

**UNITED
NATIONS**



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-98-32/1-PT

Date: 17 May 2007

Original: English

BEFORE THE REFERRAL BENCH

Before: Judge Alphons Orie, Presiding
Judge Kevin Parker
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 17 May 2007

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

**ORDER CONCERNING SUBMISSIONS OF THE REGISTRAR
PURSUANT TO RULE 33 (B)**

Office of the Prosecutor

Ms. Susan Somers
Mr. Mark Harmon

Counsel for Milan Lukić

Mr. Alan L. Yatvin
Ms. Jelena Lopičić

Counsel for Sredoje Lukić

Mr. Đuro Čepić
Mr. Jens Dieckmann

The Government of Bosnia and Herzegovina

per: The Embassy of Bosnia and Herzegovina
to the Netherlands, The Hague

THE REFERRAL BENCH 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”);

RECALLING the “Submission of the Deputy Registrar Pursuant to Rule 33 (B)” of 25 April 2007 in which the Registry sought clarification and direction on when to transfer the Accused Sredoje Lukić to Bosnia and Herzegovina, having regard to his co-accused Milan Lukić’s pending appeal proceedings,¹ and of the “Submission of the Registrar Pursuant to Rule 33 (B)” of 1 May 2007 which contained the Office of the Prosecutor of Bosnia and Herzegovina’s views on the matter (collectively “Registry Submissions”);

NOTING the “Order to the Prosecution and to Sredoje Lukić Concerning Submissions of the Registrar Pursuant to Rule 33(B)” of 9 May 2007 (“Order of 9 May”) in which the Referral Bench ordered the Prosecution and Sredoje Lukić to make any submissions on the matter raised in the Registry Submissions by Friday, 11 May 2007;

NOTING the “Prosecution’s Position Regarding Submissions of the Registrar Pursuant to Rule 33 (B)” of 11 May 2007 and that Sredoje Lukić has not filed any submissions pursuant to the Order of 9 May;

NOTING the “Decision on Referral of Case Pursuant to Rule 11 *bis*” of 5 April 2007 (“Decision”) wherein it ordered, *inter alia*, that the “[t]he Registrar shall arrange for the transport of Milan Lukić and Sredoje Lukić, along with their personal belongings, within 30 days of this Decision becoming final, to Bosnia and Herzegovina in accordance with the procedures applicable to transfer of convicted persons to states for service of sentence.”² (“Order”)

NOTING FURTHER that Sredoje Lukić did not file an appeal against the Decision³ whereas Milan Lukić filed an appeal against the Decision on 18 April 2007;⁴

CONSIDERING that it is in the interests of justice to avoid the practical and legal difficulties which the earlier transfer of Sredoje Lukić to Bosnia and Herzegovina would cause, and to try the two Accused together;

¹Submission of the Deputy Registrar Pursuant to Rule 33 (B), para. 5.

² Decision, para. 128 (c).

³See *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-AR11bis.1, Sredoje Lukić’s Defence Notification, 20 April 2007.

⁴ See *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-AR11bis.1, Notice of Appeal of Milan Lukić from 5 April 2007 Decision on Referral of Case Pursuant to Rule 11 Bis, 18 April 2007.

CONSIDERING that such interests of justice outweigh the disadvantage to Sredoje Lukić of a delay of the start of his trial pending the determination of Milan Lukić's appeal proceedings, especially as it can be anticipated that the appeal will be determined with due expedition;

PURSUANT to Rules 11 *bis* (H) and 54 of the Rules of Procedure and Evidence of the Tribunal,

SUSPENDS the Order until such time as the Decision has become final with regard to both Accused.

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



Judge Alphons Orié
Presiding Judge

Dated this seventeenth day of May 2007

At The Hague

The Netherlands

[Seal of the Tribunal]