



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-03-70-PT  
Date: 25 April 2005  
Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Iain Bonomy

**Registrar:** Mr. Hans Holthuis

**Decision of:** 25 April 2005

**PROSECUTOR**

v.

**VLADIMIR LAZAREVIĆ  
SRETEN LUKIĆ**

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**DECISION ON PROSECUTION'S REQUEST TO HOLD DECISION ON  
PRELIMINARY MOTION IN ABEYANCE**

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**The Office of the Prosecutor**

**Mr. Thomas Hannis  
Mr. Christina Moeller**

**Counsel for Vladimir Lazarević**

**Mr. Mihajlo Bakrač**

**Counsel for Sreten Lukić**

**Mr. Victor Koppe**

**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 (“the International Tribunal”),

**BEING SEISED** of a “Prosecution’s Request to Hold Decision on Preliminary Motion in Abeyance”, filed on 20 April 2005 (“Motion”), seeking that the Trial Chamber to holds its decision on Lazarević Preliminary Motion in abeyance and suspend the time for the Prosecution to respond until a decision has been taken on the Prosecution’s Motion for Joinder, or if granted, until a new Joint Amended Indictment has been filed,

**NOTING** the “Defence Preliminary Motion” filed by Vladimir Lazarević on 11 April 2005 (“Lazarević Preliminary Motion”), in which he submits that the Indictment against him is defective,

**NOTING** the “Prosecution Motion for Joinder” filed on 1 April 2005 in which the Prosecution requests that the accused in this case, and the accused in Case No.IT-99-37-PT, be jointly charged and tried,

**NOTING** the Prosecution submission that, if the Prosecution Motion for Joinder is granted, a Joint Amended Indictment “will necessarily entail changes to the Indictment”,

**CONSIDERING** that Rule 72(A) of the Rules of Procedure and Evidence provides that preliminary motion shall be brought no later than thirty days after the disclosure by the Prosecutor to the Defence of all Rule 66(A)(i) material and statement,

**CONSIDERING** that the Trial Chamber is not satisfied that resolution of a challenge to the form of the Indictment should be stayed pending determination of a separate application for joinder in circumstances where, as in this case, the proposed joint amended indictment does not include new charges,

**PURSUANT** to Rule 54 and 127 of the Rules,

**HEREBY DENIES** the Motion and **ORDERS** that the Prosecution may file a response to Lazarević Preliminary Motion no later than Thursday, 28 April 2005.

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



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Judge Patrick Robinson  
Presiding

Dated this twenty-fifth day of April 2005  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**