



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: 24 November 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: 24 November 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

Office of the Prosecutor

Mr. Geoffrey Nice

Ms. Cristina Romano

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 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 its Order of 22 September 2004 scheduling a hearing on the Application for 1, 2 and 3 December 2004 and inviting NATO and any of the Responding States wishing to be heard to file a notification to such effect with the Trial Chamber no later than 29 October 2004,

NOTING that notifications of intention to appear have been received from Canada, France, Germany, Netherlands, United Kingdom and the United States and also from Bosnia and Herzegovina and Turkey (« the Participating States »),

NOTING that the Office of the Prosecutor (« Prosecution ») indicated at a Rule 65 *ter* conference held on 11 November 2004 that it wished to be present at the hearing and the Applicant confirmed at that conference that there was no objection to such attendance,

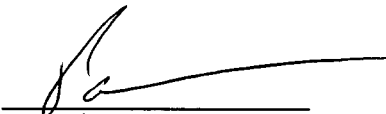
NOTING that, in its Order of 22 September 2004, the Trial Chamber indicated that a detailed schedule of the order of presentation of arguments would be issued after filing of such notifications,

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

HEREBY ORDERS as follows:

- (1) the schedule for hearing the Applicant and the Participating States is set out in Annex 1 hereto;
- (2) each Participating State is requested to provide the Chamber, via its Senior Legal Officer, with the information set out in Annex 2 hereto, in order to make the necessary practical arrangements for the hearing; and
- (3) the Prosecution may make an oral application at the commencement of the hearing to be permitted to attend any part of the proceedings that may be heard in closed session.

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



Patrick Robinson
Presiding

Dated this twenty-fourth day of November 2004
At The Hague
The Netherlands

[Seal of the Tribunal]

Schedule for hearing

Wednesday 1 December 2004

3 – 3.15 p.m. Procedural matters
3.15 – 4 p.m. Applicant
4 – 4.30 p.m. Break
4.30 – 5.15 p.m. Canada
5.15 – 6 p.m. Netherlands

Thursday 2 December 2004

3 – 3.45 p.m. United Kingdom
3.45 – 4.30 p.m. United States
4.30 – 5 p.m. Break
5 – 5.45 p.m. Germany
5.45 – 6.30 p.m. France

Friday 3 December 2004

9.30 – 10 a.m. Bosnia and Herzegovina
10 – 10.30 a.m. Turkey
10.30 – 11 a.m. Break
11 – 12 noon Applicant

The above schedule is for guidance only and is subject to change at the direction of the Trial Chamber. All participants should be ready to address the Chamber at a time other than that indicated above.

Consideration will be given to revising the time allowed if any of the Participating States are able to present joint arguments on part or all of their objections.

ANNEX 2

All Participating States are requested to provide the following information to the Senior Legal Officer of the Trial Chamber as soon as possible and no later than by close of business on Monday 29 November 2004 :

1. The name of the designated official who will represent the State at the hearing;
2. The name of the person who will address the Chamber, and their capacity if different, e.g., counsel;
3. The preferred language to be used;
4. If the preferred language is not one of the working languages of the International Tribunal (English and French) or the language of the accused (Bosnian/Croatian/Serbian), does the State wish to provide its own interpreter for the hearing as permitted by Rule 54 *bis* (G) of the Rules?
(N.B. in the event that a State does not provide its own interpreter, interpretation to and from a language other than a working language of the International Tribunal is subject to the International Tribunal being able to make the necessary practical arrangements);
5. the names and capacities of other State representatives wishing to attend.
(N.B. the number of persons able to attend may be subject to restriction due to limitations of courtroom space.)

If counsel are instructed to appear on behalf of a government they should be robed either as required in their local jurisdiction or as required by the International Tribunal.

The Senior Legal Officer of the Chamber is Ms. Yvonne M.O. Featherstone, contact details :

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