



**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: IT-01-43-PT  
Date: 10 September 2001  
Original: English**

**IN TRIAL CHAMBER II**

**Before: Judge David Hunt, Presiding  
Judge Florence Ndepele Mwachande Mumba  
Judge Liu Daqun**

**Registrar: Mr Hans Holthuis**

**Decision of: 10 September 2001**

**PROSECUTOR**

v

**Dragan OBRENOVIĆ**

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**DIRECTION TO THE PROSECUTOR**

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**The Office of the Prosecutor:**

**Mr Peter McCloskey**

**Counsel for Accused:**

**Mr David Eugene Wilson  
Mr Dusan Slijepcević**

1. The prosecution seeks an order that three accused persons presently before the Tribunal in answer to separate indictments be joined in the one joint indictment. They are Dragan Obrenović, Vidoje Blagojević and Dragan Jokić. At present, not only are these three accused persons named in separate indictments, each trial has, apparently for administrative purposes, been assigned to a different Trial Chamber.

2. In order to protect the rights of each of these three accused, it is necessary for the one Trial Chamber to determine the prosecution's application in proceedings to which all three are parties. Only in that way can each of the accused (through their counsel) make submissions in relation to the application as of right. There is no specific procedure laid down in the Tribunal's Rules of Procedure and Evidence for an application in the present circumstances, so it is necessary to fashion an appropriate procedure which best favours a fair determination of the matter and which is consonant with the spirit of the Tribunal's Statute and the general principles of law.

3. My own long experience in criminal procedure in a national jurisdiction suggests to me that the fairest and simplest course is for the prosecution to file one motion, entitled in all three proceedings, so that the order made is effective in all three. Arrangements have already been made with the Office of the President that, for the purposes of determining such an application by the prosecution, the trials involving Vidoje Blagojević and Dragan Jokić will be assigned to Trial Chamber II, where the trial involving Dragan Obrenović has been assigned. That is the trial which is the most advanced of all three.

3. Accordingly, the prosecution is directed to file its Motion for Joinder, to be heard before Trial Chamber II, with the cover page headed as follows:

***Case IT-01-43-PT***

**PROSECUTOR v Dragan OBRENOVIĆ**

***Case IT-98-33/1-PT***

**PROSECUTOR v Vidoje BLAGOJEVIĆ**

***Case IT-01-44-PT***

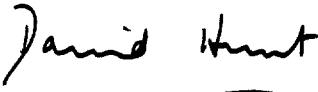
**PROSECUTOR v Dragan JOKIĆ**

4. Three original, signed, motions in these terms are to be filed, so that one can be placed in each of the three relevant Registry files, and the Registry is directed to give notice of the filings to each of the three accused and their counsel, in the usual way.

5. The prosecution is directed to file its motion in accordance with these directions on or before 4.00 pm on Wednesday, 12 September 2001.

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

Dated this 10<sup>th</sup> day of September 2001,  
At The Hague,  
The Netherlands.

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Judge David Hunt  
Pre-Trial Judge

**[Seal of the Tribunal]**