



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-05-87/1-T
Date: 29 April 2009
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christoph Flügge
Judge Melville Baird

Acting Registrar: Mr. John Hocking

Order of: 29 April 2009

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**ORDER REGARDING THE DEFENCE MOTION FOR ACCESS
TO TRANSCRIPTS, EXHIBITS AND DOCUMENTS IN THE
ĐORĐEVIĆ CASE**

The Office of the Prosecutor:

Mr. Chester Stamp
Ms. Daniela Kravetz
Mr. Matthias Neuner

Counsel for the Accused:

Mr. Dragoljub Đorđević
Mr. Veljko Đurđić

THIS TRIAL CHAMBER (“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,

BEING SEIZED OF the “Motion for Access to Transcripts, Exhibits and Documents”, filed by Nebojša Pavković (“Motion”) on 19 March 2009, whereby Nebojša Pavković seeks access to “all transcripts, exhibits and documents thus far produced and to be produced for the balance of the trial” in the case of *Prosecutor v. Vlastimir Đorđević* (“*Đorđević trial*”) for use in the preparation of his appeal pursuant to Rule 115 of the Rules of Procedure and Evidence (“Rules”);¹

BEING SEIZED OF the individual motions of Vladimir Lazarević, Sreten Lukić, Dragoljub Ojdanić, Milan Milutinović, and Nikola Sainović whereby they move to join in the Pavković Motion and incorporate its reasoning (together the Applicants).²

NOTING the “Prosecution’s Response to Defences Motion for Access to Transcripts, Exhibits and Documents in the Đorđević Case”, filed on 10 February 2009 (“Response”);

NOTING that The Applicants were each co-accused in the *Milutinović et al.* trial;³

NOTING that the trial proceedings against Milan Milutinović have concluded with his acquittal on all charges and that the Prosecution has not yet filed a notice of appeal;⁴

NOTING that Vladimir Lazarević, Sreten Lukić, Dragoljub Ojdanić, Nikola Sainović and Nebojša Pavković were convicted by the judgement of the Trial Chamber;⁵

NOTING the “Decision on Motion for Extension of Time to File Notices of Appeal” issued on 23 March 2009 by the Appeals Chamber, whereby the Appeals Chamber ordered all parties wishing to appeal the Milutinović trial Judgement to file their notice of appeal no later than 27 May;⁶

¹ Motion, para 1.

² *Prosecutor v. Đorđević*, Case No. IT-05-87/1-T, Vladimir Lazarević Joinder in Pavković Defence Motion for Access to Transcripts, Exhibits and Documents, 25 March 2009; *Prosecutor v. Đorđević*, Case No. IT-05-87/1-T, Sreten Lukić’s Joinder in Pavković Defence Motion for Access to Transcripts, Exhibits and Documents, 26 March 2009; *Prosecutor v. Đorđević*, Case No. IT-05-87/1-T, General Ojdanić Joinder in Pavković Defence Motion for Access to Transcripts, Exhibits and Documents, 26 March 2009; *Prosecutor v. Đorđević*, Case No. IT-05—87-1-PT, Milan Milutinović’s Motion to Join the Pavković’s Defence Motion for Access to Transcripts, Exhibits and Documents, 27 March 2009; *Prosecutor v. Đorđević*, Case No. IT-05-87/1-T, Nikola Sainović’s Defence Motion to Join the Pavković Defence Motion for Access to Transcripts, Exhibits and Documents, 30 March 2009.

³ *Prosecutor v. Milutinović et al.* No. 05-87-T, Judgement Volume 1-4, 26 February 2009 “*Milutinovi Trial Judgement*”

⁴ *Milutinović et al.* Judgement.

⁵ *Milutinović et al.* Judgement.

⁶ *Milutinović et al.* Judgement.

NOTING that no notice of appeal has been filed by Vladimir Lazarević, Sreten Lukić, Dragoljub Ojdanić, Nikola Sainović, Nebojša Pavković or the Prosecution to date;

FINDING that the Applicants are not parties to proceedings before the Tribunal at this point and therefore, they do not have standing to seek access to material in the *Dorđević trial*;

FOR THE FOREGOING REASONS and **PURSUANT TO** Rules 54 of the Rules,

RESERVES its decision on the motion until a notice of appeal is filed by Vladimir Lazarević, Sreten Lukić, Dragoljub Ojdanić, Nikola Sainović or Nebojša Pavković against their individual conviction or by the Prosecution against Milan Milutinović' acquittal or until the expiration of the delay for appeal ordered by the Appeal Chamber has expired.

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



Judge Kevin Parker
Presiding

Dated this twenty-ninth day of April 2009,
At The Hague
The Netherlands

[Seal of the Tribunal]