



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: 2 October 2008
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: 2 October 2008

THE PROSECUTOR

v.

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

PUBLIC

DECISION MODIFYING GUIDELINE 4 RELATED TO TRIAL SCHEDULING

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”),

SEIZED of the “Prosecution Motion Requesting Modification of Guideline 4 on the Advance Disclosure of the Defence Witness Calendar”, filed by the Office of the Prosecutor (“Prosecution”) on 3 September 2008 (“Motion”), in which the Prosecution requests the Chamber to modify Guideline 4 as adopted by the Decision Adopting Guidelines for the Presentation of Defence Evidence, rendered by the Chamber on 24 April 2008 (“Decision of 24 April 2008”),

CONSIDERING that the other parties did not file a response to the Motion,

CONSIDERING that in accordance with Guideline 4, the party presenting its case must submit to the Chamber and the other parties the schedule of witnesses it intends to call for one month, 15 days before the first day of the month to which the schedule refers,

CONSIDERING that in the Motion, the Prosecution requests that the 15-day rule be replaced by another one providing for the disclosure of each witness schedule 30 days in advance of their testimony,¹

CONSIDERING that the arguments put forth by the Prosecution in the Motion indeed justify a modification of the 15-day rule² and that the other parties raised no objection to this,

CONSIDERING that as a result, the Chamber now wishes to modify Guideline 4,

¹ Motion, para. 2.

² Motion, paras. 3-9

FOR THESE REASONS,

IN ACCORDANCE WITH Rules 89 and 90 of the Rules of Procedure and Evidence,

GRANTS the Motion,

MODIFIES Guideline 4 and replaces paragraph 11 of the Decision of 24 April 2008 with the following:

“11. In order to facilitate arrangements for the examination of witnesses, the party presenting its case shall submit to the Chamber and the other parties a schedule of the witnesses it intends to call for one month. The party shall specify the duration of the examination of each witness. When establishing this schedule, the party shall take into account the time necessary for the cross-examination of the witnesses, in accordance with the principles set out in paragraphs 14 and 15 below. This schedule must be filed 30 days before the testimony of the first witness for the month to which the schedule refers.”

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this second day of October 2008
At The Hague
The Netherlands

[Seal of the Tribunal]