



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: 2 June 2006

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge Kevin Parker  
Judge O-Gon Kwon

**Registrar:** Mr. Hans Holthuis

**Decision of:** 2 June 2006

**THE PROSECUTOR**

**v.**

**VUJADIN POPOVIĆ  
LJUBIŠA BEARA  
DRAGO NIKOLIĆ  
LJUBOMIR BOROVČANIN  
ZDRAVKO TOLIMIR  
RADIVOJE MILETIĆ  
MILAN GVERO  
VINKO PANDUREVIĆ  
MILORAD TRBIĆ**

**DECISION ON URGENT JOINT DEFENCE MOTION SEEKING  
EXTENSION OF TIME FOR APPLICATION FOR CERTIFICATION  
TO APPEAL DECISION ON REQUEST FOR TRANSLATION OF  
PRE-TRIAL BRIEF**

**The Office of the Prosecutor:**

Mr. Peter McCloskey

**Counsel for the Accused:**

Zoran Živanović for Vujadin Popović  
John Ostojić and Christopher Meek for Ljubiša Beara  
Jelena Nikolić and Stephane Bourgon for Drago Nikolić  
Aleksandar Lazarević and Miodrag Stojanović for Ljubomir Borovčanin  
Natacha Fauveau Ivanović for Radivoje Miletić  
Dragan Krgović for Milan Gvero  
Peter Haynes and Đorđe Sarapa for Vinko Pandurević  
Stephane Piletta-Zanin for Milorad Trbić

**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”);

**BEING SEISED OF** the “Urgent Joint Defence Motion Seeking Extension of Time for Application for Certification to Appeal Decision on Joint Defence Motions Requesting the Translation of the Pre-trial Brief and Specific Motions Dated 24 May 2006” (“Motion”), filed by the Defence Counsel of seven Accused (“Defence”) on 31 May 2006;

**NOTING** the “Decision on Joint Defence Motions Requesting the Translation of the Pre-trial Brief and Specific Motions” (“Decision”), issued on 24 May 2006, wherein the Trial Chamber, *inter alia*, denied the request for an order for translation of the pre-trial brief into a language the Accused understand;

**NOTING** that the Defence submits that: (i) it is considering a request for certification in order to appeal the Decision solely with respect to the request for translation of the pre-trial brief; (ii) while it agrees with the Trial Chamber’s holding that it is the Indictment that shall appropriately inform the Accused, in a language they understand, of the nature and cause of the charges against them, “the Prosecution in its Response to the Defence Preliminary Motions stated several times, responding to the Defence allegation that the Indictment is vague, that it might provide further details in its pre-trial brief”;<sup>1</sup> (iii) as it has not yet received a decision of the Trial Chamber on the Defence Motions challenging the Indictment pursuant to Rule 72 of the Rules of Procedure and Evidence (“Rules”), it cannot determine whether it would request certification to appeal the Decision and specify the reasons for such request; (iv) it therefore seeks an extension of time for the request for certification for a three-day period of the date a decision on the Defence Motions challenging the Indictment pursuant to Rule 72 of the Rules is filed;

**NOTING** that Rule 73(C) of the Rules provides that requests for certification shall be filed within seven days of the filing of the impugned decision;

**NOTING** that pursuant to Rule 127(A)(i) of the Rules, a Trial Chamber may on good cause being shown by motion, enlarge any time prescribed;

**CONSIDERING** that the Trial Chamber is satisfied that by its submissions the Defence has shown good cause;

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<sup>1</sup> Motion, para. 5.

**NOTING** that the “Decision on Motions Challenging the Indictment Pursuant to Rule 72 of the Rules” was filed on 31 May 2006;

**PURSUANT TO** Rules 73 and 127 of the Rules;


**HEREBY GRANTS** the Motion and **ORDERS** that if the Defence decides to file a request for certification to appeal the Decision, it should do so by Tuesday, 6 June 2006.

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

Dated this second day of June 2006

At The Hague

The Netherlands



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**Judge Carmel Agius**

**Presiding**

**[Seal of the Tribunal]**