

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-02-60-T

IN THE TRIAL CHAMBER

Before: Judge Liu Daqun, Presiding
Judge Volodymyr Vassylenko
Judge Carmen Maria Argibay

Registrar: Mr. Hans Holthuis

Date Filed: 20 May 2003

THE PROSECUTOR

v.

**VIDOJE BLAGOJEVIĆ
DRAGAN OBRENOVIĆ
DRAGAN JOKIĆ**

**JOINT MOTION FOR CONSIDERATION OF PLEA AGREEMENT BETWEEN
DRAGAN OBRENOVIĆ AND THE OFFICE OF THE PROSECUTOR**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. Michael Karnavas and Ms. Suzana Tomanović for Vidoje Blagojević
Mr. David Eugene Wilson and Mr. Dušan Slijepčević for Dragan Obrenović
Mr. Miodrag Stojanović and Ms. Cynthia Sinatra for Dragan Jokić

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**JOINT MOTION FOR CONSIDERATION OF PLEA AGREEMENT BETWEEN
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1. The Prosecutor and the accused, Dragan Obrenović, represented by his Counsel, David Wilson and Dušan Slijepčević, have entered into an Agreement concerning Obrenović's plea of guilty to Count 5 of the Amended Joinder Indictment dated 27 May 2002, alleging Persecutions, a Crime Against Humanity, punishable under Article 5(h) of the Statute of the Tribunal. The terms of this Agreement have been reduced to writing and are submitted herewith (Annex A) for the Trial Chamber's consideration.
2. This Agreement is not meant to replace the proceedings in open court at the time of plea, during which the Trial Chamber must assure itself that the accused's plea is made in accordance with all the rights accorded him by the Statute, Rules of Procedure and Evidence, and law of the Tribunal specifically Rules 62 *bis*¹ and 62 *ter*.² This Plea Agreement is simply meant to assist the Trial Chamber in that process.
3. It is the wish of the parties that by reducing this agreement to writing it will have the effect of promoting understanding between the parties as a means to help ensure the validity of the guilty plea and to assist the Trial Chamber in reaching an appropriate sentence.

¹ Rule 62 *bis*, incorporated into the Rules of Procedure in November 1997, states that: If an accused pleads guilty in accordance with Rule 62 (vi), or requests to change his or her plea to guilty and the Trial Chamber is satisfied that:

- i. the guilty plea has been made voluntarily;
- ii. the guilty plea is informed;
- iii. the guilty plea is not equivocal; and
- iv. there is a sufficient basis for the crime and the accused's participation in it, either on the basis of independent indicia or on lack of any material disagreement between the parties about the facts of the case

² Rule 62 *ter* sets forth procedures for submission of a plea agreement entered into by the parties, clarifies that the Trial Chamber is not bound by any agreement submitted by the parties, and requires the disclosure of any such plea agreement in open session.

4. For the reasons stated above, the parties respectfully request that the Trial Chamber consider and accept the Plea Agreement between Dragan Obrenović and the Prosecutor during both the plea and sentencing hearings.

David Wilson
Counsel for Dragan Obrenović

Peter McCloskey
Senior Trial Attorney

Dušan Slijepčević
Co-Counsel for Dragan Obrenović

Dated this 20th day of May, 2003
The Hague, The Netherlands