



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-99-37-PT  
Date: 26 November 2002  
Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge Richard May, Presiding  
Judge Patrick Robinson  
Judge O-Gon Kwon

**Registrar:** Mr. Hans Holthuis

**Order of:** 26 November 2002

**PROSECUTOR**

v.

**DRAGOLJUB OJDANIĆ  
NIKOLA ŠAINOVIĆ  
*EX PARTE***

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**SCHEDULING ORDER**

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**Counsel for the Accused**

Mr. Tomislav Višnjić, Mr. Vojislav Selžan and Mr. Peter Robinson, for Dragoljub Ojdanić

**The North Atlantic Treaty Organization**

**The Member States of the North Atlantic Treaty Organization:**

Belgium, Canada, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Turkey, United Kingdom, United States of America

**Republic of Croatia**

**Bosnia and Herzegovina**

**Republic of Albania**

**Former Yugoslav Republic Macedonia**

**Bulgaria**

**Romania**

Case No. IT-99-37-PT

26 November 2002

**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 (“International Tribunal”),

**BEING SEISED** of “General Ojdanić’s Application for Orders to NATO and States for Production of Information”, filed by counsel for Dragoljub Ojdanić (“Applicant”) on 15 November 2002 (“the Application”), requesting the issue of Orders pursuant to Rule 54 *bis* of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), requiring the North Atlantic Treaty Organization (« NATO »), its member States and the Republic of Croatia, Bosnia and Herzegovina, Republic of Albania, Former Yugoslav Republic Macedonia, Bulgaria and Romania to produce: (1) all recordings of any intercepted communications during the period 1 January to 20 June 1999 to which the accused Dragoljub Ojdanić was a party; (2) all recordings of any intercepted communications for the same period, originating in the Federal Republic of Yugoslavia, in which the accused Dragoljub Ojdanić is mentioned or in which reference is made to him; and (3) correspondence, memoranda, reports, recordings or summaries of any statements made by the accused Dragoljub Ojdanić during the period 1 January to 20 June 1999 to any representative of the Organization, including sources working on its behalf,

**NOTING** that no Order is sought in relation to Norway and Portugal, such States having responded to the request of the Applicant to search for and provide the material sought,

**NOTING** that applications for Orders directed to States are governed by Rule 54 *bis* of the Rules of Procedure and Evidence of the International Tribunal (“the Rules”),

**CONSIDERING** that the Applicant has met the requirements of Rule 54 *bis*, paragraph (A), in that the Applicant has satisfied the Trial Chamber that it has identified as far as possible the documents or information to which the Application relates, that the material sought is relevant to the case against the accused, in that it relates to the acts and conduct of the accused, and further that the Applicant has taken steps to secure the assistance of the relevant States and organizations,

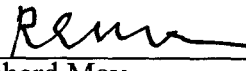
**CONSIDERING** that Rule 54 *bis*, paragraph (D) requires that, where a request for an Order for the production of documents or information by a State is sought, the State concerned shall be given notice of the application and shall have an opportunity to be heard,

**PURSUANT** to Article 29 of the Statute and Rules 54 and 54 *bis* of the Rules,

**HEREBY ORDERS** as follows:

- (1) the Application shall be served upon NATO, its member States other than Norway and Portugal, the Republic of Croatia, Bosnia and Herzegovina, Republic of Albania, Former Yugoslav Republic Macedonia, Bulgaria and Romania;
- (2) NATO, its member States other than Norway and Portugal, and the Republic of Croatia, Bosnia and Herzegovina, Republic of Albania, Former Yugoslav Republic Macedonia, Bulgaria and Romania may each, by Friday 28 February 2003, file a written response to the Application addressing *inter alia*, any grounds of objection, and
- (3) after the filing of written submissions a hearing on the Application shall be held at a date to be fixed at which counsel for the Applicant and NATO, its member States other than Norway and Portugal, and the Republic of Croatia, Bosnia and Herzegovina, Republic of Albania, Former Yugoslav Republic Macedonia, Bulgaria and Romania through their designated senior responsible officials, may appear to address the Application.

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

  
Richard May  
Presiding

Dated this twenty-sixth day of November 2002  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**