



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-PT

Date: 12 May 2006

Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision of: 12 May 2006

PROSECUTOR

v.

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

**DECISION ON DEFENCE REQUEST FOR
CERTIFICATION OF AN INTERLOCUTORY APPEAL OF SECOND DECISION
DENYING MOTION FOR DELAY OF TRIAL**

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp
Ms. Christina Moeller
Ms. Patricia Fikirini
Mr. Mathias Marcussen

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. Peter Robinson for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksander Alekšić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač for Mr. Vladimir Lazarević
Mr. Theodore Scudder 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”),

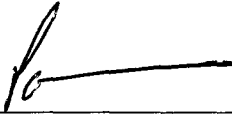
BEING SEIZED of a “Motion for Leave to Appeal Second Decision on Motions to Delay Proposed Date for Start of Trial”, filed by Nebojša Pavković on 5 May 2006 (“Motion”), requesting that the Trial Chamber certify an interlocutory appeal of its “Second Decision on Motions to Delay Proposed Date for Start of Trial”, issued 28 April 2006, or, in the alternative, reconsider the Accused’s “Renewal of and Supplement to 7 November Pavković Motion to Delay Start of Trial or in the Alternative to Reconsider and Grant Previous Motion for Severance”, filed 13 April 2006;

NOTING that the Motion is joined by Milan Milutinović,¹ Nikola Šainović, Vladimir Lazarević,² and Dragoljub Ojdanić;³

CONSIDERING that the Motion does not meet the standards set out in the Rules of Procedure and Evidence and jurisprudence of the Tribunal for either certification or reconsideration;

PURSUANT TO Rules 54 and 73(B) of the Rules of Procedure and Evidence, the Trial Chamber hereby **DENIES** the Motion.

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



Judge Robinson
Presiding

Dated this twelfth day of May 2006
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Submission by Mr. Milan Milutinović to Join the Motion for Leave to Appeal Second Decision on Motions to Delay Proposed Date for Start of Trial, 8 May 2006.

² Joint Defence Motion: Submission by Mr. Nikola Šainović and Mr. Vladimir Lazarević to Join the Motion for Leave to Appeal Second Decision on Motions to Delay Proposed Date for Start of Trial, 9 May 2006.

³ General Ojdanić’s Joinder in Pavković Application for Certification to Appeal, 10 May 2006.