



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-94-1-T
Date: 3 May 1996
Original: ENGLISH AND
FRENCH

IN THE TRIAL CHAMBER

Before: Judge Gabrielle Kirk McDonald, Presiding
Judge Ninian Stephen
Judge Lal C. Vohrah

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 3 May 1996

PROSECUTOR

v.

DUŠKO TADIĆ a/k/a "DULE"

**DECISION ON THE DEFENCE MOTION ON SEVERANCE OF THE
INDICTMENT**

The Office of the Prosecutor:

**Mr. Grant Niemann
Ms. Brenda Hollis**

**Mr. Alan Tieger
Mr. Michael Keegan**

Counsel for the Accused:

**Mr. Michail Wladimiroff
Mr. Alphons Orié**

Mr. Steven Kay

THE TRIAL CHAMBER,

HAVING CONSIDERED the written submissions of the Defence in support of its Motion on Severance of the Indictment filed on 10 April 1996 and the Prosecution in opposition to the Defence motion;

CONSIDERING that Rule 49 of the Rules of Procedure and Evidence of the International Tribunal ("Rules") allows the joinder of two or more crimes in one indictment if the series of acts committed together form the same transaction;

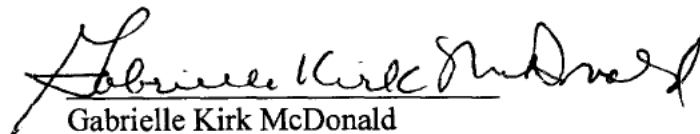
CONSIDERING the definition of transaction set forth in Rule 2(A) and that the acts alleged in the indictment appear to be part of a common scheme, strategy, or plan;

CONSIDERING that the fairness of trial will not be affected by a failure to sever the charges in the indictment and that the accused will not be prejudiced if the Trial Chamber conducts one trial on all of the charges against the accused;

CONSIDERING the untimeliness of this motion in view of the fact that Rule 73 of the Rules requires that certain preliminary motions by the accused, including applications for severance of crimes joined in one indictment, must be brought within sixty days after the initial appearance and that such time is long expired;

HEREBY DENIES the Defence Motion on Severance of the Indictment.

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


Gabrielle Kirk McDonald
Presiding Judge

Dated this 3rd day of May 1996,
At The Hague
the Netherlands

[Seal of the Tribunal]