



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: 25 April 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

Order of: 25 April 2007

PROSECUTOR

v.

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

ORDER ON PROSECUTION SUBMISSION RE EXHIBITS P2762 AND P2864

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 “Prosecution Motion Seeking to Tender Exhibits P2672 and P2864”, filed 16 April 2007 (“Motion”), as well as the “Corrigendum to Prosecution Motion Seeking to Tender Exhibits P2672 and P2864”, filed on 18 April 2007 (“Corrigendum”), and hereby issues this order.

1. On 12, 13, and 14 March 2007, Lieutenant-Colonel Lakić Đorović testified before the Chamber as a witness in these proceedings. He provided testimony with regard to criminal proceedings instigated against a reserve officer in the Priština Corps, named Milovan Tijanić.¹ A number of documents were tendered through the witness and subsequently admitted into evidence by the Trial Chamber.

2. In the Motion, the Prosecution seeks admission of two additional exhibits, namely P2672 and P2864. The Motion was followed by the Corrigendum, which advised the Trial Chamber and the parties that, in drafting the Motion, a mistake had been made with regard to the exhibit numbers referred to therein. The documents the Prosecution seeks to tender are P2864 and P2762, and not P2672 as originally stated. The Chamber notes that no responses were filed by the Defence.

3. Both documents are Requests for Assistance (“RFAs”) to the Government of the Republic of Serbia to acquire information concerning proceedings against the aforementioned Milovan Tijanić. Exhibit P2864 contains request RFA-1314-A, sent on 30 January 2006, and the reply that was received more than a week after the testimony of the witness, on 22 March 2007.

4. The information ultimately provided within P2864 relates to evidence given by the witness and seems to confirm that a request to launch an investigation was filed by the Military Prosecutor’s Office of the Belgrade Military District Command on 25 April 1999. To fully understand the circumstances of the reply in P2684 it is necessary to read P2762, which on its own does not provide evidence of material relevance to the case.

5. The exhibits tend to show that the case in question was reregistered (in the Logbook of Investigations and Investigation Activities) under a new number after the end of hostilities and that there is no record of the case ever getting beyond the stage of investigations. The exhibits are therefore relevant (and have the requisite probative value) to the evidence of the witness that efforts

¹ T. 11567–11571 (13 March 2007).

were made to prematurely terminate this case. Finally, the Chamber considers that the exhibits bear sufficient indicia of reliability for admission into evidence.

6. Accordingly, the Trial Chamber, pursuant to Rules 54 and 89(C) of the Rules of Procedure and Evidence of the Tribunal, hereby **ORDERS** that exhibits P2762 and P2864 (and their translations) shall be admitted into evidence.

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

A handwritten signature in black ink, appearing to read "Iain Bony", written over a horizontal line.

Judge Iain Bony
Presiding

Dated this twenty-fifth day of April 2007
At The Hague
The Netherlands

[Seal of the Tribunal]