



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: 22 September 2004
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Order of: 22 September 2004

PROSECUTOR

v.
**MILAN MILUTINOVIĆ
DRAGOLJUB OJDANIĆ
NIKOLA ŠAINOVIĆ
*EX PARTE***

SCHEDULING ORDER

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

22 September 2004

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 (“States”), to produce documents as specified in the Application,

NOTING that, pursuant to Rule 54 *bis*, the Trial Chamber invited NATO and the States to file written submissions in advance of a hearing on the Application at a date to be fixed,

NOTING that submissions were filed by certain States, namely Canada, Czech Republic, France, Germany, Hungary, Netherlands, United Kingdom and the United States, raising objections to the issue of the Order as sought in the Application (together « the Responding States »),

NOTING the further submission of the Applicant filed on 20 June 2003 in accordance with the Order of the Trial Chamber of 13 May 2003, addressing in more detail the relevance of the material sought,

NOTING the Order of the Trial Chamber of 14 November 2003 staying the proceedings until further notice,

NOTING that the Applicant has indicated to the Trial Chamber that it now wishes to proceed with such hearing,

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

HEREBY ORDERS as follows:

- (1) a hearing on the Application shall be held on 1, 2 and 3 December 2004, at which counsel for the Applicant, NATO and the Responding States, through their designated senior responsible officials, may appear to address the Application ;
- (2) the Application shall be heard from 3 to 6 p.m. on 1 and 2 December and from 9.30 a.m to 6 p.m on 3 December 2004 ;
- (3) NATO and any of the Responding States wishing to be heard at the hearing shall file a notification to such effect with the Trial Chamber no later than 29 October 2004 ;
- (4) a detailed schedule of the order of presentation of arguments shall be issued after filing of such notifications ; and
- (5) the Applicant's filing of 20 June 2003 shall be served on NATO and the Responding States.

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



Patrick Robinson
Presiding

Dated this twenty-second day of September 2004
At The Hague
The Netherlands

[Seal of the Tribunal]