



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: 14 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: 14 April 2008

PROSECUTOR

v.

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

PUBLIC

**SECOND ORDER REGARDING DOCUMENTS TENDERED BY LAZAREVIĆ
DEFENCE THAT HAVE BEEN MARKED FOR IDENTIFICATION**

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 a “Lazarevic Defence Notice Regarding MFI Documents”, filed on 2 April 2008 (“Notice”), and hereby issues this order thereon.

1. In the Notice, the Lazarević Defence provides a list of 14 exhibits, namely 5D235, 5D713, 5D1099, 5D1133, 5D1183, 5D1193, 5D1229, 5D1343, 5D1349, 5D1365, 5D1406, 5D1407, 5D1417, and 5D1418, which have been marked for identification in the course of the trial, their admission into evidence being suspended until such time as the English translations of the same became available. In the Notice, the Lazarević Defence informs the Trial Chamber that the English translations of these documents are now available and that they have been uploaded into the e-Court system. The Lazarević Defence also requests that these exhibits now be admitted into evidence.¹

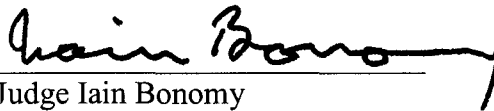
2. On 11 April 2008, the Prosecution filed a “Prosecution Response to Vladimir Lazarević’s Notice Regarding MFI Documents” (“Response”). In the Response, the Prosecution objects to the admission of one of the 14 exhibits mentioned above, namely exhibit 5D1193. It does so on the basis that this document, when raised for the first time during the trial, was not shown to the witness, Vladimir Lazarević, nor was the witness asked if the document was one that supported his evidence.² The Chamber has reviewed the circumstances surrounding this document and is of the view that it should not be admitted into evidence.

¹ Notice, paras. 1–3.

² T. 18809–18810 (22 November 2007).

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 in part, and ORDERS that exhibits 5D235, 5D713, 5D1099, 5D1133, 5D1183, 5D1229, 5D1343, 5D1349, 5D1365, 5D1406, 5D1407, 5D1417, and 5D1418, along with their translations, shall be admitted into evidence. Exhibit 5D1193 shall not be admitted into evidence.

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



Judge Iain Bony
Presiding

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

[Seal of the Tribunal]