



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: 6 February 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: 6 February 2008

PROSECUTOR

v.

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

PUBLIC

ORDER ON EXHIBITS P2885, 1D279, 1D671, 4D3, 4D95, 4D106, and 5D272

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”) issues this Order, *ex proprio motu*, in order to clarify the status of certain documentary evidence that has been tendered in the above-captioned matter.

1. Exhibit 1D671 is an article from *Politika* dated 26 November 1998, which was admitted in connection with 1D91 pursuant to an oral ruling of the Chamber on 9 August 2007. The article was tendered in order to illustrate the signatures on the declaration that support the agreement reflected in 1D91. The Chamber considers that the “declaration” on page four of 1D671 should be translated, especially due to the fact that the version of the original document is illegible in eCourt.
2. In relation to P2885,¹ the Chamber notes that the translation is a collection of three cover letters, and does not contain a letter from a priest, whereas the original contains the letter from Monsignor Paglia. The Prosecution is to clarify whether this is the correct translation and, if the translation is incorrect, shall liaise with the Conference Language and Services Section (“CLSS”) to obtain a correct translation.
3. In relation to 1D279,² the Chamber notes that the translation appears to be missing the actual amendment, which it was tendered to show. The Milutinović Defence is to clarify whether this is the correct translation and, if the translation is incorrect, shall liaise with CLSS to obtain a correct translation.
4. In relation to 4D3,³ the Chamber notes that the attached B/C/S translation does not appear to be the same document. The Pavković Defence is to clarify whether this is the correct translation and, if the translation is incorrect, shall liaise with CLSS to obtain a correct translation.
5. No English translation is linked to 5D272⁴ in eCourt. The Lazarević Defence shall verify that an English translation of this document is available in eCourt, and, if so, shall link it to the original, and, if not, shall obtain a translation and upload it to eCourt.

¹ P2885 (letter by Monsignor Vincenzo Paglia of the Community di S. Egidio to Milan Milutinovic (Reference Number KPRS 1123, letter by Monsignor Vincenzo Paglia of the Community di S. Egidio to Milan Milutinovic personally, letter addressed to Ratomir Vico dated 4 June 1998).

² 1D279 (Amendment – Law on the VJ dated 25 December 1999).

³ 4D3 (Extract from the Law on Defence).

⁴ 5D272 (Pristina Corps Command , str. conf. no. 563-3).

6. The Chamber notes that 4D95⁵ is a duplicate of P1421, but that the translations are slightly different. In relation to 4D106,⁶ the Chamber notes that this is a duplicate of P1574, but that the translations are slightly different. The Defence and the Prosecution shall confer as to the correct translations of these documents and inform the Chamber of their agreed conclusions. If agreement cannot be reached, the parties are to address the matter separately in written filings.

7. The foregoing matters involving documentary evidence tendered by the parties are ones that should have already been dealt with by the parties, without the need of the Chamber to issue this Order. However, in view of the parties' inaction, the Chamber considers that it is in the interests of justice to order the parties to clarify the status of these exhibits and their translations.

8. Accordingly, the Trial Chamber, pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal, hereby ORDERS the parties and the Registry to undertake the following in accordance with the foregoing terms:

- (a) The Milutinović Defence shall (i) upload to eCourt a translation of the portion of 1D671 entitled "declaration" on page four and (ii) inform, in a written submission within 14 days of the date of this Order, the parties and the Chamber of such, after which the translation shall be deemed admitted into evidence.
- (b) The Prosecution shall verify, in a written submission within 14 days of the date of this Order, whether P2885 is linked to the correct translation, in accordance with the terms of this Order.
- (c) The Milutinović Defence shall verify, in a written submission within 14 days of the date of this Order, whether 1D279 is linked to the correct translation, in accordance with the terms of this Order.
- (d) The Pavković Defence shall verify, in a written submission within 14 days of the date of this Order, whether 4D3 is linked to the correct translation, in accordance with the terms of this Order.

⁵ 4D95 (Dusan Samardzic's Order Re Further Engagement of the army in KiM dated 7 August 1998).

⁶ 4D106 (Minutes of the 5th Session of the SDC /Supreme Defence Council/, 9 June 1998).

- (e) The Lazarević Defence shall verify, in a written submission within 14 days of the date of this Order, that an English translation of 5D272 is available in eCourt and linked to the document, in accordance with the terms of this Order.
- (f) The Prosecution and Defence shall confer as to the correct translations of 4D95 and 4D106 and inform the Chamber, in a written submission within 14 days of the date of this Order, of their agreed conclusions, in accordance with the terms of this Order.

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

Judge Iain Bony
Presiding

Dated this sixth day of February 2008
At The Hague
The Netherlands

[Seal of the Tribunal]