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THE INTERNATIONAL CRIMINAL TRIBUNAL

Case No. IT - 96 -20 - T

FOR THE FORMER YUGOSLAVIA

BEFORE A JUDGE OF THE TRIBUNAL

Before: Judge Karibi-Whyte

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 19 April 1996

DECISION ON THE
MOTION TO WITHDRAW THE INDICTMENT

The Prosecutor

Mr. Graham Blewitt
Mr Eric Ostberg
Mr Michael Keegan

Counsel for the Accused

Mr Milan Vujin
Mr Toma Fila

I, Judge Adolphus Karibi-Whyte, Judge of the International Criminal Tribunal for the former Yugoslavia,

HAVING confirmed the indictment against Đorđe Đukić submitted by the Prosecutor on 29 February 1996,

CONSIDERING that the accused is suffering from terminal cancer and has a life expectancy of two to nine months, thereby making it extremely unlikely that he will survive the time necessary to complete a trial and any appeal,

CONSIDERING that even if the accused were to survive for the time necessary to complete the trial process, his medical condition is such that he will very soon be unable to meaningfully participate in his defence,

HEREBY GRANT LEAVE, pursuant to Rule 51(A) of the Rules of Procedure and Evidence of the Tribunal, to the Prosecutor to withdraw the indictment against Đorđe Đukić confirmed by me on 29 February 1996, without any prejudice to the right of the Prosecutor to indict the accused at some time in the future for these same offences should the circumstances of the accused's medical condition change.

Judge Adolphus Godwin Karibi-Whyte

Dated this 19th day of April, 1996,
At The Hague,
The Netherlands