



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: 9 November 2007

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

Decision of: 9 November 2007

PROSECUTOR

v.

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

PUBLIC

**DECISION ON LAZAREVIĆ MOTION FOR LEAVE TO AMEND ITS RULE 65 TER
WITNESS LIST TO ADD ALEKSANDAR PETKOVIĆ**

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”) is seised of “Vladimir Lazarević’s Motion to Amend the Rule 65ter Witness List,” filed 1 November 2007 (“Motion”), and hereby issues this decision thereon.

1. In the Motion, the Lazarević Defence seeks leave to add Aleksandar Petković to its Rule 65 *ter* Witness list.¹ The Lazarević Defence informs the parties and the Chamber that the witness was not included in the initial Rule 65 *ter* witness list due to the fact that he was listed in Pavković’s Rule 65 *ter* witness list.² During the presentation of Pavković’s defence case, however, the Pavković Defence informed the Trial Chamber and parties that this witness would not be called to give evidence. The Lazarević Defence argues that the witness’s evidence is relevant and indispensable for the presentation of its defence case and that his addition would serve the interests of justice.
2. The Prosecution has indicated that it does not intend to oppose the Motion.
3. For the foregoing reasons, the Chamber considers that it is in the interests of justice to grant leave to the Lazarević Defence to amend its Rule 65 *ter* witness list to add the witness. Accordingly, the Trial Chamber, pursuant to Rules 54 and 73 *ter* (D) of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion.

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


Judge Iain Bonomy
Presiding

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

[Seal of the Tribunal]

¹ See confidential Vladimir Lazarević’s Defence Rule 65*ter* Submission, 15 June 2007.

² See confidential 65 *ter* Witness List of General Pavković, 15 June 2007.