



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: 2 March 2005  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Order:** 2 March 2005

**PROSECUTOR**

**V.**

**MILAN MILUTINOVIĆ  
NIKOLA ŠAINOVIĆ  
DRAGOLUB OJDANIĆ**

**SCHEDULING ORDER FOR HEARING ON  
DEFENCE REQUESTS FOR PROVISIONAL RELEASE**

**Office of the Prosecutor**

Mr. Thomas Hannis  
Ms. Cristina Moeller

**Counsel for Milan Milutinović**

Mr. Toma Fila  
Mr. Vladimir Petrović

**Counsel for Milan Milutinović**

Mr. Tomislav Višnjić  
Mr. Peter Robinson

**The Government of Serbia and Montenegro**

*per:* The Embassy of Serbia and Montenegro  
to The Netherlands, The Hague

**Counsel for Nikola Šainović**

Mr. Eugene O'Sullivan  
Mr. Slobodan Zečević

**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”),

**NOTING** “Mr. Milan Milutinović’s Second Motion for Provisional Release”, filed confidentially by counsel for Milan Milutinović (“Milutinović Defence”) on 17 December 2004, and partly confidential “Prosecution’s Response to Milan Milutinović’s Second Motion for Provisional Release with Annexes A, B, and Confidential Annex C”, filed by the Office of the Prosecution (“Prosecution”) on 22 December 2004, followed by confidential “Application to File a Reply and Reply to Prosecution’s Response to Mr. Milan Milutinović’s Second Motion for Provisional Release” filed by the Milutinović Defence on 29 December 2004;

**NOTING** “General Ojdanić’s Fourth Application for Provisional Release”, filed by counsel for Dragoljub Ojdanić (“Ojdanić Defence”) on 14 December 2004, and the partly confidential “Prosecution’s Response to General Ojdanić’s Fourth Application for Provisional Release with Annexes A, B, C and Confidential Annex D”, filed by the Prosecution on 22 December 2004, followed by “General Ojdanić’s Reply to Prosecutor’s Response to Fourth Application for Provisional Release” filed on 28 December 2004;

**NOTING** the “Third Request for Provisional Release”, filed by counsel for Nikola Šainović (“Šainović Defence”) on 23 December 2004, and the “Prosecution’s Response to Nikola Šainović’s Third Defence Request for Provisional Release with Annexes A and B” and the “Prosecution’s Supplemental Response to Nikola Šainović’s Third Defence Request for Provisional Release with Confidential Annex A”, filed by the Prosecution on 6 January 2005 and 20 January 2005 respectively, followed by “Defence Reply to Prosecution’s Response to Nikola Šainović’s Third Defence Request for Provisional Release” and “Defence Second Reply to Prosecution’s Supplemental Response to Šainović’s Third Request for Provisional Release”, filed respectively by the Šainović Defence on 13 January 2005 and 27 January 2005;

**NOTING** its “Order to Defence to Make Arrangements for an Oral Hearing on Provisional Release”, filed on 10 February 2005, in which the Chamber (1) noted that each of the Accused requested an oral hearing in their respective applications for provisional release; (2) noted the Prosecution’s application for leave to cross-examine a representative from Serbia and Montenegro on the guarantees issued if an oral hearing were scheduled; (3) considered that its evaluation of the applications for provisional release may be assisted by hearing evidence from representatives of the government of Serbia and Montenegro and the Republic of Serbia with regard to the guarantees offered; (4) granted the Defence for each Accused the opportunity to lead evidence from representatives of the government of Serbia and Montenegro and the Republic of Serbia; and

(5) ordered the Defence for each of the Accused to inform the Trial Chamber of the identity of any witness they wish to lead, and of the proposed arrangements for such evidence to be taken;

**NOTING** the joint “Defence Notification Pursuant to Trial Chamber’s Order of 10 February 2005”, filed on 22 February 2005, in which the Defence for each of the Accused (1) informed the Chamber of their intent to call Mr. Zoran Stojković, Minister of Justice in the Government of the Republic of Serbia to give evidence; (2) noted that Mr. Stojković will be accompanied by Ms. Maja Mitrović, Ambassador of Serbia and Montenegro to the Netherlands; (3) assured the Chamber that the consent of each of these representatives for their participation in the hearing had been obtained; and (4) proposed that the evidence from the government representatives be heard in open session, and stated that evidence in chief would be led by all Defence teams on respective issues;

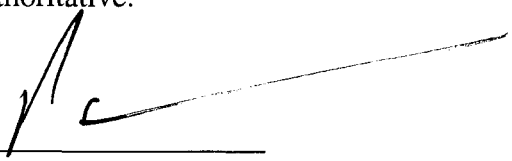
**NOTING** the “Guarantees from Government of Republic of Serbia and Counsel of Ministers of Serbia and Montenegro in support of Mr. Milutinović’s Second Motion for Provisional Release filed on 17 December 2004”;

**PURSUANT** to Rule 65 of the Rules of Procedure and Evidence of the International Tribunal,

**HEREBY ORDERS** as follows:

- (1) A hearing on the Accused’s requests for provisional release shall be held on Wednesday, 9 March 2005, at 9:00 a.m.;
- (2) The Defence for each Accused shall lead evidence in chief from the government representatives on the guarantees offered by the Government of Serbia and Montenegro and the Republic of Serbia; and
- (3) The Prosecution is granted leave to cross-examine the government representatives.

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



\_\_\_\_\_  
Judge Robinson  
Presiding

Dated this second day of March 2005  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**