



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-95-14/2-PT
Date: 27 August 1998
Original: ENGLISH

Before: Judge Gabrielle Kirk McDonald
Registrar: Dorothee de Sampayo Garrido-Nijgh
Order of: 27 August 1998

The Prosecutor

v.

Dario Kordić
Mario Čerkez

**ORDER CONCERNING DOCUMENTS TRANSMITTED BY THE DEFENCE
TO THE JUDGE REVIEWING THE PROPOSED AMENDED INDICTMENT**

The Office of the Prosecutor:

Mr. Mark Harmon
Ms. Susan Somers
Mr. Patrick Lopez-Terres
Mr. Kenneth Scott

Counsel for the Accused:

Mr. Mitko Naumovski
Mr. Božidar Kovačić

I, Gabrielle Kirk McDonald, Judge 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 Decision on the Prosecutor's Motion for Leave to Amend the Indictment, issued by Trial Chamber I of 29 July 1998, in which the Trial Chamber instructed the Prosecutor to refer its application to amend the Indictment against Dario Kordić and Mario Čerkez to the Judge who confirmed the application or to any other Judge designated by the President (Registry Page (RP) 1-3/3163 *bis*),

NOTING the letter from the Office of the Prosecutor to the President of the International Tribunal requesting the designation of a Judge to review the proposed amended Indictment ("Letter") (Official Record at Registry Page ("RP") 3210),

NOTING the *ex parte* response of the President to the Letter, notifying the Office of the Prosecutor that, pursuant to Rule 50 of the Rules of Procedure and Evidence of the International Tribunal ("Rules") (RP 3223), I would review the proposed amended Indictment,

FURTHER NOTING the Opposition to the Prosecutor's Motion for Leave to Amend Indictment, Opposition to the Proposed Amendments and Motion for Access to the Confirmation Material", transmitted to me by Defence counsel on 21 August 1998 ("Defence Documents") and not filed with the Registry,

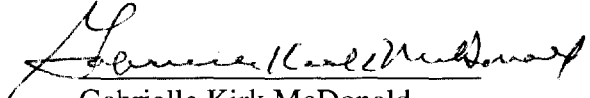
CONSIDERING Rules 47 and 50, which envisage that hearings on the review of Indictments shall be *ex parte* proceedings,

HEREBY ORDER that the Defence Documents shall be made a part of the record of the proceedings,

HEREBY DIRECT the Registry to file the Defence Documents accordingly,

HEREBY DECLINE to consider the Defence Documents during the review of the proposed amended Indictment.

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


Gabrielle Kirk McDonald
Judge

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

[Seal of the Tribunal]