



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: 6 June 2008
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: 6 June 2008

PROSECUTOR

v.

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

PUBLIC

DECISION OF OJDANIĆ DEFENCE REQUEST FOR LEAVE TO FILE REPLY

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 an “Ojdanic Motion for Leave to File Reply to the Prosecution Response to Motion for Provisional Release Based on Compassionate Grounds,” filed 5 June 2008 (“Motion”), and hereby renders its decision thereon.

1. In the Motion, the Ojdanić Defence requests leave to file a reply to the confidential “Prosecution Response to General Ojdanić’s Motion for Provisional Release Based on Compassionate Grounds,” filed 4 June 2008, on the basis that “some facts appear to have been left out and/or misinterpreted by the Prosecution submission”.

2. The Chamber notes Rule 126 *bis*:

Rule 126 bis
Time for Filing Responses to Motions

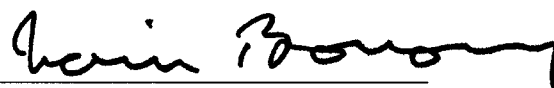
Unless otherwise ordered by a Chamber either generally or in the particular case, a response, if any, to a motion filed by a party shall be filed within fourteen days of the filing of the motion. A reply to the response, if any, shall be filed within seven days of the filing of the response, with the leave of the relevant Chamber.

3. The Prosecution has indicated that it does not intend to respond to the Motion.

4. The Chamber considers that it would be appropriate in the present circumstances for the Ojdanić Defence to be given the opportunity to file a reply.

5. Accordingly, the Trial Chamber, pursuant to Rules 54 and 126 *bis* of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion and ORDERS that the Ojdanić Defence shall file its reply by no later than 10 June 2008.

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



Judge Iain Bonomy
Presiding

Dated this sixth day of June 2008
At The Hague
The Netherlands

[Seal of the Tribunal]