



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-99-36-PT

Date: 7 December 2001

Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius

Registrar: Mr. Hans Holthuis

Decision of: 7 December 2001

THE PROSECUTOR

v.

Radoslav BRĐANIN & Momir TALIĆ

ORDER

The Office of the Prosecutor:

**Ms Joanna Korner
Mr Nicolas Koumjian
Mr Andrew Cayley
Ms Anna Richterova
Ms Ann Sutherland**

Counsel for the Accused:

**Mr John Ackerman for Radoslav Brđanin
Maître Xavier de Roux and Maître Michel Pitron for Momir Talić**

I, Judge Carmel Agius, Pre-Trial Judge in this case:

NOTING the Decision on the Form of Fourth Amended Indictment of 23 November 2001 (“23 November Decision”);

NOTING that, pursuant to the 23 November Decision, the Trial Chamber granted the prosecution retrospective leave for the amendments made to paragraph 38 of the Fourth Amended Indictment, but refused the prosecution retrospective leave for the amendments made to paragraphs 40 and 47 of the Fourth Amended Indictment;

NOTING the Trial Chamber’s order that the amendments made by the prosecution to paragraphs 40 and 47 in the Fourth Amended Indictment are struck out;

NOTING further that, in footnote 50 of the 23 November Decision, the Trial Chamber stated that, in striking out the amendment to paragraph 40 of the Fourth Amended Indictment “[i]t is not thereby intended to re-instate the allegation as it first appeared in the Further Amended Indictment...”;

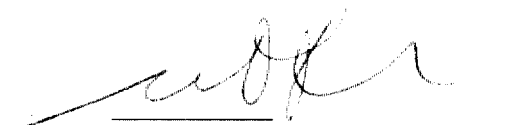
CONSIDERING that this footnote was intended to ensure that the prosecution would not be entitled to rely upon any events alleged to have occurred at the Stara Gradiška Military Prison.

EMPHASISING therefore, that the reference to the Stara Gradiška Military Prison in paragraph 40 of the Fourth Amended Indictment is struck out in its entirety;

ORDER the prosecution to file, on or before 12:00 p.m. on Monday 10 December 2001, a corrected version of the Fourth Amended Indictment reflecting the orders made by the Trial Chamber in the 23 November Decision.

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

Dated this seventh day of December 2001,
At The Hague,
The Netherlands



Carmel Agius
Pre-Trial Judge

[Seal of the Tribunal]