

IT-02-60-PT  
D364-D362  
05 JULY 2002

364 KB

**UNITED  
NATIONS**



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-02-60-PT  
Date: 05 July 2002  
Original: English

**IN TRIAL CHAMBER II**

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

**Registrar:** Mr. Hans Holthuis

**Decision of:** 05 July 2002

**PROSECUTOR**

v.

**VIDOJE BLAGOJEVIĆ  
DRAGAN OBRENOVIĆ  
DRAGAN JOKIĆ  
MOMIR NIKOLIĆ**

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**DECISION ON JOKIĆ'S MOTION REQUESTING A  
SEPARATE TRIAL**

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**The Office of the Prosecutor:**

Mr. Peter McCloskey

**Counsel for the Accused:**

Mr. Michael Karnavas, for Vidoje Blagojević  
Mr. David Wilson, Mr Dušan Slijepčević, for Dragan Obrenović  
Mr. Miodrag Stojanović, Ms. Cynthia Sinatra for Dragan Jokić  
Mr. Veselin Londrović, Mr. Stephan Kirsch for Momir Nikolić

**TRIAL CHAMBER II** ("the Chamber") 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 ("the Tribunal"),

**BEING SEIZED OF** "Dragan Jokić's Motion for Separate Trial" ("Motion"), filed on 21 June 2002;

**NOTING** "Dragan Jokić's Objections to Joinder and Amendment of Indictments" ("Objections"), filed on 21 June 2002, in which the Accused also files objections relating to the joinder of the case of Dragan Jokić with the case of Vidoje Blagojević, Dragan Obrenović and Momir Nikolić;

**NOTING** the "Prosecution Response to Jokić's Motion Challenging Joinder and Requesting A "Separate Trial"", filed on 1 July 2002, in which the Prosecution gives a chronological overview of the background of the present case, especially in relation to the decisions for joinder of the four Accused in this case and argues that the issue of joinder has already been firmly and finally resolved;

**CONSIDERING** that the issue of joinder was argued by the parties in various written motions and in open court and that the Trial Chamber was able to reach its decisions on the joinder of the Accused Blagojević, Obrenović and Jokić on 16 January 2002 and on the joinder of these three accused with Nikolić on 17 May 2002;

**CONSIDERING** that the arguments on the joinder presented by counsel for Jokić on 2 November 2001 were well taken into account by the Decision of this Trial Chamber of 16 January 2002 in relation to the first three accused and that counsel for Jokić has not submitted any arguments on the joinder of the case of the first three accused with that of the Accused Nikolić, before the Chamber issued its decision of 17 May 2002;

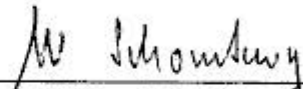
**CONSIDERING** that the issue of joinder has been decided upon by the decisions of the Trial Chamber on 16 January 2002 and 17 May 2002;

**CONSIDERING** that Jokić's Motion and Objections, as far as the latter relates to the issue of joinder, do not provide any argument justifying a re-opening of this issue;

**HEREBY DECIDES** that the Motion and the Objections, as far as these relate to the issue of joinder, are denied.

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

Dated this 5th day of July 2002,  
At The Hague  
The Netherlands

  
\_\_\_\_\_  
Judge Wolfgang Schomburg  
Presiding

**[Seal of the Tribunal]**