



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-05-88-PT
Date: 5 October 2005
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge Jean-Claude Antonetti
Judge Kevin Parker

Registrar: Mr. Hans Holthuis

Decision of: 5 October 2005

THE PROSECUTOR
v.
VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
LJUBOMIR BOROVIČANIN
ZDRAVKO TOLIMIR
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ
MILORAD TRBIĆ

ORDER DESIGNATING A PRE-TRIAL JUDGE

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Zoran Živanović for Vujadin Popović
John Ostojic for Ljubiša Beara
Jelena Nikolić for Drago Nikolić
Alan Newman and Miodrag Stojanović for Ljubomir Borovčanin
Natacha Fauveau Ivanović for Radivoje Miletić
Dragan Krgović for Milan Gvero
Đorđe Sarapa for Vinko Pandurević
Colleen Rohan for Milorad Trbić

I, Carmel Agius, Presiding Judge of Trial Chamber II 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”);

NOTING the “Decision on Motion for Joinder” of 21 September 2005 in which Trial Chamber III granted the motion of the Office of the Prosecutor for joinder of the cases of *Prosecutor v. Vujadin Popović*¹, *Prosecutor v. Ljubiša Beara*², *Prosecutor v. Drago Nikolić*³, *Prosecutor v. Ljubomir Borovčanin*⁴, *Prosecutor v. Radivoje Miletić and Milan Gvero*⁵, *Prosecutor v. Vinko Pandurević and Milorad Trbić*⁶;

NOTING the “Order Assigning a Case to a Trial Chamber” issued by the President of the Tribunal on 26 September 2005, assigning the case of *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Zdravko Tolimir, Radivoje Miletić, Milan Gvero, Vinko Pandurević and Milorad Trbić* to Trial Chamber II;

NOTING Rule 65ter(A) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) which provides that the Presiding Judge of the Trial Chamber shall “designate from among its members a Judge responsible for the pre-trial proceedings” (“the pre-trial Judge”);

NOTING the powers of a pre-trial Judge as set out in Rule 65ter of the Rules;

PURSUANT TO Rule 65ter(A) of the Rules;

HEREBY DESIGNATE myself, Judge Carmel Agius, as the pre-trial Judge in this case.

¹ *Prosecutor v. Vujadin Popović*, Case No. IT-02-57.

² *Prosecutor v. Ljubiša Beara*, Case No. IT-02-58.

³ *Prosecutor v. Drago Nikolić*, Case No. IT-02-63.

⁴ *Prosecutor v. Ljubomir Borovčanin*, Case No. IT-02-64.

⁵ *Prosecutor v. Radivoje Miletić and Milan Gvero*, Case No. IT-04-80.

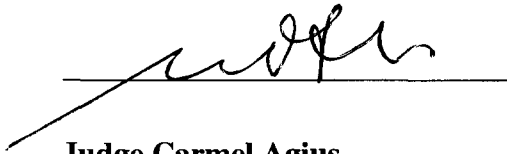
⁶ *Prosecutor v. Vinko Pandurević and Milorad Trbić*, Case No. IT-05-86.

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

Dated this fifth day of October 2005

At The Hague

The Netherlands

A handwritten signature in black ink, appearing to read 'C. Agius', is written over a horizontal line. The signature is cursive and somewhat stylized.

Judge Carmel Agius

Presiding

[Seal of the Tribunal]