



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: 24 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

Decision of: 24 August 2007

PROSECUTOR

v.

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

PUBLIC

DECISION ON OJDANIĆ MOTION TO AMEND RULE 65 TER EXHIBIT LIST

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

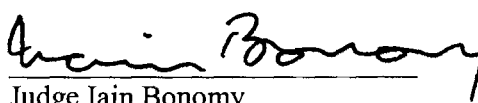
Counsel for the Accused

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 confidential “Motion to Add Exhibits to Exhibit List,” filed by the Ojdanić Defence on 15 August 2007, and the confidential “Motion to Add Exhibit 3D438,” filed 23 August 2007 (collectively “Motion”),¹ and hereby issues this decision thereon.

1. In the Motion, the Ojdanić Defence seeks to add several documents to its Rule 65 *ter* exhibit list² on the bases that they (a) were received from the Government of the Republic of Serbia only after the initial list was filed, (b) were received from the Prosecution after the close of the Prosecution case-in-chief and therefore had not been analysed at the time the initial list was filed, or (c) were inadvertently omitted from the initial list. The Defence argues that the documents are relevant and necessary to the Ojdanić defence case and that their addition to the list would serve the interests of justice.
2. The Prosecution has indicated that it does not intend to oppose the Motion.
3. Accordingly, the Trial Chamber, pursuant to Rules 54 and 65 *ter* of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion.

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


Judge Iain Bony
Presiding

Dated this twenty-fourth day of August 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ See also confidential General Ojdanić’s Motion Requesting Leave to Replace Motion to Add Exhibit 3D438, 23 August 2007.

² See confidential General Ojdanić’s 65ter Submission, 15 June 2007; confidential General Ojdanić’s Re-Filed 65ter Submission, 20 August 2007.