



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-95-5/18-T

Date: 5 October 2012

Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge O-Gon Kwon, Presiding Judge  
Judge Howard Morrison  
Judge Melville Baird  
Judge Flavia Lattanzi, Reserve Judge

**Registrar:** Mr. John Hocking

**Decision of:** 5 October 2012

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

*PUBLIC*

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**DECISION ON APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON  
TIME FOR DEFENCE CASE**

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**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Accused**

Mr. Radovan Karadžić

**Standby Counsel**

Mr. Richard Harvey

**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”);

**BEING SEISED** of the “Application for Certification to Appeal Decision on Time for Defence Case” filed by the Accused on 24 September 2012 (“Application”);

**NOTING** that the Accused requests certification for leave to appeal the Chamber’s “Decision on Time Allocated to the Accused for the Presentation of his Case” issued on 19 September 2012 (“Decision”) pursuant to Rule 73(B) of the Tribunal’s Rules of Procedure and Evidence (“Rules”);<sup>1</sup>

**NOTING** that in the Decision the Chamber granted the Accused 300 hours to present his case;<sup>2</sup>

**NOTING** that the Accused contends that the issue of adequate time for the presentation of his defence case would significantly affect the fairness and expeditiousness of the trial and its outcome as this issue affects his “ability to present evidence of his innocence and to rebut the prosecution’s evidence of his guilt”;<sup>3</sup>

**NOTING** further the Accused’s submission that an immediate resolution of the issue by the Appeals Chambers will materially advance the proceedings, since, if the Appeals Chamber quashes the Decision, “the error can be corrected before a final judgement is rendered, thus avoiding a retrial or protracted proceedings on appeal if additional evidence has to be heard”;<sup>4</sup>

**NOTING** the “Prosecution’s Response to the Accused’s Application for Certification to Appeal Decision on Time for Defence Case” filed on 3 October 2012 (“Response”), in which the Prosecution opposes the Application and submits that the Accused has failed to establish any concrete basis for his submission that the test for certification is met;<sup>5</sup>

**CONSIDERING** that decisions on motions other than preliminary motions challenging jurisdiction are without interlocutory appeal save with certification by the Chamber,<sup>6</sup> and that the Chamber may grant certification to appeal if the said decision “involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial,

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<sup>1</sup> Application, para. 1.

<sup>2</sup> Decision, paras. 12, 14.

<sup>3</sup> Application, para. 5.

<sup>4</sup> Application, para. 6.

<sup>5</sup> Response, paras. 1, 11.

<sup>6</sup> Rules 72(B) and 73(C) of the Rules.

and for which, in the opinion of the Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings”;<sup>7</sup>

**CONSIDERING** that the issue of the 300 hours granted to the Accused for the presentation of his case would significantly affect the fair and expeditious conduct of the proceedings in this case, as it pertains to the necessity for the Accused to present his case within a set amount of time and to organise his case accordingly;

**CONSIDERING** further that an immediate resolution by the Appeals Chamber may materially advance the proceedings as it may have an impact on the evidence that is to be presented during the defence case and is therefore in the interests of judicial economy;

**PURSUANT TO** Rule 73(B) of the Rules

**HEREBY GRANTS** the Application.

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



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Judge O-Gon Kwon  
Presiding

Dated this fifth day of October 2012  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>7</sup> Rule 73(B) of the Rules.