



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-T
Date: 28 September 2007
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Decision of: 28 September 2007

PROSECUTOR

v.

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

PUBLIC

DECISION ON OJDANIĆ FIFTH MOTION TO AMEND RULE 65 TER EXHIBIT LIST

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

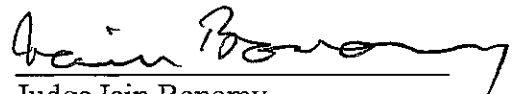
Counsel for the Accused

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksandar Aleksić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

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”) is seised of the confidential “Fifth General Dragoljub Ojdanic’s Motion to Add Exhibits,” filed 14 September 2007 (“Motion”), and hereby issues this decision thereon.

1. In the Motion, the Ojdanić Defence seeks to add several documents to its Rule 65 *ter* exhibit list¹ on the bases that they (a) replace incomplete versions previously disclosed or (b) were recently authorised and received from the Government of the Republic of Serbia. The Defence argues that the documents are relevant and necessary to the Ojdanić defence case and that their addition to the list would serve the interests of justice. The Prosecution has indicated that it does not intend to oppose the Motion.
2. The Trial Chamber notes that the Motion was filed confidentially without an explanation therefor and that there is no immediately apparent reason why the Motion should have been filed as such.²
3. Accordingly, the Trial Chamber, pursuant to Rules 54 and 65 *ter* of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion and DIRECTS the Registry to alter the status of the Motion from confidential to public.

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


 Judge Iain Bonomy
 Presiding

Dated this twenty-eighth day of September 2007
 At The Hague
 The Netherlands

[Seal of the Tribunal]

¹ See confidential General Ojdanić’s 65ter Submission, 15 June 2007; confidential General Ojdanić’s Re-Filed 65ter Submission, 20 August 2007.

² See, e.g., Decision on Lukić Motion to Bar Prosecution from Contacting Witnesses, 7 August 2007 (denying without prejudice motion because it was filed confidentially without adequate explanation); Decision on Prosecution Motion for Reconsideration of Decision on Prosecution Motion for Additional Trial-Related Protective Measure for Witness K56, 9 November 2006, para. 4 (“The Prosecution must justify filing documents in a confidential and/or *ex parte* manner, if it deems it necessary and appropriate to do so.”); confidential Order Lifting *Ex Parte* Status of Prosecution Ninth Motion for Protective Measures, 19 October 2006; *Prosecutor v. Delić*, Case No. IT-04-83-PT, Decision Regarding the Prosecution Motion for Protective Measures and Delayed Disclosure, 8 November 2006; *Prosecutor v. Perišić*, Decision on Prosecution’s Motion for Protective Measures, 10 October 2006; Rule 78 (“All proceedings before a Trial Chamber, other than deliberations of the Chamber, shall be held in public, unless otherwise provided.”).