

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**

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**ORDER REGARDING EVIDENCE OF MILAN KOTUR**

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**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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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<sup>1</sup> T. 20785–20786; T. 20792–20793 (22 January 2008).

<sup>2</sup> T. 20793 (22 January 2008).

<sup>3</sup> 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.

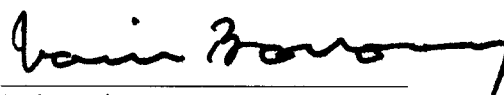
The Lazarević Defence has indicated that it does not intend to respond to the Prosecution Motion.

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 Bonomy  
Presiding

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

**[Seal of the Tribunal]**