



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: 25 June 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: 25 June 2008

PROSECUTOR

v.

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

PUBLIC

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 (“First Summons”), ordering **Mr. Aleksandar Dimitrijević** to appear and testify before the Tribunal in the above-captioned matter, and the “Order to the Government of the Republic of Serbia,” also issued on 13 May 2008 (“Order”), requiring service of the First Summons on Mr. Dimitrijević,

NOTING that the First Summons ordered the appearance of Mr. Dimitrijević as a witness before this Trial Chamber in the case of *Prosecutor v. Milutinović et al.*, on Friday, 23 May 2008, *or on other dates as may be communicated to him*,

NOTING that the First Summons was not served on Mr. Dimitrijević, as required by the terms of the Order,

NOTING that the President of the Tribunal sent a letter to the United Nations Security Council on 17 June 2008, reporting a breach of Article 29 of the Tribunal’s Statute by the Republic of Serbia,

NOTING that the Government of the Republic of Serbia has made public statements affirming its readiness to fully cooperate with the Tribunal and to do everything to ensure the attendance of Mr. Dimitrijević as a witness in these proceedings,

NOTING the “Summons Pursuant to Rules 54 and 98” issued by the Trial Chamber on 25 June 2008 (“Summons”), ordering Mr. Dimitrijević to appear and testify before the Tribunal in the above-captioned matter on Tuesday, 8 July 2008,

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, and no later than Monday, 30 June 2008:

Name: **Mr. Aleksandar Dimitrijević**
Address: **[REDACTED]**

- (2) to file a confidential written report with the Tribunal by Monday, 30 June 2008, providing the details of the service;

(3) to take all steps reasonably necessary to ensure that the individual appears at trial on the dates indicated in his Summons;

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

Judge Iain Bony

Presiding

Dated this twenty-fifth day of June 2008

At The Hague

Netherlands

[Seal of the Tribunal]