



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: 15 May 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: 15 May 2008

PROSECUTOR

v.

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

PUBLIC

ORDER RE EXHIBITS P1085 AND 4D138 – VJ RULES OF SERVICE

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”), *ex proprio motu*, hereby issues this order regarding exhibits P1085 and 4D138.

1. The Chamber has been engaged in informal consultations with the parties regarding which version of the VJ Rules of Service—the 1994 version in P1085 or the 1996 excerpted version in 4D138—was in effect at the time relevant to the Indictment in the above-captioned proceedings. Some of the parties have agreed, informally, that the 1996 version was the operative one and that the two versions are substantively the same (although the articles have been renumbered).

2. At the hearing on 13 May 2008, the Chamber raised this issue with the parties. The Pavković Defence confirmed that it was in possession of the 1996 version and agreed to furnish the book to the Chamber, so that the Chamber could review it and take whatever action was appropriate. The Pavković Defence and the Prosecution also indicated that they had agreed that the 1996 version was the operative one during the period relevant to the Indictment.

3. Since then, the Chamber has been provided with the 1996 version of the VJ Rules of Service by the Pavković Defence and has reviewed them. The Chamber considers that, in light of the apparent agreement of the parties that the 1996 version of the VJ Rules of Service were the operative ones in force at the time of the Indictment period, it is in the interests of justice for certain portions thereof to be translated and admitted into evidence. Moreover, due to the fact that the Pavković Defence is in possession of a copy of the 1996 version of the VJ Rules of Service, it is appropriate for the Chamber to order, pursuant to Rule 98, that the Pavković Defence produce them as additional evidence.

4. ~~Finally, the Chamber considers that it is appropriate for the 1994 version to stay on the official record of the proceedings because it was put to several witnesses and thus forms part of their evidence in these proceedings.~~

5. Accordingly, the Trial Chamber, pursuant to Rules 54, 65 *ter*, 89, and 98 of the Rules of Procedure and Evidence of the Tribunal, hereby **ORDERS** as follows:

- a. The Pavković Defence shall upload to eCourt, by no later than Wednesday, 21 May 2008, the original 1996 version in B/C/S of the VJ Rules of Service (with a new exhibit number) and notify the Chamber, parties, and the Conference and Language Services Section (“CLSS”) thereof.

- b. CLSS shall translate into English the following portions of the 1996 version of the VJ Rules of Service and then notify the Chamber when this has been completed:
- i. Chapter I;
 - ii. Chapter II, Sections: 1, 2, 3 (sub-sections 1–4), 5, 6 (sub-sections 3–5), and 7;
 - iii. Chapter III, Sections 1, 3 (sub-sections 1–8), 6–13;
 - iv. Chapter IV, Sections 1–2; and
 - v. Chapter V.

6. The Trial Chamber shall then issue a decision on the admission into evidence of the 1996 version of the VJ Rules of Service and order the parties to file a joint written submission:

- a. stipulating (if possible) that the 1996 version of the VJ Rules of Service was the operative version in effect during the time relevant to the Indictment; and
- b. identifying any portions of the 1994 version of the VJ Rules of Service, which were put to a witness during his or her evidence, that differ in any material respects from the 1996 version (listing witness name/pseudonym, transcript page, and date).

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

Judge Iain Bony
Presiding

Dated this fifteenth day of May 2008
At The Hague
The Netherlands

[Seal of the Tribunal]