



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: 3 July 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: 3 July 2008

PROSECUTOR

v.

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

PUBLIC

**DECISION ON JOINT DEFENCE REQUEST FOR EXTENSION OF TIME FOR
FILING OF FINAL TRIAL BRIEFS AND CLOSING ARGUMENTS**

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 a “Joint Defence Motion to Extend Time for Filing of Final Trial Brief,” filed 2 July 2008 (“Motion”), and hereby renders its decision thereon.

1. In the Motion, the Defence jointly request that the date for the filing of final trial briefs be postponed until near the end of the summer recess and that closing arguments be delayed until after the summer recess, on account of the fact that Aleksandar Dimitrijević is scheduled to give evidence next week. On 3 July 2008, the Prosecution responded to the Motion, not opposing the request for relief in the Motion, but alternatively requesting a three-day extension until Friday, 11 July 2008 for the filing of final trial briefs.¹

2. On 2 May 2008, the Chamber ordered that the parties’ briefs were to be filed on 8 July 2008 and the closing arguments in the above-captioned matter were to commence on 22 July 2008.²

3. On 25 June 2008, the Chamber issued an order affirming the above schedule. In this order, the Chamber considered that (a) the question of whether the steps taken by the Trial Chamber to secure the attendance of Mr. Dimitrijević required the Chamber to alter the remainder of the trial schedule could only be answered in light of all the circumstances pertaining between 25 June and 8 July 2008 and that (b) the parties were expected to comply with the existing schedule unless it was varied by a later order.³

4. On 2 July 2008, the Chamber denied motions for an extension of time for the briefs, which had been lodged by the Lukić and Pavković Defences.⁴

5. The Chamber has carefully reviewed the situation and is of the view that, at this point in time, good cause has not been shown for an extension of time in which to file final trial briefs and that the parties should continue to concentrate upon the preparation thereof, concurrently with preparing for the evidence of Aleksandar Dimitrijević about whom there is already much evidence in the case. The parties may rely upon the Chamber to take account of all circumstances as at 8 July 2008 in deciding any future motions for an extension of time for the final trial briefs, and

¹ Prosecution Response to Joint Defence Motion to Extend Time for Filing of Final Trial Briefs, 3 July 2008.

² Order on Procedure for Close of Proceedings, 2 May 2008.

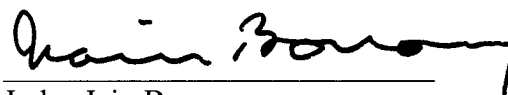
³ Order, 25 June 2008.

⁴ Decision on Lukić Motion for Reconsideration of Trial Chamber’s Decision on Motion for Admission of Documents from Bar Table and Decision on Defence Request for Extension of Time for Filing of Final Trial Briefs, 2 July 2008, paras. 44–45, 47.

this includes the possibility that there will be no reason to delay the date currently fixed for the briefs and closing arguments.

6. Accordingly, the Trial Chamber, pursuant to Rules 54, 86, and 127 of the Rules of Procedure and Evidence of the Tribunal, hereby DENIES the Motion *in hoc statu* and will continue to monitor the situation and review it in light of all the circumstances, if necessary and appropriate.

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



Judge Iain Bony
Presiding

Dated this third day of July 2008
At The Hague
The Netherlands

[Seal of the Tribunal]