



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 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: 8 July 2008

PROSECUTOR

v.

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

PUBLIC

ORDER RE EXHIBITS P985 AND 3D670

Office of the Prosecutor

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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”) hereby issues this order in relation to exhibits P985 and 3D670.

Exhibit P985

1. Exhibit P985, entitled “1994 FRY Law on Defense,” was translated by the Conference and Language Services Section (“CLSS”) and admitted into evidence on 26 October 2007. During its Rule 98 *bis* submissions, the Lazarević Defence argued as follows in relation to the translation of Article 17:

In [article 17] it is stipulated quite clearly that in the case of an imminent threat of war, state of war, or state of emergency, the units and organs of the Ministry of Interior may—I stress “may”—be used to carry out combat tasks or to engage in combat or to offer armed resistance. The word “may” indicates that this is just an option and it does not stem from this wording that [the MUP] must be resubordinated.¹

The Chamber notes that the current translation of the second sentence of article 17 contains the word “shall” and the Lazarević Defence has sought to draw this into question. Despite the fact that this document has already been the subject of a second translation,² the Chamber considers that it would be appropriate to seek the assistance of CLSS to obtain as accurate translation as possible of the language in question.

Exhibit 3D670

2. Exhibit 3D670, entitled “No.1/2-02-001/99-5 Order for resubordinations Ministry of Internal Affairs (MUP) forces to the Army by President Slobodan Milosevic,” was translated by CLSS and admitted into evidence on 14 September 2007. The Chamber considers that there still is a need for clarification in paragraph 3 of the current translation and that it would be appropriate, in the present circumstances, to seek the assistance of CLSS in re-translating the exhibit.

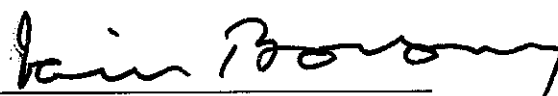
¹ Rule 98 *bis* hearing, T. 12516–12517 (3 May 2007).

² Order re Exhibit P985 (FRY Law on Defence) and Exhibit 1D139 (FRY Constitution), 26 October 2007.

3. Accordingly, the Trial Chamber, pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal, hereby ORDERS *ex proprio motu* as follows:

- a. The Conference and Language Services Section is REQUESTED to re-translate—or confirm the present translation—of Article 17 of exhibit P985 and paragraph 3 of exhibit 3D670 as soon as possible and then remit the translations to the Registry.
- b. After receipt of the translation of P985, the Registry shall inform the Chamber and parties and shall upload it to eCourt, after which the new translation of the exhibit shall be added to the pre-existing exhibit number, shall be deemed admitted into evidence, and shall form part of the exhibit.
- c. After receipt of the translation of 3D670, the Registry shall inform the Chamber and parties and shall upload it to eCourt, after which the new translation of the exhibit shall replace the previous one and shall be deemed admitted into evidence.

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



Judge Iain Bonomy
Presiding

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

[Seal of the Tribunal]