of GH-021, does not oppose extending the time for cross-examination of GH-093 to 90 minutes (300% of the time for direct examination), and argues that the default time for the cross-examination of GH-067 is sufficient.<sup>3</sup>

4. GH-021 is now scheduled for 30 minutes of examination-in-chief, and therefore the default cross-examination time, under the Guidelines for Procedure for Conduct of Trial,<sup>4</sup> is one hour. The Trial Chamber finds that one hour is sufficient in order for the Defence to exercise its right to examine, or have examined, this witness under Article 21(4)(e) of the Statute of the Tribunal. If the witness testifies for longer (as the Prosecution indicates is a possibility), then the new default cross-examination time shall apply.

5. GH-093 is scheduled for 30 minutes of examination-in-chief, and therefore the default cross-examination time is one hour. The Trial Chamber does not find that the two additional hours requested by the Defence are necessary. Based upon the agreement of the Prosecution, the Defence may cross-examine GH-093 for 1.5 hours.

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<sup>1</sup> Motion, paras 3-5.

<sup>2</sup> Response, para. 1.

<sup>3</sup> Response, paras 2-4.

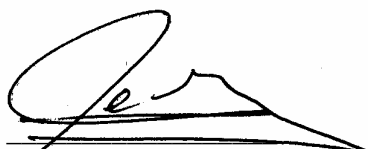
<sup>4</sup> Order on Guidelines for Procedure for Conduct of Trial, Annex, paras 20-21.

6. GH-067 is scheduled for 30 minutes of examination-in-chief, and therefore the default cross-examination time is one hour. The Trial Chamber does not find that the additional 30 minutes requested by the Defence are necessary and considers one hour to be sufficient.

7. Accordingly, the Trial Chamber hereby **GRANTS** in part the Motion in relation to GH-093 and **DENIES** the remainder of the Motion.

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

Done this fifteenth day of November 2012,  
At The Hague,  
The Netherlands.



Judge Guy Delvoic  
Presiding

[Seal of the Tribunal]