



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-02-58-PT
Date: 10 February 2005
Original: English

BEFORE THE PRE-TRIAL JUDGE

Before: Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Order of: 10 February 2005

PROSECUTOR

v.

LJUBIŠA BEARA

**REQUEST TO PROSECUTION IN RELATION TO
ITS MOTION TO AMEND THE INDICTMENT**

The Office of the Prosecutor

Mr. Peter McCloskey
Ms. Antoinette Issa

Counsel for the Accused

Mr. John Ostojčić

I, IAIN BONOMY, Judge of Trial Chamber III 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 ASSIGNED, pursuant to Rule 65 *ter*(A) of the Rules of Procedure and Evidence of the International Tribunal (“the Rules”), as the Pre-Trial Judge in the case of *Prosecutor v. Ljubiša Beara* by an Order dated 22 November 2004,

BEING SEISED of the “Motion to Amend the Indictment” (“Motion to Amend”), filed by the Office of the Prosecution (“Prosecution”) on 26 November 2004, including the supporting material provided in an annex to the Motion to Amend,

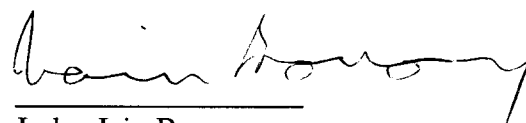
NOTING that Rule 50(A)(ii) of the Rules provides that “leave to amend an indictment shall not be granted unless the Trial Chamber or Judge is satisfied there is evidence which satisfies the standard set forth in Article 19, paragraph 1, of the Statute to support the proposed amendment[s]”,

CONSIDERING that the Motion to Amend does not indicate how the supporting material provided relates to each proposed amendment, and that identification of the material that is said to support the proposed amendments is necessary for the purposes of reviewing the Motion to Amend,

PURSUANT TO Rules 50 and 65 *ter* of the Rules,

HEREBY REQUEST the Prosecution to identify the supporting materials on which it relies as providing sufficient evidence in respect of each proposed amendment.

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



Judge Iain Bonomy

Dated this tenth day of February 2005
At The Hague
The Netherlands

[Seal of the Tribunal]