



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: 9 June 2005
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 9 June 2005

PROSECUTOR

v.

**NEBOJŠA PAVKOVIĆ
VLADIMIR LAZAREVIĆ
VLASTIMIR ĐORĐEVIĆ
SRETEN LUKIĆ**

ORDER REGARDING THE SERVICE OF RULE 66(A)(i) MATERIAL

The Office of the Prosecutor

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

Counsel for Sreten Lukić

Mr. Theodore Scudder

Counsel for Vladimir Lazarević

Mr. Mihajlo Bakrač

Counsel for Nebojša Pavković

Ms. Chrissa Loukas

I, IAIN BONOMO, Judge of Trial Chamber III 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 (“International Tribunal”),

HAVING BEEN DESIGNATED as pre-trial Judge in this matter by virtue of an Order of 7 March 2005,

BEING SEISED of an “Application for Order Regarding Service of Supporting Material by the Prosecutor” filed by the accused Nebojša Pavković (“the Accused”) on 30 May 2005 seeking “an order that time for the purposes of the filing of preliminary motions pursuant to Rule 72 will not start running until disclosure is made after counsel of record is assigned by the Registry” (“Application”),

CONSIDERING that Rule 66(A)(i) provides:

(A) Subject to the provisions of Rules 53 and 69, the Prosecutor shall make available to the defence in a language which the accused understands

(i) within thirty days of the initial appearance of the accused, copies of the supporting material which accompanied the indictment when confirmation was sought as well as all prior statements obtained by the Prosecutor from the accused [...]

CONSIDERING that the initial appearance of the Accused was conducted on 28 April 2005, and the time-limit for disclosure of the supporting material which accompanied the indictment on confirmation expired on 30 May 2005,

NOTING the “Prosecution’s Second Notification Regarding Disclosure of Material to Accused Pavković pursuant to Rule 66(A)(i)” filed by the Office of the Prosecutor (“Prosecution”) on 30 May 2005 in which the Prosecution indicates that the supporting material has been disclosed to the Accused personally and delivered to the Detention Unit on 27 May 2005,

NOTING the arguments advanced in support of the Application that (1) the Registry recently determined that counsel of choice, Mr. Aleksić, does not qualify for assignment due to his lack of knowledge of a working language of the Tribunal, and (2) any preliminary motions must be decided by assigned counsel in consultation with the Accused,

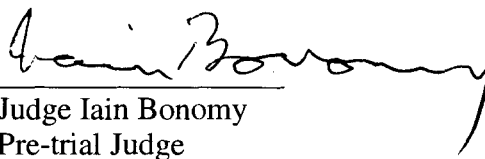
CONSIDERING that (1) in this case, regard must be had to not only the interests of this particular Accused but also the interests of his co-accused, and (2) the supporting material has just been

disclosed to the the Accused, and he therefore has a reasonable period in which to identify counsel and file preliminary motions,

PURSUANT TO Rules 54, 65 *ter*, 66 and 127 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY DENY the Application but extend the time in which the Defence may file preliminary motions by **ORDERING** that the Accused may file preliminary motions pursuant to Rule 72 no later than Friday, 1 July 2005.

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


Judge Iain Bonomy
Pre-trial Judge

Dated this ninth day of June 2005
At The Hague
The Netherlands

[Seal of the Tribunal]