



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: 31 March 2008
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: 31 March 2008

PROSECUTOR

v.

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

PUBLIC

**DECISION ON VINKO PANDUREVIĆ'S REQUEST SEEKING AN
EXTENSION OF TIME FOR THE FILING OF THE ENGLISH
TRANSLATION OF A MILITARY EXPERT REPORT PURSUANT TO
RULE 94bis**

Office of the Prosecutor

Mr. Peter McCloskey

Counsel for the Accused

Mr. Zoran Živanović and Ms. Mira Tapušević for Vujadin Popović
Mr. John Ostojčić and Mr. Christopher Meek for Ljubiša Beara
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Drago Nikolić
Mr. Aleksandar Lazarević and Mr. Christopher Gosnell 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

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”);

BEING SEISED OF the “Notice Pursuant to Rule 94bis filed on behalf of the Accused Vinko Pandurević together with a Request for an Extension to the Deadline for the Filing of the English Translation of Defence Military Expert’s Report” of 27 March 2008 (“Request”), in which Pandurević files the confidential military expert report of Admiral Boško Antić in BCS and requests the Trial Chamber to grant an extension of the time until 30 April 2008 for the filing of its English translation (“Antić Report”);

NOTING that Pandurević submits that the apparent late completion of the Antić Report was due to the relatively recent conclusion of the testimony of the Prosecution’s military analyst, Richard Butler, whose evidence had to be considered before the Antić Report could be concluded;¹ that when submitted for translation, Pandurević was informed that CLSS could not translate the Antić Report by 31 March 2008 but was “confident” that it could be translated by the end of April 2008;² that no prejudice to the Prosecution will be caused by the Request;³ that the reason for the Request is “*ultra vires*” Pandurević and as such, good cause has been shown;⁴

NOTING the “Prosecution Response to Request on Behalf of Vinko Pandurević Seeking an Extension of Time for the Filing of an English Translation of a Military Expert Report” of 28 March 2008 (“Response”), in which the Prosecution opposes the Request and argues that Pandurević fails to establish good cause for the requested extension of time for filing the Antić Report;⁵ that should the Request be granted, this will compromise the Prosecution’s ability to prepare for Pandurević’s defence case, and the Defence cases as a whole;⁶

RECALLING the Trial Chamber’s “Order on Close of Prosecution Case-in-Chief, Rule 98bis Proceedings, Defence Rule 65ter filings, Pre-Defence Conference and Commencement of the Defence Case” of 29 November 2007 (“Scheduling Order”), in which the Defence was ordered, *inter alia*, to provide the Prosecution with their expert reports, in English, by 31 March 2008;⁷

¹ Request, para. 4.

² *Ibid*, para. 6.

³ *Ibid*, para. 7.

⁴ *Ibid*, para. 8.

⁵ Response, para. 4.

⁶ *Ibid*, para. 5.

⁷ Scheduling Order, 29 November 2007, p. 5, (f) (ii).

NOTING that pursuant to Rule 127(A)(i) of the Rules, a Trial Chamber may, on good cause being shown by motion, extend any time prescribed by or under the Rules;

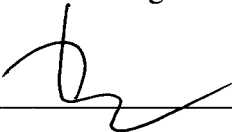
CONSIDERING that the Trial Chamber is satisfied that Pandurević has shown good cause for extending the time prescribed in the Scheduling Order in that the Antić Report was finalized at the beginning of March and the translation delay is outside the control of Pandurević;

CONSIDERING that an extension of 30 days will not adversely affect the Prosecution's ability to prepare for either Pandurević's defence case or the Defence cases as a whole in that the original language version of the Antić Report has been made available to the Prosecution;

PURSUANT TO Rule 127(A)(i) of the Rules,

HEREBY GRANTS the Request and **ORDERS** Pandurević to file the English translation of the Antić Report by 30 April 2008.

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



O-Gon Kwon
Judge

Dated this thirty-first day of March 2008
At The Hague
The Netherlands

[Seal of the Tribunal]