



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: 9 May 2003

Original: English

IN TRIAL CHAMBER I, SECTION A

Before: Judge Liu Daqun, Presiding
Judge Volodymyr Vassilenko
Judge Carmen Maria Argibay

Registrar: Mr. Hans Holthuis

Decision of: 9 May 2003

PROSECUTOR

v.

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

**SEPARATION OF PROCEEDINGS AND SCHEDULING
ORDER**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

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

TRIAL CHAMBER I, SECTION A, (“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 (“Tribunal”),

NOTING the finding of guilt entered against Momir Nikolić by the Trial Chamber on 7 May 2003, based on his plea of guilty to Count 5 of the Amended Joinder Indictment dated 27 May 2002, namely, Persecutions, a Crime Against Humanity punishable under Article 5(h) of the Statute of the Tribunal,

NOTING the “Joint Motion for Consideration of Plea Agreement between Momir Nikolić and the Office of the Prosecutor” dated 6 May 2003¹ and the “Joint Motion for Consideration of Amended Plea Agreement between Momir Nikolić and the Office of the Prosecutor” dated 7 May 2003 incorporating the Amended Plea Agreement as Annex A, submitted to this Trial Chamber,

NOTING the “Prosecution’s Motion to Dismiss Charges against Accused Momir Nikolić” dated 8 May 2003, in which the Prosecution withdrew the remaining counts of the Amended Joinder Indictment against Momir Nikolić, as stipulated in the Amended Plea Agreement and presented orally to the Trial Chamber on 7 May 2003,

CONSIDERING that, pursuant to Rule 100 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), the Prosecution and Momir Nikolić may now submit any relevant information that may assist the Trial Chamber in determining an appropriate sentence, and that a date is to be fixed for the sentencing hearing,

NOTING that Momir Nikolić is accused jointly under Rule 48 of the Rules with three other persons, namely, Vidoje Blagojević, Dragan Obrenović and Dragan Jokić,²

CONSIDERING that Rule 82 (B) of the Rules permits the Trial Chamber to order that persons accused jointly under Rule 48 may be tried separately if necessary to protect the interests of justice,

CONSIDERING that, in view of the finding of guilt by the Trial Chamber, it would be in the interests of justice to separate the proceedings against Momir Nikolić from the three co-accused,

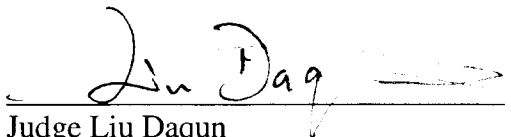
¹ This motion consists of “Annex A to the Joint Motion for Consideration of Plea Agreement between Momir Nikolić and the Office of the Prosecutor- Plea Agreement”, “Statement of Facts and Acceptance of Responsibility” (Tab “A” to Annex A) and “Declaration of Momir Nikolić” (Tab “B” to Annex A) filed separately under seal on the same date to ensure confidentiality.

PURSUANT TO Rules 54, 82 and 100 of the Rules

HEREBY ORDERS as follows:

- (1) The proceedings against Momir Nikolić are hereby separated from those against the three co-accused charged under the same indictment;
- (2) the Prosecution and counsel for Momir Nikolić shall, by Monday 14 July 2003, file all submissions and provide statements of any witnesses they might call in relation to the sentencing hearing; and
- (3) the date for the sentencing hearing shall be fixed by further Order.

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


Judge Liu Daqun
Presiding

Dated this 9th day of May 2003,
At The Hague
The Netherlands

[Seal of the Tribunal]

² *Prosecutor v. Momir Nikolić and Prosecutor v. Vidoje Blagojević, Dragan Obrenović and Dragan Jokić*, Case Nos. IT-02-53-PT & IT-02-56-PT, Decision on Prosecution's Motion for Joinder, 17 May 2002.