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Tribunal Pénal
International pour
l'ex-Yougoslavie

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APPEALS CHAMBER
CHAMBRE D'APPEL

The Hague, 1 February 2002
XT/P.I.S./657-e

MILOSEVIC CASE: THE APPEALS CHAMBER GRANTS
THE PROSECUTION'S APPEAL FOR JOINDER

Today, Friday 1 February 2002, the Appeals Chamber, composed of Judges Claude Jorda (Presiding), David Hunt, Mehmet Güney, Fausto Pocar and Theodor Meron, issued its "Decision on Prosecution Interlocutory Appeal from Refusal to Order Joinder". The Appeals Chamber unanimously allowed the appeal and ordered that the three Indictments be tried together in one single trial. Unless the Trial Chamber decides otherwise, the trial shall commence on 12 February 2002, with the evidence relevant only to the charges relating to Kosovo.

The Appeals Chamber considered that the Decision of a Trial Chamber under Rule 49 of the Rules of Procedure and Evidence as to whether there should be a joinder was discretionary. It was satisfied that the Trial Chamber had "*misdirected itself as to the correct interpretation of the Rule*" and that the error of law had "*invalidated the decision and vitiated the exercise by the Trial Chamber of its discretion*".

The Appeals Chamber stated that it should "*exercise its own discretion in substitution for that of the Trial Chamber*" and that it was satisfied that, on the correct interpretation of Rule 49, the acts alleged in the three Indictments did "*form the same transaction*".

The Appeals Chamber further noted the assurances given by the Prosecution that it would "*be ready to proceed with the Croatia and Bosnia Indictments on 1 July 2002*", that it would "*be in a position to present its list of witnesses, its list of exhibits and its Pre-Trial Brief relating to these two Indictments by 1 April 2002*" and that it would "*not seek further time during the trial for the preparation of its case in relation to those Indictments*".

The Appeals Chamber will issue its reasons for the Decision in due course.

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Public Information Services/Press Unit

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
Tel.: +31-70-512-5356; 512-5343 Fax: +31-70-512-5355