



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-05-88/1-PT
Date: 21 August 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding

Registrar: Mr. Hans Holthuis

Decision: 21 August 2006

PROSECUTOR

v.

MILORAD TRBIĆ

**ORDER REGARDING COMPOSITION OF TRIAL CHAMBER
AND DESIGNATING A PRE-TRIAL JUDGE**

The Office of the Prosecutor:

Mrs Carla Del Ponte
Mr. Peter McCloskey

Counsel for the Accused:

Mr. Stéphane Piletta-Zanin

I, Carmel Agius, Presiding Judge of 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”);

NOTING the “Decision on Motion for Joinder” rendered on 21 September 2005, in which Trial Chamber III joined the cases of *Prosecutor v. Vujadin Popović*,¹ *Prosecutor v. Ljubiša Beara*,² *Prosecutor v. Drago Nikolić*,³ *Prosecutor v. Ljubomir Borovčanin*,⁴ *Prosecutor v. Zdravko Tolimir, Radivoje Miletić and Milan Gvero*,⁵ and *Prosecutor v. Vinko Pandurević and Milorad Trbić*,⁶ into one single case bearing case number IT-05-88;⁷

NOTING the “Order Assigning a Case to a Trial Chamber” issued by the President of the Tribunal on 26 September 2005, in which Case No. IT-55-88-PT was assigned to Trial Chamber II (“Trial Chamber”);

NOTING the “Decision on Severance of Case Against Milorad Trbić” issued by the Trial Chamber on 26 June 2006, in which the case against Milorad Trbić (“Accused”) was severed from that against the eight co-accused in Case No. IT-05-88-PT and in which the Trial Chamber further ordered the Registry to assign a new case number to the severed proceedings against the Accused;

NOTING further the Certificate issued by the Registrar on 27 June 2006 which assigned case number IT-05-88/1-PT to the proceedings against the Accused;

CONSIDERING that Article 13^{quater}(1)(d) of the Statute of the Tribunal (“Statute”) enables *ad litem* Judges of the Tribunal to adjudicate in pre-trial proceedings;

CONSIDERING that Rule 65^{ter}(A) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) provides that the Presiding Judge of the Trial Chamber shall designate from among its members a Judge responsible for the pre-trial proceedings (“Pre-Trial Judge”);

NOTING the powers of a Pre-Trial Judge as set out in Rule 65^{ter} of the Rules;

¹ *Prosecutor v. Vujadin Popović*, Case No. IT-02-57.

² *Prosecutor v. Ljubiša Beara*, Case No. IT-02-58.

³ *Prosecutor v. Drago Nikolić*, Case No. IT-02-63.

⁴ *Prosecutor v. Ljubomir Borovčanin*, Case No. IT-02-64.

⁵ *Prosecutor v. Zdravko Tolimir, Radivoje Miletić and Milan Gvero*, Case No. IT-04-80.

⁶ *Prosecutor v. Vinko Pandurević and Milorad Trbić*, Case No. IT-05-86.

⁷ *Prosecutor v. Zdravko Tolimir, Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević, Milorad Trbić*, Case No. IT-05-88-PT.

PURSUANT TO Article 13^{quater} of the Statute and Rule 65^{ter} of the Rules;

HEREBY ORDER that Trial Chamber II in the case of *Prosecutor v. Milorad Trbić* shall be composed, for the purposes of pre-trial proceedings, as follows:

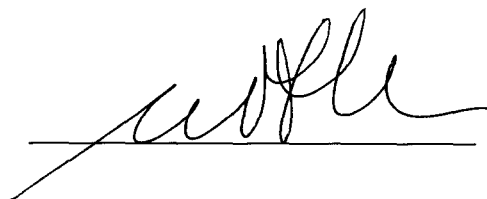
Judge Carmel Agius (Presiding)

Judge O-Gon Kwon

Judge Kimberly Prost

AND DESIGNATE MYSELF, Judge Carmel Agius, as Pre-Trial Judge for this case.

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



Judge Carmel Agius
Presiding Judge

Dated this twenty-first day of August 2006,

At The Hague

The Netherlands

[Seal of the Tribunal]