



International Tribunal for the Prosecution of  
Persons Responsible for Serious Violations of  
International Humanitarian Law Committed in  
the Territory of Former Yugoslavia since 1991

Case No. IT-04-81-PT

Date: 27 June 2008

Original: English

**IN TRIAL CHAMBER I**

**Before:**

**Judge Alphons Orie, Presiding Judge  
Judge Christine Van den Wyngaert  
Judge Bakone Justice Moloto**

**Registrar:**

**Mr. Hans Holthuis**

**Decision of:**

**27 June 2008**

**PROSECUTOR**

**v.**

**MOMČILO PERIŠIĆ**

***PUBLIC***

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**RULING IN RELATION TO REPORT ON REDUCTION  
OF LENGTH OF PROSECUTION CASE**

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**The Office of the Prosecutor**

Mr. Mark Harmon

**Counsel for the Accused**

Mr. James Castle  
Mr. Novak Lukić

**TRIAL CHAMBER I** (“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”);

**NOTING** that in the Status Conference of 6 May 2008, the Pre-Trial Judge invited the Prosecution to present its case within nine months, allowing 540 hours for the Prosecution phase, divided in 220 hours for direct examination, 220 for cross-examination and 100 hours for re-examination;<sup>1</sup>

**NOTING** the “Report on Reduction of Length of the Prosecution Case with Confidential Annex A”, filed on 23 May 2008 (“Report”), wherein the Prosecution reports to the Trial Chamber that it has revised its case by reducing the number of hours proposed for examination-in-chief of witnesses of witnesses to be called by the Prosecution from 907 to 480, which corresponds to a reduction of the length of the Prosecution phase of trial by 47%;<sup>2</sup>

**NOTING** the Revised Witness List attached to the Report;

**NOTING** that the Prosecution submits that a reduction of its case beyond that set out in the Revised Witness List would not further the objective of a fair and expeditious trial and that the Prosecution has made several good faith attempts to streamline the case to date;<sup>3</sup>

**NOTING** further that the Revised Witness List makes extensive use of Rule 92ter of the Tribunal’s Rules of Procedure and Evidence (“Rules”), and that the Prosecution submits that “time estimates would need to be revised should the Trial Chamber disagree with the Prosecution’s proposed use of Rule 92ter”;<sup>4</sup>

**ACKNOWLEDGING** the efforts made by the Prosecution to streamline its case;

**NOTING**, however, that the current Prosecution estimate of the length of its case would project to an unacceptable overall length of trial of approximately three years;

**ACCEPTING** the proposed use of Rule 92ter witnesses in the Revised Witness List, nonetheless reminding the Prosecution to provide a timely submission of the Rule 92ter material to the Defence and the Chamber in advance of the appearance of each witness to allow sufficient time for preparation;

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<sup>1</sup> Status Conference, 6 May 2008, T. 162.

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

<sup>3</sup> Report, para. 3. Subsequently, the Prosecution has informed the senior legal officer of the Trial Chamber that further reductions are possible and that efforts are underway to identify such reductions.

<sup>4</sup> Report, para. 10.

**EMPHASISING**, however, that pursuant to Rule 73*bis* of the Rules, the number of witnesses the Prosecution may call, as well as the time available to the Prosecution for presenting evidence will be subject to final determination by the Trial Chamber after having heard the Prosecution at the Pre-Trial Conference;

**PURSUANT** to Rule 54 of the Rules,

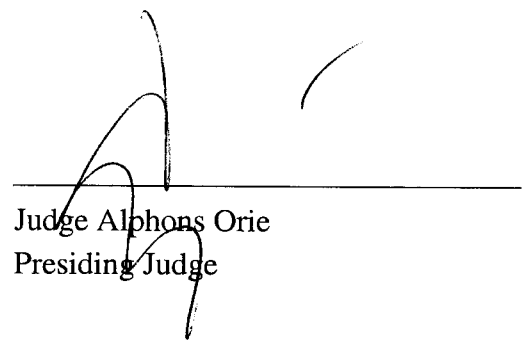
**ACCEPTS** the Report,

**ENJOINS** the Prosecution to continue to identify means of reducing the length of its case,

**DEFERS** its final determination in respect of the number of witnesses and the time available to the Prosecution until the Pre-Trial Conference, and

**INVITES** the Prosecution to clarify the status of its 92*ter* Motion of 1 May 2007 in light of the present Ruling.

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



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Judge Alphons Orie  
Presiding Judge

Dated this twenty-seventh day of June 2008

At The Hague

The Netherlands

**[Seal of the Tribunal]**