



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: 13 May 2008

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

Order of: 13 May 2008

PROSECUTOR

v.

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

PUBLIC REDACTED VERSION

ORDER TO THE GOVERNMENT OF THE REPUBLIC OF SERBIA

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

Government of the Republic of Serbia

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”),

NOTING the confidential “Summons Pursuant to Rules 54 and 98,” issued by the Trial Chamber on 13 May 2008 (“Summons”), ordering **Mr. Aleksandar Dimitrijević** to appear and testify before the Tribunal in the above-captioned matter,

NOTING Rules 54 and 98 of the Rules of Procedure and Evidence of the Tribunal, which provide as follows:

**Rule 54
General Rule**

At the request of either party or *proprio motu*, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.

**Rule 98
Power of Chambers to Order Production of Additional Evidence**

A Trial Chamber may order either party to produce additional evidence. It may *proprio motu* summon witnesses and order their attendance.

NOTING Article 29 of the Statute of the Tribunal, which provides as follows:

**Article 29
Cooperation and judicial assistance**

1. States shall cooperate with the International Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.
2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:
 - (a) the identification and location of persons;
 - (b) the taking of testimony and the production of evidence;
 - (c) the service of documents;
 - (d) the arrest or detention of persons;
 - (e) the surrender or the transfer of the accused to the International Tribunal.

CONSIDERING that it would be in the interests of justice for the Government of the Republic of Serbia to assist the Tribunal by serving the Summons and taking any other actions necessary to ensure the appearance of **Mr. Aleksandar Dimitrijević** before the Trial Chamber in order to give evidence in the above-captioned proceeding,

PURSUANT TO Rules 54 and 98 of the Rules of Procedure and Evidence of the Tribunal and Article 29 of the Statute of the Tribunal,

HEREBY ORDERS the Government of the Republic of Serbia:

(1) to serve the Summons on the following individual as soon as possible:

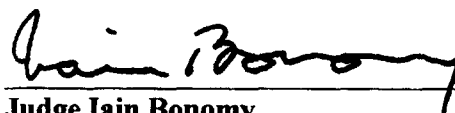
Name: **Mr. Aleksandar Dimitrijević**
Address:



- (2) to, within 48 hours of service or unsuccessful attempted service of the Summons, file a confidential written report with the Tribunal providing the details of the service or unsuccessful attempted service;
- (3) to take whatever steps reasonably necessary to ensure that the individual appears at trial on the dates indicated in his Summons;
- (4) not to disclose to the public, except to the extent necessary to effectuate the Summons, (i) the name, identifying information, and whereabouts of the witness; (ii) the existence of the Summons; or (iii) the Government of the Republic of Serbia's assistance in serving the Summons and facilitating the appearance of the individual at the Tribunal until such time as the individual appears at an open session of the trial or the Trial Chamber lifts the confidentiality of this Order.

For the purposes of this Order, the “public” means all persons, including corporations; governments and organs/departments thereof; organisations; entities; associations; groups; the Accused’s family members, friends, and associates; accused and defence counsel in other proceedings before the Tribunal; and the media. However, for the purposes of this Order, the “public” does not mean Judges of the Tribunal; staff of the Registry and the Office of the Prosecutor; or the Accused and their Defence Counsel, co-counsel, and other members of the Defence teams.

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



Judge Iain Bonomy

Presiding

Dated this thirteenth day of May 2008

At The Hague

Netherlands

[Seal of the Tribunal]