



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: 8 February 2008
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: 8 February 2008

PROSECUTOR

v.

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

PUBLIC

ORDER RE EXHIBIT 5D1316

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

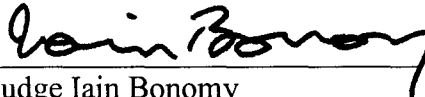
Counsel for the Accused

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 “Defence Notice Regarding Exhibit 5D1316,” filed on 8 February 2008 by the Lazarević Defence (“Motion”), requesting the admission of exhibit 5D1316 together with its translation, and hereby issues this order thereon.

1. On 1 February 2008, several translation problems were identified in court with respect to exhibit 5D1316, and the Prosecution objected to its admission on the basis that its English translation contained additional material not in the original document. In the Motion, the Lazarević Defence informs the parties and the Trial Chamber that it received an accurate translation of 5D1316 and seeks leave to replace the previous translation of the exhibit in eCourt with the revised version. Further, the Defence requests that the exhibit and its translation be admitted into evidence.
2. On 8 February 2008, the Prosecution withdrew its objection to the admission of exhibit 5D1316, after having been informed by the Chamber on 5 February 2008 (on notice to the parties) that the Chamber will disregard any additional material included in the translation.¹ The Prosecution has also indicated that it does not intend to respond to the Motion.
3. Accordingly, the Trial Chamber, pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion and ORDERS that exhibit 5D1316 and its translation shall be admitted into evidence.

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


Judge Iain Bonomy
Presiding

Dated this eighth day of February 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Prosecution’s Notice re Exhibit 5D1316, 8 February 2008.