



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: 14 March 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

Order of: 14 March 2008

PROSECUTOR

v.

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

PUBLIC

**ORDER ON SUBMISSIONS OF PARTIES ON ISSUE OF USE OF
PROSECUTION INTERVIEWS OF ACCUSED**

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”) hereby renders this Order on submissions of the parties on the issue of the manner in which the Accused’s interviews conducted by the Prosecution prior to the commencement of the trial are to be used evidentially in the case (“issue”).

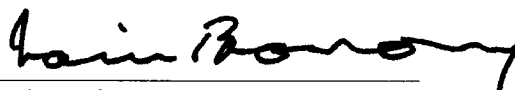
1. At the hearing held on 13 March 2008, the Trial Chamber raised the issue with the parties in order to ascertain the position of the Prosecution in the wake of recent Appeals Chamber jurisprudence.¹ The Prosecution indicated that it would “stand ... with the Court of Appeal.” The Milutinović and Pavković Defences advanced views upon the issue, including that the Prosecution should be bound by its previous positions upon the matter² and that it would be beneficial to settle the issue in advance of the filing of final trial briefs pursuant to Rule 86(B).

2. The Chamber considers that it would be in the interests of a fair and expeditious trial to afford the parties an opportunity to fully address this issue prior to the filing of final trial briefs in the above-captioned matter.

3. Accordingly, the Trial Chamber, pursuant to Rule 54 of the Rules of Procedure and Evidence of the Tribunal, hereby ORDERS as follows:

- a. The parties shall, by no later than Wednesday, 19 March 2008, file written submissions (if any) upon this issue.
- b. The parties shall address the Chamber orally upon this issue at a hearing to be held on Thursday, 20 March 2008 at 2:15 p.m.

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



Judge Iain Bony
Presiding

Dated this fourteenth day of March 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ *Prosecutor v. Prlić et al.*, Case No. IT-04-74-AR73.6, Decision on Appeals Against Decision Admitting Transcript of Jadranko Prlić’s Questioning Into Evidence, 23 November 2007. The Chamber has also raised this issue with the parties during the hearing on 15 February 2008. T. 22502 (15 February 2008).

² *See, e.g., Prosecutor v. Milutinović et al.*, Case No. IT-05-87-PT, Prosecutor’s Reply to Defence Responses to Motion for Admission of Documentary Evidence and Motion for Variation of Word Limit, 18 August 2006. This issue was also discussed during the Rule 98 *bis* submissions. T. 12596 *et seq.* (3 May 2007).