

**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**

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

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**Office of the Prosecutor**

Ms. Susan Somers  
Mr. Mark Harmon

**The Government of Bosnia and Herzegovina**

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

**Counsel for Milan Lukić**

Mr. Alan L. Yatvin  
Ms. Jelena Lopičić

**Counsel for Sredoje Lukić**

Mr. Đuro Čepić  
Mr. Jens Dieckmann

**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,<sup>1</sup> 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.”<sup>2</sup> (“Order”)

**NOTING FURTHER** that Sredoje Lukić did not file an appeal against the Decision<sup>3</sup> whereas Milan Lukić filed an appeal against the Decision on 18 April 2007;<sup>4</sup>

**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;

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

<sup>2</sup> Decision, para. 128 (c).

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

<sup>4</sup> 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 Ori  
Presiding Judge

Dated this seventeenth day of May 2007

At The Hague

The Netherlands

**[Seal of the Tribunal]**