UNITED
NATIONS

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 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**

Decision of: **27 September 2007**

PROSECUTOR

v.

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

PUBLIC

DECISION ON PAVKOVIĆ FIRST RENEWED MOTION FOR ADMISSION OF DOCUMENTS FROM BAR TABLE

Office of the Prosecutor
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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 "Pavković's First Renewed Motion for Admission of Exhibits from the Bar Table and Motion for Leave to Exceed Word Limit," filed 10 September 2007 ("Motion"), and hereby renders its decision thereon.

1.   On 30 August 2007, the Chamber denied Pavković's first motion on this matter without prejudice and invited him to re-apply for the admission of the documents in accordance with the terms of that decision, i.e., relating each tendered document to pertinent issues in the trial and addressing issues of provenance where necessary and appropriate.[1]

2.   The Prosecution (a) opposes the admission of a number of purported duplicate documents and lists examples thereof, (b) remarks that some of the documents tendered as evidence have been admitted since the filing of the Motion, and (c) does not oppose admission into evidence of the remainder of the documents.[2]

3.   Exhibits 4D129, 4D135, 4D183, 4D229, and 4D297 have already been admitted into evidence, and the Chamber therefore dismisses the Motion in so far as it relates to these documents. Moreover, 4D107 is a duplicate of P1481 (as was indicated by the Ojdanić Defence on 12 September 2007[3]) and has already been admitted into evidence; in addition, P1481 is a more legible copy of the document, especially in relation to the official stamp. The Chamber therefore dismisses the Motion in relation thereto, reconsiders its previous decision to admit 4D107 into evidence, and will order below that it be removed from the official record of the proceedings.

4.   In respect of the other purported duplicates, 4D184 is a duplicate of P1479; 4D190 is a duplicate of 5D412; 4D205 is a duplicate of 5D35; 4D206 is a duplicate of 3D432; 4D210 is a duplicate of 5D32; 4D305 is a duplicate of 3D483. The Chamber considers that it is appropriate not to admit duplicates of documents, where possible, and therefore dismisses the Motion in so far as it relates to these documents. However, 4D215 is not a duplicate of 3D481 (handwriting on document); 4D221 is not a duplicate of P1902 (official stamp and handwriting on document); 4D295 is not a duplicate of 3D482 (official stamps); 4D299 is not a duplicate of P1457 (handwriting on document). The Chamber therefore considers that it is appropriate to admit these documents into evidence.

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[1] Decision on Pavković First Motion for Admission of Documents from Bar Table, 30 August 2007, paras. 2–3.

[2] Prosecution's Response to Pavković's First Renewed Motion for Admission of Exhibits from the Bar Table, 21 September 2007, paras. 2–4.
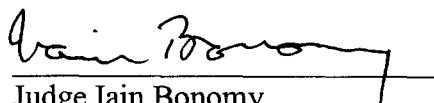
[3] T. 15487 (12 September 2007).

5.   The Chamber considers that the remainder of the documents are relevant, have sufficient probative value, and bear sufficient indicia of reliability, so as to be admissible into evidence in these proceedings.

6.   In light of the fact that the Motion deals with a large number of documents, the Chamber considers it appropriate to grant leave to the Pavković Defence to file this Motion in excess of the word limit set by the Practice Direction on the Length of Briefs and Motions.[4]

7.   The Trial Chamber, pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion, in part, and ORDERS as follows:

(a)   The following documents shall be admitted into evidence: 4D2, 4D20, 4D42, 4D81, 4D86, 4D90, 4D93, 4D96, 4D97, 4D101, 4D102, 4D103, 4D106, 4D115, 4D123, 4D130, 4D134, 4D139, 4D150, 4D152, 4D154, 4D158, 4D160, 4D161, 4D164, 4D170, 4D171, 4D172, 4D174, 4D175, 4D176, 4D177, 4D178, 4D179, 4D180, 4D181, 4D182, 4D189, 4D192, 4D198, 4D199, 4D201, 4D203, 4D204, 4D207, 4D208, 4D209, 4D212, 4D213, 4D215, 4D216, 4D217, 4D220, 4D221, 4D222, 4D224, 4D226, 4D227, 4D228, 4D230, 4D231, 4D232, 4D233, 4D234, 4D236, 4D237, 4D242, 4D243, 4D246, 4D247, 4D248, 4D249, 4D250, 4D251, 4D252, 4D254, 4D255, 4D256, 4D259, 4D260, 4D263, 4D264, 4D266, 4D269, 4D270, 4D271, 4D272, 4D273, 4D274, 4D275, 4D276, 4D278, 4D279, 4D280, 4D281, 4D282, 4D283, 4D284, 4D285, 4D286, 4D287, 4D288, 4D289, 4D290, 4D291, 4D292, 4D293, 4D295, 4D296, 4D299, 4D300, 4D301, 4D302, 4D303, 4D307, 4D308, 4D309, 4D312, 4D315, 4D316, 4D317, 4D318, 4D319, 4D320, 4D321, 4D324, 4D330, 4D334, 4D335, 4D336, 4D342, 4D343, 4D345, 4D350, 4D353, 4D355, 4D356, 4D357, 4D358, 4D360, 4D361, 4D365, 4D372, and 4D373.

(b)   The following documents shall not be admitted into evidence: 4D107, 4D184, 4D190, 4D205, 4D206, 4D210, and 4D305.

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

Judge Iain Bonomy
Presiding

Dated this twenty-seventh day of September 2007
At The Hague
The Netherlands   **[Seal of the Tribunal]**

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[4] Practice Direction on the Length of Briefs and Motions, Section 7.

Case No. IT-05-87-T   3   27 September 2007