



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: 25 June 2008

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

**Order of:** 25 June 2008

**PROSECUTOR**

v.

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

**PUBLIC**

**ORDER TO THE GOVERNMENT OF THE REPUBLIC OF SERBIA**

**Office of the Prosecutor**

Mr. Thomas Hannis  
Mr. Chester Stamp

**Government of the Republic of Serbia**

**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”),

**NOTING** the confidential “Summons Pursuant to Rules 54 and 98,” issued by the Trial Chamber on 13 May 2008 (“First Summons”), ordering **Mr. Aleksandar Dimitrijević** to appear and testify before the Tribunal in the above-captioned matter, and the “Order to the Government of the Republic of Serbia,” also issued on 13 May 2008 (“Order”), requiring service of the First Summons on Mr. Dimitrijević,

**NOTING** that the First Summons ordered the appearance of Mr. Dimitrijević as a witness before this Trial Chamber in the case of *Prosecutor v. Milutinović et al.*, on Friday, 23 May 2008, *or on other dates as may be communicated to him*,

**NOTING** that the First Summons was not served on Mr. Dimitrijević, as required by the terms of the Order,

**NOTING** that the President of the Tribunal sent a letter to the United Nations Security Council on 17 June 2008, reporting a breach of Article 29 of the Tribunal’s Statute by the Republic of Serbia,

**NOTING** that the Government of the Republic of Serbia has made public statements affirming its readiness to fully cooperate with the Tribunal and to do everything to ensure the attendance of Mr. Dimitrijević as a witness in these proceedings,

**NOTING** the “Summons Pursuant to Rules 54 and 98” issued by the Trial Chamber on 25 June 2008 (“Summons”), ordering Mr. Dimitrijević to appear and testify before the Tribunal in the above-captioned matter on Tuesday, 8 July 2008,

**NOTING** Rules 54 and 98 of the Rules of Procedure and Evidence of the Tribunal, which provide as follows:

**Rule 54**  
**General Rule**

At the request of either party or *proprio motu*, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.

**Rule 98****Power of Chambers to Order Production of Additional Evidence**

A Trial Chamber may order either party to produce additional evidence. It may *proprio motu* summon witnesses and order their attendance.

**NOTING** Article 29 of the Statute of the Tribunal, which provides as follows:

**Article 29****Cooperation and judicial assistance**

1. States shall cooperate with the International Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.
2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:
  - (a) the identification and location of persons;
  - (b) the taking of testimony and the production of evidence;
  - (c) the service of documents;
  - (d) the arrest or detention of persons;
  - (e) the surrender or the transfer of the accused to the International Tribunal.

**CONSIDERING** that it would be in the interests of justice for the Government of the Republic of Serbia to assist the Tribunal by serving the Summons and taking any other actions necessary to ensure the appearance of **Mr. Aleksandar Dimitrijević** before the Trial Chamber in order to give evidence in the above-captioned proceeding,

**PURSUANT TO** Rules 54 and 98 of the Rules of Procedure and Evidence of the Tribunal and Article 29 of the Statute of the Tribunal,

**HEREBY ORDERS** the Government of the Republic of Serbia:

- (1) to serve the Summons on the following individual as soon as possible, and no later than Monday, 30 June 2008:

Name: **Mr. Aleksandar Dimitrijević**  
 Address: **[REDACTED]**

- (2) to file a confidential written report with the Tribunal by Monday, 30 June 2008, providing the details of the service;

(3) to take all steps reasonably necessary to ensure that the individual appears at trial on the dates indicated in his Summons;

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



Judge Iain Bonomy  
Presiding

Dated this twenty-fifth day of June 2008  
At The Hague  
Netherlands

[Seal of the Tribunal]