



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-T  
Date: 28 June 2007  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge O-Gon Kwon  
Judge Kimberly Prost  
Judge Ole Bjørn Støle – Reserve Judge

**Registrar:** Mr. Hans Holthuis

**Decision of:** 28 June 2007

**PROSECUTOR**

v.

**VUJADIN POPOVIĆ  
LJUBIŠA BEARA  
DRAGO NIKOLIĆ  
LJUBOMIR BOROVIČANIN  
RADIVOJE MILETIĆ  
MILAN GVERO  
VINKO PANDUREVIĆ**

**PUBLIC**

**ORDER ON FILINGS REGARDING JOINDER MOTION**

**Office of the Prosecutor**

Mr. Peter McCloskey

**Counsel for the Accused**

Mr. Zoran Živanović and Ms. Julie Condon for Vujadin Popović  
Mr. John Ostojić and Mr. Christopher Meek for Ljubiša Beara  
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Drago Nikolić  
Mr. Aleksandar Lazarević and Mr. Miodrag Stojanović for Ljubomir Borovčanin  
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Radivoje Miletić  
Mr. Dragan Krgović and Mr. David Josse for Milan Gvero  
Mr. Peter Haynes and Mr. Đorđe Sarapa for Vinko Pandurević



28 June 2007

**THIS TRIAL CHAMBER** 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 “Prosecution’s Motion for Joinder of Accused”, filed by the Prosecution on 6 June 2007 (“Joinder Motion”), in which the Prosecution requests an order joining *Prosecutor v. Tolimir* with *Prosecutor v. Popović et al.*;

**NOTING** that in the Joinder Motion, the Prosecution further requests that all deadlines and timetables associated with the motion be suspended until a counsel is assigned to Tolimir;<sup>1</sup>

**NOTING** that on 13 June 2007 several of the Accused raised concerns with respect to the requested joinder;<sup>2</sup>

**NOTING** that on 15 June 2007 the Trial Chamber issued an oral order by which time limits for filing responses to the Joinder Motion were suspended;<sup>3</sup>

**NOTING** that on 18 June 2007, the Pre-Trial Judge in *Prosecutor v. Tolimir* issued an “Order Suspending Time Limit for Filing Response to Prosecution Joinder Motion”, which suspended the time for Tolimir to file a response to the Joinder Motion until a further order is issued;

**NOTING** the Request submitted on 26 June 2007 by Tolimir (“Request”), in which he asks the Trial Chamber to dismiss the Joinder Motion because (i) joinder would prolong the proceedings in the case of *Prosecutor v. Popović et al.* “and render them uncertain and complex”,<sup>4</sup> and (ii) his state of health may not allow him to “prepare an adequate defence in a short period of time”,<sup>5</sup> and in which he adds that additional reasons for dismissing the Joinder Motion will be submitted after a permanent counsel has been assigned to him;<sup>6</sup>

**NOTING** that on 27 June 2007, the Trial Chamber informed the Accused of Tolimir’s request to dismiss the Joinder Motion,<sup>7</sup> and that on 28 June 2007 Tolimir’s request was also filed in *Prosecutor v. Popović et al.*;

---

<sup>1</sup> Joinder Motion, para. 36.

<sup>2</sup> T. 12534– 12555 (13 June 2007).

<sup>3</sup> T. 12694 (15 June 2007).

<sup>4</sup> Request, p. 1.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

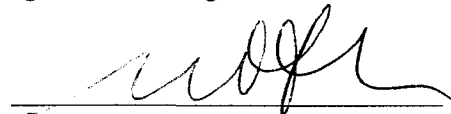
<sup>7</sup> T. 133770–133771 (27 June 2007).

**PURSUANT TO** Rules 54 and 126 *bis* of the Rules of Procedure and Evidence;

**HEREBY ORDERS** that:

- a. The Accused shall file their responses, if any, to the Joinder Motion on or before 13 July 2007;
- b. The Prosecution shall file a reply, if any, to the responses on or before 15 July 2007.

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



Carmel Agius  
Presiding

Dated this twenty-eight day of June 2007  
At The Hague  
The Netherlands

[Seal of the Tribunal]



28 June 2007