



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-99-36-PT &  
IT-97-24-PT

Date: 11 January 2002

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Wolfgang Schomburg, Presiding Judge  
Judge Florence Ndepele Mwachande Mumba  
Judge Carmel Agius

**Registrar:** Mr Hans Holthuis

**Decision of:** 11 January 2002

**THE PROSECUTOR**

v.

**RADOSLAV BRĐANIN  
MOMIR TALIĆ  
and  
MILOMIR STAKIĆ**

**DECISION ON PROSECUTION'S MOTION FOR A JOINT HEARING**

**The Office of the Prosecutor:**

Ms. Joanna Korner  
Mr. Andrew Cayley  
Ms. Susan Somers

**Counsel for Accused Radoslav Brđanin:**

Mr. John Ackerman  
Ms. Milka Maglov

**Counsel for Accused Momir Talić:**

Mr. Xavier De Roux  
Mr. Michel Pitron

**Counsel for the Accused Stakić:**

Mr. Branko Lukić

**TRIAL CHAMBER II** 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 (hereafter "International Tribunal"),

**BEING SEISED** of the "Prosecution's Motion for a Joint Hearing of evidence common to the cases of *Prosecutor v. Brđanin and Talić* and *Prosecutor v. Milomir Stakić*", dated 8 January 2002 (hereafter "Motion");

**NOTING** that the Motion, pursuant to Article 20(1) of the Statute of the International Tribunal (hereafter "the Statute"), and Rules 54 and 73 of the Rules of Procedure and Evidence (hereafter "the Rules"), requests a joint hearing of evidence with regard to witnesses who are due to give evidence in both cases, relating to the same events that have taken place in the municipality of Prijedor;

**NOTING** that at the same time, the Office of the Prosecutor mentioned the possibility of applying for a joinder of the two cases;

**NOTING** the "Réponse à la Requête du procureur aux fins d'obtenir la présentation simultanée des éléments de preuve communs aux affaires *le procureur c. Brđjanin et Talić* et *le procureur c. Stakić*" filed by the accused Momir Talić arguing that the granting of the Motion would infringe upon the requirements of Article 20 (1) of the Statute and the rights of the accused;

**CONSIDERING** that the trial of *Prosecutor v. Brđanin and Talić* is due to commence on 21 January 2002 and that it is not in the interest of justice to delay the start of this trial;

**CONSIDERING** that a joinder would inevitably delay the start of the case of *Prosecutor v. Brđanin and Talić*;

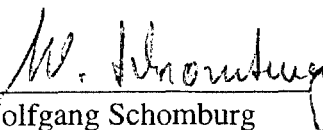
**CONSIDERING FURTHER** the fact that, due to budgetary problems the trial of *Prosecutor v. Milomir Stakić* cannot start according to the envisaged court schedule of the International Tribunal, there is no basis for a joint hearing;

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Article 20(1) of the Statute and Rules 54 and 73 of the Rules of Procedure and Evidence of the International Tribunal;

**HEREBY DISMISSES THE MOTION.**

Done in both English and French, the English version being authoritative.

  
Wolfgang Schomburg  
Presiding Judge

Done this eleventh day of January 2002  
At The Hague,  
The Netherlands

[Seal of the Tribunal]