



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 Nos.: IT-03-73-PT;
IT-01-45-PT

Date: 23 February 2006

Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President
Registrar: Mr. Hans Holthuis
Order of: 23 February 2006

PROSECUTOR

v.

IVAN ČERMAK and MLADEN MARKAČ

ORDER REFERRING THE JOINDER MOTION

Counsel for the Accused:

Mr. Čedo Prodanović and Ms. Jadranka Sloković for Ivan Čermak
Mr. Miroslav Šeparović and Mr. Goran Mikuličić for Mladen Markač
Mr. Geert-Jan Alexander Knoops for Ante Gotovina

The Office of the Prosecutor:

Mr. Alan Tieger

I, FAUSTO POCAR, President 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”),

NOTING that this case is currently assigned to a Bench in Trial Chamber II pursuant to the “Order Assigning a Case to a Trial Chamber” issued on 9 March 2004;

NOTING the Amended Indictment filed on 15 December 2005;

NOTING the “Prosecution’s Consolidated Motion to Amend the Indictment and for Joinder” filed on 20 February 2006 (“Prosecution’s Consolidated Motion”) in which the Prosecution requests that this case be jointly charged and tried with the case, *Prosecutor v. Ante Gotovina*, Case No. IT-01-45-PT;¹

CONSIDERING that one of the Judges on the Bench in this case has informed me that he is unable to hear any matters relating to the accused, Ante Gotovina, due to a previous association as a national Judge, which may impinge upon his impartiality;

NOTING that the Prosecution’s Consolidated Motion was also filed in the *Gotovina* case;

NOTING the “Order Assigning a Case to a Trial Chamber” issued on 9 December 2005 assigning the *Gotovina* case to a Bench in Trial Chamber II;

CONSIDERING the trial management and case distribution needs of the International Tribunal;

HEREBY ASSIGN, pursuant to Rules 15 and 19 of the Rules of Procedure and Evidence of the International Tribunal, the Bench presiding over the *Gotovina* case to hear the Prosecution’s Consolidated Motion and all motions related to joinder with the *Gotovina* case filed in this case, which is composed of the following Judges:

¹ Prosecution’s Consolidated Motion, para. 3.

Judge Carmel Agius
Judge Kevin Parker
Judge Christine Van Den Wyngaert

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

Done this 23rd day of February 2006,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]