

**UNITED
NATIONS**

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-A
Date: 3 January 2012
Original: English

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Pre-Appeal Judge

Registrar: Mr. John Hocking

Order of: 3 January 2012

PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
RADIOVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**ORDER SETTING A TIME-LIMIT TO FILE ANY MOTION
SEEKING A VARIATION OF THE GROUNDS OF APPEAL
FOLLOWING TRANSLATION OF THE TRIAL JUDGEMENT
INTO THE BCS LANGUAGE**

The Office of the Prosecutor:

Mr. Peter Kremer QC

Counsel for the Defence:

Mr. Zoran Živanović and Ms. Mira Tapušковиć for Mr. Vujadin Popović
Mr. John Ostojčić and Mr. Theodor Scudder for Mr. Ljubiša Beara
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Mr. Drago Nikolić
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Mr. Radivoje Miletić
Mr. Dragan Krgović and Mr. David Josse for Mr. Milan Gvero
Mr. Peter Haynes and Mr. Simon Davis for Mr. Vinko Pandurević

I, Patrick Robinson, Judge of the Appeals 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 (“Appeals Chamber” and “Tribunal”, respectively), and Pre-Appeal Judge in this case;

NOTING the Judgement rendered by Trial Chamber II on 10 June 2010 (“Trial Judgement”);¹

NOTING the respective notices of appeal filed by the parties on 8 September 2010;²

NOTING that the Appeals Chamber may, on good cause being shown by motion, authorize a variation of the grounds of appeal;³

CONSIDERING that the official Bosnian/Croatian/Serbian (“BCS”) translation of the Trial Judgement, filed on 3 January 2012,⁴ may potentially give rise to motions for variation of the grounds of appeal;⁵

CONSIDERING that any potential motions seeking variation of the grounds of appeal based on the availability of the BCS translation of the Trial Judgement should be filed as soon as possible after identifying the reason for seeking a variation;⁶

CONSIDERING the length of the translated Trial Judgement,⁷ a period of four months is sufficient for the defence appellants to read the BCS translation and instruct their respective counsel;

PURSUANT to Rules 54, 107 and 108 of the Rules,

HEREBY ORDER that any motion seeking a variation of the grounds of appeal based upon the availability of the BCS translation of the Trial Judgement shall be filed no later than 3 May 2012.

¹ *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-T, Judgement, 10 June 2010 (public redacted version).

² Prosecution’s Notice of Appeal, 8 September 2010; Notice of Withdrawal and Refiling of Public Redacted Version of Vujadin Popović’s [sic] Notice of Appeal, 25 February 2011; Appellant, Ljubisa [sic] Beara’s Notice of Appeal, 8 September 2010; Public Redacted Version of Notice of Appeal on Behalf of Drago Nikolić, 7 March 2011; Notice of Appeal by the Radivoje Miletić Defence, 8 September 2010 (French original); 24 September 2010 (English translation); Public Redacted Version of Notice of Appeal on Behalf of Vinko Pandurević [sic] Against the Judgment of the Trial Chamber Dated 10th June 2010, 9 March 2011.

³ Rule 108 of the Tribunal’s Rules of Procedure and Evidence (“Rules”).

⁴ *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-T, *Presuda*, 3 January 2012 (confidential).

⁵ See *Prosecutor v. Šainović et al.*, Case No. IT-05-87-A, Decision on Nebojša Pavković’s Motion to Amend His Notice of Appeal, 9 September 2009, para. 10.

⁶ See *Prosecutor v. Šainović et al.*, Case No. IT-05-87-A, Decision on Dragoljub Ojdanić’s Motion to Amend Ground 7 of His Notice of Appeal, 2 September 2009, para. 4.

⁷ The confidential BCS version of the Trial Judgement is 951 pages long.

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



Judge Patrick Robinson
Pre-Appeal Judge

Dated this third day of January 2012
At The Hague
The Netherlands

[Seal of the Tribunal]