



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: 1 March 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

Decision of: 1 March 2007

PROSECUTOR

v.

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

**DECISION ON PROSECUTION REQUEST FOR SUBSTITUTION OF
REDACTED RULE 70 EXHIBITS**

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

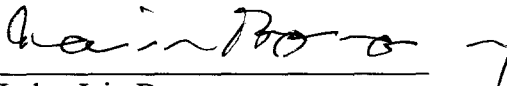
THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seised of the “Prosecution’s Confidential Request for Substitution of Redacted Rule 70 Exhibits,” filed 23 February 2007 (“Request”), requesting permission to substitute redacted versions for unredacted versions of exhibits P00684, P00685, P00686, P00687, and P00688, and hereby renders its decision thereon.

1. The Trial Chamber has been informed by the Prosecution that the aforementioned exhibits were tendered in an unredacted form, contrary to the requirements of the Rule 70 provider. The Prosecution seeks leave to substitute these old tendered versions with new redacted ones for the benefit of public disclosure.

2. The Trial Chamber notes that, although the Prosecution has already removed the old versions from eCourt and replaced them with new versions, they are nevertheless now seeking leave to do so after the fact. The Prosecution had no authority to make this substitution without prior leave of the Chamber, and should have requested such leave in advance of doing so. Moreover, the Chamber reminds the Prosecution to tender proper versions of exhibits in the first instance, in order to avoid matters such as these from occurring and thus requiring the unnecessary expenditure of resources on the part of the parties and the Chamber.

3. Pursuant to Rules 70 and 89(C) of the Rules of Procedure and Evidence of the Tribunal, the Chamber, in the interests of judicial economy, hereby GRANTS leave, *ex post facto*, for the requested substitution and CONFIRMS that the following documents are admitted into evidence in their current redacted form: P00684, P00685, P00686, P00687, and P00688.

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



Judge Iain Bonomy
Presiding

Dated this first day of March 2007
At The Hague
The Netherlands

[Seal of the Tribunal]