



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: 26 October 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: 26 October 2007

PROSECUTOR

v.

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

PUBLIC

**ORDER RE EXHIBITS 3D639, 3D724, 3D725, 3D758, 3D1009, 3D1040, 3D1041, 3D1044,
3D1045, 3D1046, 3D1048, 3D1075, 3D1094, AND 3D1109**

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 “Request for the Admission of MFI Documents into Exhibits,” filed on 16 October 2007, “Request for the Admission of MFI Documents 3D639 and 3D758 into Exhibits,” filed on 16 October 2007, “Request for the Admission of MFI Documents 3D724 and 3D725,” filed on 19 October 2007, “Request for the Admission of MFI Document 3D1075 into Exhibits,” filed on 19 October 2007, “Request for the Admission of MFI Documents 3D1094 and 3D1109 into Exhibits,” filed on 19 October 2007, and “General Dragoljub Ojdanić’s Motion to Withdraw the Request for the Admission of MFI Documents 3D1094 and 3D1109 into Exhibits,” filed on 22 October 2007 by the Ojdanić Defence (“Motions”), requesting the admission of various documents, which have been marked for identification, and the admission of the translations of these documents, and hereby issues this order thereon.

1. The Prosecution has indicated that it does not intend to oppose the Motions.
2. On 6 and 7 September 2007, exhibits 3D1009, 3D1040, 3D1041, 3D1044, 3D1045, 3D1046, and 3D1048 were marked for identification in eCourt, pending translation.¹ The Ojdanić Defence informs the parties and the Chamber that the aforementioned exhibits have been translated and uploaded to eCourt. Further, the Defence requests that the exhibits and their translations be admitted into evidence.
3. Exhibit 3D639, entitled “Briefing to the Chief of Staff of the Supreme Command held on 7 April 1999,” and exhibit 3D758, entitled “Supreme Command Staff Intelligence Department Information No. 23 – Topographic Map KLA,” were marked for identification in eCourt due to the fact that the Conference and Language Services Section (“CLSS”) initially provided the Defence with erroneous translations of the documents.² The Defence informs the parties and the Chamber that both translations have been corrected and requests leave to replace the inaccurate translations.
4. Exhibits 3D724 and 3D725 were marked for identification due to doubts as to their authenticity. The Chamber is not satisfied with the Ojdanić Defence’s arguments that Spasoje Mučibabić laid an adequate basis for the authenticity of the two documents.³ The Chamber

¹ Request for the Admission of MFI Documents into Exhibits, 16 October 2007.

² Request for the Admission of MFI Documents 3D639 and 3D758 into Exhibits, 16 October 2007.

³ Request for the Admission of MFI Documents 3D724 and 3D725, 19 October 2007.

therefore will not admit them into evidence at this time and invites the Ojdanić Defence to make additional submissions regarding their authenticity in a further written submission.

5. Exhibit 3D1075 was marked for identification, pending the further provision of information in relation thereto. The Chamber considers that the Ojdanić Defence has now submitted sufficient explanations concerning the unidentified parts of the document for it to be admitted.⁴

6. The Ojdanić Defence has withdrawn its requests (a) in relation to exhibit 3D1094 because a more complete version is expected to be provided by the Government of the Republic of Serbia and (b) in relation to exhibit 3D1109 because the document will be the subject of a further translation request to CLSS.⁵

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

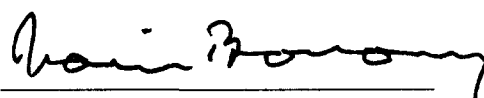
- (a) The following documents and their translations shall be admitted into evidence: 3D1009, 3D1040, 3D1041, 3D1044, 3D1045, 3D1046, and 3D1048.
- (b) The Trial Chamber grants leave for the Ojdanić Defence to make the requested substitutions in eCourt for exhibits 3D639 and 3D758, after which these exhibits and their translations shall be deemed admitted into evidence.
- (c) Exhibits 3D724 and 3D725 shall not be admitted into evidence at this time and the Ojdanić Defence is invited to make further submissions in relation to them in accordance with the terms contained within this Decision.
- (d) Exhibit 3D1075 shall be admitted into evidence.

⁴ Request for the Admission of MFI Document 3D1075 into Exhibits, 19 October 2007, annex 1.

⁵ Request for the Admission of MFI Documents 3D1094 and 3D1109 into Exhibits, 19 October 2007; General Dragoljub Ojdanić's Motion to Withdraw the Request for the Admission of MFI Documents 3D1094 and 3D1109 into Exhibits, 22 October 2007.

- (e) The withdrawal of the Motions in respect of exhibits 3D1094 and 3D1109 is hereby CONFIRMED.

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



Judge Iain Bonomy
Presiding

Dated this twenty-sixth day of October 2007
At The Hague
The Netherlands

[Seal of the Tribunal]