

IT-98-32/1-T  
D12187 - D12186  
12 May 2009

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**UNITED  
NATIONS**



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-98-32/1-T

Date: 12 May 2009

Original: English

**IN TRIAL CHAMBER III**

**Before:** Judge Patrick Robinson, Presiding  
Judge Christine Van den Wyngaert  
Judge Pedro David

**Acting Registrar:** Mr. John Hocking

**Decision of:** 12 May 2009

**PROSECUTOR**

**v.**

**MILAN LUKIĆ  
SREDOJE LUKIĆ**

***PUBLIC***

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**DECISION ON MILAN LUKIĆ'S  
RENEWED BAR TABLE MOTION**

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**The Office of the Prosecutor**

Mr. Dermot Groome  
Mr. Frédéric Ossogo  
Ms. Laurie Sartorio  
Mr. Stevan Cole  
Ms. Francesca Mazzocco

**Counsel for the Accused**

Mr. Jason Alarid and Mr. Dragan Ivetić for Milan Lukić  
Mr. Đuro Čepić and Mr. Jens Dieckmann for Sredoje Lukić

**TRIAL CHAMBER III** (“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”);

**BEING SEISED** of “Milan Lukić’s renewed motion for admission of documents from the bar table”, filed publicly on 8 May 2009 (“Motion”), in which the Defence of Milan Lukić (“Defence”) requests admission into evidence of two documents, the military booklet of Milan Lukić and a “RFA response”;

**RECALLING** that on 29 April 2009 the Trial Chamber dismissed the Defence request for admission of the military booklet of Milan Lukić, without prejudice to the Defence submitting the complete original and a complete translation into a working language of the Tribunal by 8 May 2009;<sup>1</sup>

**NOTING** that a complete translation of the military booklet of Milan Lukić is attached in Annex A to the Motion;

**RECALLING** that on 5 May 2009 the Trial Chamber dismissed the Defence request for admission into evidence of the RFA response, without prejudice to the Defence providing a translation into a working language of the Tribunal by 4 p.m. on 11 May 2009;<sup>2</sup>

**RECALLING** that in its initial request for admission of the RFA response (“Previous Motion”) the Defence submitted that the RFA response from the authorities of Bosnia and Herzegovina was attached in Annex A to the Previous Motion and that it is relevant as it “indicates 2 named victims from Varda who are not registered in the records of Višegrad, which raises the possibility that they never existed”;<sup>3</sup>

**NOTING** that Annex B to the Motion contains the same seven-page document, which was attached in Annex A to the Previous Motion, including a translation of that document;

**CONSIDERING** that the document is a judgement from the First Municipal Court in Belgrade, partially granting a request for non-material damage submitted by Milan Lukić, and that the document does not mention persons listed as victims of the Varda incident in the indictment;

<sup>1</sup> Decision on Milan Lukić’s second and third bar table motions, 29 April 2009, p. 8.

<sup>2</sup> Decision on Milan Lukić’s fourth bar table motion, 5 May 2009, p. 7.

<sup>3</sup> Milan Lukić’s fourth motion to admit documents from the bar table”, filed publicly on 24 April 2009, para. 8. See also Motion, para. 3.

**CONSIDERING** that the seven-page document attached in Annex B to the Motion is, therefore, not the RFA response which the Defence requests to have admitted into evidence;

**PURSUANT** to Rule 89(C) of the Rules of Procedure and Evidence;

**GRANTS** the Motion **IN PART**, by majority, Judge Robinson dissenting with regard to the RFA response;

**ADMITS** into evidence the military booklet of Milan Lukić; and

**DENIES** by majority, Judge Robinson dissenting, the request for admission of the RFA response.

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



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Judge Patrick Robinson  
Presiding

Dated this twelfth day of May 2009

At The Hague

The Netherlands

**[Seal of the Tribunal]**