



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: 4 July 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: 4 July 2008

PROSECUTOR

v.

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

PUBLIC

ORDER RE EXHIBIT 6D1486

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 “Sreten Lukic’s Motion for Admission of Document 6D1486,” filed 1 July 2008 (“Motion”), and hereby renders this order thereon.

1. On 11 June 2008, in its “Decision on Lukić Defence Motions for Admission of Documents from Bar Table” (“Bar Table Decision”), the Chamber noted that exhibit 6D1486 (Operational logbook [*sic*]) was a document that partially translated a chart, chronologically listing the operations in Kosovo.¹ The Chamber ordered that CLSS prepare a full translation of the document, after which the Chamber would issue a further order on its admission into evidence.²

2. The Prosecution objected to this document on the basis that its source was unknown.³

3. On 26 June 2008, the Lukić Defence informed the Chamber and parties that 6D1486 had been fully translated. Following this, the Chamber requested on 27 June 2008 that the Lukić Defence file a motion formally indicating the document’s translation status and that it proffer reasons for the document’s admission into evidence. In the Motion, the Lukić Defence states that the document was received from “the state authorities of Serbia and Montenegro,” and explains its relevance and probative value to issues in the trial, in particular its non-inclusion of P1458.⁴ Moreover, the Lukić Defence points out that Milan Đaković testified about a related document (6D1665) during his evidence before the Chamber. The Chamber finds that 6D1486 has the requisite relevance, probative value, and reliability for admission into evidence.

4. 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 as follows:

- a. Exhibit 6D1486, along with its revised translation, shall be admitted into evidence, and the former incomplete translation shall be removed from eCourt.

¹ Bar Table Decision, para. 92.

² Bar Table Decision, para. 125(h).

³ Prosecution Response to Sreten Lukic’s Motion for Admission of Documents from the Bar Table, 20 May 2008, para. 14.

⁴ Motion, paras. 3–7.

- b. Any party may apply to have this Order set aside by no later than Monday, 7 July 2008 on good cause being shown.

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



Judge Iain Bonomy
Presiding

Dated this fourth day of July 2008
At The Hague
The Netherlands

[Seal of the Tribunal]