



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: 8 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

Order of: 8 April 2008

PROSECUTOR

v.

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

PUBLIC

ORDER ON THE MOTION TO REOPEN THE PROSECUTION CASE

Office of the Prosecutor

Mr. Peter McCloskey

Counsel for the Accused

Mr. Zoran Živanović and Ms. Mira Tapusković 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 “Motion to Reopen the Prosecution Case, with Two Appendices”, filed confidentially on 7 April 2008 (“Prosecution Motion”);

NOTING that the Prosecution seeks to reopen the Prosecution case to introduce the testimony of three new *viva voce* witnesses and ten items of related evidence;¹

NOTING that if the Prosecution Motion were to be granted, the Prosecution would request protective measures in respect of two of the three new *viva voce* witnesses whose evidence it seeks to introduce;²

NOTING that in order to preserve the efficacy of any protective measures which subsequently may be granted, the Prosecution also requests that the Trial Chamber issue an order that the contents of the interviews and the identities of the witnesses not be disclosed in whole or in part to any third party without first obtaining the Trial Chamber's permission to do so, pending the outcome of the Prosecution Motion;

NOTING that the Pre-Defence Conference shall be held on 22 May 2008³ and that the Defence case shall commence on 2 June 2008;⁴

CONSIDERING that, pursuant to Article 20(1) of the Statute of the Tribunal, the Trial Chamber shall ensure that a trial is fair and expeditious;

CONSIDERING that, therefore, a decision on the Prosecution Motion should be issued expeditiously;

PURSUANT TO Rules 54, 75, 126 *bis* and 127 of the Rules of Procedure and Evidence,

HEREBY ORDERS as follows:

1. The contents of the interviews and the identities of the witnesses for whom the Prosecution would seek protective measures shall not be disclosed in whole or in part to any third party

¹ Prosecution Motion, para. 43.

² Prosecution Motion, paras. 4, 42.

³ 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, 29 November 2007 (“November 2007 Order”), p. 5.

⁴ November 2007 Order, p. 6.

without first obtaining the Trial Chamber's permission to do so, pending the outcome of the Prosecution Motion.

2. The Defence shall file no later than 15 April 2008 a Response to the Prosecution Motion.

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



Carmel Agius
Presiding

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

[Seal of the Tribunal]