



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: 22 June 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Pre-trial Judge

Registrar: Mr. Hans Holthuis

Order of: 22 June 2006

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

**ORDER ON REQUEST FOR CLARIFICATION AND GUIDANCE
CONCERNING PROSECUTION'S SUBMISSION OF THE SECOND
CONSOLIDATED AMENDED INDICTMENT**

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 Stéphane 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;¹

NOTING the “Borovčanin Defence Request for Clarification and Guidance Concerning Prosecution’s Submission of the Second Consolidated Amended Indictment”, filed on 21 June 2006, wherein the Borovčanin Defence seeks guidance as to the time period within which to file preliminary motions pursuant to Rule 72 of the Rules of Procedure and Evidence (“Rules”) in respect to the Second Consolidated Amended Indictment;

NOTING the “Decision on Motions Challenging the Indictment pursuant to Rule 72 of the Rules” (“Decision”), filed on 31 May 2006, wherein the Trial Chamber ordered the Prosecution to file a second consolidated amended indictment implementing all changes ordered in the Decision;

NOTING the “Prosecution’s Submission Pursuant to the Trial Chamber’s Decision on Motions Challenging the Indictment Pursuant to Rule 72 of the Rules”, filed *partly confidentially* on 14 June 2006, wherein the Prosecution submitted the Second Consolidated Amended Indictment;

CONSIDERING that the pre-trial Judge has scheduled a status conference in this case for 6 July 2006, and a pre-trial conference for 13 July 2006, and has indicated that trial will commence on 14 July 2006;²

CONSIDERING that during the status conference all Accused will be required to enter a plea to the Second Consolidated Amended Indictment;

CONSIDERING that in light of the close start of trial and that the Accused have to enter a plea to the Second Consolidated Amended Indictment, any preliminary motions challenging the Second Consolidated Amended Indictment should be dealt with before the status conference of 6 July 2006;

CONSIDERING that the Trial Chamber has been informed that a translated version of the Second Consolidated Amended Indictment will be filed no later than 28 June 2006;

PURSUANT TO Rule 54 of the Rules;

HEREBY ORDER that

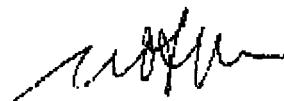
1. any motion pursuant to Rule 72 of the Rules shall be filed by Defence counsel in the present case no later than Friday, 30 June 2006, at 12:00 a.m.; and
2. any response of the Prosecution to such motions shall be filed no later than Monday, 3 July, at 12:00 a.m.

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

Dated this twenty-second day of June 2006

At The Hague

The Netherlands



Judge Carmel Agius

Pre-trial Judge

[Seal of the Tribunal]

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

² Scheduling Order for a Status Conference and for Start of Trial, 6 June 2006.