



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: 1 April 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: 1 April 2008

PROSECUTOR

v.

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

PUBLIC

ORDER RE EXHIBITS 5D276, 5D343, AND 5D1417

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 Exhibits 5D276 and 5D343 with Annexes A and B,” filed by the Lazarević Defence on 20 March 2008 (“First Motion”), and the “Defence Notice Regarding Exhibit 5D1417,” filed on 7 March 2008 by the Lazarević Defence (“Second Motion”) (collectively “Motions”), and hereby issues this order thereon.

1. On 20 November 2007, two exhibits, **5D276** and **5D343**, were used during the testimony of the Accused Lazarević, who was questioned about the fact that he had written upon the originals of the documents during preparation of his evidence, and that these originals had been uploaded to eCourt. The Lazarević Defence informs the Chamber and the parties that it has obtained additional, clean versions of the documents from the Republic of Serbia and requests leave to replace the old versions with the new ones. Due to the fact that Lazarević was questioned upon the notes he wrote upon the documents, the Chamber considers that it would be appropriate to retain the old versions of the documents upon the official record of the proceedings, along with the new versions. It is not necessary to upload translations of the new versions, which are the same as the old versions, except for the handwritten notes of Lazarević.

2. On 14 February 2008, the Lazarević Defence tendered exhibit **5D1417** as evidence. On 6 March 2008, the Lukić Defence objected to the use of the document, on the basis that it contained written remarks made by the Lazarević Defence during its analysis of the document.¹ In the Second Motion, the Lazarević Defence informs the Chamber and the parties that it has uploaded a clean version of exhibit 5D1417 to eCourt and seeks leave to replace the initially uploaded version of the exhibit with the clean version. In this instance, the Chamber does not find it necessary to retain the previous version on the record of the proceedings. The Registry has been informed that a translation has been received from Conference and Language Services Section (“CLSS”) and will be uploaded.

3. The Prosecution has indicated that it does not intend to respond to the Motions, and the Lukić Defence has not responded within the 14-day time period to the Second Motion.

¹ T. 23833–23835 (6 March 2008).

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

- a. Exhibit 5D276, along with its translation, as well as the new version uploaded to eCourt, shall be admitted into evidence (under a single exhibit number).
- b. Exhibit 5D343, along with its translation, as well as the new version uploaded to eCourt, shall be admitted into evidence (under a single exhibit number).
- c. The new version of exhibit 5D1417 shall replace the previous version in eCourt; and, the previous version shall be removed from the record of the proceedings. Once the Lazarević Defence has informed the Chamber and parties that the translation has been uploaded to eCourt, exhibit 5D1417, and its translation, shall be deemed admitted into evidence.

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



Judge Iain Bonomy
Presiding

Dated this first day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]