



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: 19 April 2005
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision: 19 April 2005

PROSECUTOR

v.

**MILAN MILUTINOVIĆ
NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ**

**DECISION ON MOTION OF DRAGOLJUB OJDANIĆ FOR
MODIFICATION OF DECISION ON APPLICATION FOR
BINDING ORDERS PURSUANT TO RULE 54BIS**

The Office of the Prosecutor:
Mr. Thomas Hannis
Ms. Christina Moeller

Counsel for Milan Milutinović:
Mr. Eugene O'Sullivan
Mr. Slobodan Zečević

Counsel for Dragoljub Ojdanić:
Mr. Tomislav Višnjić
Mr. Peter Robinson

Counsel for Nikola Šainović:
Mr. Toma Fila
Mr. Vladimir Petrović

North Atlantic Treaty Organisation

Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Former Yugoslav Republic of Macedonia, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Spain, Turkey, United Kingdom, and United States of America

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 a “Motion for Modification of Decision on Application of Dragoljub Ojdanić for Binding Orders Pursuant to Rule 54 *bis*”, filed 30 March 2005 (“Motion”), wherein Dragoljub Ojdanić (“Applicant”) states that “the Trial Chamber has mistakenly included Germany among the States as to which the application is denied and omitted Germany from the States to whom General Ojdanic may reformulate his request” and requests that the Trial Chamber modify its “Decision on Application of Dragoljub Ojdanić for Binding Orders Pursuant to Rule 54*bis*”, issued 24 March 2005 (“Decision”), so that the Applicant may “include Germany among the States to whom he may address the new request”,

CONSIDERING that (1) the Decision inadvertently, due to an administrative error, denied the Application¹ with respect to Germany; and (2) although Germany responded that, despite its objection, it had conducted a search and found no information responsive to the Application, it is unclear from Germany’s response whether this search was so exhaustive (especially with respect to paragraphs (B) and (C) of the Request) as to exclude the possibility that Germany possesses material that would fall within the terms of a revised, specific, and relevant request,²

PURSUANT to Article 29 of the Statute of the International Tribunal and Rules 54 and 54*bis* of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY GRANTS the Motion, and **ORDERS** that the Applicant may reformulate the Request in respect of Germany in accordance with paragraphs (1) and (2) of the Decision (at pages 7-8).

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



Judge Patrick Robinson
Presiding

Dated this nineteenth day of April 2005
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ General Ojdanić’s Application for Orders to NATO and States for Production of Information, filed on 13 November 2002.

² Submission of the Federal Republic of Germany Concerning “General Ojdanic’s Application for Orders to NATO and States for Production of Information”, filed 28 February 2003.