



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: 18 April 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr Hans Holthuis

Decision of: 18 April 2008

THE PROSECUTOR

v.

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

PUBLIC

**DECISION AMENDING AGENDA FOR PRE-DEFENCE CONFERENCE
OF 21 APRIL 2008**

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 Nicholas Stewart 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”),

PROPRIO MOTU

NOTING the “Decision on Motion for Extension of Time for the Commencement of the Defence Case and Adopting a New Schedule”, rendered on 28 January 2008 (“Decision of 28 January 2008”), in which the Chamber decided, *inter alia*, to hold a pre-defence conference pursuant to Rule 73 *ter* of the Rules of Procedure and Evidence (“Rules”), (“73 *ter* Conference”),

NOTING the lists of witnesses and exhibits filed confidentially or partially confidentially by each of the Defence counsels (“Defence”) pursuant to Rule 65 *ter* (G) of the Rules (“65 *ter* Lists”) on 31 March 2008,

NOTING the “Order to Provide Additional Information Regarding the 65 *ter* Lists”, issued on 9 April 2008, in which the Chamber asked the Defence to provide additional information on envisaged common and expert witnesses,

NOTING the additional information regarding the 65 *ter* lists and the *corrigenda* thereof, filed confidentially by the Defence on 14, 15 and 16 April 2008,

NOTING the “Decision on Agenda for Pre-Defence Conference of 21 April 2008” rendered on 14 April 2008,

NOTING the “Prosecution Submission Concerning Pre-Defence Hearing Scheduled for 21 April 2008” filed confidentially on 16 April 2008, in which it asked the Chamber to place several issues on the agenda of the 73 *ter* Conference,

CONSIDERING that the Chamber must, before resumption of the trial foreseen for 5 May 2008, decide on how the presentation of the Defence case is to be organised and, in particular, on time to be allotted to the Defence teams,

CONSIDERING that the Chamber intends to allot requisite time to each Defence team so that it can present its case, and that the Chamber still wishes to hear from the parties on this subject during the *73 ter* Conference,

CONSIDERING that the Chamber has subjected the *65 ter* Lists to a thorough examination, taking due account of time estimates for each Defence witness, the relevance of the testimony with regard to the summaries provided in the *65 ter* Lists with respect to the amended Indictment, and the possibility of a better use of *92 bis* and *92 ter* procedures which would help save time at trial,

CONSIDERING, in addition, that the Chamber has also taken account of the wishes of some of the Accused to appear as witnesses in their own defence, as noted at a meeting held on 17 March 2008¹ pursuant to Rule *65 ter* and as evinced by the *65 ter* Lists,

CONSIDERING, consequently, that the Chamber intends to grant 80 hours to the Defence for the Accused Prlić, 54 hours to the Defence for the Accused Stojić, 50 hours to the Defence for the Accused Praljak, 50 hours to the Defence for the Accused Petković, 45 hours to the Defence for the Accused Ćorić, and 22.5 hours to the Defence for the Accused Pušić, being a total of 301.5 hours for the presentation of the Defence case,

CONSIDERING that the Chamber wishes to hear from the parties before rendering its decision in this regard and will ask each of the parties to present its arguments within a maximum period of ten minutes each,

CONSIDERING that the parties should be heard on a number of issues to be settled, as indicated in the annex to this decision,

CONSIDERING, consequently, that the Chamber decides to amend its previously-rendered decision on the agenda,

¹ French transcript (T(F)), pp. 27239-27348.

FOR THESE REASONS,

IN ACCORDANCE with Rules 54 and 73 *ter* of the Rules,

ADOPTS the agenda attached in the annex to this decision.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this eighteenth day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX

Modified Agenda for the 73 *ter* Conference of 21 April 2008

14:15-19:00, Courtroom III

1. Pending motions: protective measures for witnesses;
2. Pending translations of the documents filed by the Defence teams on the 65 *ter* Lists: status report and deadlines set by the Defence for receiving translations;
3. Inconsistencies in the 65 *ter* Lists noted by the Prosecution in its submission of 16 April 2008;
4. Order of presentation of the defence case by the Defence teams and order of examination of witnesses by the parties;
5. Expert witnesses and possibly common witnesses: when and in which order they will appear;
6. Appearance of the Accused as witnesses in their own defence;
7. Opening statements (Rule 84) and statements of the Accused (Rule 84 *bis*);
8. The deadline for submitting the witness schedule and the list of exhibits that a party wishes to present to a witness at the hearing;
9. Reiteration of the obligation to disclose witness statements pursuant to Rule 67 (A) of the Rules;
10. Observations of the parties on the time the Chamber intends to allocate to the presentation of the defence case;
11. Miscellaneous.