



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**

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

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**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 “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.<sup>1</sup>

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.<sup>2</sup>

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<sup>3</sup>) 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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<sup>1</sup> Decision on Pavković First Motion for Admission of Documents from Bar Table, 30 August 2007, paras. 2–3.

<sup>2</sup> Prosecution’s Response to Pavković’s First Renewed Motion for Admission of Exhibits from the Bar Table, 21 September 2007, paras. 2–4.

<sup>3</sup> 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.

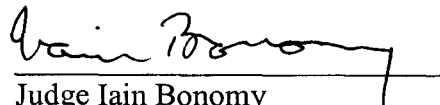
6. In light of the fact that the Motion deals with a large number of documents, the Chamber considers it appropriate to grant leave to the Pavković Defence to file this Motion in excess of the word limit set by the Practice Direction on the Length of Briefs and Motions.<sup>4</sup>

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]**

<sup>4</sup> Practice Direction on the Length of Briefs and Motions, Section 7.