

IT-05-87-T
D18862-D18859
21 APRIL 2008

18862
AT

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-05-87-T
Date: 21 April 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: 21 April 2008

PROSECUTOR

v.

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

PUBLIC

ORDER REGARDING EVIDENCE OF MILAN KOTUR

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”) is seised of the “Defence Submission Regarding the Testimony of Milan Kotur,” filed by the Lazarević Defence on 3 April 2008 (“Defence Motion”), and the “Prosecution Notice of Milošević Transcript Excerpts Used During Testimony of Defence Witness Milan Kotur,” filed on 14 April 2008 (“Prosecution Motion”), and hereby issues this order thereon.

1. On 22 January 2008, Milan Kotur testified about the circumstances surrounding the evidence given by Richard Ciaglinski in the *Slobodan Milošević* trial.¹ On the same date, the Chamber requested that the Lazarević Defence provide it with the relevant passages of Kotur’s testimony from the *Milošević* trial:

JUDGE BONOMOY: Mr. Bakrac, the passage in the Milosevic trial that the witness is referring to where he has given what appears to be the same explanation, we would welcome that being identified by you and submitted in a filing to the -- to the Chamber as well, rather than us go through [in]appropriate material that is not before us. If you find the passage that you think records what he said [in] these terms, then we would welcome seeing that.²

In the Defence Motion, the Defence notifies the Chamber and the parties that the relevant excerpts from the *Milošević* trial record—namely transcript pages 47479, 47480, and 47588 of exhibit 5D1386—are available, and it further requests that they be admitted into evidence as exhibit 5D1457.

2. In addition, on 21 and 22 January 2008, Milan Kotur referred to several portions of his testimony from the *Milošević* trial during the cross-examination by the Prosecution. On 22 January 2008, the Chamber requested that the Prosecution provide it with the relevant portions of the *Milošević* transcript it wished admitted into evidence:

JUDGE BONOMOY: Mr. Hannis, you should compile a filing which extracts the parts which you have referred to, including the larger section you've just referred to towards the end and submit that and these parts will be admitted in the absence of any objection being stated to them within the seven days of the filing being filed.³

¹ T. 20785–20786; T. 20792–20793 (22 January 2008).

² T. 20793 (22 January 2008).

³ T. 20790 (22 January 2008).

In the Prosecution Motion, the Prosecution requests that the following transcript pages, excerpted from Milan Kotur's testimony during the *Milošević* trial, be admitted into evidence:

- (a) 47469:10–47473:24;
- (b) 47482:18–47483:2;
- (c) 47487:24–47488:2;
- (d) 47518:19–47519:6;
- (e) 47523:21–47528:20; and
- (f) 47534:1–47535:25.

The Lazarević Defence has indicated that it does not intend to respond to the Prosecution Motion.

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

- (a) 5D1457 shall be admitted into evidence.
- (b) The Prosecution shall, within seven days of the date of this Order, upload to eCourt, under a new exhibit number, the following excerpted transcript pages of Milan Kotur's testimony from the *Milošević* trial record and notify the Chamber and the parties via a written filing, after which that exhibit shall be deemed admitted into evidence:
 - i. 47469:10–47473:24;
 - ii. 47482:18–47483:2;
 - iii. 47487:24–47488:2;
 - iv. 47518:19–47519:6;
 - v. 47523:21–47528:20; and

vi. 47534:1–47535:25.

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

Judge Iain Bony
Presiding

Dated this twenty-first day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]