



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:

29 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:** 29 July 2008

**PROSECUTOR** 

v.

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

### **PUBLIC**

## **ORDER RE EXHIBIT 5D1396**

### 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

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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 Exhibit 5D 1396," filed by the Lazarević Defence on 11 July 2008 ("Motion"), and hereby issues

this order thereon.

1. On 25 January 2008, exhibit 5D1396 (witness statement of Sergej Perović, dated 8 January

2008), was admitted into evidence. On the same day, during the examination of Perović, the

Lazarević Defence informed the Chamber and the parties that there was a typing mistake in

paragraph 10 of 5D1396, and that in paragraph 11 of the same document, the numbers of three

exhibits were omitted. The Chamber issued an oral ruling, ordering the Lazarević Defence to file

the supplementary material under the exhibit number 5D1396. It later came to the attention of the

Chamber that the Lazarević Defence never filed that supplementary material, and the Chamber

therefore asked it to comply with the oral ruling of 25 January 2008.

2. In the Motion, the Lazarević Defence states that it provided the Chamber and the parties

with a Supplementary Information Sheet on 24 January 2008 via email, which was uploaded to

eCourt on 25 January 2008. However, a supplementary filing was not made, as had been requested

by the Chamber. The Lazarević Defence now requests that the Supplementary Information Sheet

for Sergej Perović be admitted into evidence as a part of 5D1396. The Prosecution has indicated

that it does not intend to respond to the Motion.

3. Accordingly, the Trial Chamber, pursuant to Rules 54 and 89 of the Rules of Procedure and

Evidence of the Tribunal, hereby ORDERS that the Supplementary Information Sheet for Sergej

Perović (Document ID 5D00-8677 and 5D00-8678) shall be admitted into evidence as a part of

exhibit 5D1396.

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

Judge Iain Bonomy

Presiding

Dated this twenty-ninth day of July 2008 At The Hague

The Netherlands

[Seal of the Tribunal]

<sup>&</sup>lt;sup>1</sup> T. 21079 (25 January 2008).