



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: 14 December 2007

Original: English

IN THE TRIAL CHAMBER

Before: Judge Krister Thelin, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Order of: 14 December 2007

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**DECISION ON SREDOJE LUKIĆ'S DEFENCE MOTION FOR EXTENSION OF TIME
UNDER RULE 67(A)(i)(a)**

Office of the Prosecutor

Mr. Mark B. Harmon

Counsel for Milan Lukić

Mr. Bojan Sulejić

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”),

BEING SEIZED of “Sredoje Lukić’s Defence Notice Under Rule 67(A)(i)(a) and Request for Extension of Time”, filed on 10 December 2007, in which the Defence for Sredoje Lukić, files a partial notice under Rule 67(A)(i)(a), and in which it requests a further extension of time of unspecified duration to complete its obligation for disclosure under Rule 67(A)(i)(a),¹

NOTING the establishment of 15 November 2007 as a date in the Work Plan by which the Defence was to file its notice under Rule 67, as reflected in the 4 September Status Conference;²

NOTING the “Decision on Defence Motion for Extension of Time Under Rule 67(A)(i)(a)” in which the Pre-Trial Judge granted the Defence an extension of the deadline established in the Work Plan by which the Defence was to file its notices under Rule 67(A)(i)(a) until 10 December 2007,³

CONSIDERING the Prosecution Response to the Motion filed on 13 December 2007, in which the Prosecution submits that the Defence has been on notice for a period of more than two years of the nature of the charges against the Accused, but that it does not object to an extension of time by which the Defence must comply with Rule 67(A)(i)(a) obligations with regard to the Bikavać incident,⁴

CONSIDERING FURTHER the oral submissions of the Prosecution made on the Motion in both the Rule 65 *ter* Conference held on 10 December 2007 and the Status Conference held on 11 December 2007,⁵

NOTING that new counsel for Milan Lukić was assigned on 5 December 2007, and that during the Status Conference on 11 December 2007, a deadline was established for the Defence of Mr. Milan Lukić to file its notice pursuant to Rule 67(A)(i)(a) not later than 8 January 2008,⁶

¹ *Prosecutor v. Milan Lukić & Sredoje Lukić*, Case No. IT-98-32/1-PT, “Sredoje Lukić’s Defence Notice Under Rule 67(A)(i)(a) and Request for Extension of Time,” (Confidential), 10 December 2007, paras. 17 – 21 (“Motion”).

² *Prosecutor v. Milan Lukić & Sredoje Lukić*, Case No. IT-98-32/1-PT, Status Conference, 4 September 2007, p. 124.

³ *Prosecutor v. Milan Lukić & Sredoje Lukić*, Case No. IT-98-32/1-PT, 20 November 2007.

⁴ *Prosecutor v. Milan Lukić & Sredoje Lukić*, Case No. IT-98/32-1-PT, “Prosecution’s Response to Sredoje Lukić’s Defence Notice Under Rule 67(A)(i)(a) and Request for Extension of Time” (Confidential), 13 December 2007, para. 10 (“Response”).

⁵ *Prosecutor v. Milan Lukić & Sredoje Lukić*, Case No. IT-98/32-1-PT, 65 *ter* Transcript, pp. 90 – 98, Status Conference Transcript, pp. 135 - 139.

CONSIDERING that Rule 67(A)(i)(a) states:

(A) Within the time-limit prescribed by the Trial Chamber or by the Pre-trial Judge appointed pursuant to Rule 65 *ter*:

(i) the defence shall notify the Prosecutor of its intent to offer:

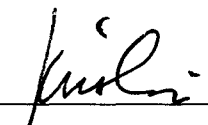
(a) the defence of alibi; in which case the notification shall specify the place or places at which the accused claims to have been present at the time of the alleged crime and the names and addresses of witnesses and any other evidence upon which the accused intends to rely to establish the alibi;

CONSIDERING FINALLY that there is good cause set out in the motions to allow for a variation of the time-limit previously set in the Work Plan,

PURSUANT TO Rules 54 and 127 of the Rules of Procedure and Evidence,

HEREBY GRANT the Motion and **ORDERS** the Sredoje Lukić Defence to comply with its Rule 67 obligations no later than 8 January 2008.

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



Judge Krister Thelin
Pre-Trial Judge

Dated this fourteenth day of December 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ *Prosecutor v. Milan Lukić & Sredoje Lukić*, Case No. IT-98-32/1-PT, Status Conference Transcript, p. 139.