



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-T

Date: 18 April 2008

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Order of: 18 April 2008

PROSECUTOR

v.

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

PUBLIC

ORDER ON FILING OF REBUTTAL APPLICATIONS PURSUANT TO RULE 85

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

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. Norman Sepenuk for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksandar Aleksić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević
Mr. Branko Lukić 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”) notes the “Pavković Notice of Intent to Seek Leave to Call Expert Witnesses and Rebuttal Witnesses,” filed 14 April 2008 (“Notice”), and hereby renders *ex proprio motu* this order in relation thereto.

1. In the Notice, the Pavković Defence advises the Trial Chamber and the parties that it may request leave to call one or two rebuttal witnesses to counter the evidence adduced by the Lukić Defence during its case, and that, if such a motion is to be filed, it will be done in the near future.

2. The Prosecution has indicated that it most likely will not seek to call any evidence in rebuttal.¹

3. The Chamber notes that the Lukić Defence has indicated it will close its case next week; the Chamber will then proceed to hear evidence from joint expert witnesses of the Defence and then any evidence called by the Chamber pursuant to Rule 98. As such, the completion of the evidence phase of the trial is nearing a close; and, in order to ensure the fair and expeditious conduct of the proceedings, the Chamber considers that it is appropriate to set a deadline by which all applications for the adducement of rebuttal evidence pursuant to Rule 85 must be filed.

4. Accordingly, the Trial Chamber, pursuant to Articles 20 and 21 of the Statute of the Tribunal and Rules 54 and 85 of the Rules of Procedure and Evidence of the Tribunal, hereby ORDERS that the parties shall file any applications for leave to call rebuttal evidence by no later than Monday, 28 April 2008.

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

Judge Iain Bonomy
Presiding

Dated this eighteenth day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ T. 23650 (4 March 2008).