



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 IN RELATION TO EXHIBIT 6D1305 – MUP INTERNAL
RULES OF PROCEDURE**

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”) hereby issues this Order *ex proprio motu* regarding MUP Internal Rules of Procedure—exhibit 6D1305.

1. On 7 December 2006, during the testimony of Ljubinko Cvetić, the Chamber admitted into evidence exhibit P1072 (MUP Internal Rules of Procedure, *dated January 1994*). On 27 February 2008, the Lukić Defence asserted that, during the relevant time period, a more current version of these rules was in force and contained in 6D1305 (MUP Internal Rules of Procedure, *dated 31 January 1997*). Subsequently, the following colloquy ensued:

MR. LUKIC: Your Honour, I need some guidance from you. We have a 6D1305 which is internal rules of Ministry of Internal Affairs, it's not translated but it's actually updated version in force at that time. The Prosecution was using P1072, but it was from 1994 and it's not the exact rules that were in force at that time. They are similar but not the same, so I would rather use one that is accurate.

JUDGE BONOMOY: Mr. Stamp.

MR. STAMP: Subject to getting a translation, we have no objections to using this --

* * *

JUDGE BONOMOY: I think that makes sense. So you should use the [1997] one. I hope it's not going to cause a great deal of difficulty that it has not been translated.¹

2. Subsequently, the Lukić Defence tendered the document from the bar table, but without a translation. It was therefore rejected admission.² The Chamber, having reviewed the relevant documents, is of the view that it would be appropriate to have the operative version of the MUP Internal Rules of Procedure, dated 31 January 1997 and as contained in exhibit 6D1305, as part of the official record of the proceedings.

3. Accordingly, the Trial Chamber, pursuant to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal, hereby ORDERS *ex proprio motu* as follows:


- a. The BCS original of exhibit 6D1305 shall be admitted into evidence.
- b. The Conference and Language Services Section is REQUESTED to translate exhibit 6D1305 as soon as possible and then remit the translation to the Registry.

¹ T. 23304–23305 (27 February 2008).

² Decision on Lukić Defence Motions for Admission of Documents from Bar Table, 11 June 2008, para. 16.

- c. After receipt of the translation, the Registry shall inform the Chamber and parties and shall upload it to eCourt, after which the translation of exhibit 6D1305 shall be deemed admitted into evidence.

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]