



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-T  
Date: 14 September  
2006  
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:** 14 September 2006

**PROSECUTOR**

v.

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

**DECISION ON MOTION OF MILORAD TRBIĆ FOR  
REQUEST TO PRESENT A SUBMISSION PURSUANT TO  
RULE 74 OF THE RULES OF PROCEDURE AND EVIDENCE  
OF THE TRIBUNAL**

**The 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 for Radivoje Miletić  
Mr. Dragan Krgović for Milan Gvero  
Mr. Peter Haynes and Mr. Đorđe Sarapa for Vinko Pandurević

**Counsel for Milorad Trbić:**

Mr. Stéphane Piletta-Zanin

**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”):

**BEING SEISED OF** the “Motion of Milorad Trbić (whose Counsel is Stéphane Piletta-Zanin) for Suspension (Quasi Amicus Curiae: Rule 74 RPE)” filed on 1 September 2006 (“Motion”), wherein leave is requested to present a submission as an *amicus curiae* pursuant to Rule 74 of the Rules of Procedure and Evidence of the Tribunal (“Rules”)<sup>1</sup> for the purpose of applying for the suspension of the proceedings in the case No. IT-05-88-T pending the resolution of the appeal against the “Decision on Severance of Case Against Milorad Trbić” rendered by the Trial Chamber on 26 June 2006 (“Severance Decision”);

**NOTING** the “Joint Defence Response of the Accused to Motion of Milorad Trbić for Suspension” filed on 14 September 2006;

**NOTING** the Severance Decision in which the Trial Chamber ordered the severance of the proceedings against Milorad Trbić from that against the co-accused in the Case No. IT-05-88-PT and directed the Registry of the Tribunal to assign a new case number to any further submissions or proceedings involving Milorad Trbić<sup>2</sup>;

**NOTING** further that the Trial Chamber, in its Severance Decision, decided that it would enter into force with immediate effect;

**NOTING** the “Requête de la Défense en Certification d’Appel (art. 72(B)(ii)) Suite à la Décision de la Chambre Datée du 26 Juin 2006” filed by counsel for Milorad Trbić on 3 July 2006 (“Certification Request”), in which certification to appeal the Severance Decision was requested without an application for its stay pending resolution by the Appeals Chamber of the Tribunal;

**NOTING** further the “Decision on ‘Requête de la Défense en Certification d’Appel (art. 72(B)(ii)) Suite à la Décision de la Chambre Datée du 26 Juin 2006” issued on 14 July 2006, wherein the Trial Chamber granted the Certification Request;

**CONSIDERING** that the Trial Chamber sees no need for Milorad Trbić or counsel for Milorad Trbić to present a submission for the purpose of applying for the suspension of the proceedings in the case No. IT-05-88-T pending the resolution of the appeal against the Severance Decision;

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<sup>1</sup> Rule 74 of the Rules provides that “[a] Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to appear before it and make submissions on any issue specified by the Chamber.”

<sup>2</sup> All submissions and proceedings concerning the Accused were thus assigned the case No. IT-05-88/1-PT.

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rule 54 of the Rules;

**HEREBY DISMISSES** the Motion.

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



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**Carmel Agius**  
**Presiding Judge**

Dated this fourteenth day of September 2006,

At The Hague

The Netherlands

**[Seal of the Tribunal]**