



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: 20 June 2006  
Original: English

**IN TRIAL CHAMBER II**

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

**Registrar: Mr. Hans Holthuis**

**Decision of: 20 June 2006**

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

**DECISION ON JOINT DEFENCE MOTION BY THE ACCUSED  
RADIVOJE MILETIĆ AND MILAN GVERO FOR AN EXTENSION  
OF TIME**

**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 “Joint Defence Motion by the Accused Radivoje Miletić and Milan Gvero for an Extension of Time” (“Joint Defence Motion”), filed on 16 June 2006, wherein the Defence requests an extension of time to file its response to the Prosecution’s motion for admission of written evidence pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence (“Rules”);

**NOTING** that the pre-trial Judge ordered during the status conference of 4 April 2006, that the Defence shall file its response, if any, to the Prosecution’s motion for admission of written evidence pursuant to Rule 92 *bis* no later than one month from the date of the Trial Chamber’s decision on the Defence motions pursuant to Rule 72;<sup>2</sup>

**NOTING** the “Prosecution’s Motion for Admission of Written Evidence in Lieu of Viva Voce Testimony Pursuant to Rule 92 *bis* and Attached Annexes A-D” (“Prosecution Motion for Admission of Evidence pursuant to Rule 92 *bis*”), filed *confidentially* on 12 May 2006;

**NOTING** the Trial Chamber’s “Decision on Motions Challenging the Indictment pursuant to Rule 72 of the Rules”, filed on 31 May 2006;

**NOTING** the “Order for a Proofing Chart”, filed on 13 June 2006, wherein the pre-trial Judge ordered the Prosecution to file a proofing chart as set out in the order (“Proofing Chart”), no later than 3 July 2006;

**NOTING** that the Defence submits: (i) that the “Proofing Chart will provide the Defence with the information permitting more efficient estimation of the written evidence that the Prosecution seeks to admit pursuant to Rule 92 *bis* ... [n]amely, the Proofing Chart will permit to the Defence to concentrate to the statements concerning the Accused Radivoje Miletić and Milan Gvero”,<sup>3</sup> (ii) that its response to the Prosecution Motion for Admission of Evidence pursuant to Rule 92 *bis* would be more efficient and of more assistance to the Trial Chamber if it is filed after the Prosecution has

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

<sup>2</sup> Status conference, 4 April 2006, p. 129.

<sup>3</sup> Motion, para. 5.

filed the Proofing Chart;<sup>4</sup> and (iii) that it therefore requests an extension of time to file its response until 10 July 2006<sup>5</sup>;

**NOTING** that pursuant to Rule 127(A)(i) of the Rules of Procedure and Evidence (“Rules”), a Trial Chamber or pre-trial Judge may, on good cause being shown by motion, enlarge any time prescribed by or under these Rules;

**NOTING** that the purpose of the Proofing Chart is to provide 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 will not provide any new information in addition to the second consolidated amended indictment<sup>6</sup>, the Prosecution pre-trial brief<sup>7</sup>, and the Prosecution Motion for Admission of Evidence pursuant to Rule 92 *bis*;

**CONSIDERING** that the pre-trial Judge is not satisfied that by its submissions the Defence has shown good cause;

**PURSUANT TO** Rule 127 of the Rules;

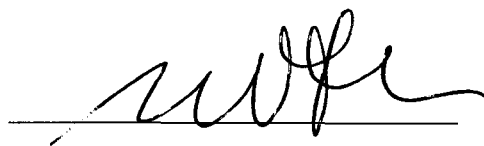
**HEREBY DENIES** the Joint Defence Motion.

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

Dated this twentieth day of June 2006

At The Hague

The Netherlands



**Judge Carmel Agius**

**Pre-trial Judge**

**[Seal of the Tribunal]**

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<sup>4</sup> Motion, para. 6.

<sup>5</sup> Motion, para. 7.

<sup>6</sup> “Prosecution’s Submission Pursuant to the Trial Chamber’s Decision on Motions Challenging the Indictment Pursuant to Rule 72 of the Rules”, 14 June 2006.

<sup>7</sup> “Prosecution’s Filing of Pre-Trial Brief Pursuant to Rule 65 *ter* and List of Exhibits Pursuant to Rule 65 *ter* (E) ([iii])”, 28 April 2006.