



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: 5 October 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

**Order of:** 5 October 2007

**PROSECUTOR**

v.

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

**PUBLIC**

**ORDER REGARDING THE PRESENTATION OF THE REMAINDER OF  
THE EVIDENCE FOR THE PROSECUTION**

**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

**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** that, pursuant to Article 20(1) of the Statute, the Trial Chamber shall ensure that this trial is conducted in a fair and expeditious manner, in accordance with the Rules of Procedure and Evidence (“Rules”), with full respect for the rights of each Accused and due regard for the protection of victims and witnesses;

**NOTING** the “Prosecution’s Filing of Pre-Trial Brief Pursuant to Rule 65 *ter* and List of Exhibits Pursuant to Rule 65 *ter*(E)(v)”, filed under seal on 28 April 2006 (“Pre-Trial Brief”), which contains as Confidential Annex C the Prosecution 65 *ter* Exhibit List (“initial Exhibit List”);

**NOTING** that the Prosecution has been granted leave to revise the initial Exhibit List on several occasions during the course of the trial;

**CONSIDERING** that it would assist the Trial Chamber and the parties during the presentation of the remainder of the evidence for the Prosecution, if the Prosecution submitted a revised version of the initial Exhibit List incorporating all the revisions that have been made to it;

**NOTING** the “Order Concerning Guidelines on the Presentation of Evidence and the Conduct of the Parties During Trial Proceedings”, issued on 14 July 2006;

**NOTING** that the Prosecution case will soon be completed;<sup>1</sup>

**CONSIDERING** that in order to plan the phase of the proceedings between the close of the Prosecution case and the commencement of the Defence case, and in particular the proceedings required under Rule 98 *bis*, it is necessary for the Trial Chamber to have as accurate as possible an estimate of the length of the remainder of the Prosecution case;

**PURSUANT TO** Article 20(1) of the Statute and Rules 54 and 65 *ter*,

**HEREBY ORDERS** the Prosecution to take the following actions by 15 October 2007:

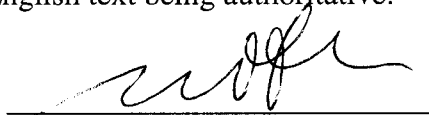
1. To provide the Trial Chamber and the Accused with a revised version of the initial Exhibit List incorporating all the revisions that have been made to it thus far during the trial; and

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<sup>1</sup> See T. 15061 (10 September 2007) (statement of Mr. McCloskey, Office of the Prosecutor) (“The good news is we have about 16 witnesses left for the case, with an additional seven as part of the motion to add witnesses. We appear to be on schedule to finish up those witnesses in November or December”).

2. To provide the Trial Chamber and the Accused, as far as possible, with a list of all witnesses the Prosecution expects to call during the remainder of the Prosecution case, stating an estimated total time to be taken for examination-in-chief of each witness, the date or dates on which the Prosecution currently anticipates that the witness will give his or her testimony, and the exhibits the Prosecution intends to use with the witness.

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



Carmel Agius  
Presiding

Dated this 5th day of October 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**