



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-98-32/1-PT

Date: 15 February 2007

Original: English

**IN THE TRIAL CHAMBER**

**Before: Judge Krister Thelin, Pre-Trial Judge**

**Registrar: Mr. Hans Holthuis**

**Order of: 15 February 2007**

**PROSECUTOR**

**v.**

**MILAN LUKIĆ  
SREDOJE LUKIĆ**

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**DECISION ON ORAL REQUEST FOR RECONSIDERATION OF DECISION  
SUSPENDING DISCLOSURE**

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**Office of the Prosecutor**

Mr. Mark B. Harmon  
Mr. Frédéric Ossogo  
Mr. Fergal Gaynor

**Counsel for Milan Lukić**

Mr. Alan L. Yatvin  
Ms. Jelena Lopičić

**Counsel for Sredoje Lukić**

Mr. Đuro J. Čepić  
Mr. Jens Dieckmann

**I, Krister Thelin**, a Judge 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”),

**NOTING** the order issued by the Pre-Trial Judge on 28 August 2006 suspending Status Conferences until further notice,<sup>1</sup> which order was issued with the agreement of the parties because this case had been sent to the 11 *bis* Referral Bench;

**CONSIDERING** that Rule 11 *bis* proceedings have been pending before the Referral Bench since 21 February 2006,<sup>2</sup>

**CONSIDERING** that, on 14 September 2007, the Trial Chamber issued “Order suspending consideration of Sredoje Lukić's defence motion for complete disclosure pursuant to Rule 66 (A)(ii) and 66 (B)” (“Order suspending Disclosure”)<sup>3</sup> and that on 19 October 2006, Sredoje Lukić's request for certification for leave to appeal the Order suspending Disclosure was denied,<sup>4</sup>

**CONSIDERING** that on 14 February 2007, during the Conference held pursuant to Rule 65 *ter* of Procedure and Evidence (“Rules”), Defence Counsel for both Accused articulated requests to the Senior Legal Officer for reconsideration of the Order suspending Disclosure,<sup>5</sup>

**CONSIDERING**, during the aforementioned 65 *ter* Conference, the Prosecution requested that any request to reconsider the Order suspending Disclosure (“Motion for Reconsideration”) be filed in writing, so that the Parties will have an opportunity to prepare a reasoned and accurate response,<sup>6</sup>

**CONSIDERING** that, while a Decision of the 11 *bis* Referral Bench is still pending, a possible lifting of the current suspension of the Prosecution's disclosure obligations would have a considerable impact on the allocation of the resources for the Prosecution and the Defence,

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<sup>1</sup> Order Regarding a Status Conference, 28 August 2006.

<sup>2</sup> See *Prosecutor v. Lukić and Lukić*, Case No. IT-98-32-I, Request by the Prosecutor under Rule 11 *bis*, 1 February 2005; Order Appointing a Trial Chamber for the Purpose of Determining whether an Indictment Should be Referred to Another Court under 11 *bis*, 2 February 2005; *Prosecutor v. Lukić and Lukić*, Case No. IT-98-32/1-I, Certificate [of the Registrar], 26 June 2006; *Prosecutor v. Lukić and Lukić*, Case No. IT-98-32/1-PT, Decision on Prosecutor's Motion to Suspend Consideration of Rule 11 *bis* Request, 15 December 2005; Order on Defence Motion for Further Extension of Time to File a Response, 17 May 2006, p. 1 n. 1.

<sup>3</sup> Order suspending consideration of Sredoje Lukić's defence motion for complete disclosure pursuant to Rule 66 (A)(ii) and 66 (B), 14 September 2006.

<sup>4</sup> Decision on Sredoje Lukić's Defence Motion for leave to file Defence Request for certification to appeal Trial Chamber's Order suspending consideration of Sredoje Lukić's Defence Motion for complete disclosure pursuant to rule 66 (A)(ii) and 66(B), 19 October 2006.

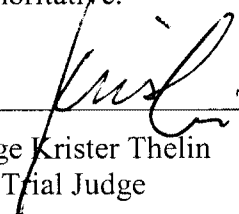
**CONSIDERING** that, due to the importance of a Decision on the Motion for Reconsideration on the overall preparation of this case, it would be in the interest of justice that this matter is dealt with swiftly and in writing,

**PURSUANT TO** Rules 54, Rule 126 *bis* and Rule 127 of the Rules,

**HEREBY ORDER** as follows:

- (1) The Defence shall file a reasoned Motion for Reconsideration within (7) seven days of the date of this Decision;
- (2) The Prosecution shall have (7) seven days to respond to the Motion for Reconsideration;
- (3) The Defence, if it wishes to file a Reply, shall be authorised to do so within (7) seven days of the Prosecution Response; if it does not wish to file a Reply, it will so indicate to the Trial Chamber in writing and as soon as possible.

Done in both English and French, the English version being authoritative.

  
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Judge Krister Thelin  
Pre-Trial Judge

Dated this fifteenth day of February 2007  
At The Hague  
The Netherlands

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<sup>5</sup> Conference held on 14 February 2007 pursuant to Rule 65 *ter* of the Rules, page 9.

<sup>6</sup> Conference held on 14 February 2007 pursuant to Rule 65 *ter* of the Rules, pages 9 and 11.