



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: 29 July 1998

English
Original: French

IN THE TRIAL CHAMBER

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

Registrar: Mr. Jean-Jacques Heintz, Deputy Registrar

Decision of: 29 July 1998

THE PROSECUTOR

v.

MEAKIĆ et al.
(The "Omarska Camp" case)

**DECISION ON THE PROSECUTOR'S MOTION
FOR LEAVE TO AMEND THE INDICTMENT**

The Office of the Prosecutor:
Mr. Michael Keegan

Defence Counsel:
Mr. Veljko Guberina
Mr. Krstan Simic
Mr. Simo Tosic
Mr. Zarko Nikolic

TRIAL CHAMBER I (hereinafter “the Trial Chamber”) of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991,

NOTING the indictment against Meakić et al. (the “Omarska camp” case) confirmed by Judge Karibi-Whyte on 13 February 1995,

NOTING the request of the Prosecutor, filed on 15 June 1998, for leave to amend the indictment (hereinafter “the Request”), and the draft amended indictment attached to the Request,

NOTING the Defence motion filed on 25 June 1998 in response to the Prosecutor’s Request,

PURSUANT to Sub-rule 50(A)(ii) of the Rules of Procedure and Evidence (hereinafter “the Rules”),

CONSIDERING that the present Request from the Prosecutor was submitted long after the confirmation of the indictment and before the commencement of the presentation of evidence within the meaning of Rule 85 of the Rules,

CONSIDERING that the Trial Chamber therefore does not have jurisdiction to grant leave to amend the said indictment nor *a fortiori* to review it,

FOR THE FOREGOING REASONS,

INSTRUCTS the Prosecutor to refer the application to amend the indictment, indicated in the present Request, back to the Judge who confirmed it or to any other Judge designated by the President.

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

Done this twenty-ninth day of July 1998.
At The Hague
The Netherlands.

(Signed)

Claude Jorda
Presiding Judge of the Trial Chamber