



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 Nos.: IT-05-87-T
IT-05-87/1-PT
Date: 9 September 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

Decision of: 9 September 2008

PROSECUTOR

v.

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

PUBLIC

**DECISION ON ĐORĐEVIĆ MOTION FOR ACCESS TO MATERIALS IN
THE MILUTINOVIĆ ET AL. CASE**

Prosecutor v. Milutinović et al.

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

Prosecutor v. Vlastimir Đorđević

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

Counsel for the Accused

Mr. Dragoljub Đorđević and Mr.
Veljko Đurđić for Vlastimir Đorđević

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 “Vlastimir Đorđević’s Motion for Access to Confidential Materials from the *Milutinović et al.* Case Beyond the Date of the 9 July 2008 Decision,” filed 25 July 2008 (“Motion”), and hereby renders its decision thereon.

1. On 21 November 2007, the Trial Chamber, in its “Decision on Đorđević Motion for Access to Materials in *Milutinović et al.* Case,” granted, in part, the Đorđević Defence’s motion for access to confidential materials in the above-captioned proceedings, for material up to and including the date of that Decision.
2. On 9 July 2008, the Chamber, in its “Decision on Đorđević Motions for Access to Materials in the *Milutinović et al.* Case,” updated this access through to the date of that Decision.
3. In the Motion, the Đorđević Defence requests that this access now be updated to include the final stages of the proceedings, including the evidence of Aleksandar Dimitrijević and the confidential versions of the final trial briefs.
4. The Prosecution has not responded to the Motion.
5. The Chamber notes that the Motion is moot in respect of the evidence of Dimitrijević, which was heard in public session. However, the final trial briefs exist in confidential/unredacted form, and there were limited private sessions during the closing arguments in the case. The Chamber therefore finds it appropriate to grant access to the relevant confidential portions of the record of the above-captioned proceedings to the Đorđević Defence, in accordance with the prior Decisions in relation to this matter.
6. Accordingly, the Trial Chamber, pursuant to Rules 54, 70, and 75 of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion, in part, and ORDERS as follows:
 - a. The Registry and the Prosecution shall disclose to the Đorđević Defence information in accordance with the Trial Chamber’s “Decision on Đorđević Motion for Access to Materials in *Milutinović et al.* Case,” issued 21 November 2007, and “Decision on Đorđević Motions for Access to Materials in the *Milutinović et al.* Case,” issued 9 July 2008—updated through to the date of this current Decision.

- b. All other conditions of the aforementioned Decisions continue to apply and shall be respected by the Đorđević Defence.

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



Judge Iain Bonomy
Presiding

Dated this ninth day of September 2008
At The Hague
The Netherlands

[Seal of the Tribunal]