



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: 30 June 2006

Original: English

**IN TRIAL CHAMBER II**

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

**Registrar: Mr. Hans Holthuis**

**Decision of: 30 June 2006**

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

**DECISION ON PROSECUTION'S REQUEST FOR AN EXTENSION  
OF TIME TO FILE THE 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 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

**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 and Vinko Pandurević*, Case No. IT-05-88-PT;<sup>1</sup>

**NOTING** the “Prosecution’s Request for an Extension of Time to File the Proofing Chart” (“Motion”), filed on 28 June 2006, wherein the Prosecution requests that it be granted an extension of time until 18 August 2006 to file the proofing chart as it relates to witnesses, and until 31 October 2006 to file the completed proofing chart;

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

---

<sup>1</sup> Order Designating a Pre-trial Judge, 5 October 2005.

- (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;

**NOTING** that the Motion states that “completion of a useful Proofing Chart in full compliance with the Order will take many weeks beyond the [3 July 2006] deadline”;<sup>2</sup>

**NOTING** that the Motion states that there are “2100 exhibits which must be reviewed, analysed, and entered into the Proofing Chart” and that “179 witnesses will have to have their statement(s), prior testimony and/or 65 *ter* summaries reviewed, analysed and entered”;<sup>3</sup>

**NOTING** that the Motion states that “the Prosecution intends to provide the Trial Chamber and the Defence with a Proofing Chart which meets the requirements set forth in the Order in an accurate and useful format”;<sup>4</sup>

**NOTING** that the Prosecution proposes to make the proofing chart available electronically in CaseMap in addition to providing hardcopy printouts, and that this will have the advantage of “allowing the Defence and the Trial Chamber to sort the data and create additional charts concerning the Accused, or particular documents or witnesses”, and that the Motion states the finished hyperlinked proofing chart “will have far greater utility to all parties if it is completed in CaseMap rather than in a conventional spreadsheet”;<sup>5</sup>

**NOTING** that the Motion states that the proofing chart for witnesses, if filed no later than 18 August 2006, will be available before Opening Statements;

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

**CONSIDERING** that the pre-trial Judge is satisfied that by its submissions the Prosecution has shown good cause why the deadline for submission of the completed proofing chart should be extended;

---

<sup>2</sup> Motion, para. 2.

<sup>3</sup> Motion, para. 4.

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

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

**CONSIDERING** that a partially completed proofing chart, relating to all witnesses that are expected to testify before the end of September 2006 and to all exhibits to be used during this period, is possible to prepare and is required because it will be of assistance to the Defence and the Trial Chamber in preparation for trial;

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

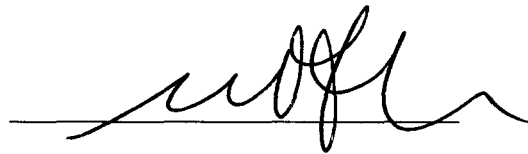
**HEREBY GRANT** the Motion **IN PART** and **ORDER** the Prosecution to file the proofing chart as it relates to all witnesses that are expected to testify before the end of September 2006, as well as to all exhibits that are to be used during this period, no later than 3 July 2006, and to file the proofing chart as it relates to all witnesses no later than 18 August 2006, and to file the completed proofing chart no later than 31 October 2006.

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

Dated this thirtieth day of June 2006

At The Hague

The Netherlands



**Judge Carmel Agius**

**Pre-trial Judge**

**[Seal of the Tribunal]**