



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: 23 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: 23 November 2006

PROSECUTOR

v.

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

**DECISION ON LUKIĆ MOTION FOR ADMISSION OF
EXHIBITS TENDERED THROUGH NIKE PERAJ**

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 “Sreten Lukić’s Notice with Respect to Translations of Documents Tendered Through the Witness Nike Peraj and Request for Admitting Those into Evidence,” filed 22 November 2006 (“Motion”), requesting the admission of various exhibits tendered through the witness Nike Peraj, and hereby renders its decision thereon.

1. The Defence requests the Chamber to admit exhibits 6D14, 6D24, 6D30, 6D32, 6D44, 6D46, 6D52, and 6D62. On 16 August 2006, the Defence, at the beginning of the cross-examination of the witness, explained that it intended to use documents that did not have official translations yet, but instead only provisional and partial translations.² The Trial Chamber informed the Defence that these documents would be admitted provisionally, and a final decision on their admission only made after their formal translation.³

2. At the end of the witness’ testimony, the Trial Chamber issued an oral ruling provisionally admitting the exhibits that had been actually used during the proceeding. In its ruling, the Chamber stated that the admissibility of the documents that had not been translated would be decided once the Defence had provided the Registry with the required translations.⁴

3. On 26 October 2006, the legal staff e-mailed the parties and reminded the Defence of its obligation to provide the Registry with the official translations of the documents and invited it to submit a written notice as soon as the translations were available, if the Defence wanted the Trial Chamber to make a final ruling on their admissibility. On 3 November 2006, the Defence replied that the translation of two of the exhibits had not been provided yet. On 6 November 2006, the legal staff transmitted an e-mail to the parties and invited the Defence to make a written filing comprehensively dealing with this matter, once all the translations were available.

4. On 22 November 2006, the Defence filed the Motion, informing the Chamber that the official translations of all the documents had been received from CLSS and had been uploaded into the eCourt system,⁵ and requesting their admission into evidence.⁶

² T. 1744 (16 August 2006).

³ T. 1744–1745 (16 August 2006).

⁴ T. 1803–1804 (17 August 2006).

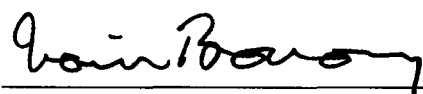
⁵ See Motion, paras. 1–2.

⁶ See Motion, paras. 3.

5. The Trial Chamber notes that the Prosecution does not intend to file a response to the Motion.

6. Pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal, the Trial Chamber hereby GRANTS the Motion and ORDERS that the following exhibits shall be admitted into evidence: 6D14, 6D24, 6D30, 6D32, 6D44, 6D46, 6D52, and 6D62.

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



Judge Iain Bonomy
Presiding

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

[Seal of the Tribunal]