



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: 3 November 2006

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: 3 November 2006

PROSECUTOR

v.

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

DECISION ON EVIDENCE TENDERED THROUGH WITNESS K84

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 Request re Exhibits Tendered Through Witness K84,” filed 30 October 2006 (“Motion”).

1. On 19 October 2006, this Trial Chamber instructed the Office of the Prosecutor (“Prosecution”) to file a motion in order to clarify which exhibits it wished to tender as evidence through witness K84.¹ On the same day, the Prosecution filed its confidential “Prosecution Notification on Exhibits Tendered Through Witness K84 with Confidential Annex A,” in which it clarified that the Prosecution sought to tender as evidence exhibits P565–P593, P2385, P2387, and P2388, under seal.

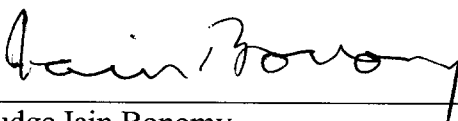
2. Subsequently, at the end of K84’s testimony, the Trial Chamber confirmed that P2385, P2387, P2388, P590, P591, and P592 had already been admitted under seal; issued a ruling with regard to exhibits P565–P589 and P593, provisionally admitting them under seal; and instructed the Prosecution to file a motion to explain the necessity of their admittance under seal.² On 30 October 2006, the Prosecution filed the Motion, reconsidering in part its position.³

3. The Trial Chamber has reviewed the Prosecution’s reasons for tendering some of the exhibits of K84 under seal, set forth in the confidential Motion, and is satisfied that the Prosecution has satisfied its burden of demonstrating that the request should be granted.

4. Pursuant to Rules 53, 54, 89 of the Rules of Procedure and Evidence of the Tribunal, the Trial Chamber hereby **GRANTS** the Motion; **ALTERS** the confidentiality status of the exhibits as requested in the Motion; and, for the avoidance of doubt, **ORDERS** that the following exhibits have been admitted into evidence with the following statuses: (a) P565–P589 and P593 (public); and (b) P2385, P2387, P2388, and P590–P592 (under seal).

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

Dated this third day of November 2006
At The Hague
The Netherlands



Judge Iain Bonomy
Presiding

[Seal of the Tribunal]

¹ T. 5186–5187 (19 October 2006).

² T. 5238–5239 (25 October 2006).

³ Confidential Prosecution’s Request Re Exhibits Tendered Through Witness K84, 30 October 2006, para. 2.