



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-05-87-T

Date: 2 May 2008

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Order of: 2 May 2008

PROSECUTOR

v.

**MILAN MILUTINOVIĆ
NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ
NEBOJŠA PAVKOVIĆ
VLADIMIR LAZAREVIĆ
SRETEN LUKIĆ**

PUBLIC

ORDER ON PROCEDURE FOR CLOSE OF PROCEEDINGS

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

Counsel for the Accused

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksandar Aleksić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

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”), *ex proprio motu*, issues this Order to regulate the final phase of the proceedings in the above-captioned matter, in anticipation of the imminent completion of the presentation of Defence evidence.

1. Throughout these proceedings, the Trial Chamber has issued orders to regulate the different phases of the trial. On 28 June 2006, the Chamber issued a scheduling order instructing the Registry to set dates for the pre-trial conference and commencement of the trial.¹ On 5 March 2007, the Chamber made orders to the parties in relation to the close of the Prosecution case-in-chief, Rule 98 *bis* proceedings, and Defence Rule 65 *ter* filings.² On 23 March 2007, the Chamber granted a postponement of the close of the Prosecution case-in-chief and set dates for the pre-defence conference and the commencement of the Defence case.³ On 23 May 2007, the Chamber granted, in part, a Defence motion to postpone the commencement of the Defence case.⁴

2. The Chamber now considers that it would be in the interests of a fair and expeditious trial and of efficient management of the proceedings to regulate the final stages of the trial: namely the completion of the presentation of Defence evidence; any evidence ordered by the Chamber pursuant to Rules 85(A)(v) and 98; the presentation of any rebuttal and rejoinder evidence pursuant to Rule 85(iii)–(iv); the filing of final trial briefs pursuant to Rule 86(B); the presentation of closing arguments, rebuttal arguments, and rejoinder arguments pursuant to Rule 86(A); and the Presiding Judge’s declaration of the close of the hearing in the above-referenced matter pursuant to Rule 87(A). To this end, the Chamber heard submissions from the parties on 4 March 2008.

3. At the 4 March hearing, the parties requested three months from the close of the presentation of evidence to submit their final trial briefs. Additionally, the Defence requested an additional month, after the filing of the Prosecution’s final brief, so that they would have the opportunity to respond to the Prosecution’s brief. On 13 March 2008, the Chamber gave an indication at the hearing that it would, in principle,⁵ allow six weeks from the completion of all the

¹ Scheduling Order for Commencement of Trial, 28 June 2006.

² Order on Close of Prosecution Case-in-chief, Rule 98 *bis* Proceedings, and Defence Rule 65 *ter* Filings, 5 March 2007.

³ Order on Prosecution Motion to Postpone Close of Case-in-chief, Pre-defence Conference, and Commencement of Defence Case, 23 March 2007; *see also* Decision on Cross-motions in Relation to Evidence of Zoran Lilić, 27 April 2007 (Judge Iain Bonomy dissenting); Decision on Prosecution Motion for Reconsideration of Oral Decision Dated 24 April 2007 Regarding Evidence of Zoran Lilić, 27 April 2007.

⁴ Decision on Joint Defence Motion to Postpone Trial Schedule, 23 May 2007.

⁵ T. 24293–24294 (13 March 2008).

evidence in the case for the final trial briefs to be filed. In addition, it intimated that these briefs would be required to be filed simultaneously. However, no firm order was made at that time because it was impossible to determine the dates with precision, although the Chamber thought it right to notify the parties of the minimum time they would have for the preparation of their final trial briefs.

4. On 18 April 2008, the Chamber set a deadline by which any applications for leave to call rebuttal evidence were to be filed.⁶ No such applications were filed by this deadline. On 21 April 2008, the Lukić Defence closed its case, and the Chamber began to hear evidence from the joint expert witnesses called by the Defence. The Chamber anticipates calling its witnesses immediately following the joint Defence expert witnesses, and expects that the hearing of all evidence in the case shall be completed shortly. The Chamber is thus of the view that circumstances in the case have developed to a point where it can set dates for the final phase of the proceedings.

5. Accordingly, the Trial Chamber, pursuant to Articles 20 and 21 of the Statute of the Tribunal and Rules 54, 85, 86, and 87 of the Rules of Procedure and Evidence of the Tribunal, hereby ORDERS as follows:

a. The parties shall file their final trial briefs by no later than 8 July 2008.

i. There shall be no written responses to final trial briefs.

b. The Trial Chamber shall hear closing arguments from 22–25 July 2008 and shall allocate the time therefor between the Prosecution and Defence and among the respective Defences following filing of the final trial briefs.

6. The Trial Chamber shall then deliberate in private and issue its final Judgement in this matter as soon as possible.

⁶ Order on Filing of Rebuttal Applications Pursuant to Rule 85, 18 April 2008.

7. The Trial Chamber may issue further orders in relation to the above in due course, as appropriate and necessary in order to ensure the fair and expeditious conduct of the proceedings.

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

Judge Tsvetana Kamenova

Dated this second day of May 2008
At The Hague
The Netherlands

[Seal of the Tribunal]