



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-94-1-T  
Date: 15 May 1996  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

**Before:** Judge Gabrielle Kirk McDonald, Presiding  
Judge Ninian Stephen  
Judge Lal C. Vohrah

**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh

**Order of:** 15 May 1996

**PROSECUTOR**

v.

**DUŠKO TADIĆ also known as "DULE"**

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**ORDER ON THE PROSECUTION MOTION TO WITHDRAW COUNTS 2  
THROUGH 4 OF THE INDICTMENT WITHOUT PREJUDICE**

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**The Office of the Prosecutor:**

**Mr. Grant Niemann  
Ms. Brenda Hollis**

**Mr. Alan Tieger  
Mr. Michael Keegan**

**Counsel for the Accused:**

**Mr. Michail Wladimiroff  
Mr. Alfons Orié**

**Mr. Steven Kay**

**THE TRIAL CHAMBER**

CONSIDERING that the Prosecution filed a Motion to Withdraw Counts 2 through 4 of the Indictment Without Prejudice ("the original Motion") on 17 April 1996 pursuant to Rule 51 of the Rules of Procedure and Evidence ("Rules"),

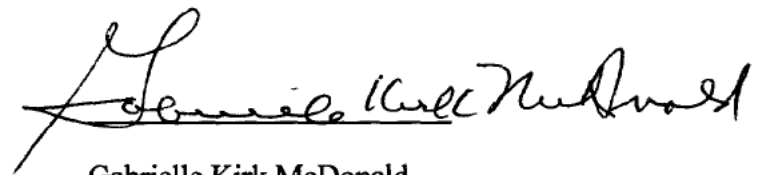
CONSIDERING that on 7 May 1996, the Prosecution withdrew the original Motion and orally presented a new Motion to Withdraw Counts 2 through 4 of the Indictment Without Prejudice ("the Motion") to the Trial Chamber,

CONSIDERING that the Trial Chamber treated the Motion as a motion to amend the indictment pursuant to Rule 50 of the Rules,

CONSIDERING that the Defence indicated that it does not object to the treatment of the Motion as an amendment without prejudice, or to the withdrawal of the counts, subject to its right to challenge any new indictment against the accused on the grounds set forth in its Response to the original Motion, and

CONSIDERING that the fairness of trial will not be affected by allowing the Prosecution to withdraw Counts 2, 3 and 4 of the Indictment,

HEREBY GRANTS the Motion.



Gabrielle Kirk McDonald

Presiding Judge

Dated this fifteenth day of May 1996

At The Hague

The Netherlands

[Seal of the Tribunal]