

IT-02-60-PT
D364-D362
05 JULY 2002

364 KB

**UNITED
NATIONS**



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-02-60-PT
Date: 05 July 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding
Judge Florence Ndepele Mwachande Mumba
Judge Carmel Agius

Registrar: Mr. Hans Holthuis

Decision of: 05 July 2002

PROSECUTOR

v.

**VIDOJE BLAGOJEVIĆ
DRAGAN OBRENOVIĆ
DRAGAN JOKIĆ
MOMIR NIKOLIĆ**

**DECISION ON JOKIC'S MOTION REQUESTING A
SEPARATE TRIAL**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. Michael Karnavas, for Vidoje Blagojević
Mr. David Wilson, Mr Dušan Slijepčević, for Dragan Obrenović
Mr. Miodrag Stojanović, Ms. Cynthia Sinatra for Dragan Jokić
Mr. Veselin Londrović, Mr. Stephan Kirsch for Momir Nikolić

TRIAL CHAMBER II ("the 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 ("the Tribunal"),

BEING SEIZED OF "Dragan Jokić's Motion for Separate Trial" ("Motion"), filed on 21 June 2002;

NOTING "Dragan Jokić's Objections to Joinder and Amendment of Indictments" ("Objections"), filed on 21 June 2002, in which the Accused also files objections relating to the joinder of the case of Dragan Jokić with the case of Vidoje Blagojević, Dragan Obrenović and Momir Nikolić;

NOTING the "Prosecution Response to Jokić's Motion Challenging Joinder and Requesting A "Separate Trial"", filed on 1 July 2002, in which the Prosecution gives a chronological overview of the background of the present case, especially in relation to the decisions for joinder of the four Accused in this case and argues that the issue of joinder has already been firmly and finally resolved;

CONSIDERING that the issue of joinder was argued by the parties in various written motions and in open court and that the Trial Chamber was able to reach its decisions on the joinder of the Accused Blagojević, Obrenović and Jokić on 16 January 2002 and on the joinder of these three accused with Nikolić on 17 May 2002;

CONSIDERING that the arguments on the joinder presented by counsel for Jokić on 2 November 2001 were well taken into account by the Decision of this Trial Chamber of 16 January 2002 in relation to the first three accused and that counsel for Jokić has not submitted any arguments on the joinder of the case of the first three accused with that of the Accused Nikolić, before the Chamber issued its decision of 17 May 2002;

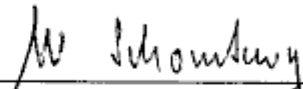
CONSIDERING that the issue of joinder has been decided upon by the decisions of the Trial Chamber on 16 January 2002 and 17 May 2002;

CONSIDERING that Jokić's Motion and Objections, as far as the latter relates to the issue of joinder, do not provide any argument justifying a re-opening of this issue;

HEREBY DECIDES that the Motion and the Objections, as far as these relate to the issue of joinder, are denied.

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

Dated this 5th day of July 2002,
At The Hague
The Netherlands



Judge Wolfgang Schomburg
Presiding

[Seal of the Tribunal]