



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 THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Registrar: Mr. Hans Holthuis
Order of: 17 December 2008

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**PRELIMINARY ORDER IN RE MILAN LUKIĆ MOTION FOR
DISQUALIFICATION OF TRIAL CHAMBER**

The Office of the Prosecutor

Mr. Dermot Groome

Counsel for the Accused

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

I, Iain Bonomy, Presiding Judge of TRIAL CHAMBER III 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”) am 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”), and hereby issue this preliminary order in relation thereto.

1. In its “Order Directing Motion to President of Trial Chamber III”, issued 17 December 2008, the Trial Chamber currently seized of the proceedings in *Prosecutor v. Lukić and Lukić* directed the Motion to me, as Presiding Judge of Trial Chamber III, pursuant to Rule 15(B).

2. A preliminary perusal of the Motion reveals that the Milan Lukić Defence is referring to information that is not currently before me and that may substantiate its claims in the Motion. I may be assisted in the determination of this matter by being furnished with this information, namely that referred to in paragraphs 2–26 and 36 and any other information that might assist; however, the Milan Lukić Defence is cautioned to exercise restraint in furnishing any other information that is not necessary for the determination of the Motion. It may also assist for the Milan Lukić Defence to cross-reference the furnished information with the specific paragraphs in the Motion.

3. I also find it appropriate to set a date by which the Prosecution may respond to the Motion.

4. Accordingly, I, pursuant to Rules 15, 54, 126, 126 *bis*, and 127 of the Rules of Procedure and Evidence of the Tribunal, hereby ORDER as follows:

- a. The Milan Lukić Defence shall file, by no later than Friday, 19 December 2008, a supplement to its Motion containing the information referred to in the Motion that substantiates its claims therein, namely that referred to in paragraphs 2–26 and 36, and any other information that might assist in the determination of this matter.

- b. The Prosecution may respond to the Motion by no later than Wednesday, 24 December 2008.

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

Judge Iain Bony
Presiding

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

[Seal of the Tribunal]