



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: 27 September 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

Order of: 27 September 2007

PROSECUTOR

v.

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

PUBLIC

THIRD ORDER RE DISCLOSURE OF EXPERT REPORTS

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”) issues this order *ex proprio motu* confirming its oral ruling rendered on 27 September 2007 with regard to “General Dragoljub Ojdanić’s Notification Regarding Expert Report of Professor Radovan Radinović,” filed 24 September 2007 (“Radinović Notification”), and the “Defence Submission Regarding Expert Report of Professor Branislav Simonović,” filed 24 September 2007 (“Simonović Notification”).

1. On 11 September 2007, after receiving notification from the Defence of the disclosure of the translations of the Jokić and Stanković reports, the Chamber issued its “Second Order re Disclosure of Expert Reports,” in which it ordered the Prosecution to file, by 8 October 2007, its response to these expert reports. The Chamber also informed the Defence that it was awaiting notification of the disclosure of the translations of the Simonović and Radinović reports.¹

2. The Chamber notes that the Radinović Notification and the Simonović Notification state that the translations of the relevant expert reports have been received and uploaded to eCourt. Over the course of the week, the Chamber has heard submissions from the parties regarding the timing of the evidence of the witnesses and the date upon which the Prosecution would be required to file its submissions pursuant to Rule 94 *bis*. On 27 September 2007, the Chamber issued an oral ruling on the matter, which is confirmed below in this written order.

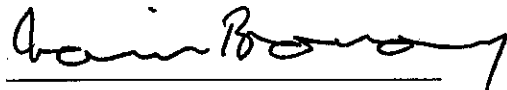
3. In accordance with the above, the Trial Chamber, *ex proprio motu*, for the avoidance of doubt, and pursuant to Rules 54 and 94 *bis* of the Rules of Procedure and Evidence of the Tribunal, hereby CONFIRMS its oral ruling and ORDERS as follows:

- (a) The Prosecution shall file, by 15 October 2007, its response to the expert report of Radinović, specifying whether it (i) accepts the report, (ii) intends to cross-examine the witness, and (iii) intends to challenge the qualifications of the expert witness or the relevance of all or any parts of the report.

¹ Second Order re Disclosure of Expert Reports, 11 September 2007, paras. 6–7.

- (b) The Prosecution shall file, by 16 November 2007, its response to the expert report of Simonović, specifying whether it (i) accepts the report, (ii) intends to cross-examine the witness, and (iii) intends to challenge the qualifications of the expert witness or the relevance of all or any parts of the report.

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



Judge Iain Bonomy
Presiding

Dated this twenty-seventh day of September 2007
At The Hague
The Netherlands

[Seal of the Tribunal]