



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-95-8-PT
Date: 23 July 1999
Original: English

Before: Judge Lal Chand Vohrah
Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh
Order of: 23 July 1999

THE PROSECUTOR

v.

DRAGAN KOLUNDŽIJA

**ORDER REJECTING DEFENCE REQUEST TO STAY CONFIRMATION OF
AMENDED INDICTMENT**

Office of the Prosecutor:
Mr. Dirk Ryneveld
Mr. Kapila Waidyaratne

Counsel for the Accused:
Mr. Dusan Vucicevic

I, Lal Chand Vohrah, Judge of the International Tribunal for the Former Yugoslavia (“the International Tribunal”), in Chambers,

NOTING the original indictment against, *inter alia*, the accused Dragan Kolundžija in the Keraterm camp case, Case No. IT-95-8-I (“the Keraterm Indictment”) confirmed by me on 21 July 1995,

NOTING the “Decision Rejecting Prosecutor’s Request for Leave to Amend Indictments” of 6 July 1999, by which the Prosecutor’s request for leave to amend the Keraterm Indictment and the IT-98-30 Indictment pursuant to Sub-rule 50(A)(ii) of the Rules of Procedure and Evidence was rejected,

NOTING the “Defense Request to Stay Confirmation of the Amended Indictment”, filed by Defence Counsel for the accused Dragan Kolundžija on 16 July 1999 (“the Defence Request”),


CONSIDERING that there is no application for leave to amend the Keraterm Indictment as it stands against the accused Dragan Kolundžija pending before me,

CONSIDERING that, in any event, the proceedings before the confirming Judge pursuant Sub-rule 50(A)(ii) are of an *ex parte* nature according to the well-settled practice of the International Tribunal,¹

¹ See for instance Decision Rejecting Prosecutor’s Request for Leave to Amend Indictments, *The Prosecutor v. Dragan Kolundžija* (Case Nos.: IT-95-8-I and IT-98-30-PT), Judge Vohrah, 6 July 1999, p. 2; Order on the Prosecutor’s Requests for the Assignment of a Confirming Judge, *The Prosecutor v. Meakic and Others and Sikirica and Others* (Case Nos.: IT-95-4-PT, IT-95-8-PT), Judge McDonald, 28 Aug. 1998, p. 3; and various orders pursuant to *ex parte* proceedings in the following cases: *The Prosecutor v. Milan Kovačević* (Case No.: IT-97-24-PT); *The Prosecutor v. Blagoje Simić and Others* (Case No.: IT-95-9-PT); *The Prosecutor v. Goran Jelisić and Ranko Češić* (Case No.: IT-95-10-PT); *The Prosecutor v. Dragoljub Kunarac* (Case No.: IT-96-23-PT); and *The Prosecutor v. Tihomir Blaškić* (Case No.: IT-95-14-T).

For the foregoing reasons **REJECT** the Defence Request.

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



Lal Chand Vohrah

Dated this twenty-third day of July 1999
At The Hague
The Netherlands

[Seal of the Tribunal]