



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: 9 June 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: 9 June 2008

PROSECUTOR

v.

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

PUBLIC

**ORDER RE EXHIBITS 6D265, 6D292, 6D293, 6D294, 6D333, 6D334, 6D335, 6D349, 6D360,
6D489, 6D538, 6D700, 6D718, 6D762, 6D782, 6D797, 6D887, 6D888, 6D989, 6D950, 6D1027,
6D1108, 6D1110, 6D1113, 6D1114, 6D1326, 6D1331, 6D1333, 6D1342, 6D1355, 6D1374,
6D1418, 6D1420, 6D1421, AND 6D1665**

Office of the Prosecutor

Mr. Thomas Hannis
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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 “Sreten Lukic’s Request Regarding Exhibits 6D 292 and 6D 294”, filed on 21 May 2008; the “Sreten Lukic’s Request Regarding Exhibits 6D 718 and 6D 805” and the “Sreten Lukic’s Request Regarding Exhibit 6D 1114”, filed on 22 May 2008; the “Sreten Lukic’s Request Regarding Exhibits 6D 360”, the “Sreten Lukic’s Request Regarding Exhibits 6D 887”, the “Sreten Lukic’s Request Regarding Exhibits 6D 888”, the “Sreten Lukic’s Request Regarding Exhibits 6D 950”, the “Sreten Lukic’s Request Regarding Exhibit 6D 335”, the “Sreten Lukic’s Request Regarding Exhibit 6D 489”, the “Sreten Lukic’s Request Regarding Exhibit 6D 538”, the “Sreten Lukic’s Request Regarding Exhibit 6D 700”, the “Sreten Lukic’s Request Regarding Exhibit 6D 762”, the “Sreten Lukic’s Request Regarding Exhibit 6D 797”, the “Sreten Lukic’s Request Regarding Exhibit 6D 1027”, the “Sreten Lukic’s Request Regarding Exhibit 6D 1110”, and the “Sreten Lukic’s Request Regarding Exhibit 6D 1113”, all filed on 29 May 2008; the “Sreten Lukic’s Request Regarding Exhibits 6D 1374” and the “Sreten Lukic’s Request Regarding Exhibits 6D 1326”, filed on 30 May 2008; the “Sreten Lukic’s Request Regarding Exhibits 6D 1333”, the “Sreten Lukic’s Request Regarding Exhibits 6D 265, 6D 293, 6D 333, 6D 334, 6D 349, 6D358, 6D782, 6D 989, 6D 1108, 6D 1307, 6D1331, 6D 1355, 6D 1418, 6D 1420, 6D 1421, 6D 1634, 6D 1665”, and the “Sreten Lukic’s Request Regarding Exhibit 6D 1342”, all filed on 2 June 2008—(collectively “**Motions**”)—and hereby issues this order thereon.

1. The following exhibits were marked for identification:

- a. On 7 February 2008, exhibit **6D700**, entitled “PrK Command - Order to support MUP forces in destroying of DTS in region of Kosmac”, dated 24 September 1998, and exhibit **6D989**, entitled “Rules on weaponry of authorised officials and workers on specific duties”.
- b. On 12 February 2008, during the examination of Miroslav Mijatović, exhibit **6D782**, entitled “MUP Staff, Plan for evacuation of KVM members from the territory of KiM”, dated 22 January 1999.¹
- c. On 18 February 2008, exhibit **6D335**, entitled “SUP Gnjilane B VII 292”, exhibit **6D1342**, entitled “Public Security Department dispatch no. 2571-99/4 of 21April 1999

¹ See **6D1492**, Rule 92 *ter* statement of Miroslav Mijatović, para. 19.

in relation to dispatch no. 2571-99 of 9 April 1999”, dated 21 April 1999, and exhibit **6D333**, entitled “SUP Gnjilane A VII-6”, dated 6 April 1999.

- d. On 19 February 2008, exhibit **6D334**, entitled “SUP Gnjilane, A VII-24, KU 24-37-99”, dated 24 May 1999.
- e. On 27 February 2008, during the examination of Petar Dujković, exhibit **6D265**, entitled “Dispatch of the Public security sector”, dated 31 April 1998.²
- f. On 5 March 2008, exhibit **6D1114**, entitled “MUP Website, Citizens – victims of terrorism in Kosovo and Metohija in 1998”, dated 31 December 1998, exhibit **6D1110**, entitled “MUP Website, Policemen – victims of terrorism in Kosovo and Metohija (period after 1 July 1998)”, dated 10 June 1999, exhibit **6D1113**, entitled “MUP Website, Missing policemen in Kosovo and Metohija”, dated 20 June 1999, and exhibit **6D1108**, entitled “MUP Website, Policemen – victims of terrorism in Kosovo and Metohija (period from 1 January 1998 to 1 July 1998)”, dated 1 July 1998.
- g. On 13 March 2008, during the examination of Branislav Debeljković, exhibits **6D360**,³ entitled “OKP Urosevac, A - VI - 77, KU 42-99”, dated 23 May 1999, **6D950**,⁴ entitled “SUP Pristina, Decision, Dragan Kovacevic”, dated 26 May 1999, and **6D349**,⁵ entitled “OKP Kacanik, A-VI-34, official note No 70-03”, dated 5 June 2003.
- h. On 2 April 2008, during the examination of Momir Pantić, exhibit **6D797**, entitled “MUP Dispatch”, dated 13 November 1998, exhibit **6D762**, entitled “7 pbr command, Order for assassination of battlefield”, dated 9 April 1999, and exhibit **6D718**, entitled “Command of 7 pbr, Order for regulation and control of traffic in the zone of responsibility of 7 pbr”.⁶
- i. On 3 April 2008, during the examination of Milovan Živaljević, **6D887**, entitled “SUP Belgrade, Decision, Stojiljkovic Ivan”, dated 7 June 1999, and **6D888**, entitled “SUP Belgrade, Decision, Strahinja Citakovic”, dated 7 June 1999.⁷

² See **6D1499**, Rule 92 *ter* statement of Petar Dujković, para. 18.

³ See **6D1533**, Rule 92 *ter* statement of Branislav Debeljkovic, para. 49.

⁴ See **6D1533**, Rule 92 *ter* statement of Branislav Debeljkovic, para. 40.

⁵ See **6D1533**, Rule 92 *ter* statement of Branislav Debeljkovic, para. 63.

⁶ See **6D1604**, Rule 92 *ter* statement of Momir Pantić, para. 50.

⁷ See **6D1606**, Rule 92 *ter* statement of Milovan Živaljević, para. 18.

- j. On 10 April 2008, exhibit **6D1027**, entitled “58 Ipbr Command, Plan of engagement of 58 Ipbr on control of territory”, dated 3 June 1999.
- k. On 14 April 2008, exhibit **6D538**, entitled “SUP Djakovica, KU 13-99”, dated 30 March 1999”, and exhibit **6D489**, entitled “SUP Djakovica, KU 470-98”, dated 28 September 1998.
- l. On 13 May 2008, the Trial Chamber issued the “Order Regarding Admission of Documents Referenced in Expert Report of Branislav Simonović (Exhibit 6D668)”, and admitted into evidence a number of documents referenced to in the expert report. Beyond those documents, there were the following exhibits, utilised by Branislav Simonović, which were marked for identification pending translation:⁸
- i. **6D292**, entitled “Dispatch No 266 SUP Smederevo, regarding assignment of the PJP”, dated 21 March 1999,
 - ii. **6D294**, entitled “Dispatch of the Belgrade Sup”, dated 22 March 1999,
 - iii. **6D1374**, entitled “Proposal for amendments of the Staffing Rules in the Pristina Secretariat of the Interior of 26 November 1998”,
 - iv. **6D1326**, entitled “OUP Vucitrm, Case file, policeman Kompirovic Aleksandar”, dated 15 May 1999,
 - v. **6D1333**, entitled “Information of the Public Security Department 12a no. 649/98 on perpetrated kd /criminal offences/, misdemeanours and other grave breaches of work obligations and duties with the Kosovska Mitrovica ...”, dated 24 July 1998,
 - vi. **6D1355**, entitled “Decision on establishing of SAJ”, dated 5 April 1996,
 - vii. **6D1331**, entitled “Istok Department of the Interior - Plan of raids, blockades and ambushes sent to the Pec SUP Crime Police Department, confidential no. 021-132-98 of 22 July 1998”,

⁸ See Order Regarding Admission of Documents Referenced in Expert Report of Branislav Simonović (Exhibit 6D668), 13 May 2008, para. 3(c).

- viii. **6D1418**, entitled “Law on Essential Identity Card Information (SFRY Official Gazette no. 6/73)”;
- ix. **6D1420**, entitled “Law on Personal Identification Numbers (SRS Official Gazette no. 53/78, 5/83, 24/85 and 6/89; and RS Official Gazette nos. 53/93, 67/93, 48/94 and 101/05)”, and
- x. **6D1421**, entitled “Rules on interior organisation – SAJ”, dated 31 December 1999.
- m. On 20 May 2008, during the examination of Milan Đaković, exhibit **6D293**, entitled “Dispatch dated 22 March 1999, SUP Uzice, regarding PJP”.
- n. On 21 May 2008, exhibit **6D1665**, entitled “Response from national council for cooperation with the ICTY”, dated 30 January 2008.

2. In the Motions, the Lukić Defence informs the Chamber and the parties that translations for exhibits 6D700, 6D989, 6D782, 6D335, 6D333, 6D334, 6D265, 6D1114, 6D1110, 6D1113, 6D1108, 6D360, 6D950, 6D349, 6D797, 6D762, 6D718, 6D887, 6D888, 6D1027, 6D538, 6D489, 6D292, 6D294, 6D1374, 6D1326, 6D1333, 6D1342, 6D1355, 6D1331, 6D1418, 6D1420, 6D1421, 6D293, and 6D1665 are now available and have been uploaded to eCourt. Further, the Defence requests that the documents and their translations be admitted into evidence.

3. On 5 June 2008, the Prosecution filed its “Prosecution Response to Sreten Lukić’s Request Regarding Exhibits 6D265, 6D293, 6D333, etc.”, objecting in part to the “Sreten Lukic’s Request Regarding Exhibits 6D 265, 6D 293, 6D 333, 6D 334, 6D 349, 6D358, 6D782, 6D 989, 6D 1108, 6D 1307, 6D1331, 6D 1355, 6D 1418, 6D 1420, 6D 1421, 6D 1634, 6D 1665”, filed 2 June 2008, and asking the Trial Chamber to deny the admission of the following exhibits: 6D782, 6D265, 6D1331, 6D1420, and 6D1421, on the basis that there are no references in the trial transcripts for the above-mentioned exhibits, and it is thus impossible to determine their context, in order to assess whether an adequate showing of authenticity, relevance, and probative value exists for their admission.

4. The Trial Chamber considers as follows:⁹

- a. Exhibit 6D782, is referred to in paragraph 19 of 6D1492 (Rule 92 *ter* statement of Miroslav Mijatović).
- b. Exhibit 6D265, is referred to in paragraph 18 of 6D1499 (Rule 92 *ter* statement of Petar Dujković).
- c. Exhibits 6D1331, 6D1420, and 6D1421 are referred to in exhibit 6D668 (expert report of Branislav Simonović), and in paragraph 3(c) of the “Order Regarding Admission of Documents Referenced in Expert Report of Branislav Simonović (Exhibit 6D668),” issued 13 May 2008.

5. The Prosecution has indicated that it does not intend to respond to the other Motions.

6. On 6 June 2008, the Lukić Defence requests leave to file a reply to the Prosecution’s Response in respect of the five documents referenced above. The Chamber does not consider that it is necessary to hear further from the Lukić Defence in relation to these matters.

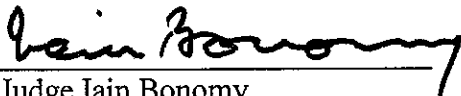
7. Accordingly, the Trial Chamber, pursuant to Rules 54, 89, and 126 *bis* of the Rules of Procedure and Evidence of the Tribunal, hereby GRANTS the Motions, in part, and ORDERS as follows:

- a. The Lukić Defence’s request for leave to file a reply is DENIED.

⁹ The Trial Chamber will deal with the admission of 6D358 in a separate decision, to be issued in due course.

- b. Exhibits 6D265, 6D292, 6D293, 6D294, 6D333, 6D334, 6D335, 6D349, 6D360, 6D489, 6D538, 6D700, 6D718, 6D762, 6D782, 6D797, 6D887, 6D888, 6D989, 6D950, 6D1027, 6D1108, 6D1110, 6D1113, 6D1114, 6D1326, 6D1331, 6D1333, 6D1342, 6D1355, 6D1374, 6D1418, 6D1420, 6D1421, and 6D1665, along with their translations, shall be admitted into evidence.

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


Judge Iain Bonomy
Presiding

Dated this ninth day of June 2008
At The Hague
The Netherlands

[Seal of the Tribunal]