

Before:

Judge Carmel Agius, Presiding
Judge O-Gon Kwon
Judge Kimberly Prost

1F-05-88-T 33580
D 33580-D 33579 P.K
22 SEPTEMBER 2009

Registrar:

Mr. John Hocking

Public Order

The Prosecutor
v.
Vujadin Popovic et al.

**Post session order to redact the public transcript
and the public broadcast of a hearing**

The Trial Chamber

(At the request of the Prosecutor / Defence and with the agreement of the parties)

ORDERS that the following highlighted text, page 34542 lines 19-20, be omitted from the public transcript of this hearing and be edited from the public broadcast of this hearing.

Line 18: 11:29:00 In paragraph 836 of the Blagojevic and Jokic judgement, the Trial Chamber took account of the limited involvement of Dragan Jokic and his low rank were the key factors in determining the sentence. As has already been said, the involvement of Drago Nikolic in these events was also very limited. He was not a member of the alleged joint criminal enterprise, even though he bears part of the responsibility because of his proximity to the events. He was a second lieutenant, which is the lowest rank for an officer, and he did not have the authority of a superior officer.

Line 19: 11:29:06 Chamber took account of the limited involvement of Dragan Jokic and his low rank were the key factors in determining the sentence. As has already been said, the involvement of Drago Nikolic in these events was also very limited. He was not a member of the alleged joint criminal enterprise, even though he bears part of the responsibility because of his proximity to the events. He was a second lieutenant, which is the lowest rank for an officer, and he did not have the authority of a superior officer.

Line 20: 11:29:10 low rank were the key factors in determining the sentence. As has already been said, the involvement of Drago Nikolic in these events was also very limited. He was not a member of the alleged joint criminal enterprise, even though he bears part of the responsibility because of his proximity to the events. He was a second lieutenant, which is the lowest rank for an officer, and he did not have the authority of a superior officer.

Line 21: 11:29:17 already been said, the involvement of Drago Nikolic in these events was also very limited. He was not a member of the alleged joint criminal enterprise, even though he bears part of the responsibility because of his proximity to the events. He was a second lieutenant, which is the lowest rank for an officer, and he did not have the authority of a superior officer.

Line 22: 11:29:20 also very limited. He was not a member of the alleged joint criminal enterprise, even though he bears part of the responsibility because of his proximity to the events. He was a second lieutenant, which is the lowest rank for an officer, and he did not have the authority of a superior officer.

Line 23: 11:29:27 enterprise, even though he bears part of the responsibility because of his proximity to the events. He was a second lieutenant, which is the lowest rank for an officer, and he did not have the authority of a superior officer.

Line 24: 11:29:32 his proximity to the events. He was a second lieutenant, which is the lowest rank for an officer, and he did not have the authority of a superior officer.

Line 25: 11:29:36 lowest rank for an officer, and he did not have the authority of a superior officer.

Line 54: 11:29:41 superior officer.

Line 2: 11:29:41 Mr. President, I respectfully draw the Trial Chamber's attention to our arguments in relation to the character of Drago Nikolic in paragraphs 396 to 421 of our final brief. I also respectfully recall the testimonies of witnesses who appeared before this Trial Chamber to testify about the character of Drago Nikolic and the events of July 1995, [REDACTED]

Line 8: [REDACTED] The evidence before this Trial Chamber related to his character show that he is a man who never expressed hatred or inter-ethnic intolerance, who conscientiously discharged his duties, who respected his superior officers. He grew up in the spirit of tolerance, which is confirmed by the current relationships in his family, as indicated in our final brief in paragraph 490.

Line 14: 11:30:53 Finally, Mr. President, I call upon the Trial Chamber to take into account the character and the limited involvement of Drago Nikolic, as opposed to other individuals who were involved in these events. In relation to this, I would like to say one thing.

Line 17: 11:31:07 Drago Nikolic did not participate in the events as presented by the Prosecution, and he definitely is not the kind of person that the Prosecution would like to portray him to be.

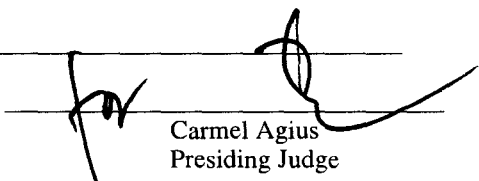
Line 21: 11:31:20 Thank you.

Line 22: 11:31:24 JUDGE AGIUS: Thank you, Ms. Nikolic.

Line 23: 11:31:25 Judge Kwon, any questions? Judge Stole? Judge Prost?

Line 24: 11:31:34 JUDGE PROST: Thank you.

Line 25: 11:31:34 Mr. Bourgon, I have a couple of questions for you.


Carmel Agius
Presiding Judge