



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: 14 November 2007  
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

**Decision of:** 14 November 2007

**PROSECUTOR**

v.

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

**PUBLIC**

**DECISION ON LAZAREVIĆ SECOND AND THIRD MOTIONS TO AMEND  
RULE 65 TER EXHIBIT LIST**

**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 “Vladimir Lazarević’s Second Motion to Amend Rule 65ter Exhibit List,” filed 2 November 2007, and “Vladimir Lazarević’s Third Motion to Amend Rule 65ter Exhibit list,” filed 7 November 2007 (“Motions”), and hereby issues this decision thereon.

1. In the Motions, the Lazarević Defence seeks to add documents to its Rule 65 *ter* exhibit list<sup>1</sup> on the following bases: (a) some of the documents in question were received by the Defence only a few days before the commencement of its Defence case, and (b) some of the documents were provided only recently by the witness Bozidar Delić subsequent to his arrival in the Hague. The Lazarević Defence argues that the documents are relevant to the trial and indispensable for the presentation of the defence case and that their addition to the list would serve the interests of justice.

2. In the Prosecution Response, the Prosecution objects to two of these exhibits, 5D1371 and 5D1372, both entitled “Photograph showing member of the KLA with severed head of the VJ soldier”, on grounds of lack of relevance.<sup>2</sup> The Prosecution argues that neither of these two exhibits is relevant to any of the issues in dispute in the case. It is further submitted that their addition to the Lazarević Defence’s exhibit list does not serve the interests of justice and requests that the Lazarević Defence not be granted leave to add these two exhibits to its list. The Prosecution does not have any objections with respect to the remaining exhibits, but reserves the right to object to the admission of any of these exhibits into evidence, at the appropriate time.

3. The Chamber is not satisfied that the Lazarević Defence has adequately demonstrated that it is in the interests of justice to add 5D1371 and 5D1372 to its exhibit list, but will grant leave for the remainder of the documents to be added, based upon the lack of objection from the Prosecution. The Chamber finally notes its oral ruling on 12 November 2007 granting leave for 5D1370 to be added.<sup>3</sup>

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<sup>1</sup> See confidential Vladimir Lazarević’s Defence Rule 65ter Submission, 15 June 2007; confidential Mr. Vladimir Lazarević’s Revised Defence Rule 65ter (G) Submission, 20 August 2007; see also Decision on Lazarević Motion to Amend Rule 65 *ter* Exhibit List, 26 October 2007.

<sup>2</sup> Prosecution’s Response to Vladimir Lazarević’s Second and Third Motions to Amend Rule 65 *ter* Exhibit List, 13 November 2007 (“Response”).

<sup>3</sup> T. 18065 (12 November 2007).

4. Accordingly, the Trial Chamber, pursuant to Rules 54 and 65 *ter* of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motion, in part, and ORDERS as follows:

- (a) The Trial Chamber GRANTS leave for the Lazarević Defence to add 5D1364, 5D1365, 5D1366, 5D1367, 5D1368, 5D1369, 5D1373, 5D1373, 5D1374, and 5D1375 to its Rule 65 *ter* exhibit list.
- (b) The Trial Chamber DENIES leave for the Lazarević Defence to add 5D1371 and 5D1372 to its Rule 65 *ter* exhibit list.
- (c) The Motion is DENIED as moot in relation to 5D1370.

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



Judge Iain Bonomy  
Presiding

Dated this fourteenth day of November 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**