

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-03-72-I

BEFORE TRIAL CHAMBER 1

Before: Judge Amin El Mahdi
Judge Alphons Orié
Judge Joaquín Martín Canivell

Registrar: Mr. Hans Holthuis

Date filed: 22 January 2004

THE PROSECUTOR

v.

MILAN BABIĆ

CONFIDENTIAL

**AMENDMENT TO THE JOINT MOTION FOR CONSIDERATION
OF PLEA AGREEMENT BETWEEN MILAN BABIĆ AND THE
OFFICE OF THE PROSECUTOR PURSUANT TO RULE 62 *ter***

The Office of the Prosecutor

Ms. Hildegard Uertz-Retzlaff
Mr. Alex Whiting
Ms. Sabine Bauer

Counsel for the Accused

Mr. Peter Michael Muller
Mr. Robert Fogelnest

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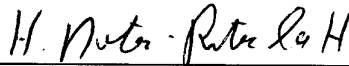
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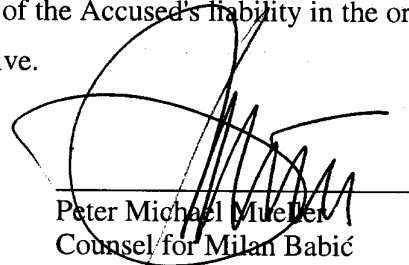
Following the discussion during the Rule 65 *ter* conference of 16 January 2004 and pursuant to Rule 62 *ter* of the Rules of Procedure and Evidence, the Prosecution and the Defence jointly file herewith confidentially the following amended documents:

1. Plea Agreement ("Annex A"), and
2. Factual Basis ("Tab 1").

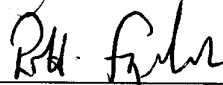
The parties intended to request the Trial Chamber during the hearing scheduled for 21 January 2004 to order that these amended documents be released as public documents. Further the Prosecution will move orally during the hearing to withdraw the other charges contained in the indictment without filing a new amended version of the indictment, as the charges as well as the forms of the Accused's liability in the original indictment have been formulated in the alternative.



Hildegard Uertz-Retzlaff
Senior Trial Attorney



Peter Michael Mueller
Counsel for Milan Babić



Robert Fogelnest
Co-Counsel for Milan Babić

Dated this 22 day of January 2004
At The Hague
The Netherlands