



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: 22 August 2007
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 Hans Holthuis

Decision of: 22 August 2007

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ČORIĆ
Berislav PUŠIĆ**

PUBLIC

**DECISION ALLOCATING ADDITIONAL TIME FOR COMPLETION OF
CASE-IN-CHIEF**

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 Peter Murphy for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Čorić
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 the partially confidential “Prosecution motion for additional time for completion of its case-in-chief,” filed by the Office of the Prosecutor (“Prosecution”) on 12 July 2007 (“Motion”), by which the Prosecution requests of the Chamber an additional 23 hours of time to complete its case-in-chief and to which a confidential annex has been attached,

NOTING the “Decision on adoption of new measures to bring the trial to an end within a reasonable time,” rendered by the Chamber on 13 November 2006¹, in which it decided *inter alia* to reduce the time allocated to the Prosecution for completion of its case-in-chief by 107 hours,

NOTING the “Decision on Prosecution appeal concerning the Trial Chamber’s ruling reducing time for the Prosecution case,” rendered by the Appeals Chamber of the Tribunal (“Appeals Chamber”) on 6 February 2007,² in which it asked the Chamber to examine the Decision of 13 November 2006 to assess whether the reduction of time allocated for the Prosecution case allowed the Prosecution a fair opportunity to present its case in light of the complexity and the number of issues that remain,

NOTING the “Decision following the Appeals Chamber decision of 6 February 2007 concerning appeal against reducing time for the prosecution case” rendered by the Chamber on 1 March 2007,³ in which it upholds the Decision of 13 November 2006,

NOTING the “Decision on Prosecution Appeal following Trial Chamber’s decision on remand and further certification,” rendered by the Appeals Chamber on 11 May 2007,⁴ in which the Appeals Chamber denied the appeal against the Decision of 13 November 2006,

CONSIDERING that in support of the Motion, the Prosecution maintains that in the months following the Decision of 13 November 2006, it took all reasonable steps to streamline and present its case as effectively as possible within the time imposed by the Chamber,

CONSIDERING that the Prosecution submits that it has substantially reduced the amount of evidence it originally intended to produce and has requested the admission of an increased amount of evidence pursuant to Rules 92 *bis* and 92 *ter* of the Rules of Procedure and Evidence (“Rules”), which it originally intended to present *viva voce*,

¹ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Decision on adoption of new measures to bring the trial to an end within a reasonable time, 13 November 2006 (“Decision of 13 November 2006”).

² *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-AR73.4, Decision on Prosecution appeal concerning the Trial Chamber’s ruling reducing time for the Prosecution case, 6 February 2007.

³ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Decision following the Appeals Chamber decision of 6 February 2007 concerning appeal against reducing time for the prosecution case, 1 March 2007 (“Decision of 1 March 2007”).

⁴ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-AR73.4, Decision on Prosecution appeal following Trial Chamber’s Decision on Remand and further certification, 11 May 2007 (“Appeals Chamber Decision of 11 May 2007”).

CONSIDERING the Prosecution's argument that it has restricted the presentation of Prosecution evidence to an absolute minimum by presenting only that which is strictly needed to prove the crimes and individual criminal responsibility of the Accused as charged in the amended indictment,

CONSIDERING that the Prosecution confidentially filed an amended list of witnesses it still intends to call to court, that it asserts that it carried out an estimation of the total time needed to present its witnesses, the result of which was that it would need a total of 77 hours, exceeding its remaining time by 23 hours.

CONSIDERING that Counsel for the Defence ("Defence") have not filed a response to the Motion,

CONSIDERING, however, that the Parties discussed the time required for the Prosecution case during a conference held on 9 July 2007 pursuant to Rule 65 *ter* of the Rules and that the Defence indicated that it did not oppose the Prosecution motion requesting additional time for its case,⁵

CONSIDERING that in its Decision of 13 November 2006, the Chamber allocated 293 hours for completion of case-in-chief,

CONSIDERING that, according to the most recent calculation made by the Registrar on 9 August 2007,⁶ the Prosecution has used 238 hours and 59 minutes and, as of this date, it therefore still has 54 hours and one minute to present its case,

CONSIDERING that, from the confidential list of witnesses annexed to the Motion, it appears that the Prosecution will need 77 hours to finish its case,

CONSIDERING that the Chamber has already announced that it reserved the right to review the time allocated to the Prosecution to present its case and that the Prosecution might request additional time if necessary,⁷

CONSIDERING that, based on the reasons given by the Prosecution in the Motion, the Chamber holds the view that it is in the interests of justice to allocate to it an additional period of time of 23 hours,

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 73 bis (F) of the Rules,

GRANTS the Motion, and

DECIDES to grant to the Prosecution 23 more hours to complete its case-in-chief.

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

⁵ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-AR73.4, p. 442 in the French transcript.

⁶ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Internal memorandum regarding time monitoring, period ending 9 August 2007, 9 August 2007.

⁷ Decision of 13 November 2006, para. 23, and Decision of 1 March 2007, p. 5; cf. also the Decision of the Appeals Chamber of 11 May 2007, para. 36.

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twenty-second day of August 2007
At The Hague
The Netherlands

[Seal of the Tribunal]