



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: 19 January 2009
Original: English

IN TRIAL CHAMBER III

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

Acting Registrar: Mr. John Hocking

Order of: 19 January 2009

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**ORDER CONCERNING THE TIME
AND NUMBER OF WITNESSES FOR
THE DEFENCE OF MILAN LUKIĆ**

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”);

NOTING “Milan Lukić’s updated *65ter* witness list pursuant to order of the Trial Chamber”, filed publicly with confidential Annex A on 5 January 2009 (“witness list”) by the Defence of Milan Lukić (“Defence”), which contains 45 witnesses and provides that the estimated time of the examination-in-chief of these witnesses is 69.50 hours;

NOTING the Defence’s submission that “the current time estimates are under 60 hours without the testimony of Mr. Milan Lukić”, whose evidence-in-chief is estimated at 10 hours, and that:

as it is difficult to ascertain how long he would testify or when based on preparation of him as a witness, the Defence will make prudent measures based on the amount of actual time taken by the others and the due date of 6 March 2009 for completion of the Defence case;¹

RECALLING that at the hearing on 14 January 2009, the Chamber stated that it would issue an order “indicating the number of hours left in the Defence case” and noted that “the Defence will be aware that some hours have already been lost for reasons which are very well known to it”;²

RECALLING that on 26 November 2008 the Chamber determined pursuant to Rule 73 *ter* of the Rules of Procedure and Evidence that “the Defence of Milan Lukić may call 45 witnesses and that the time available for the examination-in-chief of these witnesses shall be 60 hours”;³

RECALLING that on 15 December 2008 the Chamber ruled that two witnesses were to be deducted from the Defence’s witness allotment, as a result of the Defence’s failures to commence its case as ordered on 3 and on 9 December, thus bringing the witness allotment to 43 witnesses;⁴

RECALLING that also on 15 December 2008 the Chamber ruled that time for the two removed witnesses would be deducted from the time allotment;⁵

CONSIDERING that it is appropriate to deduct one hour for each removed witness;

PURSUANT TO Rule 54 and Rule 73 *ter* of the Rules of Procedure and Evidence;

AFFIRMS the decision of 15 December 2008;

ORDERS that the Defence has a maximum of 58 hours to present its evidence-in-chief, and

¹ Witness list, para. 3.

² Hearing, 14 Jan 2009, T. 4032.

³ Order pursuant to Rule 73 *ter* of the Rules of Procedure and Evidence, filed on 26 November 2008.

ORDERS that the time and witness allotments are to include the testimony of Milan Lukić, should he choose to testify.

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



Judge Patrick Robinson
Presiding

Dated this nineteenth day of January 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴ Hearing, 15 Dec 2008, T. 3836-3837.

⁵ Hearing, 15 Dec 2008, T. 3836-3837.