



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-T
Date: 23 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: 23 May 2003

PROSECUTOR

v.

**VIDOJE BLAGOJEVIĆ
DRAGAN OBRENOVIĆ
DRAGAN JOKIĆ**

**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

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 Dragan Obrenović by the Trial Chamber on 21 May 2003, based on his plea of guilty to Count 5 of the Amended Joinder Indictment dated 27 May 2002 (“Indictment”), 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 Dragan Obrenović and the Office of the Prosecutor” dated 20 May 2003,¹ submitted to the Trial Chamber,

NOTING the “Prosecution’s Motion to Dismiss Charges against Accused Dragan Obrenović” dated 22 May 2003, in which the Prosecution moves to withdraw the remaining counts of the Indictment against Dragan Obrenović, as stipulated in the Plea Agreement and presented orally to the Trial Chamber on 21 May 2003,

CONSIDERING that, pursuant to Rule 100 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), the Prosecution and Dragan Obrenović 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 Dragan Obrenović is accused jointly under Rule 48 of the Rules with two other persons, namely, Vidoje Blagojević 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 Dragan Obrenović from the two co-accused,

¹ This motion consists of “Annex A to the Joint Motion for Consideration of Plea Agreement between Dragan Obrenović and the Office of the Prosecutor- Plea Agreement” and “Statement of Facts as set out by Dragan Obrenović” (Tab “A” to Annex A).

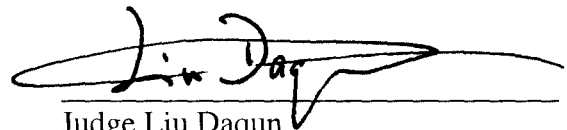
² *Prosecutor v. Momir Nikolić and Prosecutor v. Vidoje Blagojević, Dragan Obrenović and Dragan Jokić*, Case Nos. IT-02-53-PT & IT-02-56-PT, Decision on Prosecution’s Motion for Joinder, 17 May 2002; subsequently, the proceedings against Momir Nikolić were separated from the others, *Prosecutor v. Vidoje Blagojević, Dragan Obrenović, Dragan Jokić and Momir Nikolić*, IT-02-60-PT, Separation of Proceedings and Scheduling Order, 9 May 2003.

PURSUANT TO Rules 54, 62ter, 82 and 100 of the Rules

HEREBY ORDERS as follows:

- (1) The dismissal of the remaining charges against Dragan Obrenović in the Indictment;
- (2) The separation of the proceedings against Dragan Obrenović from the proceedings against the two co-accused charged under the Indictment;
- (3) The issuance by the Registrar of a new case number for the separate proceedings against Dragan Obrenović;
- (4) The Prosecution and counsel for Dragan Obrenović shall, by Monday 28 July 2003, file all submissions and provide statements of any witnesses they might call in relation to the sentencing hearing; and
- (5) 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 23rd day of May 2003,
At The Hague
The Netherlands

[Seal of the Tribunal]