



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: 20 November 2007

Original: English

IN THE TRIAL CHAMBER

Before: Judge Krister Thelin, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 20 November 2007

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**DECISION ON 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. Alan L. Yatvin

Ms. Jelena Lopičić-Jančić

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 the “Defence Notice Under Rule 67(A)(i)(a) and Request for Extension of Time”, filed on 14 November 2007, whereby the Sredoje Lukić Defence requests an extension of time, without specifying a date, in which to fulfil its disclosure obligations under Rule 67 (A)(i)(a),¹ and of the “Motion of Milan Lukić for Extension of Time to File Notices Under Rule 67”, filed on 14 November 2007, whereby the Milan Lukić Defence requests an extension until 10 December 2007 in which to give notice of its intent to offer the defence of alibi and to fulfil its disclosure obligations under Rule 67(A)(i)(a), (“Motions”);²

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;³

NOTING that counsel for Sredoje Lukić has provided notice of its intent to offer the defence of alibi, but seeks an extension of time to fulfil its disclosure obligations, submitting that it needs to gather more information from the Accused and from its Defence team in the field;⁴

NOTING that counsel for Milan Lukić submits that he has been hindered from filing a timely response under Rule 67 due to a lack of cooperation between the Accused and counsel;⁵

NOTING that the Prosecution does not object to an extension of the deadline until 10 December 2007 for the Defence to comply with the requires of Rule 67 provided that disclosure is comprehensive at that time and⁶

¹ See “Defence Notice Under Rule 67(A)(i)(a) and Request for Extension of Time”, 14 November 2007 (“Sredoje Lukić Motion”).

² See “Motion of Milan Lukić for Extension of Time to File Notices Under Rule 67”, 14 November 2007 (“Milan Lukić Motion”).

³ Status Conference, 4 September 2007, p. 124.

⁴ Sredoje Lukić Motion, para. 11-12.

⁵ Milan Lukić Motion, para. 4-7.

⁶ See Prosecution’s Response to Defence of Sredoje Lukić’s Notice Under Rule 67 (A)(i)(a), para. 8.

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:

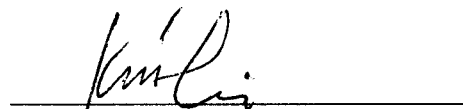
(a) the defence of alibi; in which case the notification shall specify the place or places at which the accused claims to have been present at the time of the alleged crime and the names and addresses of witnesses and any other evidence upon which the accused intends to rely to establish the alibi;

CONSIDERING FURTHER 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 Motions and **ORDER** each Defence to comply with its Rule 67 obligations no later than 10 December 2007.

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



Judge Krister Thelin
Pre-Trial Judge

Dated this twentieth day of November 2007
At The Hague
The Netherlands