



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-05-88/2-PT

Date: 28 January 2010

Original: English

IN TRIAL CHAMBER II

Before: Judge Christoph Flügge, Presiding
Judge Antoine Kesia-Mbe Mindua
Judge Prisca Matimba Nyambe

Registrar: Mr. John Hocking

Decision of: 28 January 2010

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION ON THE STATUS OF THE RESPONSE TO THE
PROSECUTION'S MOTION TO AMEND THE SECOND AMENDED
INDICTMENT**

Office of the Prosecutor
Mr. Peter McCloskey

The Accused
Zdravko Tolimir

THIS TRIAL 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 (“Tribunal”);

BEING SEISED OF the “Response to the Prosecution’s Motion to Amend the Second Amended Indictment”, submitted on 24 November 2009 and filed confidentially in English on 2 December 2009 (“Response”);

NOTING the “Prosecution’s Motion to Amend the Second Amended Indictment”, filed confidentially on 4 November 2009 (“Motion”);

NOTING that in the Response the Accused requested that the Prosecution be ordered to submit a public version of the Motion and that the confidential status of the Response be lifted;¹

NOTING the “Written Reasons for Decision on Prosecution Motion to Amend the Second Amended Indictment”, issued on 16 December 2009 (“Written Reasons”), in which the Trial Chamber stated that it will not decide upon the request of the Accused in regard to the confidential status of the Response and the submission of a public version of the Motion, until the Prosecution has been heard on the matter;²

NOTING that in the “Submission of Public Version of Prosecution’s Motion to Amend the Second Amended Indictment”, filed on 18 December 2009 (“Submission”), the Prosecution

(1) filed a public version of the Motion;³

(2) stated that it did not object to the lifting of the confidential status of the Response;⁴

CONSIDERING that it is in the interests of justice that the confidential status of the Response be lifted;

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence;

HEREBY ORDERS that the Response be designated as public.

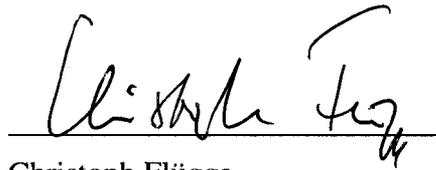
¹ Response, paras. 1, 77.

² Written Reasons, para. 47.

³ Submission, para. 1.

⁴ Submission, para. 3.

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

A handwritten signature in black ink, appearing to read 'Christoph Flügge', written over a horizontal line.

Christoph Flügge
Presiding Judge

Dated this 28th day of January 2010
At The Hague
The Netherlands

[Seal of the Tribunal]