



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-05-87-PT  
Date: 7 September 2005  
Original: English

**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Date:** 7 September 2005

**PROSECUTOR**

v.

MILAN MILUTINOVIĆ  
NIKOLA ŠAINOVIĆ  
DRAGOLJUB OJDANIĆ  
NEBOJŠA PAVKOVIĆ  
VLADIMIR LAZAREVIĆ  
VLASTIMIR ĐORĐEVIĆ  
SRETEN LUKIĆ

**SCHEDULING ORDER FOR HEARING ON GENERAL OJDANIĆ'S  
SECOND APPLICATION FOR ORDERS TO NATO AND  
STATES FOR PRODUCTION OF INFORMATION**

**The Office of the Prosecutor**

Mr. Thomas Hannis  
Ms. Christina Moeller  
Ms. Carolyn Edgerton  
Mr. Chester Stamp  
**Counsel for the Accused**

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Milan Milutinović  
Mr. Tomislav Višnjić and Mr. Peter Robinson for Dragoljub Ojdanić  
Mr. Toma Fila and Mr. Vladimir Petrović for Nikola Šainović  
Mr. John Ackerman and Mr. Aleksander Aleksić for Mr. Nebojša Pavković  
Mr. Mihaljo Bakrač for Mr. Vladimir Lazarević  
Mr. Theodore Scudder for Mr. Sreten Lukić

**The North Atlantic Treaty Organisation**

**Canada, France, Iceland, Luxembourg  
Poland, United Kingdom, United States**

**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 (“the International Tribunal”),

**BEING SEIZED** of “General Ojdanić’s Second Application for Orders to NATO and States for Production of Information”, filed 27 June 2005 (“Second Application”), in which the Defence for Ojdanić applies for an order directed to the North Atlantic Treaty Organisation (“NATO”), and the States of Belgium, Canada, Czech Republic, France, Germany, Hungary, Iceland, Luxembourg, Poland, United Kingdom, and United States, to produce copies of information set forth in Annex A of the Second Application,

**NOTING** that the Defence for Ojdanić filed a withdrawal of the Second Application with respect to the States of Belgium, Czech Republic, Germany, and Hungary<sup>1</sup> in light of the responses to “General Ojdanić’s *Ex Parte* Request to NATO and States pursuant to Trial Chamber’s Decision of 23 March 2005” (“Request”)<sup>2</sup> given by these four States,

**NOTING** that the Defence for Ojdanić has continued discussions with some of the other States, which responded to the Request, and that the Defence for Ojdanić was ordered to inform the Trial Chamber as to the outcome of such discussions, prior to the Trial Chamber determining the Second Application,<sup>3</sup>

**NOTING** that the Defence for Ojdanić has duly informed the Trial Chamber of the status of ongoing discussions with some of the States and that the Defence for Ojdanić requests the Trial Chamber to issue an order requiring NATO and the States to whom the Second Application is addressed to respond to the Second Application in writing and to schedule an oral hearing,<sup>4</sup>

**CONSIDERING** that it is appropriate for the Trial Chamber to hold a hearing pursuant to Rule 54 *bis* (D)(ii) of the Rules of Procedure and Evidence (“Rules”),

**PURSUANT TO** Rules 54 and 54 *bis* of the Rules,

**HEREBY ORDERS** as follows:

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<sup>1</sup> “Withdrawal of Rule 54*bis* Application as to Belgium, Czech Republic, Germany, and Hungary”, 13 July 2005.

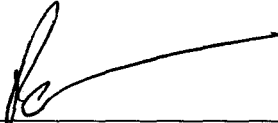
<sup>2</sup> “General Ojdanić’s *Ex Parte* Request to NATO and States pursuant to Trial Chamber’s Decision of 23 March 2005”, 19 April 2005.

<sup>3</sup> “Order of Pre-Trial Judge Arising from Status Conference”, 1 September 2005.

<sup>4</sup> “General Ojdanić’s Report on Status of Second Application to NATO and States for Production of Information (Rule 54*bis*)”, 6 September 2005.

- (1) NATO and any States which have not yet responded to the Second Application shall respond in writing, if they intend to do so, by 20 September 2005;
- (2) a hearing on the Second Application shall be held on 4 October 2005 at 3pm, at which counsel for the Applicant, NATO and the States to whom the Second Application is directed, through their designated senior responsible officials, may appear to address the Second Application;
- (3) NATO and any of the States wishing to be heard at the hearing shall file a notification to such effect with the Trial Chamber no later than 20 September 2005.

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



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Judge Patrick Robinson  
Presiding

Dated this seventh day of September 2005  
At The Hague  
The Netherlands

[Seal of the Tribunal]