



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: 11 January 2006

Original: ENGLISH

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**BEFORE A JUDGE OF THE INTERNATIONAL TRIBUNAL**

**Before: Judge Iain Bonomy, Pre-Trial Judge**

**Registrar: Mr. Hans Holthuis**

**Orderž of: 11 January 2006**

**PROSECUTOR**

v.

**SREDOJE LUKIĆ**

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

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**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”),<sup>1</sup>

**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,’”<sup>2</sup> but neither specifies which charges might be new nor offers any supporting material for such charges,

**CONSIDERING** that the Prosecution’s Reply will aid the Chamber in deciding whether to grant the Motion,

**CONSIDERING** that the requirements of Rule 50(A)(ii) necessitate the production of further information before the Motion can be decided,

**PURSUANT TO** Rules 50, 54 and 126 *bis*,

**HEREBY ORDER** as follows:

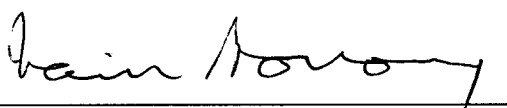
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<sup>1</sup> See Defence Counsel’s Response to Prosecution’s Motion to Amend the Indictment, 30 November 2005, paras. 13-20.

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

- (1) leave to file the Prosecution's Reply to Defence Response to Motion to Amend Indictment is granted;
- (2) the Prosecution shall, within seven days of the filing of this Order, (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).

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



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**Judge Iain Bony**  
**Pre-Trial Judge**

Dated this eleventh day of January 2006.  
At The Hague,  
The Netherlands.

**[Seal of the Tribunal]**