



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-02-54-T

Date: 20 July 2004

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Order of: 20 July 2004

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**SECOND ORDER GRANTING LEAVE TO
AMEND THE CROATIA INDICTMENT**

The Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice
Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

The Accused

Mr. Slobodan Milošević

Amici Curiae

Mr. Steven Kay, QC
Prof. Timothy L.H. McCormack
Ms. Gillian Higgins

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”),

BEING SEISED OF a “Prosecution Filing of Amended Annex I to Croatia Indictment”, filed 5 March 2004 (“Motion”), in which the Prosecution seeks to substitute Annex I to the Croatia Indictment with a version deleting, changing the identifying information of, or adding certain alleged victims to Annex I of that Indictment, following the testimony of the Witness Ivan Grujić,

NOTING that the Prosecution bases its application on a statement made by Judge May during the course of the testimony of Witness Grujić, as follows:

In due course . . . it may be right, in light of this evidence and any other that there may be which would require amendment, formally for you to serve a document amending the indictment to delete these names.¹

NOTING the following:

- (1) “Order Confirming an Indictment”, issued on 8 October 2001, confirming the **Initial Croatia Indictment** against the Accused;
- (2) “Order Granting Leave to Amend the Croatia Indictment”, issued on 4 November 2002, (a) considering that the sole changes to the Initial Croatia Indictment were reductions in the allegations contained in paragraph 36 dealing with the charge of Persecution pursuant to Article 5(h) of the Statute of the International Tribunal and (b) ordering that the **Amended Croatia Indictment** was the operative indictment for the purposes of the Croatia phase of the proceedings; and
- (3) “Order on Prosecution Filing of Amended Annex I to Croatia Indictment”, issued on 11 March 2004, ordering that (a) the Motion shall be treated as an application to further amend the Amended Croatia Indictment and (b) the Accused and *Amici Curiae* shall file any submissions concerning the Motion, including its effect, if any, on the Rule 98*bis* Motion, by Friday, 19 March 2004,

¹ T. 17287 (3 March 2003).

NOTING Rule 50(A)(i)(c) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), which provides that the Prosecution may amend an indictment after the assignment of the case to a Trial Chamber, with the leave of that Trial Chamber or a Judge of that Chamber, after having heard the parties,


NOTING that the Accused and *Amici Curiae* have not responded to the Motion pursuant to the Trial Chamber’s “Order on Prosecution Filing of Amended Annex I to Croatia Indictment”, issued on 11 March 2004,

PURSUANT TO Rule 50(A)(i)(c) of the Rules,

HEREBY ORDERS as follows:

- (1) The Prosecution is granted leave to further amend the Amended Croatia Indictment.
- (2) The Amended Croatia Indictment
 - a. is further amended so that “Annex I – Corrected Version” of the Motion (Registry pages 30873-30903) is the operative Annex I for purposes of the Croatia phase of the proceedings; and,
 - b. with this above amendment, is the operative indictment for the Croatia phase of the proceedings and hereinafter shall be referred to as the **Second Amended Croatia Indictment**.
- (3) The Registry shall re-file the Second Amended Croatia Indictment in its operative form.

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



Judge Robinson
Presiding

Dated this twentieth day of July 2004
At The Hague
The Netherlands

[Seal of the Tribunal]