

UNITED  
NATIONS

IT-01-45-R  
D 8933 - D 8931  
23 February 2006

~~IT-03-73-R  
D 9938 - D 9936  
23 February 2006~~

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125~~  
8933  
125.



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 Knoop for Ante Gotovina

**The Office of the Prosecutor:**

Mr. Alan Tieger

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



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**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;<sup>1</sup>

**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:

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<sup>1</sup> Prosecution’s Consolidated Motion, para. 3.

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Judge Carmel Agius

Judge Kevin Parker

Judge Christine Van Den Wyngaert

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

Done this 23<sup>rd</sup> day of February 2006,  
At The Hague,  
The Netherlands.



Judge Fausto Pocar  
President

**[Seal of the International Tribunal]**

