



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: 27 April 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:** 27 April 2007

**PROSECUTOR**

v.

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

**DECISION ON PROSECUTION MOTION FOR ORDER OF NON-DISCLOSURE**

**Office of the Prosecutor**

Mr. Thomas Hannis  
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 a confidential “Prosecution’s Motion for Order of Non-Disclosure,” filed on 24 April 2007 (“Motion”), and hereby renders its decision thereon.

1. In its Motion, the Prosecution states that it is in possession of material provided by the Government of the United States of America (“Rule 70 provider”) and that disclosure of this material was recently permitted under the auspices of Rule 68 of the Rules of Procedure and Evidence, provided that the Prosecution seek and obtain from the Chamber an order that the material is not to be disclosed to others apart from the Accused in this case and their respective Defence teams, without the prior approval of the Provider.<sup>1</sup>

2. The Trial Chamber notes that Rule 70 provides, in relevant part, as follows:

(B) If the Prosecutor is in possession of information which has been provided to the Prosecutor on a confidential basis and which has been used solely for the purpose of generating new evidence, that initial information and its origin shall not be disclosed by the Prosecutor without the consent of the person or entity providing the initial information and shall in any event not be given in evidence without prior disclosure to the accused.

3. The Trial Chamber, based upon the submissions of the Prosecution, is satisfied that the material has been provided to the Prosecution by the Rule 70 provider on a confidential basis and that therefore the requirements of Rule 70 have been satisfied.<sup>2</sup>

4. Pursuant to Rules 54 and 70, the Trial Chamber hereby GRANTS the Motion and ORDERS that the Prosecution, Accused, and their respective Defence teams, which include counsel and any employees who have been instructed or authorised to have access to confidential material, shall not disclose the material to any persons, governments, organisations, entities, clients, associations, or

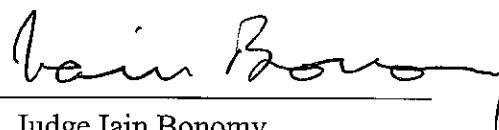
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<sup>1</sup> Motion, paras. 1–2, 6–7.

<sup>2</sup> See *Prosecutor v. Milošević*, Case No. IT-02-54-AR108bis & AR73.3, public version of the Confidential Decision on the Interpretation and Application of Rule 70, 23 October 2002, paras. 25, 29.

groups, without the prior approval of the Rule 70 provider.

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



Judge Iain Bony  
Presiding

Dated this twenty-seventh day of April 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**