



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-98-29/1-PT
Date: 24 February 2005
Original: English
FRENCH

BEFORE THE PRE-TRIAL JUDGE

Before: Judge Jean-Claude Antonetti

Registrar: Mr. Hans Holthuis

Decision of: 24 February 2005

THE PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

ORDER FOR SERVICE OF INDICTMENT

Office of the Prosecutor:

Mr Chester Stamp

Defence Counsel:

Mr Branislav Tapušković

I, Jean-Claude Antonetti, Judge at 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”);

HAVING BEEN APPOINTED as pre-trial Judge in this case in an Order of Trial Chamber II issued on 13 December 2004;

NOTING the Indictment confirmed on 24 April 1998 against Stanislav Galić and Dragomir Milošević (“Initial Indictment”) and made public by an Order of 2 November 2001¹;

NOTING the *ex parte* and Confidential Order of 19 March 1999² authorising the Prosecutor to file an indictment solely against Dragomir Milošević (“the Accused”);

NOTING the Indictment against the Accused filed on 26 March 1999;

NOTING the Defence preliminary motion under Rule 72(A)(ii) of 3 February 2005 (“Motion”)³ in which the Defence submits, *inter alia*, that, in violation of Article 18(4) of the Statute and Rule 47(c) of the Rules of Procedure and Evidence (“Rules”), the Accused was served with the Initial Indictment in place of the Indictment dated 26 March 1999;

NOTING the Prosecution Response to Defence Preliminary Motion under Rule 72(A)(ii) of 17 February 2005 (“Response”)⁴;

NOTING the arguments raised by the parties at the status conference of 22 February 2005;

NOTING that at his initial appearance on 7 December 2004 before Judge Orić, the Accused was served with the Initial Indictment and that he pleaded not guilty as charged⁵;

¹ *The Prosecutor v. Stanislav Galić and Dragomir Milošević*, Case no. IT-98-29-I, Order Vacating Non-Disclosure Order, 2 November 2001 (French translation dated 5 November 2001).

² *The Prosecutor v. Stanislav Galić and Dragomir Milošević*, Case no. IT-98-29-I, *Ex parte* and Confidential Order on Prosecution Motion, 19 March 1999.

³ French translation of Motion is unavailable.

⁴ French translation of Response is unavailable.

⁵ CR 1-15.

CONSIDERING that the Initial Indictment and the Indictment dated 26 March 1999 are essentially identical and that, in consequence, the Accused has suffered no prejudice;

CONSIDERING that the Chamber will rule in a later decision on the other arguments raised in the Motion;

FOR THE FOREGOING REASONS,

HEREBY ORDER that the Indictment dated 26 March 1999 be made public;

REQUEST the Registrar to serve on the Accused the Indictment dated 26 March 1999 pursuant to Rule 53 *bis* of the Rules.

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

(signed)

Judge Jean-Claude Antonetti

Done this twenty-fourth day of February 2005
At The Hague
The Netherlands

[Seal of the Tribunal]