



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: 07 February 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Pre-trial Judge

Registrar: Mr. Hans Holthuis

Order of: 07 February 2005

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

**SCHEDULING ORDER FOR A STATUS CONFERENCE AND
FURTHER APPEARANCE OF THE ACCUSED**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

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

I, Carmel Agius, Judge 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”);

HAVING DESIGNATED MYSELF pre-trial Judge in the case of *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Zdravko Tolimir, Radivoje Miletić, Milan Gvero, Vinko Pandurević and Milorad Trbić*, Case No. IT-05-88-PT;¹

NOTING Rule 65bis of the Rules of Procedure and Evidence of the Tribunal (“Rules”) which provides, *inter alia*, that a status conference shall be convened within one hundred and twenty days after the last status conference to i) organise exchanges between the parties so as to ensure expeditious preparation for trial; and ii) to review the status of his or her case and to allow the accused the opportunity to raise issues in relation thereto, including the mental and physical condition of the accused;

NOTING that the last Status Conferences in the present case took place on 10 November 2005;

NOTING the “Decision concerning motion for provisional release of Radivoje Miletić” rendered by Trial Chamber II on 19 July 2005, the “Decision concerning motion for provisional release of Milan Gvero” also rendered by Trial Chamber II on 19 July 2005 and the “Decision on interlocutory appeal against Trial Chamber’s decision granting provisional release” issued by the Appeals Chamber on 19 October 2005, pursuant to which Radivoje Miletić and Milan Gvero are currently on provisional release;

NOTING the “Prosecution’s Notice of Filing Consolidated Amended Indictment” filed by the Prosecution on 11 November 2005, in which the Prosecution seeks to add a number of charges against some of the Accused in this case, namely

- i) for Zdravko Tolimir: Count 1 (Genocide), Count 2 (Conspiracy to commit genocide) and Count 3 (Extermination as a crime against humanity) all pursuant to Article 7(1) of the Statute of the Tribunal (“Statute”);
- ii) for Vujadin Popović: Count 2 (Conspiracy to commit genocide) pursuant to Article 7(1) of the Statute of the Tribunal (“Statute”);
- iii) for Drago Nikolić: Count 2 (Conspiracy to commit genocide) pursuant to Article 7(1) of the Statute;

¹ Order designating a pre-trial Judge, 5 October 2005.

- iv) for Milorad Trbić: Count 1 (Genocide), Count 2 (Conspiracy to commit genocide) and Count 3 (Extermination as a crime against humanity) all pursuant to Article 7(1) of the Statute; and
- v) for Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Vinko Pandurević and Milorad Trbić: Count 6 (Persecutions, including forcible transfer, as a crime against humanity), Count 7 (Inhumane Acts (forcible transfer) as a crime against humanity) and Count 8 (Deportation as a crime against humanity) are amended to include the Bosnian Muslim population of Žepa;

NOTING Rule 50(B) of the Rules which provides that, if the amended indictment includes new charges and the accused has already appeared before a Trial Chamber, a further appearance shall be held as soon as practicable to enable the accused to enter a plea on the new charges;

PURSUANT TO Rules 50 and 65*bis* of the Rules;

HEREBY ORDER

- i) that a Status Conference for the Accused Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević and Milorad Trbić shall be held on Tuesday 07 March 2006 at 14.15; and that
- ii) during the course of the Status Conference, the Accused Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Vinko Pandurević and Milorad Trbić shall enter pleas of guilty or not guilty on the new charges sought to be included by the Prosecution in the Consolidated Amended Indictment, namely
 - for Vujadin Popović: Count 2 (Conspiracy to commit genocide) pursuant to Article 7(1) of the Statute of the Tribunal (“Statute”);
 - for Drago Nikolić: Count 2 (Conspiracy to commit genocide) pursuant to Article 7(1) of the Statute;
 - for Milorad Trbić: Count 1 (Genocide), Count 2 (Conspiracy to commit genocide) and Count 3 (Extermination as a crime against humanity) all pursuant to Article 7(1) of the Statute; and

- for Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Vinko Pandurević and Milorad Trbić: Count 6 (Persecutions, including forcible transfer, as a crime against humanity), Count 7 (Inhumane Acts (forcible transfer) as a crime against humanity) and Count 8 (Deportation as a crime against humanity) as amended to include the Bosnian Muslim population of Žepa.

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

Dated this seventh day of February 2006

At The Hague

The Netherlands



Judge Carmel Agius

Pre-trial Judge

[Seal of the Tribunal]