



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-08-91-T  
Date: 8 June 2010  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Burton Hall, Presiding  
Judge Guy Delvoie  
Judge Frederik Harhoff

**Registrar:** Mr. John Hocking

**Decision of:** 8 June 2010

**PROSECUTOR**

**v.**

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION PARTIALLY GRANTING PROSECUTION'S  
MOTIONS SEEKING ADDITIONAL TIME  
FOR WITNESSES TO BE CALLED PURSUANT TO  
RULE 92 *TER***

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**The Office of the Prosecutor**

Ms. Joanna Korner  
Mr. Thomas Hannis

**Counsel for the Accused**

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Mr. Igor Pantelić and Mr. Dragan Krgović for Stojan Župljanin

## I. INTRODUCTION

1. Trial Chamber II (“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”) is seised of:

a) a request – made by the Prosecution in a motion filed on 15 April 2010 (“First Motion”) – that the Trial Chamber “increase the time granted to the Prosecution by 5 hours”, which corresponds to the additional time requested by that motion for the examination-in-chief of ST043, ST183 and ST189,<sup>1</sup>

b) eight motions, filed on 16 April 2010 (collectively “Eight Motions”),<sup>2</sup> whereby the Prosecution:

i) seeks additional time for the examination-in-chief of the following witnesses (“Eight Witnesses”), whom it will call pursuant to Rule 92 *ter* of the Rules of Procedure and Evidence (“Rules”):

ST058 (40 minutes),

ST063 (40 minutes),

ST142 (two hours and 40 minutes),

ST155 (one hour and 40 minutes),

ST176 (one hour and ten minutes),

ST184 (three hours and 40 minutes),

ST190 (one hour and ten minutes),

ST191 (one hour and 40 minutes), and

ii) requests that the Trial Chamber “increase the time granted to the Prosecution” by the amount of additional time sought for each of the Eight Witnesses.<sup>3</sup>

<sup>1</sup> Prosecution’s motion seeking additional court time in relation to 92*ter* witnesses ST-183, ST-189 and ST-43, filed confidentially on 15 Apr 2010, para. 19. The extensions sought for each witness were addressed by an oral decision on 19 April 2010, see *infra* para. 6.

<sup>2</sup> The following motions were filed publicly: Prosecution’s motion seeking additional court time in relation to 92*ter* witness ST-58 (“ST058 Motion”), Prosecution’s motion seeking additional court time in relation to 92*ter* witness ST-63 (“ST063 Motion”), Prosecution’s motion seeking additional court time in relation to 92*ter* witness ST-176 (“ST176 Motion”), Prosecution’s motion seeking additional court time in relation to 92*ter* witness ST-184 (“ST184 Motion”), and Prosecution’s motion seeking additional court time in relation to 92*ter* witness ST-190 (“ST190 Motion”). The following motions were filed confidentially: Prosecution’s motion seeking additional court time in relation to 92*ter* witness ST-142 (“ST142 Motion”), Prosecution’s motion seeking additional court time in relation to 92*ter* witness

The Trial Chamber issues this decision publicly even though some of the Eight Motions were filed confidentially and relate to witnesses who have been granted protective measures, holding that there is nothing herein which reveals confidential information likely to identify the witnesses.

## II. PROCEDURAL HISTORY

2. On 22 March 2010, the Trial Chamber stated that the Prosecution had “112 hours in chief” remaining on that date to finish presenting its case and, having considered submissions of the parties, that it did not see “for the moment, any reason to grant more time [...] than these 112 hours.”<sup>4</sup> The Trial Chamber noted that the 112 hours “correspond exactly with the time the OTP is requesting for the remaining witnesses if we apply the Chamber’s guidelines and allow 20 minutes for the examination-in-chief of the remaining 92 *ter* witnesses.”<sup>5</sup> The Trial Chamber also stated that if “for one or more of the 92 *ter* witnesses, more time in chief is needed, specifically to present new evidence [...] the Trial Chamber expects the OTP to file a written motion” setting out the additional time requested and the reasons therefor.<sup>6</sup>

3. On 1 April 2010, the Prosecution filed a motion (“1 April 2010 Motion”) requesting:

- 1) an extension to 4,618 words of the word limit of 3,000 words that applies pursuant to the “Practice direction on the length of briefs and motions” (“Practice Direction”), and
- 2) additional time for the examination-in-chief of the Eight Witnesses and of ST043, ST183 and ST189.<sup>7</sup>

On 14 April 2010, the Trial Chamber issued the following oral decision on the 1 April 2010 Motion (“Oral Decision”):

The Trial Chamber is seized of the Prosecution motion of the 1st of April, seeking additional time for the examination in chief of twelve Rule 92 *ter* witness. The motion is oversized; the Prosecution seeks an extension of the word limit to 4.618 words. The practice direction and the length of [briefs] and motions requires parties to seek leave in advance, stating the exceptional circumstances that necessitate the oversized filing. It is every party's duty to plan its motion practice according to applicable rules and procedures including this practice direction. The

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ST-155 (“ST155 Motion”), and Prosecution’s motion seeking additional court time in relation to 92*ter* witness ST-191 (“ST191 Motion”).

<sup>3</sup> Motions, para. 11.

<sup>4</sup> Hearing, 22 Mar 2010, T. 7982. See also Order on revised guidelines on the admission and presentation of evidence, 2 Oct 2009 (“Guidelines”), Annex A, Guideline 26.

<sup>5</sup> *Id.*, T. 7982-7983.

<sup>6</sup> *Id.*, T. 7983.

<sup>7</sup> Prosecution’s request for variation of word limits and motion seeking additional court time in relation to 92*ter* witnesses, filed confidentially on 1 Apr 2010, referring to the Practice direction on the length of briefs and motions, IT/184 Rev. 2, 16 Sep 2005.

Chamber is not persuaded the Prosecution has established the existence of exceptional circumstances that would warrant granting the extension.<sup>8</sup>

The Trial Chamber, therefore, dismissed the motion “without prejudice to the Prosecution filing a new motion in accordance with the practice direction.”<sup>9</sup>

4. On 15 April 2010, the Prosecution filed the First Motion, whereby it 1) requested to extend the examination-in-chief of ST043, ST183 and ST189 by 40 minutes, two hours and 40 minutes, and one hour and 40 minutes, respectively, and 2) made the request set out above in paragraph 1, a).

5. On 16 April 2010, the Prosecution filed the Eight Motions seeking additional time for the examination-in-chief of the Eight Witnesses.

6. On 19 April 2010, the Trial Chamber granted the First Motion in respect of ST043 and ST189, and granted the motion in part in respect of ST183, allowing an extension of the examination-in-chief of one hour and 40 minutes.<sup>10</sup>

7. On 12 May 2010, the Trial Chamber granted an extension of 40 minutes of the examination-in-chief of ST191, stating that a written decision would follow on the remaining requests in the Eight Motions, as set out above in paragraph 1, under b) i) and b) ii).<sup>11</sup>

8. By oral decisions on 14 and 17 May 2010, the Trial Chamber granted an extension of two hours and ten minutes of the examination-in-chief of ST176, stating that written reasons would follow.<sup>12</sup> The Trial Chamber will state its written reasons herein.

9. Neither Defence of Mićo Stanišić nor the Defence of Stojan Župljanin responded to the First Motion or the Eight Motions.

### III. SUBMISSIONS AND DISCUSSION

#### A. Extension of the word limit

10. The Prosecution refers to the Oral Decision and states that the dismissal of the 1 April 2010 Motion “was without prejudice to the Prosecution re-filing the Motion in accordance with the word limit Practice Direction”.<sup>13</sup> It submits that each of the Eight Motions “complies with the word

<sup>8</sup> Hearing, 14 Apr 2010, T. 8646.

<sup>9</sup> *Ibid.*

<sup>10</sup> Hearing, 19 Apr 2010, T. 8873.

<sup>11</sup> Hearing, 12 May 2010, T. 10056-10058.

<sup>12</sup> Hearing, 14 May 2010, T. 10297-10298; Hearing, 17 May 2010, T. 10387. See *infra* paras 29-30.

<sup>13</sup> Motions, para. 2. The error is reproduced in each of the Motions. The Trial Chamber notes in this context that the Motions are identical in respect of the general submissions made by the Prosecution. When referring to such

limit.”<sup>14</sup> On 14 April 2010, the Prosecution, in offering comment on the Oral Decision that the Trial Chamber had just issued, stated that:

virtually every motion we filed so far recently has been rejected [and] one of the major grounds for rejection has been we haven't supplied enough information. So we, in an effort to explain chapter and verse of why we are making the application for further time, we gave as much information as it was humanly possible. Now, it does seem to be, Your Honours, we can't win. If we stick to the word limit, then we can't give the information.<sup>15</sup>

On this basis, the Prosecution asked whether the dismissal of the First Motion was due to the fact that it was oversized or because the Prosecution had not filed “a separate motion first, asking that we can exceed the word limit and explaining the reasons for that, and then when you grant it, then re-file the actual motion.”<sup>16</sup> The Prosecution also commented that “[e]ither we give the information that you want, or we are bound by the word limit.”<sup>17</sup>

11. The Trial Chamber sees no need to explain the Oral Decision. The Practice Direction is abundantly clear that the parties are required to file requests to exceed the word limit, which in turn must be granted, before filing oversized motions.<sup>18</sup>

12. The Trial Chamber notes, without further comment, that the Prosecution has acted *mala fide* by filing separate motions for the arguments made in respect of each witness in the significantly oversized 1 April 2010 Motion and has thereby expanded a 4,618-word motion to a total of 9,287 words. Nevertheless, the Trial Chamber will, in the interest of the expeditious conduct of the proceedings, consider the merits of the Eight Motions.

1. “[A]dditional time for the examination-in-chief”

13. The Prosecution argues that, because the witnesses gave evidence in prior cases “where the police was not the principal issue”, it needs to ask additional questions to ensure that:

all topics relevant to issues in this case are explored to provide relevant and probative value of the essential elements of the crimes and modes of liability under Articles 7(1) and 7(3) of the Statute. Furthermore, the Prosecution needs to tender documents through [the witnesses] and where appropriate needs to use witnesses testifying pursuant to Rule 92ter to do so.<sup>19</sup>

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submissions, therefore, the Trial Chamber will make reference to the relevant paragraph in the “Motions” rather than specify where in each of the eight motions that the submission is made.

<sup>14</sup> Motions, para. 2.

<sup>15</sup> Hearing, 14 Apr 2010, T. 8646.

<sup>16</sup> *Id.*, T. 8647.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> Motions, para. 6.

It is also submitted that the evidence “offered through Rule 92ter will save a considerable amount of court time and remains extremely relevant as it provides the historical, political and factual background that the parties need not delve into in this case.”<sup>20</sup>

14. While these two arguments, either independently or considered together, fail to satisfy the Trial Chamber that the requested extensions should be granted, the Trial Chamber has considered them in conjunction with the specific arguments made for each witness.

15. For ST058, the Prosecution requests an additional 40 minutes. It submits that ST058 will need to “expand upon his arrest and interrogation at the SJB building, including information about his maltreatment there.”<sup>21</sup> It is also argued that ST058 needs to expand on his knowledge of the SDS Crisis Staff, especially its composition, on the arrest of non-Serbs, on the identity of perpetrators and on the locations where non-Serbs were held.<sup>22</sup> The Prosecution states that it has “identified 18 documents it may potentially seek to use with this witness, but will attempt to reduce this number to be able to complete the witness’ examination-in-chief within one hour.”<sup>23</sup>

16. The Trial Chamber is satisfied that the extension sought for ST058 is justified. The total examination-in-chief of this witness shall not, therefore, exceed one hour.

17. For ST063, the Prosecution requests an additional 40 minutes. It submits that, while it will not explore “new areas” with the witness, it will need to “clarify and expand upon the police involvement at all the locations [about which] the witness can provide evidence.”<sup>24</sup> The Prosecution also submits that it will particularly need additional time “in order to play and tender various video clips of Omarska and Keraterm camps through this witness.”<sup>25</sup>

18. In view of the Prosecution’s submission that it will not explore new areas, the Trial Chamber is not persuaded that an additional 40 minutes is necessary for ST063. It will grant an extension of ten minutes to allow the Prosecution a total of 30 minutes for questions to clarify and expand on police involvement.

19. For ST142, the Prosecution requests an additional two hours and 40 minutes. It submits that, while ST142 testified on a number of topics in *Krajišnik*, there is a need to ask him questions about several other areas, as set out in the ST142 Motion.<sup>26</sup> The Prosecution also submits that it expects to

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<sup>20</sup> *Id.*, para. 7.

<sup>21</sup> ST058 Motion, para. 9.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> ST063 Motion, paras 8-9.

<sup>25</sup> *Ibid.*

<sup>26</sup> ST142 Motion, para. 9. Although ST142 is not a protected witness, the motion was filed confidentially.

show to ST142 “nearly 20 documents on the 65<sup>ter</sup> list, that are not part of the witness’ 92<sup>ter</sup> package”.<sup>27</sup>

20. The Prosecution initially intended to call ST142 as a *viva voce* witness, however on 10 December 2009 it requested permission to call this witness pursuant to Rule 92 *ter*.<sup>28</sup> On 19 March 2010, the Trial Chamber granted such permission but denied the Prosecution’s related request for three hours for the examination-in-chief, holding that the witness’s Rule 92 *ter* package covers the facts on which the witness would testify and that the Prosecution had not shown good cause to grant more time.<sup>29</sup> In the ST142 Motion, however, the Prosecution has made significantly more detailed arguments regarding the areas on which this witness may testify and regarding its request for more time. On this basis, the Trial Chamber is satisfied that ST142 can offer evidence on several relevant topics about which he did not testify in the *Krajišnik* trial. It is noted that ST142 testified for five days in *Krajišnik* and also has provided a long witness statement.<sup>30</sup> However, given that the Prosecution will tender, *inter alia*, this material into evidence pursuant to Rule 92 *ter*, the Trial Chamber holds that the Prosecution’s request of an additional two hours and 40 minutes is excessive. It will, therefore, grant an extension of one hour and 40 minutes to allow the Prosecution a total of two hours for the examination-in-chief of ST142.

21. For ST155, the Prosecution requests an additional one hour and 40 minutes. It submits that the witness, as a former employee of the BiH MUP, can provide additional relevant information on other matters, as set out in the ST155 Motion.<sup>31</sup> The Prosecution states that it “has located approximately fifteen (15) documents which may be used with this witness relating to the forcible transfer and deportation of non-Serbs, the membership of perpetrators with the RSMUP, the legal status of the detention centres in Vogošča and the involvement of the municipal War Presidency in prisoner exchanges.”<sup>32</sup>

22. The Trial Chamber considers the Prosecution’s arguments in support of its extension request for ST155 to be convincing in part only. A general argument is made regarding the witness’s ability to provide information in respect of Mićo Stanišić, which, of course, is relevant. However, the Prosecution specifically states that this additional evidence would concern the Accused’s influence

<sup>27</sup> *Ibid.*

<sup>28</sup> Prosecution’s pre-trial brief, 8 Jun 2009, Appendix 3, p. 13; Prosecution’s motion to amend the mode of testimony of witnesses ST-142, ST-150 and ST-176, and to reinstate witness ST-74, filed confidentially on 10 Dec 2009.

<sup>29</sup> Decision granting in part Prosecution motion to amend the mode of testimony of witnesses ST142, ST150 and ST176 and to reinstate witness ST074, confidential, 19 Mar 2010 (“19 March 2010 Decision”), para. 29.

<sup>30</sup> The Rule 92 *ter* package of ST142 provides that the witness statement, which is dated 14-19 November 2004 and 25-29 January 2005, is 57 pages (ERN 0365-0770 to 0365-0827), Prosecution’s motion to amend the mode of testimony of witnesses ST-142, ST-150 and ST-176, and to reinstate witness ST-74, filed confidentially on 10 Dec 2009, Annex A, p. 4.

<sup>31</sup> ST155 Motion, para. 9.

and position in 1991. While the Trial Chamber is satisfied that the Prosecution has established that this witness can provide *some* relevant evidence beyond the scope of his Rule 92 *ter* material, it is not persuaded that this evidence is so relevant as to warrant the full amount of the extension sought.<sup>33</sup> In view of the above considerations as to the substance of the expected additional evidence, the Trial Chamber will grant the Prosecution an additional one hour and ten minutes. The examination-in-chief of ST155 shall, therefore, not exceed one and a half hours.

23. For ST176, the Prosecution initially requested an additional one hour and ten minutes, which request the Trial Chamber granted on 14 May 2010, stating that written reasons would follow.<sup>34</sup> On 17 May 2010, the Prosecution made a second request for further time for this witness. On the same date, the Trial Chamber allowed an examination-in-chief not exceeding two and a half hours.<sup>35</sup> In its submissions in the ST176 Motion, the Prosecution notes that ST176, who has not testified previously, gave a detailed interview in 2001 and a short statement in 2009 and submits that the witness “will need to expand on [his] dealings with the Accused Župljanin” in 1992.<sup>36</sup> The Prosecution also states that in giving the statement in 2009, ST176 provided certain prosecutor logbooks, the content and importance of which “are not referred to in this statement and will need to be dealt with”.<sup>37</sup> Lastly, the Prosecution argues that it needs “to clarify the issue of the replacement of the police chief and the police commander in Teslić after the arrest of the Miće group since this topic was not sufficiently explored.”<sup>38</sup> In its oral submissions on 17 May 2010, the Prosecution stated that at the time it requested more time for ST176 it was not “aware that [the witness] was going to be videolink”, which, it submitted, “will take longer”.<sup>39</sup> The Prosecution also stated that due to the “wholesale challenge to the adjudicated facts for Teslić and other matters [...] it’s absolutely clear that we’ll have to, firstly, ask him some more general matters about Teslić.”<sup>40</sup>

24. The Prosecution initially intended to call ST176 *viva voce*, however on 10 December 2009 it requested permission to call this witness pursuant to Rule 92 *ter*.<sup>41</sup> The Trial Chamber granted such permission on 19 March 2010. However, the Trial Chamber denied the Prosecution’s related

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<sup>32</sup> *Ibid.*

<sup>33</sup> The Prosecution also refers to having “located” approximately 15 documents. Based on the formulation, it is unclear whether these are documents that are not on the Prosecution’s exhibit list. For the purposes of this decision the Trial Chamber will assume this to be the case, however it will revisit the time allotment that it will grant if these documents are not on the exhibit list.

<sup>34</sup> See *supra*, para. 8, referring to Hearing, 14 May 2010, T. 10297-10298.

<sup>35</sup> See *supra*, para. 8, referring to Hearing, 17 May 2010, T. 10387.

<sup>36</sup> ST176 Motion, para. 9

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> Hearing, 17 May 2010, T. 10386-10387.

<sup>40</sup> *Ibid.*

<sup>41</sup> Prosecution’s pre-trial brief, 8 Jun 2009, Appendix 3, p. 17; Prosecution’s motion to amend the mode of testimony of witnesses ST-142, ST-150 and ST-176, and to reinstate witness ST-74, filed confidentially on 10 Dec 2009.



request to examine ST176 in-chief for an hour and a half, holding that the Prosecution had not advanced any reason to support its request to cover “additional grounds” with the witness.<sup>42</sup> It was also held that the Prosecution had failed to indicate how the time that it expected to save through its request to hear the witness pursuant to Rule 92 *ter* “would effectively help in achieving a more expeditious trial.”<sup>43</sup> In the ST176 Motion, however, the Prosecution has made detailed arguments regarding the necessity for a longer examination-in-chief and also draws the Trial Chamber’s attention to the logbooks, which, *prima facie*, appear relevant to the charges in this case.<sup>44</sup> The Trial Chamber is satisfied that ST176 can provide relevant evidence beyond the scope of his Rule 92 *ter* material and will confirm its oral ruling on 17 May 2010 that the examination-in-chief of ST176 shall not exceed two and a half hours.

25. For ST184, the Prosecution requests an additional three hours and 40 minutes. It submits that ST184, who has not testified previously but has given “two detailed interviews to the Prosecution”, needs to “expand on the negotiations with the Muslim resistance in Kozarac” in Prijedor and the “extent of police involvement in these negotiations.”<sup>45</sup> Noting that ST184 had a career as a police officer, the Prosecution argues that the witness will “need to develop on his knowledge of police activities in Prijedor and other parts of the ARK”.<sup>46</sup> The Prosecution argues that ST184 will also need to expand on the role of the SDS in the takeover of Prijedor, “develop on the role of the Crisis Staff in Prijedor and expand on the issue of the expulsion of non-Serbs.”<sup>47</sup> The Prosecution states that it will show the witness two videos relating to the Omarska camp and that it has “identified approximately 35 documents” that it will use with the witness.<sup>48</sup>

26. The Prosecution’s arguments are based on ST184 ‘expanding’ or ‘developing’ on topics raised in his 2001 and 2009 interviews with the Prosecution and which are covered by the Rule 65 *ter* summary of his evidence. The Trial Chamber notes that that these topics are covered by the Rule 65 *ter* summary of his expected testimony.<sup>49</sup> However, while the Trial Chamber considers that it would benefit from the witness’ oral testimony on the several topics enumerated, it holds that the Prosecution’s request to examine this Rule 92 *ter* witness in-chief for a total of four hours is

<sup>42</sup> 19 March 2010 Decision, para. 37.

<sup>43</sup> *Ibid.*

<sup>44</sup> In respect of the arguments made by the Prosecution on 17 May 2010, the Trial Chamber notes the date of the 1 April 2010 Motion and that that the Prosecution filed the motion to hear ST176 via video-conference link on 9 April 2010. While the Trial Chamber had not ruled upon the motion requesting the video-conference link by the time the Prosecution filed the ST176 Motion, it is difficult to understand why the Prosecution waited another month before raising the arguments it subsequently made orally.

<sup>45</sup> ST184 Motion, para. 9.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> Prosecution’s supplemental motion for admission of evidence pursuant to Rules 92 *bis* and 92 *ter*, with confidential annexes, filed on 28 Jul 2009, Annex D.

excessive. The Trial Chamber will, therefore, grant an additional two hours and 40 minutes and the total examination-in-chief shall, thus, not exceed three hours.

27. For ST190, the Prosecution requests an additional one hour and ten minutes. It submits that in his previous testimony before the Tribunal ST190 “was not examined specifically in relation to the police”, a topic which the Prosecution, therefore, will need to explore.<sup>50</sup> The Prosecution also argues that ST190 needs to expand on meetings with Stojan Župljanin that he attended. It is also submitted that as “the only member of an international organization” to be called by the Prosecution, ST190 “can provide a balanced standpoint about the events he witnesses in 1992.”<sup>51</sup>

28. It is obviously relevant for the Prosecution to explore ST190’s knowledge as to police involvement in the events about which he will testify. However, while it may be appropriate to allow additional time to enable the witness to ‘expand’ on meetings with Stojan Župljanin that he attended, the Trial Chamber notes that ST190 was questioned about this during his *Brđanin* testimony. The Trial Chamber is, therefore, not persuaded that the full amount of time requested should be granted. The Prosecution will be allowed an additional 40 minutes and the examination-in-chief shall, thus, not exceed one hour.

## 2. “[I]ncrease in the time granted to the Prosecution”

29. In each of the Eight Motions and in the First Motion’s request set out in paragraph 1 under b), the Prosecution seeks that the Trial Chamber “increase the time granted to the Prosecution” by the amount of additional time sought for each witness subject of these motions.<sup>52</sup> The Trial Chamber interprets this as a request pursuant to Rule 73 *bis*(F) for additional time to present evidence, which the Trial Chamber may grant if it is satisfied that it is in the interests of justice to do so.

30. The Trial Chamber first recalls that, at present, the Prosecution has at its disposal a total of 216 hours.<sup>53</sup> By this decision, the Trial Chamber will allow extensions of the examination-in-chief, totalling nine hours and ten minutes, of witnesses ST058, ST063, ST142, ST155, ST176, ST184 and ST190. By the oral decision on 12 May 2010, the Trial Chamber allowed an extension of 40

<sup>50</sup> ST190 Motion, para. 9.

<sup>51</sup> *Ibid.*

<sup>52</sup> Motions, para. 11.

<sup>53</sup> At the pre-trial conference on 4 September 2009, the Trial Chamber allotted 212 hours to the Prosecution for presentation of its evidence, Pre-trial conference, 4 Sep 2009, T. 90. On 4 December 2009, the Trial Chamber allowed the Prosecution to add ST213 to its witness list and to extend by two hours the time allotted to the Prosecution for presentation of evidence, Decision granting in part Prosecution’s motion for leave to amend its 65 *ter* list of witnesses, confidential, 4 Dec 2009. On 29 January 2010, the Trial Chamber allowed the Prosecution to add ST216 to its witness list, Decision granting Prosecution’s motion to add ST216 to its Rule 65 *ter* witness list, confidential, 29 Jan 2010. In an

minutes for the examination-in-chief of ST191. By the Trial Chamber's ruling on 19 April 2010, it allowed an extension of a total of four hours for the examination-in-chief of ST043, ST183 and ST189. The total granted extension of the examination-in-chief of the Eight Witnesses and ST043, ST183 and ST189 is, therefore, 13 hours and 50 minutes.

31. The Trial Chamber will now consider whether it would be in the interest of justice to extend the total time allotted to the Prosecution for presentation of evidence by 13 hours and 50 minutes.

32. The Prosecution makes very little argument specifically addressing its several requests to "increase the time granted to the Prosecution". The general argument canvassed above – that because the witnesses gave evidence in prior cases "where the police was not the principal issue" it needs to ask additional questions – does, in the Trial Chamber's opinion, provide some support for these requests.<sup>54</sup> Moreover, the arguments made in this vein regarding each of the witnesses subject of this decision would also support the requests to extend the Prosecution's case.

33. On the basis of the Prosecution's specific submissions regarding the need to extend the examination-in-chief of the Eight Witnesses and ST043, ST183 and ST189, the Trial Chamber is satisfied that it would be in the interest of justice to allow an extension of the time permitted under Rule 73 *bis*(F) for the presentation of the Prosecution's case corresponding to the extensions allowed by this decision.

#### IV. DISPOSITION

34. For the reasons set out above, the Trial Chamber, acting pursuant to Rule 54, Rule 65 *ter*, Rule 73 *bis* and its Guidelines:

**GRANTS** extension of the examination-in-chief of ST058 by 40 minutes (to one hour), of ST063 by ten minutes (to half an hour), of ST142 by one hour and 40 minutes (to two hours), of ST155 by one hour and ten minutes (to one and a half hours), of ST184 by two hours and 40 minutes (to three hours) and of ST190 by 40 minutes (to one hour);

**CONFIRMS** the oral ruling of 17 May 2010 concerning the extension of the examination-in-chief of ST176 by two hours and ten minutes to two and a half hours;

**GRANTS** the Prosecution 13 hours and 50 minutes in addition to the 216 hours currently at its disposal for the presentation of evidence; and

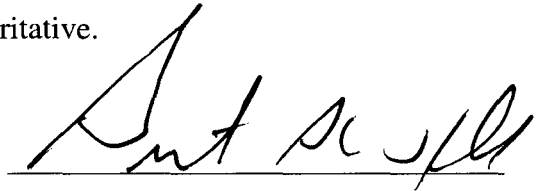
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oral decision on 18 February 2010, the Trial Chamber extended the time allotted to the Prosecution for presentation of evidence by two hours for the purposes of the examination-in-chief of ST216, Hearing, 18 Feb 2010, T. 6561-6562.

<sup>54</sup> See *supra* para. 19.

**ORDERS** that the Prosecution shall now have a total of 229 hours and 50 minutes for the presentation of evidence.

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



Judge Burton Hall  
Presiding

Dated this eighth day of June 2010

At The Hague

The Netherlands

**[Seal of the Tribunal]**