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**UNITED
NATIONS**



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-03-69-I
Date: 1 May 2003
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius

Registrar: Mr. Hans Holthuis

Decision of: 1 May 2003

PROSECUTOR

v.

**JOVICA STANIŠIĆ
And
FRANKO SIMATOVIĆ**

DECISION ON REVIEW OF INDICTMENT

The Office of the Prosecutor:

Carla del Ponte, Prosecutor

I, Carmel Agius, 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 (“Tribunal”):

BEING SEISED of an indictment dated 24 April 2003 (“Indictment”) and supporting material both filed confidentially and *ex parte* by the Office of the Prosecutor (“the Prosecutor”) on 28 April 2003;

AND BEING SEISED of a pleading entitled “Presentation of an Indictment for Confirmation”, dated 24 April 2003 and filed confidentially and *ex parte* by the Prosecutor on 28 April 2003;

HAVING HEARD the Prosecutor pursuant to Rule 47 of the Rules of Procedure and Evidence (“Rules”) on 1 May 2003 who, *inter alia*, informed me that it was not her intention to have the Indictment presented and confirmed under seal;

HAVING reviewed the Indictment and examined each count and considered the totality of the supporting material provided by the Prosecutor;

HAVING given the Prosecutor the opportunity to modify this Indictment as required by me following the hearing given to her;

HAVING examined the fresh “Presentation of Revised Indictment for Confirmation”, dated and filed by the Prosecutor on 1 May 2003 (“Presentation”), in which the Prosecutor presents the Indictment modified as required by me (“Revised Indictment”);

HAVING reviewed this Revised Indictment filed together with the said Presentation on 1 May 2003 and examined each count and considered same with reference to the totality of the supporting material provided by the Prosecutor;

CONSIDERING on the basis of criteria set out in the “Decision on Review of Indictment” against Slobodan Milošević issued by Judge Richard May on 22 November 2001 which I also agree with and therefore adopt in conjunction with and with reference to Article 19 of the Statute, and on the material submitted by the Prosecutor, that a *prima facie* case against **JOVICA STANIŠIĆ** and **FRANKO SIMATOVIĆ**, in respect of the crimes with which they are charged in the Revised Indictment has been established;

CONSIDERING therefore that the requirements of both Article 19 of the Statute and Rule 47 of the Rules have been met;

PURSUANT TO Article 19 of the Statute and Rules 47, 53 (C), 53 *bis* and 54 of the Rules;

HEREBY CONFIRM the Revised Indictment in respect of each and every count therein; and

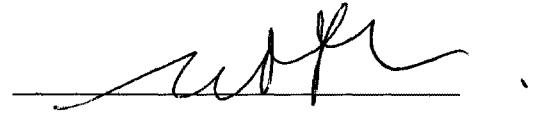
ORDER further that there be no disclosure of the materials submitted by the Prosecutor in support of the Indictment.

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

Dated this 1st day of May 2003,

At The Hague

The Netherlands



Carmel Agius

Judge of the Tribunal

[Seal of the Tribunal]