



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 No. IT-95-4-PT

Date: 1 July 1998

English
Original: French

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Fouad Riad
Judge Almiro Rodrigues

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 1 July 1998

THE PROSECUTOR

v.

MLADEN RADIĆ
et al.
(The "Omarska Camp" case)

**DECISION ON THE PROSECUTOR'S REQUEST FOR DEFERRAL
OF RESPONSE TO THE MOTION OF THE DEFENCE FOR MLADEN RADIĆ
ON DEFECTS IN THE FORM OF THE INDICTMENT**

The Office of the Prosecutor:

**Ms. Brenda Hollis
Mr. Michael Keegan**

Defence Counsel:

Mr. Veljko Guberina

I, Claude Jorda, Presiding Judge of Trial Chamber I,

NOTING the Prosecutor's request for the deferral of a response to the motion of defence counsel for Mladen Radić (hereinafter "the Defence") entitled "Preliminary Motion on the Form of the Indictment" dated 19 June 1998 (hereinafter "the Request"),

PURSUANT to Rule 54 of the Rules of Procedure and Evidence,

CONSIDERING that, while the Trial Chamber appreciates the concern to expedite the proceedings demonstrated by the Request, no time limit had been set by the Trial Chamber for the Prosecution to respond to the motion filed by the Defence on "defects in the form of the indictment",

CONSIDERING, however, that it is appropriate to establish, as does the Request, that the Prosecution requested leave to amend the indictment in a separate request dated 15 June 1998,

CONSIDERING that, should the Trial Chamber grant leave for that amendment, the Defence would, of necessity, be in a position to present additional arguments or to submit a further motion on defects in the form of the indictment,

FOR THE FOREGOING REASONS,

ORDER that the exchanges between the parties in respect of possible defects in the form of the indictment be deferred until the Trial Chamber has ruled on the Prosecution's request to amend the indictment and the Defence has subsequently made known its intention to maintain or to amend its preliminary motion.

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

Done this first day of July 1998
At The Hague
The Netherlands

(Signed)

Claude Jorda
Presiding Judge Trial Chamber I