



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: 4 July 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: 4 July 2008

PROSECUTOR

v.

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

PUBLIC

ORDER ON EXHIBIT 4D397

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 a “Pavković Request Regarding 4D397,” filed 16 June 2008 (“First Motion”), and a “Pavković Withdrawal of Request Regarding 4D397,” filed 24 June 2008 (“Second Motion”), and hereby renders this order thereon.

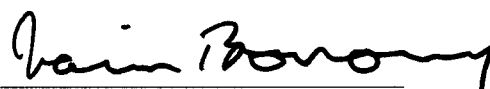
1. In the First Motion, the Pavković Defence informs the Chamber and the parties that the translation of 4D397—“Military Prosecutor Attached to the PrK Command: Indictment, 28 May 1999”—which was admitted pursuant to a written decision on 28 November 2007,¹ is incorrect. It is then requests that the correct translation replace the incorrect one.

2. In the Second Motion, the Pavković Defence informs the Chamber and the parties that the translation of the document was indeed correct and that the correct BCS original of the document has now been uploaded to eCourt. The Pavković Defence withdraws the First Motion and then requests that the correct original BCS version replace the incorrect one.

3. Accordingly, the Trial Chamber, pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal, hereby NOTES the withdrawal of the First Motion, GRANTS the Second Motion, and ORDERS as follows:

- a. The new original BCS version of exhibit 4D397 shall replace the old one in eCourt and shall be admitted into evidence.
- b. Any party may apply to have this Order set aside by no later than Monday, 7 July 2008 on good cause being shown.

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



Judge Iain Bonomy
Presiding

Dated this fourth day of July 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Decision on Pavković Second Motion for Admission of Documents from Bar Table, 28 November 2007.