



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-T  
Date: 11 September 2007  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge O-Gon Kwon  
Judge Kimberly Prost  
Judge Ole Bjørn Støle – Reserve Judge

**Registrar:** Mr. Hans Holthuis

**Order of:** 11 September 2007

**PROSECUTOR**

v.

**VUJADIN POPOVIĆ  
LJUBIŠA BEARA  
DRAGO NIKOLIĆ  
LJUBOMIR BOROVIČANIN  
RADIVOJE MILETIĆ  
MILAN GVERO  
VINKO PANDUREVIĆ**

**PUBLIC**

**ORDER TO SERVE MOMIR NIKOLIĆ WITH “DEFENCE MOTION ON  
BEHALF OF DRAGO NIKOLIĆ SEEKING ACCESS TO CONFIDENTIAL  
MATERIAL IN CASE NO. IT-02-60/1”**

**Office of the Prosecutor**

Mr. Peter McCloskey

**Counsel for the Accused**

Mr. Zoran Živanović and Ms. Julie Condon for Vujadin Popović  
Mr. John Ostojić and Mr. Christopher Meek for Ljubiša Beara  
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Drago Nikolić  
Mr. Aleksandar Lazarević and Mr. Miodrag Stojanović for Ljubomir Borovčanin  
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Radivoje Miletić  
Mr. Dragan Krgović and Mr. David Josse for Milan Gvero  
Mr. Peter Haynes and Mr. Đorđe Sarapa for Vinko Pandurević

**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”);


**BEING SEISED OF** the “Defence Motion on Behalf of Drago Nikolić Seeking Access to Confidential Material in Case No. IT-02-60/1”, filed on 29 June 2007 (“Motion”), in which Drago Nikolić seeks access to all confidential material in the case of *Prosecutor v. Momir Nikolić*, including, *inter alia*, “exhibits, filings (as well as Momir Nikolić’s sentencing brief), all 92bis witness statements and the testimonies of *viva voce* witnesses”;<sup>1</sup>

**NOTING** that, pursuant to Rule 75(I), “[b]efore determining an application under paragraph (G)(ii), (H)(ii), or (H)(iii) above, the Chamber shall endeavour to obtain all relevant information from the first proceedings, including from the parties to those proceedings, and shall consult with any Judge who ordered the protective measures in the first proceedings, if that Judge remains a Judge of the Tribunal”;

**PURSUANT TO** Rules 54 and 75(I) of the Rules,

**HEREBY REQUESTS** the assistance of the Registry in serving Momir Nikolić with the Motion, and **DECIDES** that Momir Nikolić has until 21 September to respond, should he wish to do so.

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



Carmel Agius  
Presiding

Dated this eleventh day of September 2007  
At The Hague, The Netherlands

**[Seal of the Tribunal]**

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<sup>1</sup> Motion, para. 15.