

UNITED
NATIONS

MIT-13-52-R.1

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12 March 2014

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Yes



Mechanism for International Criminal Tribunals

Case No. MICT-13-52-R.1

Date: 12 March 2014

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Review Judge

Registrar: Mr. John Hocking

Decision of: 12 March 2014

PROSECUTOR

v.

MILAN LUKIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION FOR ORDER ON
SCHEDULING OF RESPONSE**

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Mathias Marcussen

Counsel for Milan Lukić:

Mr. Rodney Dixon

I, THEODOR MERON, Judge of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively) and Pre-Review Judge in this case;¹

RECALLING the “Judgement” rendered on 20 July 2009 by Trial Chamber III of the International Criminal Tribunal for the Former Yugoslavia (“ICTY”) in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-T;

RECALLING the “Judgement” rendered on 4 December 2012 by the Appeals Chamber of the ICTY in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-A and the “Corrigendum to Judgement of 4 December 2012” issued on 4 March 2013;

NOTING the “Application on Behalf of Milan Lukić for Review of the Trial Judgement of 20 July 2009”, filed publicly with confidential annexes by Milan Lukić on 6 February 2014 (“Application”);

NOTING that, in the Application, Lukić refers to documents which are not attached to the Application but which he intends to file in support of his request for review of the Trial Judgement;²

BEING SEISED OF the “Prosecution Motion for Order on Scheduling of Response”, filed on 6 March 2014 (“Motion”), in which the Prosecution requests that the time limit for filing a response to the Application starts running after Lukić has filed all document he intends to rely upon in support of his request for review of the Trial Judgement;³

NOTING the Prosecution’s submission that it would be unfair if it were required to file a response to an incomplete submission;⁴

NOTING that, pursuant to Rule 146(C) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), a brief in response to a request for review shall be filed within 40 days of the filing of the request;

CONSIDERING that nothing prevents the Appeals Chamber from deciding on Lukić’s request for review on the basis of his submissions and supporting documentation as provided in the Application;

¹ Order Designating a Pre-Review Judge, 12 March 2014.

² Application, para. 3, fn. 3. In addition, the Appeals Chamber notes that although in the Application Lukić refers to “Annex 5”, no such annex was filed with the Application (see Application, para. 61, fn. 65).

³ Motion, paras 1, 7.

⁴ Motion, paras 1, 3.

CONSIDERING that Lukić may seek leave to supplement his submissions or to file a new request for review, provided that the requirements of Rule 146 of the Rules are met;

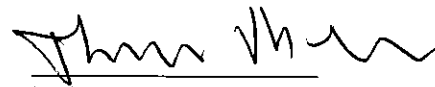
CONSIDERING that, should Lukić supplement his submissions or file a new request for review, the Prosecution will have an appropriate opportunity to respond;

FOR THE FOREGOING REASONS,

HEREBY DENY the Motion;

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

Dated this 12th day of March 2014
At The Hague,
The Netherlands


Judge Theodor Meron
Pre-Review Judge

[Seal of the Mechanism]