

UNITED
NATIONS

IT-04-78-PT ~~IT-04-76-I~~ ~~IT-01-46-PT~~
D3-D1 D1103-D1107 ~~D1443-D1447~~
03 AUGUST 2004 30 JULY 2004 30 JULY 2004

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International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991

Cases No. IT-04-76-I and IT-01-46-PT

Date: 30 July 2004

Original: English

IN TRIAL CHAMBER I

Before: Judge Liu Daqun, Presiding
 Judge Amin El Mahdi
 Judge Alphonsus Orié

Registrar: Mr. Hans Holthuis

Decision: 30 July 2004

THE PROSECUTOR

v.

RAHIM ADEMI
(IT-01-46-PT)

THE PROSECUTOR

v.

MIRKO NORAC
(IT-04-76-I)

DECISION ON MOTION FOR JOINDER OF ACCUSED

The Office of the Prosecutor:

Mr. Mark Ierace

Counsel for the Accused:

Mr. Ćedo Prodanović for Rahim Ademi
Mr. Željko Olujić for Mirko Norac



TRIAL CHAMBER I, ("the 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 ("the Tribunal");

BEING SEIZED of the "Prosecution Motion for Joinder of Accused" filed on 27 May 2004 ("the Motion"), in which the Prosecutor seeks to join the case against Mirko Norac (IT-04-76-I) with the case against Rahim Ademi (IT-01-46-PT), pursuant to Rule 48 of the Rules of Procedure and Evidence ("Rules");

NOTING that an indictment against Mirko NORAC was confirmed on 20 May 2004;

NOTING that a first indictment against Rahim Ademi was confirmed on 8 June 2001 and that the second amended indictment against Rahim Ademi was filed on 1 February 2002;

NOTING that the Prosecution argues that (i) the legal requirements of Rule 48 are met, (ii) a joint trial would be in the interests of justice, (iii) a joint trial would neither create a conflict of interest nor interfere with the rights of the accused;

NOTING the "Defence Response to Prosecution Motion for Joinder of Accused" filed by the Defence of Mirko Norac on 23 July 2004, whereby Mirko Norac indicates that he does not object to the Motion since a joinder would be consistent with Rules 48 and 82 of the Rules and the Prosecution connected this matter with the referral of the case before a Court of the Republic of Croatia;

NOTING that no response was filed by the Defence of Rahim Ademi;

CONSIDERING that both accused are charged with the same crimes, allegedly committed during the same time period and in the same geographical area; that the indictments demonstrate *prima facie* that the crimes charged against both accused were committed in the course of the same transaction;

CONSIDERING that the joinder of accused would avoid duplication of the presentation evidence, minimise hardship to witnesses, be in the interests of judicial economy and ensure consistency of verdicts;

CONSIDERING that a joinder would not create a conflict of interest nor otherwise prejudice the right of the accused to a fair and expeditious trial;

CONSIDERING that it is in the interests of justice that both accused be tried in a single trial;

CONSIDERING that this decision solely deals with the Motion for Joinder and is without prejudice to any further decision on other matters;

PURSUANT to Rules 48 of the Rules,

GRANTS the Motion;

REQUESTS the Registry to designate one unified case number to the joined case forthwith;

CONFIRMS that the Consolidated Indictment that is attached to the Motion, is the official indictment against both accused.

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

Done this Thirtieth day of July 2004,
At The Hague,
The Netherlands



Judge Liu Daqun, Presiding Judge

[Seal of the Tribunal]

