



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: 21 September 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: 21 September 2007

PROSECUTOR

v.

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

PUBLIC

**ORDER ON JOINT PROSECUTION AND DEFENCE NOTIFICATION REGARDING
TRANSLATION OF EXHIBITS ADMITTED INTO EVDENCE BY AGREEMENT**

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 “Joint Notification Regarding Agreed Documents Sent for Further Translation”, dated 17 September 2007 (“Joint Notification”), and issues this order in relation thereto.

1. In the Joint Notification, the Prosecution and Defence inform the Chamber that translations of exhibits 1D274, 1D290, 1D333, 1D350, 1D360, 1D361, 1D363, 1D378, 1D384, 1D400, 1D401, 1D410, 1D430, 1D444, and 1D447 have been received. The parties now seek admission of these translations, as well as leave to upload them to e-Court. This Joint Notification is the result of long and protracted procedure relating to the admission into evidence of documents by agreement.¹

2. After careful review of the translations in question, the Chamber is of the view that all but four should be admitted into evidence. The four exceptions are 1D290, 1D430, 1D444, and 1D447.

3. With respect to 1D290, the Chamber notes that it has already been removed from the record of the proceedings pursuant to the parties’ earlier filing requesting its removal. This exhibit was listed twice in the “Joint Prosecution and Defence Response to ‘Order for Submissions on Joint Prosecution and Defence Notice Regarding Translation of Exhibits Admitted Into Evidence by Agreement’ 31 July 2007”, dated 15 August 2007 (“Joint Response”). It was first listed in paragraph 1 as being one of the documents relevant to the proceedings and for which translation was being sought. It was then also referenced in paragraph 3 of the Joint Response, as one of the documents that should be removed from the record due to its irrelevance to the proceedings. As a result of being listed in paragraph 3 of the Joint Response, exhibit 1D290 was removed from e-Court. Accordingly, the translation of 1D290 is denied admission into evidence. The parties may reapply for admission of 1D290 in the event that they can make an adequate showing of its relevance to the issues in the case.

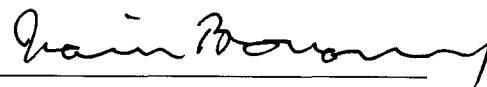
4. As far as 1D430, 1D444, and 1D447 are concerned, they are a large collection of decisions made by the Government of Serbia appointing or dismissing a number of persons from a variety of positions. It is not clear which of the decisions in these exhibits the parties consider relevant to the issues in this case. Accordingly, the Chamber is of the view that the three exhibits should not be admitted. The parties may reapply for their admission in the event that they can make an adequate showing of their relevance to the issues in the case.

¹ For procedural history relating to this matter see “Order for Submissions on Joint Prosecution and Defence Notice Regarding Translation of Exhibits Admitted Into Evidence by Agreement”, dated 31 July 2007, and “Joint Prosecution and Defence Response to ‘Order for Submissions on Joint Prosecution and Defence Notice Regarding Translation of Exhibits Admitted Into Evidence by Agreement’ 31 July 2007”, dated 15 August 2007.

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

- (a) The translations of exhibits numbered 1D274, 1D333, 1D350, 1D360, 1D361, 1D363, 1D378, 1D384, 1D400, 1D401, and 1D410 shall be uploaded to e-Court by the Defence and linked to their already admitted BCS counterparts.
- (b) Once the Defence has uploaded the translations of the exhibits listed in paragraph (a) above, they shall be deemed admitted into evidence.
- (c) Exhibits 1D430, 1D444, and 1D447 shall be marked as not admitted and removed from the record of these proceedings. The parties may reapply for their admission in the event that they can make an adequate showing of their relevance to the issues in the case.
- (d) Exhibit 1D290 shall not be admitted into evidence. The parties may reapply for its admission in the event that they can make an adequate showing of its relevance to issues in the case.

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



Judge Iain Bonomy
Presiding

Dated this twenty-first day of September 2007
At The Hague
The Netherlands

[Seal of the Tribunal]