

EX PARTE STATUS LIFTED FOR PROSECUTION  
PURSUANT TO ORDER BY JUDGE, RP A16656 - A16655,  
29/05/2013

IT-05-88-A  
A16557 - A16556  
09 May 2013

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**UNITED NATIONS** MADE PUBLIC PURSUANT TO ORDER BY JUDGE  
RP A16659 - A16658, 03/06/2013



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-05-88-A

Date: 9 May 2013

Original: English

**BEFORE A JUDGE APPOINTED BY THE PRESIDENT OF THE TRIBUNAL**

**Before: Judge Howard Morrison**

**Registrar: Mr. John Hocking**

**Order of: 9 May 2013**

**PROSECUTOR**

v.

**VUJADIN POPOVIĆ  
LJUBIŠA BEARA  
DRAGO NIKOLIĆ  
RADIVOJE MILETIĆ  
VINKO PANDUREVIĆ**

***CONFIDENTIAL AND EX PARTE***

**ORDER BY SPECIALLY DESIGNATED JUDGE  
CONCERNING MATERIAL POTENTIALLY SUBJECT TO  
LAWYER-CLIENT PRIVILEGE**

I, **HOWARD MORRISON**, Judge 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 "Order Assigning a Judge to Review Material Potentially Subject to Lawyer-Client Privilege", issued in this case by the President of the Tribunal on 26 June 2012 ("Assignment Order"), pursuant to which I was designated to review potentially privileged material received by the Office of the Prosecutor ("Prosecution") from the Serbian authorities on 22 January 2010 and 9 March 2010, for the limited purpose of determining whether any lawyer-client privilege applies

**NOTING** that I have reviewed the materials provided to me and set out in the attached confidential Annexes A1-10, B1-7, C1-2 and D, and in the attached confidential CD-ROM entitled "Popović Project" and dated 4 December 2012;


**NOTING** that my original determination concerning the absence of any privileged material under Rule 90 or non-disposable as under Rule 70(A) of the Rules of Procedure and Evidence of the Tribunal ("Rules") was dated the 11th day of December 2012, but, without fault or criticism of any individual, was not filed until today, such delay having inconvenient effect but no obviously prejudicial effect in the light of my determinations;

**PURSUANT TO** the directions set forth in the Assignment Order,

**HEREBY CONCLUDE** that I do not consider any of the materials identified in the aforementioned confidential attachments as involving lawyer-client privileges as set out in Rule 90 of the Rules, nor as falling within or under the class of documents envisaged as non-disposable under Rules 70(A) of the Rules, and **RETURN** all these materials to the Prosecution.

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

Done this 9th day of May 2013,  
At The Hague,  
The Netherlands.

  
Judge Howard Morrison

[Seal of the Tribunal]