



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: 13 June 2006  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Pre-trial Judge

**Registrar:** Mr. Hans Holthuis

**Order of:** 13 June 2006

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

**ORDER FOR A PROOFING CHART**

**The Office of the Prosecutor:**

Mr. Peter McCloskey

**Counsel for the Accused:**

Zoran Živanović for Vujadin Popović  
John Ostojic and Christopher Meek 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  
Peter Haynes and Đorđe Sarapa for Vinko Pandurević  
Stephane Piletta-Zanin 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;<sup>1</sup>

**NOTING** the Prosecution pre-trial brief (“pre-trial brief”), which was filed pursuant to Rule 65 *ter* (E) of the Rules of Procedure and Evidence (“Rules”) on 28 April 2006, together with the list of witnesses the Prosecution intends to call (“witness list”), and the list of exhibits the Prosecution intends to offer (“exhibit list”) (together “respective submissions”);<sup>2</sup>

**NOTING** Rule 65 *ter* (E) of the Rules which sets out the requirements for the respective submissions;

**NOTING ALSO** that pursuant to Rule 65 *ter* (B) of the Rules the pre-trial Judge shall take any measures necessary to prepare the case for a fair and expeditious trial;

**CONSIDERING** that this case has nine Accused<sup>3</sup> and that the pre-trial Judge may therefore take such appropriate measures that may ensure a fair and expeditious trial;

**CONSIDERING** that the Prosecution should provide to the Trial Chamber and the Defence a proofing chart, consisting of a detailed overview about the evidence to be presented during trial, in relation to each of the paragraphs of the indictment and each of the Accused;

**CONSIDERING** that the proofing chart should be organised along the following lines:

(A) the paragraph of the indictment:

- (1) each relevant witness, including first and last name or pseudonym, whether the witness is proposed to testify live or through Rule 89 (F) or 92 *bis* and estimated length of examination-in-chief, if called to testify live; and to which paragraph(s) of the pre-trial brief the witness testimony relates;

<sup>1</sup> Order designating a pre-trial Judge, 5 October 2005.

<sup>2</sup> “Prosecution’s Filing of Pre-Trial Brief Pursuant to Rule 65 *ter* and List of Exhibits Pursuant to Rule 65 *ter*(E)([ iii])”.

<sup>3</sup> As of the date of the present Order, Zdravko Tolimir has not yet been rendered into the custody of the Tribunal.

- (2) each relevant exhibit, including the ERN number, a title in respect of the document's content, the name of the author of the document, the date of issuance of the document and the origin of the document, as far as these elements can be provided; and to which paragraph(s) of the pre-trial brief the exhibit relates;

(B) the Accused:

- (1) each relevant witness, including first and last name or pseudonym, whether the witness is proposed to testify live or through Rule 89 (F) or 92 *bis* and estimated length of examination-in- chief, if called to testify live; and to which paragraph(s) of the indictment and paragraph(s) of the pre-trial brief the witness testimony relates;
- (2) each relevant exhibit, including the ERN number, a title in respect of the document's content, the name of the author of the document, the date of issuance of the document and the origin of the document, as far as these elements can be provided; and to which paragraph(s) of the indictment and paragraph(s) of the pre-trial brief the exhibit relates;

**CONSIDERING** that the official start of trial in the present case is scheduled for 14 July 2006;<sup>4</sup>

**PURSUANT** to Rule 54 of the Rules of Procedure and Evidence;

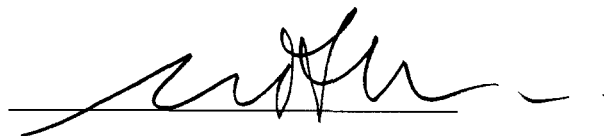
**HEREBY ORDER** the Prosecution to file a proofing chart as set out in this order, no later than Monday, 3 July 2006.

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

Dated this thirteenth day of June 2006

At The Hague

The Netherlands



**Judge Carmel Agius**

**Pre-trial Judge**

**[Seal of the Tribunal]**

<sup>4</sup> Scheduling Order for a Status Conference and for Start of Trial, 6 June 2006.