



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-A
Date: 6 July 2011
Original: English

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Carmel Agius
Judge Howard Morrison

Registrar: Mr. John Hocking

Decision of: 6 July 2011

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**DECISION ON MILAN LUKIĆ'S FIRST MOTION TO ADMIT
ADDITIONAL EVIDENCE ON APPEAL**

The Office of the Prosecutor:

Mr. Paul Rogers

Counsel for Milan Lukić:

Mr. Tomislav Višnjić and Mr. Dragan Ivetić

Counsel for Sredoje Lukić:

Mr. Đuro Čepić and Mr. Jens Dieckmann

THE APPEALS 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 (“Appeals Chamber” and “Tribunal”, respectively);

NOTING the Judgement rendered in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-T, by Trial Chamber III on 20 July 2009 (“Trial Judgement”);

NOTING that each of the parties has lodged an appeal against the Trial Judgement;¹

BEING SEISED of “Milan Lukić’s [*sic*] Motion to Admit Evidence Before the Appeals Chamber”, filed confidentially by Counsel for Milan Lukić (“Lukić”) on 8 February 2010 (“Motion”), in which Lukić seeks the admission into evidence of the official English translation of a portion of Exhibit 1D39 obtained from the Conference and Language Services Section subsequent to the rendering of the Trial Judgement;²

NOTING the “Prosecution Response to Milan Lukić’s First Motion to Admit Additional Evidence” filed confidentially by the Office of the Prosecutor on 26 February 2010;

NOTING “Milan Lukić’s [*sic*] Reply in Support of Motion to Admit Evidence before the Appeals Chamber” filed confidentially by Lukić on 1 March 2010;

CONSIDERING that under Rule 115 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), a party may submit a request to present additional evidence before the Appeals Chamber;

NOTING that Exhibit 1D39 was “inadvertently” admitted into evidence at trial in Bosnian/Serbian/Croatian (“B/C/S”) only³ and that the English translation of this exhibit does not currently form part of the trial record;

CONSIDERING that since the B/C/S version of Exhibit 1D39 is already part of the trial record, the English translation of the exhibit does not constitute “new” or “additional” evidence pursuant to Rule 115 of the Rules;

¹ Milan Lukić’s [*sic*] Amended Notice of Appeal, 26 November 2009 (filed by Counsel for Lukić as Annex 1 to Milan Lukić’s [*sic*] Motion to Vary his Notice of Appeal, 26 November 2009). *See also* Decision on Milan Lukić’s Motion to Amend his Notice of Appeal, 16 December 2009; Notice of Appeal on Behalf of Sredoje Lukić, 19 August 2009; Prosecution Notice of Appeal, 19 August 2009.

² Motion, para. 4. *See also* Annex A attached thereto.

³ Trial Judgement, para. 570.

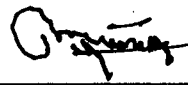
NOTING that, if necessary for deciding the merits of Lukić's appeal, the Appeals Chamber may at a later stage request, *proprio motu*, the Registry to provide a complete translation of Exhibit 1D39 into the working languages of the Tribunal;⁴

FOR THE FOREGOING REASONS

DISMISSES the Motion.

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

Done this 6th day of July 2011,
At The Hague,
The Netherlands.



Judge Mehmet Güney,
Presiding

[Seal of the Tribunal]

⁴ Cf. *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-A, Order for Translation, 3 October 2007, p. 2, referring to *Aloys Simba v. The Prosecutor*, Case No. ICTR-01-76-A, Order for Translation, 3 July 2007, p. 2.