



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: 14 August 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: 14 August 2007

PROSECUTOR

v.

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

PUBLIC

ORDER RE EXHIBITS 3D70, 3D893, AND 1D358

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 “Dragoljub Ojdanić Request for Leave to Replace 3D70,” the “Defence Motion Seeking to Either Amend Exhibit 3D893 or Substitute Another Exhibit,” as well as the “Defence Notification Regarding Translation Article 1 of 1D358,” all filed on 10 August 2007 (“Motions”), requesting various forms of relief relating to the above-mentioned exhibits, and hereby issues this order thereon.

1. On 30 August 2006, exhibit 3D70, was tendered by the Defence.¹ This document is an Official Note signed by Captain Dragan Petrović on 3 July 2001 (“Official Note”) and describes an incident which occurred in Donja Sudimlja, Kosovo on 3 May 1999. The Ojdanić Defence informs the Chamber that it has come to its attention that the Official Note was not correctly placed in eCourt as 3D70. Instead, two separate documents, namely the original BCS version and the translated English version of the Official Note respectively, with two different document ID numbers (3D00-0069 and 3D00-0070) were uploaded into eCourt. The Ojdanić Defence now seeks leave to compile these two documents into one exhibit, under exhibit number 3D70.

2. The Ojdanić Defence also informs the Chamber that it has come to its attention that exhibit 3D893 contains typographical errors and erroneously states the number of the case. The Ojdanić Defence, in effect, is requesting an amendment of its Rule 65 *ter* exhibit list to remedy the typographical errors and incorrect case number within exhibit 3D893.

3. The Milutinović Defence informs the Chamber that, on 6 August 2007, it came to the parties’ attention that Article 1 of “The Constitutional Law on Changes and Amendments of the Constitutional Law for Implementation of the Constitution of the Republic of Serbia,” exhibit 1D358, was not translated. The Milutinović Defence seeks leave to attach the English translation of 1D358 in eCourt.

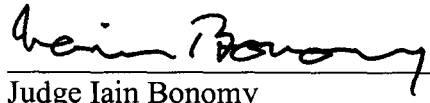
4. The Chamber notes that the Prosecution has no objections to the Motions and will not be filing a written response.

5. Accordingly, the Trial Chamber, pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motions and ORDERS as follows:

¹ Tendered on 30 August 2006, See T. 2548–2551 (30 August 2006).

- a. Two documents with document ID numbers 3D00-0069 and 3D00-0070 shall be combined in eCourt under one exhibit number, namely 3D70, at which point they shall be deemed admitted under that exhibit number.
- b. Exhibit 3D893 shall be amended to reflect the typographical corrections and the correct case number of IT-05-87-T within exhibit 3D893.
- c. The English translation of exhibit 1D358 shall be uploaded in eCourt, and thereby deemed admitted together with the original.

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


Judge Iain Bonomy
Presiding

Dated this fourteenth day of August 2007
At The Hague
The Netherlands

[Seal of the Tribunal]