



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-97-24-PT
Date: 4 March 2002
Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Wolfgang Schomburg, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Order of: 4 March 2002

PROSECUTOR

v.

MILOMIR STAKIĆ

**DECISION ON PROSECUTION'S REQUEST FOR LEAVE TO AMEND
THE INDICTMENT AND SCHEDULING ORDER**

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Nicholas Koumjian

Counsel for the Accused:

Mr. Branko Lukić
Mr. John Ostojčić

I, Wolfgang Schomburg, 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”);

HAVING BEEN DESIGNATED pre-trial Judge in the present matter by the “Order Appointing a Pre-Trial Judge” issued by Trial Chamber II of the International Tribunal on 28 November 2001;

BEING SEISED of the “Prosecution’s Request for Leave to Amend the Indictment” (“Request”), filed on 28 February 2002;

NOTING that Office of the Prosecutor (“Prosecution”) seeks leave to amend the Second Amended Indictment (Reorganised) pursuant to Rule 50 of the Rules of Procedure and Evidence of the International Tribunal (“Rules), and attached a “Third Amended Indictment” to the Request;

NOTING that the Prosecution seeks leave for the following reasons:

1. To provide more information in respect of the participants in the joint criminal enterprise alleged in the Indictment;
2. To make the Indictment more succinct by deleting duplicitous passages from the Indictment;
3. To delete Counts 7-9 (torture and inhumane treatment) and Counts 12-14 (destruction of villages, to property and religious buildings) as these crimes are included in the charge of Persecution;
4. To delete the killing of a number of men in the village of Sivci on or about 14 July 1992 specified in Counts 1-5; and
5. To make the Indictment consistent, in substance and form, with recent indictments filed by the Prosecution by amending the language in the Indictment with respect to the accused’s criminal responsibility in relation to the attacks on towns in the Prijedor municipality;

RECALLING that at a Status Conference held on 18 February 2002, the Prosecution expressed its intention to file an amended indictment to “tighten up” certain aspects of the Indictment;

CONSIDERING that at the Status Conference, the Parties were heard on whether to grant leave to amend the Indictment

CONSIDERING that the Defence expressed no objections to the Prosecution amending the Second Amended Indictment (Reorganised);

RECALLING that, following these deliberations at the Status Conference, I welcomed amendments to the Second Amended Indictment (Reorganised) that would facilitate the work of the Defence in preparation of this case and further define certain counts and allegations;

CONSIDERING that the proposed amendments, at first glance and notwithstanding another view of the Defence, do not constitute new charges, and are related only to the format of the Indictment and dismissal of counts, and that the new format further assists the Accused in knowing the “nature and cause” of the charges against him;

RECALLING that I informed the Defence at the Status Conference of 18 February 2002 that it should file a response to the Third Amended Indictment no later than the end of March 2002;

CONSIDERING that pursuant to the accused's right to be heard, a further appearance will be provided to enable the accused to enter a plea on the charges contained in the new document, (Third Amended Indictment);

PURSUANT TO Rule 50 of the Rules;

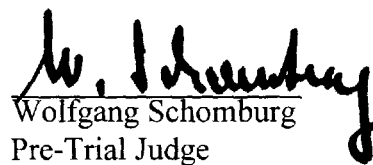
HEREBY ORDER as follows:

1. The Prosecution’s Request for Leave to Amend the Indictment is granted; and
2. For expediency in this case, invite the Defence to singularise its response to the Third Amended Indictment with regards to content and form by 27 March 2002;

AND INVITE the accused, if he wants to do so, with a view to his ongoing right to remain silent, to identify those parts of the Indictment that he does not want to contest in the interest of expeditious proceedings and taking into account that in case this procedure should reach a

sentencing stage, each level of real co-operation will be positively taken into account, following the jurisprudence of this International Tribunal and common international standards as well.

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


Wolfgang Schomburg
Pre-Trial Judge

Dated this fourth day of March 2002
At The Hague,
The Netherlands

[Seal of the Tribunal]