

**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-96-23/2-PT
Date: 23 September 2004
Original: English

IN TRIAL CHAMBER I

Before: Judge Daqun Liu, presiding
Judge Amin El Mahdi
Judge Alphons Orié

Registrar: Mr. Hans Holthuis

Decision of: 23 September 2004

PROSECUTOR

v.

RADOVAN STANKOVIĆ

**DECISION TO LIFT CONFIDENTIALITY OF DECISION ON PROSECUTION'S
MOTION SEEKING LEAVE TO AMEND THE SECOND AMENDED INDICTMENT**

Counsel for the Prosecutor:

Mr. Jan Wubben

Counsel for the Accused:

Mr. Milenko Radović

TRIAL CHAMBER I 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 (“the Trial Chamber”);

NOTING the “Prosecutor’s Motion Seeking Leave to Amend the Second Amended Indictment” (“the Motion”)¹, to which the Defence of the Accused Radovan Stanković (“the Defence”) on 15 December 2003 submitted its “Reply on the Prosecution Request for Submitting the Amended Indictment”;²

NOTING the Trial Chamber “Decision on Prosecution’s Motion Seeking Leave to Amend the Second Amended Indictment” (“Decision”) filed confidentially on 24 February 2004 on the grounds that the subject-matter of the Motion concerned material from confidential Annex B to the Motion;³

NOTING the “Motion by the Prosecutor under Rule 11bis of Rules of Procedure and Evidence for Referral of Indictment to Another Court” filed on 21 September 2004;

CONSIDERING that it is in the interests of justice that the Trial Chamber’s reasons for granting leave to the Prosecution to amend the second amended indictment in this case are made public;

CONSIDERING that full effect to the protective measures granted to witnesses is preserved if Annex B to the Motion continues to be kept confidential;

¹ Prosecutor’s Motion Seeking Leave to Amend the Second Amended Indictment”, 8 December 2003, to which is attached the proposed Third Amended Indictment (Annex A), and supporting material in the form of three witness statements in redacted and unredacted form (Confidential Annex B, and Confidential and *Ex Parte* Annex C, respectively).

² Reply on the Prosecution Request for Submitting the Amended Indictment, 15 December 2003.

³ Decision, para. 10.

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence,

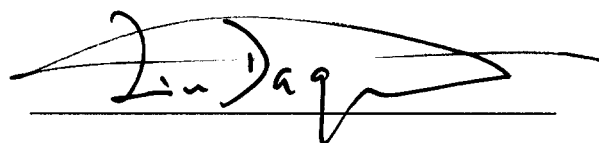
LIFTS the confidentiality of the Decision on Prosecution's Motion Seeking Leave to Amend the Second Amended Indictment dated 24 February 2004.

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

Dated this twenty-third day of September 2004

At The Hague,

The Netherlands

A handwritten signature in black ink, appearing to read 'Liu Daqun', written over a horizontal line.

Liu Daqun
Presiding Judge

[Seal of the Tribunal]