

BEFORE THE TRIAL CHAMBER

Before:

**Judge Liu Daqun, Presiding
Judge Maureen Harding Clark
Judge Fatoumata Diarra**

Registrar:

Mr. Hans Holthuis

Order of:

16 October 2001

PROSECUTOR

v.

**MLADEN NALETILIC aka "TUTA"
and
VINKO MARTINOVIC aka "STELA"**

DECISION ON PROSECUTOR'S MOTION TO AMEND THE AMENDED INDICTMENT

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

**Mr. Kresimir Krsnik, for Mladen Naletilic
Mr. Branko Seric, for Vinko Martinovic**

TRIAL CHAMBER I, SECTION A ("the Chamber") 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"):

BEING SEISED OF the "Prosecutor's Motion to Amend the Amended Indictment", filed on 28 September 2001 ("the Motion");

NOTING that the Motion requests amendments concerning Counts 9, 10, and 19 to 22. The Motion argues that: i) the proposed amendments only clarify that the accused Martinovic is not charged in Counts 9, 10, 19, 20 and 22; ii) "the amendments are entirely or principally for the benefit of the accused Martinovic, in clarifying that he is not named in particular counts"; and iii) "the amendments do not add any new or different charges, and do not prejudice either accused";

NOTING that Counsel for the accused Vinko Martinovic during the trial proceedings on 28 September 2001 declared that he has no objections to the Motion;

NOTING that the Chamber suggested a clarification of the amended indictment during the trial

proceedings on 10 and 11 September 2001;

CONSIDERING that, although not reflected in the narrative part, the proposed amendments withdraw charges against the accused Vinko Martinovic which the Prosecutor never intended to pursue against him;

FOR THE FOREGOING REASONS

PURSUANT to Rule 50 (A) of the Rules of Procedure and Evidence;

HEREBY grants the Motion.

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

Dated this sixteenth day of October 2001,
At The Hague,
The Netherlands

Judge Liu Daqun
Presiding Judge

[Seal of the Tribunal]