



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-05-88-T

Date: 11 September 2007

Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge O-Gon Kwon
Judge Kimberly Prost
Judge Ole Bjørn Støle – Reserve Judge

Registrar: Mr. Hans Holthuis

Order of: 11 September 2007

PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
LJUBOMIR BOROVIČANIN
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**ORDER TO SERVE MOMIR NIKOLIĆ WITH “DEFENCE MOTION ON
BEHALF OF DRAGO NIKOLIĆ SEEKING ACCESS TO CONFIDENTIAL
MATERIAL IN CASE NO. IT-02-60/1”**

Office of the Prosecutor

Mr. Peter McCloskey

Counsel for the Accused

Mr. Zoran Živanović and Ms. Julie Condon for Vujadin Popović
Mr. John Ostojić and Mr. Christopher Meek for Ljubiša Beara
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Drago Nikolić
Mr. Aleksandar Lazarević and Mr. Miodrag Stojanović for Ljubomir Borovčanin
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Radivoje Miletić
Mr. Dragan Krgović and Mr. David Josse for Milan Gvero
Mr. Peter Haynes and Mr. Đorđe Sarapa for Vinko Pandurević

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 (“Tribunal”);


BEING SEISED OF the “Defence Motion on Behalf of Drago Nikolić Seeking Access to Confidential Material in Case No. IT-02-60/1”, filed on 29 June 2007 (“Motion”), in which Drago Nikolić seeks access to all confidential material in the case of *Prosecutor v. Momir Nikolić*, including, *inter alia*, “exhibits, filings (as well as Momir Nikolić’s sentencing brief), all 92bis witness statements and the testimonies of *viva voce* witnesses”;¹

NOTING that, pursuant to Rule 75(I), “[b]efore determining an application under paragraph (G)(ii), (H)(ii), or (H)(iii) above, the Chamber shall endeavour to obtain all relevant information from the first proceedings, including from the parties to those proceedings, and shall consult with any Judge who ordered the protective measures in the first proceedings, if that Judge remains a Judge of the Tribunal”;

PURSUANT TO Rules 54 and 75(I) of the Rules,

HEREBY REQUESTS the assistance of the Registry in serving Momir Nikolić with the Motion, and **DECIDES** that Momir Nikolić has until 21 September to respond, should he wish to do so.

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



Carmel Agius
Presiding

Dated this eleventh day of September 2007
At The Hague, The Netherlands

[Seal of the Tribunal]

¹ Motion, para. 15.