



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-98-32/1-PT

Date: 23 January 2006

Original: ENGLISH

BEFORE A JUDGE OF THE INTERNATIONAL TRIBUNAL

Before: Judge Iain Bonomy, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 23 January 2006

PROSECUTOR

v.

SREDOJE LUKIĆ

**FURTHER ORDER REGARDING PROSECUTION'S MOTION TO AMEND
INDICTMENT**

The Office of the Prosecutor

Mark B. Harmon

Frédéric Ossogo

Fergal Gaynor

Counsel for the Accused

Đuro Čepić

I, **IAIN BONOMOY**, a 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 (the “Tribunal”),

NOTING the “Order Designating Pre-Trial Judge,” filed on 10 November 2005,

NOTING the “Prosecution’s Motion to Amend the Indictment,” filed on 17 November 2005 (the “Motion”),

NOTING the “Defence Counsel’s Response to Prosecution’s Motion to Amend the Indictment,” filed on 30 November 2005, in which Sredoje Lukić (the “Accused”) *inter alia* asserts that certain of the Prosecution’s proposed amendments to the indictment constitute new charges for which the Prosecution has not offered supporting material pursuant to Rule 50(A)(ii) of the Rules of Procedure and Evidence (the “Rules”),¹

NOTING the “Prosecution’s Reply to Defence Response to Motion to Amend Indictment,” filed on 7 November 2005, in which the Prosecution “accepts [that] some of the amendments to the indictment proposed by the Prosecution may fall within the definition . . . of ‘new charge,’”² but neither specifies which charges might be new nor offers any supporting material for such charges,

NOTING the “Order Regarding Prosecution’s Motion to Amend Indictment,” filed on 11 January 2006, which directed the Prosecution to “(a) specify which of the proposed amendments it concedes to be new charges within the meaning of the Tribunal’s jurisprudence, and (b) identify supporting material for those new charges, thus enabling a disposition of the Motion pursuant to the requirements of Rule 50(A)(ii).”³

NOTING the “Prosecution’s Clarification Concerning ‘New Charges’ and Submission of Supporting Material,” filed on 18 January 2006 (“Prosecution’s Clarification”),

¹ See Defence Counsel’s Response to Prosecution’s Motion to Amend the Indictment, 30 November 2005, paras. 13-20.

² Prosecution’s Reply to Defence Response to Motion to Amend Indictment, 7 December 2005, para. 22.

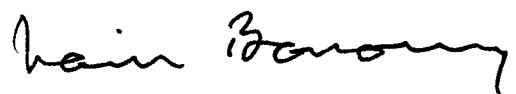
³ Order Regarding Prosecution’s Motion to Amend Indictment, 11 January 2006, p. 2.

CONSIDERING that both fairness and a fully informed disposition of the Motion in light of Rule 50(A)(ii) require that the Accused has an opportunity to respond to the Prosecution's Clarification,

PURSUANT TO Rules 50 and 54,

HEREBY INVITE the Accused to file a response to the Prosecution's Clarification, and **ORDER** that such a response, if any, must be filed within seven (7) days of the filing of this Order.

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



Judge Iain Bonomy
Pre-Trial Judge

Dated this twenty-third day of January 2006.
At The Hague,
The Netherlands.

[Seal of the Tribunal]