



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-99-37-PT
Date: 5 September 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Decision of: 5 September 2002

PROSECUTOR

v.

**SLOBODAN MILOŠEVIĆ
MILAN MILUTINOVIĆ
DRAGOLJUB OJDANIĆ
NIKOLA ŠAINOVIĆ
VLAJKO STOJILJKOVIĆ**

**SUBSTITUTED
DECISION ON MOTION TO AMEND INDICTMENT**

The Office of the Prosecutor

**Ms. Carla Del Ponte
Mr. Geoffrey Nice
Mr. Dirk Ryneveld**

Counsel for the Accused

**Mr. Tomislav Višnjić, Mr. Vojislav Selžan and Mr. Peter Robinson, for Dragoljub Ojdanić
Mr. Toma Fila and Mr. Zoran Jovanović, for Nikola Šainović**

THIS TRIAL CHAMBER 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”),

HEREBY ISSUES THIS DECISION IN SUBSTITUTION OF THE DECISION OF THE TRIAL CHAMBER ISSUED ON 5 SEPTEMBER 2002 AND FILED WITH REGISTRY PAGE NOS. D6657-6655,

BEING SEISED of the “Prosecution’s Submission Regarding Failure to Comply with Direction of Pre-trial Judge, Motion for Extension of Time and Motion to Amend Indictment” filed by the Office of the Prosecutor (“Prosecution”) on 19 July 2002, in which the Prosecution seeks permission to amend the indictment in this case by removing the charges against the accused, Slobodan Milošević, who is currently being tried on the same charges in Case No. IT-02-54, and against the accused, Vljako Stojiljković, now deceased, and attaching as “Attachment A” a copy of the indictment reflecting the proposed changes,

NOTING the filing by the Prosecution on 15 August 2002 of a copy of the death certificate of Vljako Stojiljković,

NOTING that no response has been filed on behalf of any of the accused within the permitted time-frame,

NOTING that the name of the accused, Milan Milutinović, has been omitted from the cover sheet of Attachment A,

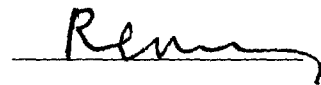
CONSIDERING that it would be in the interests of justice and of judicial economy for the indictment in this case to be amended to reflect only the charges against the remaining three accused,

CONSIDERING that the changes sought by the Prosecution are limited to those necessary to remove the charges against the accused Slobodan Milošević, and the accused, Vljako Stojiljković,

PURSUANT TO Rule 50 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY GRANTS THE MOTION and **GRANTS LEAVE TO AMEND** the Indictment as submitted as Attachment A, with the inclusion on the cover page of the name of the accused, Milan Milutinović.

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



Richard May
Presiding

Dated this fifth day of September 2002
At The Hague
The Netherlands

[Seal of the Tribunal]