



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 February 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

Order of: 27 February 2007

PROSECUTOR

v.

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

ORDER RE EXHIBITS P2413, P2414, P2417, AND P2418

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 the “Prosecution’s Submission Re Exhibits P02413, P02417 and P02418”, filed on 22 January 2007 (“Submission”), and hereby issues, partially *ex proprio motu*, this order.

1. In the Submission, the Prosecution clarifies the issue of the missing English translations of exhibits P2413, P2417, and P2418, as well as the issue of the missing pages of exhibits P2414 and P2418. These exhibits were tendered as evidence and admitted on 25 October 2006, during the testimony of Branimir Aleksandrić. They contain autopsy reports and photographic documentation of victims exhumed from Batajnica sites III and V and are referred to in paragraph 16 of Aleksandrić’s statement.¹

2. The Prosecution submits that it has decided to withdraw exhibits P2413 and P2418, as they do not specifically relate to any of the victims named in the Schedules attached to the Indictment.² As regards exhibit P2417, the Prosecution has requested the translation of pages 436 to 445 only, as they relate to two scheduled victims, and will not request the translation of the remaining pages nor will it seek to rely on un-translated portions of the exhibit.³ The Prosecution also submits that autopsy reports and photographic documentation relating to four victims identified in Schedule H has inadvertently been omitted from exhibit P2418. Since it now proposes to withdraw this exhibit, the Prosecution has uploaded the omitted information into e-Court as exhibit P2602 and requests to have exhibit P2602 admitted into evidence.⁴

3. Finally, the Prosecution in its Submission also raised an issue relating to exhibit P2414, namely that the translation request relating to pages 236 to 246 was still pending. The Prosecution also stated that it would upload the translated pages into e-Court as soon as they become available and would then notify the Chamber and the parties accordingly.⁵ On 27 February 2007, the Prosecution notified the Chamber and the Defence that the relevant pages had been translated and uploaded into e-Court, and that the Prosecution was intending to rely only on the translated parts of that exhibit.⁶

4. The Defence filed no response to the Submission.

¹ Submission, para. 1.

² Submission, para. 2.

³ Submission, para. 3.

⁴ Submission, para. 4.

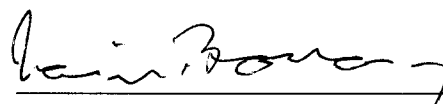
⁵ Submission, para. 5.

⁶ Email from Prosecution to the Chamber and the parties, dated 27 February 2007.

5. Pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence, the Trial Chamber hereby ORDERS as follows:

- a) Exhibits P2413 and P2418 shall be removed from the record of the proceedings.
- b) Exhibit P2602 shall be admitted into evidence.
- c) Exhibit P2414 shall be removed from the record of the proceedings. In its stead, only the translated pages of P2414 already uploaded into e-Court shall be admitted into evidence under the same exhibit number, namely P2414.
- d) Exhibit P2417 shall be removed from the record of the proceedings. In its stead, pages 436 to 445 of P2417 shall be admitted into evidence under the same exhibit number, namely P2417.

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



Judge Iain Bonomy
Presiding

Dated this twenty seventh day of February 2007
At The Hague
The Netherlands

[Seal of the Tribunal]