

**UNITED
NATIONS**

IT-05-88-T 11361
D11361-D11359 PK
03 JULY 2007

~~IT-05-88/2-PT
D220-D278
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PK



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-05-88/2-PT

Date: 3 July 2007

Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Order of: 3 July 2007

PROSECUTOR
v.
ZDRAVKO TOLIMIR

PUBLIC

ORDER ON FILINGS REGARDING JOINDER MOTION

Office of the Prosecutor
Mr. Peter McCloskey

The Accused
Zdravko Tolimir

I, **KIMBERLY PROST**, Pre-Trial 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”);

NOTING that at the initial appearance on 4 June 2007, the Accused Zdravko Tolimir (“Tolimir”) expressed his wish to represent himself during the initial stage of the proceedings until a permanent counsel is appointed to represent him;¹

NOTING the “Prosecution’s Motion for Joinder of Accused”, filed on 6 June 2007 (“Joinder Motion”), in which the Prosecution requests an order joining this case with the case of *Prosecutor v. Popović et al.*, and that all deadlines and timetables associated with the motion be suspended until a permanent counsel is assigned to Tolimir;²

NOTING the “Order Suspending the Time Limit for Filing Response to Prosecution Joinder Motion” issued on 18 June 2007, which suspended the time for Tolimir to file a response to the Joinder Motion until a further order is issued;

NOTING the “Request” by Tolimir dated on 19 June 2007 and filed on 26 June 2007 (“Response”), in which he asks the Trial Chamber to dismiss the Joinder Motion because joinder would prolong the proceedings in the case of *Prosecutor v. Popović et al.*, and “render them uncertain and complex”,³ and his state of health may not allow him to “prepare an adequate defence in a short period of time”,⁴ and adds that additional reasons for dismissing the Joinder Motion (“additional response”) will be submitted after a permanent counsel has been assigned to him;⁵

NOTING the “Order on Filings Regarding Joinder Motion”, issued on 28 June 2007 in *Prosecutor v. Popović et al.*, in which the Trial Chamber set a deadline for the Accused in that case to file responses, if any, to the Joinder Motion, by 13 July 2007, and set a deadline for the Prosecution to file a reply, if any, to the Accused’s responses, by 17 July 2007;⁶

¹ Initial Appearance, T. 2 (4 June 2007).

² Joinder Motion, para. 36.

³ Response, p. 1.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Prosecutor v. Popović et al.*, Case No. IT-05-88-T, Order on Filings Regarding Joinder Motion, 28 June 2007, and Corrigendum to Order on Filings Regarding Joinder Motion, 29 June 2007.

NOTING that at the further appearance on 3 July 2007, Tolimir failed to enter a plea and a plea of not guilty was entered on his behalf in relation to each count of the Amended Indictment;⁷


NOTING that at the further appearance, I ordered that Tolimir file any additional response to the Joinder Motion no later than 17 July 2007 and emphasised that if no further submissions are forthcoming by that date, the Trial Chamber will proceed to deal with the Joinder Motion, taking into account the submissions he made to the Trial Chamber on 19 June 2007;⁸

PURSUANT TO Rules 54 and 126 *bis* of the Rules of Procedure and Evidence;

HEREBY ORDER that:

- a. The Accused Tolimir shall file any additional response to the Joinder Motion by 17 July 2007; and
- b. The Prosecution shall file a reply, if any, to the Response and any additional response by 19 July 2007.

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



Kimberly Prost
Pre-Trial Judge

Dated this third day of July 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

⁷ Further Appearance, T. 36–38 (3 July 2007). Leave to amend the original Indictment against Tolimir as requested in the “Prosecution’s Submission of Amended Indictment” filed on 12 June 2007 was granted at the further appearance. *See* Further Appearance, T. 24 (3 July 2007).

⁸ Further Appearance, T. 42 (3 July 2007).