



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-98-32/1-A  
Date: 6 July 2011  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Mehmet Güney, Presiding  
Judge Fausto Pocar  
Judge Liu Daqun  
Judge Carmel Agius  
Judge Howard Morrison

**Registrar:** Mr. John Hocking

**Decision of:** 6 July 2011

**PROSECUTOR**

v.

**MILAN LUKIĆ  
SREDOJE LUKIĆ**

***PUBLIC***

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**DECISION ON MILAN LUKIĆ'S FIRST MOTION TO ADMIT  
ADDITIONAL EVIDENCE ON APPEAL**

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**The Office of the Prosecutor:**

Mr. Paul Rogers

**Counsel for Milan Lukić:**

Mr. Tomislav Višnjić and Mr. Dragan Ivetić

**Counsel for Sredoje Lukić:**

Mr. Đuro Čepić and Mr. Jens Dieckmann

**THE APPEALS 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 (“Appeals Chamber” and “Tribunal”, respectively);

**NOTING** the Judgement rendered in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-T, by Trial Chamber III on 20 July 2009 (“Trial Judgement”);

**NOTING** that each of the parties has lodged an appeal against the Trial Judgement;<sup>1</sup>

**BEING SEISED** of “Milan Lukic’s [*sic*] Motion to Admit Evidence Before the Appeals Chamber”, filed confidentially by Counsel for Milan Lukić (“Lukić”) on 8 February 2010 (“Motion”), in which Lukić seeks the admission into evidence of the official English translation of a portion of Exhibit 1D39 obtained from the Conference and Language Services Section subsequent to the rendering of the Trial Judgement;<sup>2</sup>

**NOTING** the “Prosecution Response to Milan Lukić’s First Motion to Admit Additional Evidence” filed confidentially by the Office of the Prosecutor on 26 February 2010;

**NOTING** “Milan Lukic’s [*sic*] Reply in Support of Motion to Admit Evidence before the Appeals Chamber” filed confidentially by Lukić on 1 March 2010;

**CONSIDERING** that under Rule 115 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), a party may submit a request to present additional evidence before the Appeals Chamber;

**NOTING** that Exhibit 1D39 was “inadvertently” admitted into evidence at trial in Bosnian/Serbian/Croatian (“B/C/S”) only<sup>3</sup> and that the English translation of this exhibit does not currently form part of the trial record;

**CONSIDERING** that since the B/C/S version of Exhibit 1D39 is already part of the trial record, the English translation of the exhibit does not constitute “new” or “additional” evidence pursuant to Rule 115 of the Rules;

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<sup>1</sup> Milan Lukic’s [*sic*] Amended Notice of Appeal, 26 November 2009 (filed by Counsel for Lukić as Annex 1 to Milan Lukic’s [*sic*] Motion to Vary his Notice of Appeal, 26 November 2009). *See also* Decision on Milan Lukić’s Motion to Amend his Notice of Appeal, 16 December 2009; Notice of Appeal on Behalf of Sredoje Lukić, 19 August 2009; Prosecution Notice of Appeal, 19 August 2009.

<sup>2</sup> Motion, para. 4. *See also* Annex A attached thereto.

<sup>3</sup> Trial Judgement, para. 570.

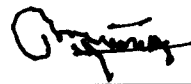
**NOTING** that, if necessary for deciding the merits of Lukić's appeal, the Appeals Chamber may at a later stage request, *proprio motu*, the Registry to provide a complete translation of Exhibit 1D39 into the working languages of the Tribunal;<sup>4</sup>

**FOR THE FOREGOING REASONS**

**DISMISSES** the Motion.

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

Done this 6th day of July 2011,  
At The Hague,  
The Netherlands.



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Judge Mehmet Güney,  
Presiding

[Seal of the Tribunal]

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<sup>4</sup> Cf. *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-A, Order for Translation, 3 October 2007, p. 2, referring to *Aloys Simba v. The Prosecutor*, Case No. ICTR-01-76-A, Order for Translation, 3 July 2007, p. 2.