

Before:

Judge Carmel Agius, Presiding
Judge O-Gon Kwon
Judge Kimberly Prost

1F-05-88-T
D 33580-D 33579
22 SEPTEMBER 2009

33580
P.K

Registrar:

Mr. John Hocking

Public Order

The Prosecutor

v.

Vujadin Popovic et al.

Post session order to redact the public transcript
and the public broadcast of a hearing

The Trial Chamber

(At the request of the Prosecutor / Defence and with the agreement of the parties)

ORDERS that the following highlighted text, page 34542 lines 19-20, be omitted from the public transcript of this hearing and be edited from the public broadcast of this hearing.

LineNote SR (09/09/2009 Day 421)

18 11:29:00 In paragraph 836 of the Blagojevic and Jokic judgement, the Trial
19 11:29:06 Chamber took account of the limited involvement of Dragan Jokic and his
20 11:29:10 low rank were the key factors in determining the sentence. As has
21 11:29:17 already been said, the involvement of Drago Nikolic in these events was
22 11:29:20 also very limited. He was not a member of the alleged joint criminal
23 11:29:27 enterprise, even though he bears part of the responsibility because of
24 11:29:32 his proximity to the events. He was a second lieutenant, which is the
25 11:29:36 lowest rank for an officer, and he did not have the authority of a
54:1 11:29:41 superior officer.
21 11:29:41 Mr. President, I respectfully draw the Trial Chamber's attention
31 11:29:50 to our arguments in relation to the character of Drago Nikolic in
41 11:29:54 paragraphs 396 to 421 of our final brief. I also respectfully recall the
51 11:30:03 testimonies of witnesses who appeared before this Trial Chamber to
61 11:30:07 testify about the character of Drago Nikolic and the events of July 1995,
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9 11:30:26 The evidence before this Trial Chamber
10 11:30:32 related to his character show that he is a man who never expressed hatred
11 11:30:38 or inter-ethnic intolerance, who conscientiously discharged his duties,
12 11:30:42 who respected his superior officers. He grew up in the spirit of
13 11:30:47 tolerance, which is confirmed by the current relationships in his family,
14 11:30:47 as indicated in our final brief in paragraph 490.
15 11:30:53 Finally, Mr. President, I call upon the Trial Chamber to take
16 11:30:58 into account the character and the limited involvement of Drago Nikolic,
17 11:31:01 as opposed to other individuals who were involved in these events. In
18 11:31:07 relation to this, I would like to say one thing.
19 11:31:09 Drago Nikolic did not participate in the events as presented by
20 11:31:13 the Prosecution, and he definitely is not the kind of person that the
21 11:31:18 Prosecution would like to portray him to be.
22 11:31:20 Thank you.
23 11:31:24 JUDGE AGIUS: Thank you, Ms. Nikolic.
24 11:31:25 Judge Kwon, any questions? Judge Stole? Judge Prost?
25 11:31:34 JUDGE PROST: Thank you.
26 11:31:34 Mr. Bourgon, I have a couple of questions for you.

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Carmel Agius
Presiding Judge