



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-PT
Date: 26 June 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Pre-trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 26 June 2006

THE PROSECUTOR
v.
VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
LJUBOMIR BOROVCANIN
ZDRAVKO TOLIMIR
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ
MILORAD TRBIĆ

**DECISION ON PROSECUTION'S REQUEST TO FILE A
CONSOLIDATED REPLY TO DEFENCE RESPONSES TO
PROSECUTION MOTION FOR ADMISSION OF WRITTEN
EVIDENCE IN LIEU OF *VIVA VOCE* TESTIMONY PURSUANT TO
RULE 92 *bis***

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Zoran Živanović for Vujadin Popović
John Ostojic and Christopher Meek for Ljubiša Beara
Jelena Nikolić and Stéphane Bourgon for Drago Nikolić
Alexander Lazarević and Miodrag Stojanović for Ljubomir Borovčanin
Natacha Fauveau Ivanović for Radivoje Miletić
Dragan Krgović for Milan Gvero
Peter Haynes and Đorđe Sarapa for Vinko Pandurević
Stéphane Piletta-Zanin for Milorad Trbić

I, Carmel Agius, Judge 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”);

HAVING DESIGNATED MYSELF pre-trial Judge in the case of *Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Zdravko Tolimir, Radivoje Miletić, Milan Gvero, Vinko Pandurević and Milorad Trbić*, Case No. IT-05-88-PT;¹

BEING SEISED OF the “Prosecution’s Request to File a Consolidated Reply to Defence Responses to Prosecution Motion for Admission of Written Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*” (“Request”), filed on 21 June 2006;

NOTING that at a Status Conference held on 4 April 2006, the pre-trial Judge issued an oral order that the Defence shall file their responses to the “Prosecution Motion for Admission of Evidence Pursuant to Rule 92 *bis*” not later than one month from the date of the Trial Chamber’s “Decision on Motions Challenging the Indictment Pursuant to Rule 72 of the Rules”, which was issued on 31 May 2006;

NOTING the “Response on Behalf of Drago Nikolić to Prosecution Motion for Admission of Written Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*”, filed on 21 June 2006;

NOTING that the Prosecution submits that “in the interest of efficiency, and in order to be able to provide a reply responsive to all the concerns and objections raised by the Defence, the Prosecution requests permission to file a consolidated reply to all Defence responses . . . on 7 July 2006”;²

NOTING that pursuant to Rule 126 *bis* of the Rules of Procedure and Evidence (“Rules”), a reply to a response to a motion shall be filed within seven days of the filing of the response and only with leave of the Trial Chamber, and that pursuant to Rule 127(A)(i), a Trial Chamber may, on good cause being shown by motion, enlarge any time prescribed by or under the Rules;

CONSIDERING that the Trial Chamber expects the Prosecution will be filing a request outlining specifically why a reply to the Defence responses will be helpful to the Trial Chamber’s consideration of the issues, but that the Trial Chamber is satisfied that by its submissions the Prosecution has shown good cause for filing a single, consolidated reply, should leave to reply be requested;

PURSUANT TO Rule 127 of the Rules;

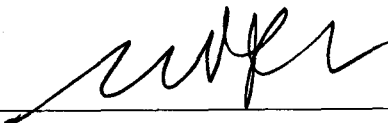
HEREBY GRANTS the Request to file any consolidated reply for which leave is sought no later than Friday, 7 July 2006.

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

Dated this twenty-sixth day of June 2006

At The Hague

The Netherlands



Judge Carmel Agius

Pre-trial Judge

[Seal of the Tribunal]

¹ Order designating a pre-trial Judge, 5 October 2005.

² Request, para. 3.