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International
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Tribunal Pénal
International pour
l'ex-Yougoslavie

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TRIAL CHAMBERS

CHAMBRES DE 1ère INSTANCE

CC/PIU/316-E

The Hague, 15 May 1998

KOVAČEVIĆ CASE

TENTATIVE TRIAL COMMENCEMENT DATE SET FOR 6 JULY 1998

On 13 May, Trial Chamber II (Judge May, presiding, Judge Cassese and Judge Mumba) issued an order setting a tentative date for the commencement of the trial of Defendant Milan KOVAČEVIĆ for **Monday 6 July 1998 at 10 AM**.

On 14 May, Trial Chamber II also issued its decision denying the Prosecution's motion for joinder of accused and concurrent presentation of evidence in the KOVACEVIC, KVOCKA & RADIC and ZIGIC cases.

In its motion, the Prosecution argued that *"all the indictments are [...] based on the same facts, and as the trial is search for the truth, the facts revealed in the process of concurrent presentation of evidence are relevant to all the accused"*. The Prosecutor also stated that *"separate trial would have adverse consequences on the health, welfare and security of Prosecution witnesses [...]"*.

Defence counsel for the accused Kovačević notably opposed the motion on the ground that *"the crime of genocide with which Milan Kovačević is charged differs from the crimes against the other accused [...], the concurrent presentation of evidence against all four accused would lead to a conflict of interest in their defence strategies, which would substantially prejudice the accused in their right to a fair trial"*.

Setting out the reasons for rejecting the motion for joinder, the Trial Chamber noted first that *"to order the concurrent presentation of evidence would be to order a joint trial of all four accused"*. In the view of the Chamber, it is not justified since *"the course requested by the Prosecution may endanger the rights of all the accused to a fair trial, because it may lead to conflict of interests between the accused in conducting their defence. Furthermore, the Chamber stated that "to allow this motion [...] would result in a violation of the right of the accused Milan Kovačević to an expeditious trial [...]"*.
