



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-T

Date: 17 December 2008

Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Christine Van den Wyngaert
Judge Pedro David

Registrar: Mr. Hans Holthuis

Order of: 17 December 2008

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**ORDER DIRECTING MOTION TO PRESIDENT OF
TRIAL CHAMBER III**

The Office of the Prosecutor

Mr. Dermot Groome
Mr. Frédéric Ossogo
Ms. Laurie Sartorio
Mr. Stevan Cole
Ms. Francesca Mazzocco

Counsel for the Accused

Mr. Jason Alarid and Mr. Dragan Ivetić for Milan Lukić
Mr. Đuro Čepić and Mr. Jens Dieckmann for Sredoje Lukić

TRIAL CHAMBER III (“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 “Milan Lukić’s application for disqualification and withdrawal of the Trial Chamber based on Prosecution *ex parte* applications against the accused, the Defence team, and Defence witnesses during the trial creating a risk of an appearance of prejudice”, filed on 15 December 2008 (“Motion”);

NOTING the request of the Defence of Milan Lukić (“Defence”) for the recusal of Judge Robinson as “President of the Chamber”, the recusal of “the other two Judges of the Trial Bench”, i.e. Judge Christine Van den Wyngaert and Judge Pedro David, as well as the request for the recusal of Judge Robinson as recently elected President of the Tribunal;

NOTING Rule 15 (B) (i) of the Rules of Procedure and Evidence (“Rules”), which provides that “any party may apply to the Presiding Judge of a Chamber for the disqualification and withdrawal of a Judge of that Chamber from a trial or appeal upon the above grounds. The Presiding Judge shall confer with the Judge in question and report to the President”;

NOTING that Rule 15 (B) (iv) of the Rules provide that “If the Judge in question is the President, the responsibility of the President in accordance with this paragraph shall be assumed by the Vice-President or, if he or she is not able to act in the application, by the permanent Judge most senior in precedence who is able to act”;

NOTING that effective 24 November 2008, Judge Iain Bonomy has been elected Presiding Judge of Trial Chamber III;

CONSIDERING, therefore, that the Motion should have been directed to Judge Iain Bonomy;

PURSUANT to Rules 15 and 54 of the Rules;

DIRECTS the Motion to Judge Iain Bonomy.

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



Judge Patrick Robinson
Presiding

Dated this seventeenth day of December 2008
At The Hague
The Netherlands

[Seal of the Tribunal]