



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: 17 March 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Pre-trial Judge

Registrar: Mr. Hans Holthuis

Order of: 17 March 2006

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

**FURTHER ORDER RELATING TO "VINKO PANDUREVIĆ'S
REQUEST FOR PRESCRIBING THE TIME LIMIT FOR THE
DEFENCE TO NOTIFY THE PROSECUTOR OF ITS INTENT TO
OFFER THE DEFENCE OF ALIBI"**

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 Stéphane Bourgon for Drago Nikolić
Alexander Lazarević and Miodrag Stojanović for Ljubomir Borovčanin
Natacha Fauveau Ivanović for Radivoje Miletic
Dragan Krgović for Milan Gvero
Peter Haynes and 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 (“Chamber”);

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 the “Order Relating to 'Vinko Pandurević’s Request for Prescribing the Time Limit for the Defence to Notify the Prosecutor of its Intent to Offer the Defence of Alibi’, issued on 8 February 2006, in which I ordered “that all accused in the present case shall notify the Prosecutor of its intent to offer a defence of alibi, pursuant to Rule 67(A)(i)(a), or any special defence, pursuant to Rule 67(A)(i)(b), before Friday 3 March 2006”;

NOTING the “Defence’s Request for an Extension of Time” filed by Counsel for the Accused Popović on 28 February 2006, in which Counsel asked for an extension of time to file a notification to the Prosecutor of its intent to offer the defence of alibi or other special defence until further disclosure by the Prosecution would have taken place and until after the Trial Chamber would have taken a decision on the motions challenging the form of the indictment;

NOTING the “Defendant Milorad Trbić’s Request for Extension of Time in which to Notify Prosecution of Rule 67((A) Defence”, filed by Counsel for the Accused Trbić on 2 March 2007, in which this Counsel also asked for an extension of time to file such a notification on similar grounds as Counsel for Popović;

CONSIDERING that, as noted in the Order of 8 February 2006, it would be useful, for a proper preparation of the case for trial, that such a notification would come at the earliest possible moment, in order for all parties involved to prepare itself for any such defences;

CONSIDERING however, that all Accused will be in a better position to notify the Prosecution of any such alibi or other special defence, once a decision by the pre-trial Chamber has been taken on the motions challenging the present indictment and all Accused are in a position to fully appreciate the case that the Prosecution is required to bring against them;

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

PURSUANT to Rules 54 and 67 of the Rules;

HEREBY ORDERS that all accused in the present case shall notify the Prosecutor of its intent to offer a defence of alibi, pursuant to Rule 67(A)(i)(a), or any special defence, pursuant to Rule 67(A)(i)(b), within 3 weeks after the pre-trial Chamber has issued its decision on the pending motions challenging the present indictment.

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

Dated this seventeenth day of March 2006,

At The Hague

The Netherlands



Judge Carmel Agius
Pre-trial Judge

[Seal of the Tribunal]