



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: 1 April 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: 1 April 2008

PROSECUTOR

v.

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

PUBLIC

**DECISION ON POPOVIĆ REQUEST SEEKING AN EXTENSION OF THE
DEADLINE FOR THE FILING OF THE PART OF ENGLISH
TRANSLATION OF MILITARY EXPERT'S REPORT**

Office of the Prosecutor

Mr. Peter McCloskey

Counsel for the Accused

Mr. Zoran Živanović and Ms. Mira Tapušковиć 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. 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 public “Notice Pursuant to Rule 94 *bis* Filed on Behalf of the Accused Vujadin Popović Together with a Request for an Extension to the Deadline for the Filing of the Part of English Translation of Defence Military Expert’s Report”, filed on 31 March 2008 (“Request”), in which Popović submits the expert report of Colonel Petar Vuga in BCS, the first part of which also translated into English, and requests the Trial Chamber to grant an extension of time pursuant to Rule 127(A)(i) until 7 April 2008 for the filing of the English translation of the second part of the report (“second part of the report”);¹

NOTING that Popović submits that the second part of the report specifically related to him is only available in BCS and that he was informed by CLSS that this part of the report will be translated on 3 April 2008;²

NOTING that Popović anticipates at least three days in order to review the translation and therefore submits that he will be able to file the second part of the report on 7 April 2008;³

NOTING that on 1 April 2008, the Prosecution informed the Senior Legal Officer of the Trial Chamber that it did not intend to file a response;

RECALLING the Trial Chamber’s “Order on Close of Prosecution Case-in-Chief, Rule 98*bis* Proceedings, Defence Rule 65*ter* 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;⁴

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;

¹ Notice Pursuant to Rule 94*bis* Filed on Behalf of the Accused Vujadin Popović Together with a Request for an Extension to the Deadline for the Filing of the Part of English Translation of Defence Military Expert’s Report, 31 March 2008, (“Request”), paras. 1, 8.

² *Ibid.*, paras. 4–5.

³ *Ibid.*, paras. 6–7.

⁴ Scheduling Order, 29 November 2007, p. 5, (f) (ii). See also, the Defence’s request of a 30-day extension for disclosure of witness and exhibits lists, witness summaries and expert reports, the Prosecution’s agreement to this request which was conditioned upon disclosure of the military expert reports by 31 March 2008, and the oral ruling of 13 December 2007, in which the Trial Chamber granted the Defence’s extension but did not alter the deadline for provision of military expert reports. T. 19206, 19253–19254 (13 December 2007).


CONSIDERING that the Trial Chamber is satisfied that Popović has shown good cause for extending the time prescribed in the Scheduling Order in that the full report was finalised at the end of March, it was filed in whole in BCS and in part in English, and the translation delay for the remaining part is minimal;

CONSIDERING that an extension of 7 days will not adversely affect the Prosecution's ability to prepare for the Defence cases as a whole for the same reasons;

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

HEREBY GRANTS the Motion, and **ORDERS** Popović to file the English version of the second part of the military report prepared by Colonel Petar Vuga no later than 7 April 2008.

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



O-Gon Kwon
Judge

Dated this first day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]