



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-T  
Date: 28 September 2007  
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:** 28 September 2007

**PROSECUTOR**

v.

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

**PUBLIC**

**DECISION ON OJDANIĆ FIFTH MOTION TO AMEND RULE 65 TER EXHIBIT LIST**

**Office of the Prosecutor**

Mr. Thomas Hammis  
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

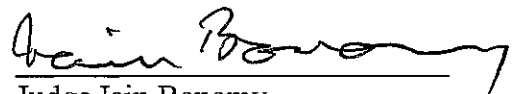
**THIS TRIAL CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seised of the confidential “Fifth General Dragoljub Ojdanic’s Motion to Add Exhibits,” filed 14 September 2007 (“Motion”), and hereby issues this decision thereon.

1. In the Motion, the Ojdanić Defence seeks to add several documents to its Rule 65 *ter* exhibit list<sup>1</sup> on the bases that they (a) replace incomplete versions previously disclosed or (b) were recently authorised and received from the Government of the Republic of Serbia. The Defence argues that the documents are relevant and necessary to the Ojdanić defence case and that their addition to the list would serve the interests of justice. The Prosecution has indicated that it does not intend to oppose the Motion.

2. The Trial Chamber notes that the Motion was filed confidentially without an explanation therefor and that there is no immediately apparent reason why the Motion should have been filed as such.<sup>2</sup>

3. Accordingly, the Trial Chamber, pursuant to Rules 54 and 65 *ter* of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion and DIRECTS the Registry to alter the status of the Motion from confidential to public.

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

  
 Judge Iain Bonomy  
 Presiding

Dated this twenty-eighth day of September 2007  
 At The Hague  
 The Netherlands

[Seal of the Tribunal]

<sup>1</sup> See confidential General Ojdanić’s 65ter Submission, 15 June 2007; confidential General Ojdanić’s Re-Filed 65ter Submission, 20 August 2007.

<sup>2</sup> See, e.g., Decision on Lukić Motion to Bar Prosecution from Contacting Witnesses, 7 August 2007 (denying without prejudice motion because it was filed confidentially without adequate explanation); Decision on Prosecution Motion for Reconsideration of Decision on Prosecution Motion for Additional Trial-Related Protective Measure for Witness K56, 9 November 2006, para. 4 (“The Prosecution must justify filing documents in a confidential and/or *ex parte* manner, if it deems it necessary and appropriate to do so.”); confidential Order Lifting *Ex Parte* Status of Prosecution Ninth Motion for Protective Measures, 19 October 2006; *Prosecutor v. Delić*, Case No. IT-04-83-PT, Decision Regarding the Prosecution Motion for Protective Measures and Delayed Disclosure, 8 November 2006; *Prosecutor v. Perišić*, Decision on Prosecution’s Motion for Protective Measures, 10 October 2006; Rule 78 (“All proceedings before a Trial Chamber, other than deliberations of the Chamber, shall be held in public, unless otherwise provided.”).