



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-02-56-PT  
Date: 5 April 2002  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Wolfgang Schomburg, Presiding  
Judge Florence Ndepele Mwachande Mumba  
Judge Carmel Agius

**Registrar:** Mr. Hans Holthuis

**Decision of:** 5 April 2002

**THE PROSECUTOR**

v.

**MOMIR NIKOLIĆ**

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**ORDER FOR FILING MOTIONS**

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**The Office of the Prosecutor:**

Mr. Peter McCloskey

**Counsel for the Accused**

Mr. Howard Morrison  
Mr. Stefan Kirsch

Pursuant to Rule 54 of the Tribunal's Rules of Procedure and Evidence and in order to regulate the filing of and responses to written motions in this case, the **TRIAL CHAMBER HEREBY ORDERS:**

1. Subject to the terms of this order, no written motion may be filed on a "confidential" basis unless the Pre-Trial Judge or another Judge of the Trial Chamber grants leave for it to be so filed. Applications for leave must be made in writing, stating the basis for the application. They may be filed on an *ex parte* basis. The following filings are, however, excluded from the requirement that leave be sought before they may be filed on a "confidential" basis:

- (i) all *ex parte* applications, whatever their nature;
- (ii) all applications that relate to ongoing investigations, pending indictments and sealed indictments;
- (iii) all *inter partes* applications for witness protection concerning specific persons; and
- (iv) all responses to confidential motions and all applications that relate to decisions of the Trial chamber concerning confidential motions or hearings;

2. The party filing a written motion shall include a draft order for relief with the motion submitted to the Trial Chamber;

3. Unless otherwise ordered, the party receiving a written motion has fourteen calendar days from the date that the motion was filed to file its response, if any;

4. A reply may be filed by the party that filed the motion only in relation to matters raised in the response of the opposing party that go beyond the issues raised in the motion and only with the leave of the Trial Chamber. Applications for leave must be made in writing, identifying the issues on which leave to reply is sought. The order granting leave to file a reply will set a time for any further response to be filed;

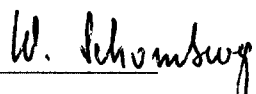
5. Either party may request oral argument on the written motion, but the request will be granted only if the Trial Chamber approves the need for oral argument, taking into account the necessity for a fair and expeditious trial.

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

Dated this 5<sup>th</sup> day of April 2002,

At The Hague,

The Netherlands

  
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**Wolfgang Schomburg**  
Pre-trial Judge

**[Seal of the Tribunal]**