



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  
IT-95-8-PT  
Date: 26 August 1998  
Original: ENGLISH

**PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before:** President Gabrielle Kirk McDonald  
**Registrar:** Dorothee de Sampayo Garrido-Nijgh  
**Order of:** 26 August 1998

**THE PROSECUTOR**

**V.**

**MEAKIĆ AND OTHERS (The “Omarska Camp” Case)**

**THE PROSECUTOR**

**V.**

**SIKIRICA AND OTHERS (The “Keraterm Camp” Case)**

**ORDER ON THE PROSECUTOR’S REQUESTS  
FOR THE ASSIGNMENT OF A CONFIRMING JUDGE**

**The Office of the Prosecutor:**

(IT-95-4-PT)  
**Mr. Michael Keegan**

(IT-95-8-PT)  
**Ms. Brenda Hollis**  
**Mr. Michael Keegan**

Case No. IT-95-4-PT  
IT-95-8-PT

**Counsel for the Accused:**

**Mr. Veljko Guberina**  
**Ms. Krstan Simic**  
**Mr. Simo Tosic**  
**Mr. Zarko Nikolic**

**Mr. Vejko Guberina**

26 August 1998



I, Gabrielle Kirk McDonald, 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** the Indictment against Meakić and Others, confirmed by Judge Adolphus Karibi-Whyte on 13 February 1995 (Official Record at Registry Page ("RP") D1819-D1831) ("Meakić and Others Indictment"),

**NOTING** the Indictment against Sikirića and Others confirmed by Judge Lal Chand Vohrah on 21 July 1995 (RP D209-D228) ("Sikirića and Others Indictment"),

**NOTING** the Decision on the Prosecutor's Motion for Leave to Amend the Indictment, issued by Trial Chamber I on 29 July 1998, in which the Trial Chamber instructed the Office of the Prosecutor ("Prosecutor") to refer its application to amend the Meakić and Others Indictment to the Judge who confirmed the application or to any other Judge designated by the President (RP D3-D1/2427 *bis*),

**NOTING** the Decision on the Prosecutor's Motion for Leave to Amend the Indictment, issued by Trial Chamber I on 29 July 1998, in which the Trial Chamber instructed the Prosecutor to refer its application to amend the Sikirića and Others Indictment to the Judge who confirmed the application or to any other Judge designated by the President (Official Record at Registry Page ("RP") D3-D1/882 *bis*),

**NOTING** the Request for the Assignment of a Confirming Judge, filed by the Prosecutor on 10 August 1998, in which the Prosecutor states that the proposed amendments to the Meakić and Others Indictment and the Sikirića and Others Indictment (together the "Proposed Amended Indictment") seeks to join the offences alleged against Zoran Žigzić in the Sikirića and Others Indictment with the offences alleged against him in the Meakić and Others Indictment and to allege new offences against Zoran Žigzić, Miroslav Kvočka, Mladen Radić and Milošević ("the Accused") (RP D2432-D2434 and RP D884-D886) ("Request"),

**FURTHER NOTING** that in the Request, the Prosecutor requests the President to designate a Judge to review the Proposed Amended Indictment,

**CONSIDERING** the Defense Motion for Extension of Time to Respond to the Prosecutor's Request for Assignment of Confirming Judge, filed on 24 August 1998, in which Defence

counsel for Mladen Radić seeks additional time to address “all the issues which may be contained in the...[R]equest” (“the Motion”) (RP D2436-D2437 and RP D888-D889),

**CONSIDERING** Rules 47 and 50 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), which envisage that the review of Indictments shall be an *ex parte* procedure,

**FURTHER CONSIDERING** that, should the Prosecutor be granted leave to amend the Meakić and Others Indictment and the Sikirića and Others Indictment, Defence counsel may challenge any amended Indictment by way of preliminary motion pursuant to Rule 72 of the Rules,

**CONSIDERING**, therefore, that the Accused will have an opportunity to challenge those portions of the Proposed Amended Indictment for which leave to amend may be granted,

**NOTING** that, under Rule 50 (A) (ii) of the Rules, Judge Karibi-Whyte and Judge Vohrah would be competent to review the proposed amended Indictment,

**NOTING**, however, that, pursuant to Security Council Resolution 1126 of 27 August 1997, Judge Karibi-Whyte’s mandate as a Judge of the International Tribunal is limited to the completion of the trial over which he is presiding,

**FUTHER NOTING** that Judge Vohrah is not so constrained, and, therefore, may review the proposed amendments to the Sikirića and Others Indictment,

**CONSIDERING** that the Prosecutor seeks to consolidate and expand charges against the Accused,

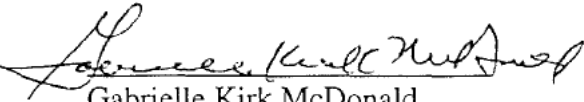
**PURSUANT** to Rules 19 (A) and 50 (A) (ii),

**HEREBY:**

**ASSIGN** Judge Vohrah to review the Proposed Amended Indictment,

**REJECT** the Motion.

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

  
Gabrielle Kirk McDonald  
President

Dated this twenty-seventh day of August 1998  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]

