



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-05-87/1-T
Date: 27 October 2009
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christoph Flügge
Judge Melville Baird

Registrar: Mr John Hocking

Decision: 27 October 2009

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**DECISION ON VLASTIMIR ĐORĐEVIĆ'S MOTION RE
EXHIBIT D238 MFI**

The Office of the Prosecutor:

Mr Chester Stamp
Ms Daniela Kravetz

Counsel for the Accused:

Mr Dragoljub Đorđević
Mr Veljko Đurđić

THIS TRIAL CHAMBER (“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”),

NOTING “Vlastimir Đorđević’s Motion re Exhibit D238 MFI” filed by Counsel for Vlastimir Đorđević (“Defence”) on 21 October 2009 (“Motion”) whereby the Defence requests to use the English translation of a document marked for identification (“MFI”) D238 which has been provided for the same document in the trial of *Prosecutor v Milutinović et al* (Case No IT-05-87-T) (“*Milutinović case*”) and moves for the admission of MFI D238 (Annex C to the Motion) as an exhibit;

NOTING the Defence submission that CLSS had indicated to the Defence that MFI D238 could not be translated because of the poor quality of the document and, further, that the same document has been admitted into evidence with an English translation in the *Milutinović case*; in which parts of the text are untranslated and marked as “illegible” in the document;

NOTING that the Office of the Prosecutor (“Prosecution”) informed the Chamber that it does not oppose the motion and that it does not intend to file a response;

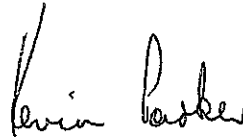
CONSIDERING that the Chamber has already determined that the proposed document is relevant and probative and, therefore, meets the requirements of Rule 89(C) of the Rules of Procedure and Evidence (“Rules”);

For the foregoing reasons and pursuant to Rules 54 and 89(C) of the Rules the Chamber

- (i) **GRANTS** the Motion and **ORDERS** that document MFI D238 be admitted into evidence as an exhibit;
- (ii) **REQUESTS** the Registry to change the status of the above mentioned document and to attach the proposed English translation to the exhibit.

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

Dated this twenty-seventh day of October 2009
At The Hague
The Netherlands



Judge Kevin Parker
Presiding

[Seal of the Tribunal]