



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-PT
Date: 06 June 2006
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Krister Thelin
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Decision of: 06 June 2006

PROSECUTOR

v.

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

**ORDER ON PROSECUTION'S MOTION TO ADMIT
DOCUMENTARY EVIDENCE WITH ANNEXES**

Office of the Prosecutor

**Mr. Thomas Hannis
Mr. Chester Stamp
Ms. Christina Moeller
Ms. Patricia Fikirini
Mr. Mathias Marcussen**

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. Aleksander Alekšić for Mr. Nebojša Pavković
Mr. Mihaljo Bakrač 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”),

BEING SEIZED of a “Prosecution’s Motion to Admit Documentary Evidence with Annexes,” filed on 25 May 2006, (“Motion”), in which the Office of the Prosecutor (“Prosecution”) seeks the admission of certain items as evidence in the present case, or alternatively, with regard to some items, judicial notice under Rule 94(A) or 94(B) of the Rules of Procedure and Evidence (“Rules”),

NOTING that the Defence has been ordered to respond to the Motion by 19 June 2006,

CONSIDERING that further information is required from the Prosecution in order for the Chamber to properly consider the Motion and the relief requested,

PURSUANT TO Rule 54 of the Rules,

HEREBY ORDERS as follows:

1. The Prosecution shall, by 12 June 2006,
 - a. identify, for each item listed in the Annexes to the Motion, whether that item will be discussed with or shown to a witness during the trial, and if so, identify that witness for each item;
 - b. clarify, for each item listed in the Annexes, or for categories of items, which specific issue or issues in the Indictment those items relate to, giving the relevant paragraph numbers of the Indictment;
 - c. mark those items listed in the Annexes that are referenced in the Prosecution’s pre-trial brief, and provide the relevant paragraph numbers of the pre-trial brief;
 - d. with regard to the items in Annex A, provide the relevant transcript (or other) references for where each of those items was admitted into evidence from the *Milošević* trial; and
 - e. make further submissions on the legal standard for a Chamber to take judicial notice of documentary evidence from other proceedings, pursuant to Rule 94(B) of the Rules, and on the legal effect of taking judicial notice of such items in relation to the current proceedings.

2. The Defence shall have until 12.00 p.m. on 26 June 2006 to respond to the Motion and further submissions made by the Prosecution pursuant to this Order.

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



Judge Krister Thelin

Dated this sixth day of June 2006
At The Hague
The Netherlands

[Seal of the Tribunal]