

17-03-66 - PT
①2301 - ①2298
09 AUGUST 2004

2301
8

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-66-PT

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Amin El Mahdi
Judge Martín Canivell

Registrar: Mr Hans Holthuis

Date: 09 August 2004

THE PROSECUTOR

v.

Fatmir LIMAJ
Haradin BALA
Isak MUSLIU

CORRIGENDUM TO THE SECOND AMENDED INDICTMENT

The Office of the Prosecutor:

Andrew Cayley
Alex Whiting

Counsel for the Accused:

Michael Mansfield and Karim A.A. Khan for Fatmir Limaj
Gregor Guy Smith for Haradin Bala
Michael Topolski and Steven Powles for Isak Musliu

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-66-PT

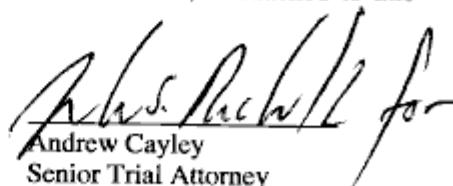
THE PROSECUTOR

v.

Fatmir LIMAJ
Haradin BALA
Isak MUSLIU

CORRIGENDUM TO THE SECOND AMENDED INDICTMENT

1. Pursuant to Rule 73 of the Rules of Procedure and Evidence, the Prosecution hereby requests leave of the Trial Chamber to correct a typographical error in paragraph 34 on page eleven of the Second Amended Indictment (the "Indictment"). The word "committed" was inadvertently deleted from the first sentence of paragraph 34, following the word "ordered."
2. That the deletion of the word "committed" was the result of a typographical error is evident from the identical language in all of the paragraphs which set forth the counts charged in the Indictment, save paragraph 34. The identical phrase "[...] planned, instigated, ordered, committed, or otherwise aided and abetted [...]" appears in the first sentence of paragraphs 21, 25, and 28, which, respectively, begin the sections relating to counts 1-2, 3-6, and 7-8. This phrase, including the word "committed", should have appeared in paragraph 34, the paragraph which begins the section relating to counts 9-10. It is purely through an inadvertent typing error that the word committed was deleted from paragraph 34.
3. The Prosecution apologises for this error.
4. A corrected page eleven, paragraph 34 of the Indictment, is attached to this request.


Andrew Cayley
Senior Trial Attorney

Dated this 9th day of August, 2004
The Hague,
The Netherlands

IT-03-66-PT

ATTACHMENT

BALA participated in or aided and abetted the murder of Fehmi XHEMA, aka Fehmi Tafa.

33. By these acts and omissions, **Fatmir LIMAJ**, **Isak MUSLIU** and **Haradin BALA** participated in:

Count 7: Murder, a CRIME AGAINST HUMANITY, punishable under Articles 5(a), 7(1) (**Fatmir LIMAJ**, **Isak MUSLIU** and **Haradin BALA**) and 7(3) (**Fatmir LIMAJ** and **Isak MUSLIU**) of the Statute of the Tribunal.

Count 8: Murder, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1) (**Fatmir LIMAJ**, **Isak MUSLIU** and **Haradin BALA**) and 7(3) (**Fatmir LIMAJ** and **Isak MUSLIU**) of the Statute of the Tribunal.

COUNTS 9 to 10 (MURDER)

34. On or about 26 July 1998, in or around the Beriša/Berisha mountains near the Lapušnik/Llapushnik Prison Camp, **Fatmir LIMAJ** and **Haradin BALA**, individually and in concert with KLA forces under the command and control of **Fatmir LIMAJ**, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the crime of Murder of ten Albanian detainees. **Fatmir LIMAJ** also knew or had reason to know that the crime of Murder was about to be committed or had been committed by his subordinates, and he failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.
35. Shortly before 26 July 1998, Serb forces retook the area around the Lapušnik/Llapushnik Prison Camp. As a result, on 26 July 1998, the KLA abandoned the Lapušnik/Llapushnik Prison Camp and **Haradin BALA** and another guard marched approximately twenty-one detainees from the camp into the Beriša/Berisha mountains. On the way, they met up with **Fatmir LIMAJ** who gave orders to **Haradin BALA**.
36. Shortly thereafter, **Haradin BALA** divided the detainees into two groups. One group of approximately nine detainees was released. The other group of approximately twelve detainees was marched