



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: 13 June 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: 13 June 2008

PROSECUTOR

v.

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

PUBLIC

SECOND ORDER RE EXHIBITS P1468 AND IC199

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 “Joint Prosecution and Defence Submission Regarding Exhibits P-1468 and IC-199,” filed on 12 June 2008 (“Motion”), and hereby renders this order in relation thereto.

1. On 19–21 May 2008, Milan Đaković, who was called by the Trial Chamber as a witness, gave evidence in the above-captioned proceedings. Some of the entries in P1468 were illegible, and he agreed to assist in clarifying several portions by re-writing them into a new document. This document was given exhibit number IC199, translated into English by the Conference and Language Services Section, and then uploaded to eCourt. On 21 May 2008, the Chamber directed the parties to reach agreement (if possible) and submit a joint filing on how some of his evidence should be handled.¹

2. In the Motion, the parties jointly submit (a) that exhibit P1468 is a copy of a notebook containing handwritten notes written by Milan Đaković during meetings he attended between July and October 1998 and (b) that Đaković confirmed that he was the author of the entries in P1468 up until 21 October 1998.² The parties voice no objection to the translation of IC199 and agree that what is contained in IC199 is the best evidence of what is contained in the corresponding portions of the notebook and what was previously designated as “illegible” in P1468. The parties also agree (a) that IC199 should be admitted into evidence and considered as a supplement to P1468, which is already in evidence, and (b) that the two documents should be read together when considering evidence of the notes written by Mr. Đaković.


3. Finally, the parties jointly request that IC199 be admitted into evidence.

¹ See also Order re Exhibits P1468 and IC199, 11 June 2008 (noting that no such filing had been received thus far; ordering again parties to, by no later than 12 June 2008, jointly file submissions (if possible) on manner in which IC199 should be treated in relation to P1468 and whether former should be admitted into evidence; and stating that, should parties not be able to come to agreement, Chamber would issue decision thereon on 13 June 2008).

² T. 26365 *et seq.* (19 May 2008).

4. Accordingly, the Trial Chamber, pursuant to Rule 54, 65 *ter*, 89, and 90 of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion and ORDERS that IC199 shall be admitted into evidence.

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


Judge Iain Bonomy
Presiding

Dated this thirteenth day of June 2008
At The Hague
The Netherlands

[Seal of the Tribunal]