



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-95-4-PT
IT-95-8/1-PT

Date: 16 July 2002

Original: ENGLISH

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IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 16 July 2002

PROSECUTOR

v.

**ŽELJKO MEAKIĆ
MOMČILO GRUBAN
DUŠKO KNEŽEVIĆ**

PROSECUTOR

v.

**DUŠAN FUŠTAR
PREDRAG BANOVIĆ
DUŠKO KNEŽEVIĆ**

ORDER FOR FURTHER SUBMISSION

Office of the Prosecutor:

Ms. Joanna Korner
Ms. Jocelyne Bodson
Mr. Kapila Waidyaratne
Ms. Ann Sutherland

Counsel for the Accused:

Ms. Sanja Turlakov, for Momčilo Gruban
Mr. Thomas Moran, for Duško Knežević
Mr. Jovan Banić, for Predrag Banović
Mr. Theodore Scudder and Mr. Dragan Ivetić, for Dušan Fuštar

THIS TRIAL 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 ("International Tribunal"),

BEING SEISED of the "Prosecution Motion for Joinder of Accused (Omarska and Keraterm Cases)" filed by the Office of the Prosecutor ("Prosecution") on 5 July 2002 and Addendum filed on 11 July 2002 (together "the Motion"),

NOTING that the Prosecution is seeking leave to join or amend the indictments,

NOTING that the proposed Consolidated Indictment contains charges that are not identical with those in the existing indictments as confirmed and further that the Prosecution is seeking leave, if the Motion is not accepted, to amend the indictment in Case No. IT-95-4 to withdraw certain charges, to transfer certain charges in relation to the accused, Duško Knežević, to the indictment in Case No. IT-95-8/1 and to add an allegation in each indictment of participation in a joint criminal enterprise new charges in respect of some or all of the accused,

NOTING that responses to the Motion have already been filed on behalf of certain of the accused,

CONSIDERING that the Prosecution has not identified clearly the differences between the two existing indictments and the proposed Consolidated Indictment with its accompanying Schedules, and has submitted voluminous quantities of supporting material without identifying which, if any, are the new charges in support of which such material is submitted,

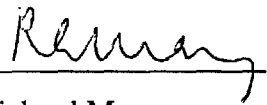
CONSIDERING, however, that efforts by the Prosecution to reduce the number of charges against the accused and to provide additional specificity and clarity in the proposed Consolidated Indictment are to be encouraged,

PURSUANT to Rules 48, 50 and 51 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY ORDERS as follows:

- (1) the Prosecution shall, by Friday 26 July 2002, file a further submission specifying clearly (a) which charges of the existing indictments are maintained against which accused in the proposed Consolidated Indictment and which are to be withdrawn; (b) which charges, if any, are new charges not already charged in the existing indictments requiring the consent of the Trial Chamber for inclusion in the proposed Consolidated Indictment; and (c) if there are any such new charges, which items of the supporting material relate to which charges or otherwise to identify the purpose of submission of the supporting material;
- (2) the time-limit for response to the Motion is extended to two weeks from the date of filing of the further submission by the Prosecution; and
- (3) those accused who have already filed a response to the Motion may file an additional response within the same time-period.

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


Richard May
Presiding

Dated this sixteenth day of July 2002
At The Hague
The Netherlands

[Seal of the Tribunal]