



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-96-20-T
Date: 19 April 1996
Original: English

BEFORE A JUDGE OF THE TRIBUNAL

Judge: Judge Adolphus G. Karibi-Whyte
Registrar: Mr. Dominique Marro, Deputy Registrar
Order of: 19 April 1996

THE PROSECUTOR

v.

DORĐE ĐJUKIĆ

**DECISION DECLINING JURISDICTION
TO WITHDRAW AN INDICTMENT**

The Office of 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,

BEING SEIZED OF an application by the Prosecutor under Rule 51(A) of the Rules of Procedure and Evidence of the Tribunal on 19 April 1996 to withdraw the indictment which I confirmed on 29 February 1996 against Djordje Djukic (IT-96-20-T),

CONSIDERING that an indictment may be withdrawn under Rule 51(A) of the Rules of Procedure and Evidence of the Tribunal after confirmation only with the leave of the Judge who confirmed it, or, if at trial, only with leave of the Trial Chamber,

CONSIDERING that the trial begins when the accused enters a plea,

CONSIDERING that under the Rules of Procedure and Evidence of the Tribunal, the accused enters a plea under Rule 62 at his initial appearance as an accused,

CONSIDERING that Djordje Djukic made his initial appearance under Rule 62 of the Rules of Procedure and Evidence of the Tribunal on 4 March 1996, and pleaded not guilty to the charges in the indictment against him,

CONSIDERING, therefore, that the case of Djordje Djukic is now at trial for the purposes of Rule 51(A) of the Rules of Procedure and Evidence of the Tribunal,

CONSIDERING, therefore, that the confirming judge no longer has jurisdiction to hear the said application, and that the leave of the Trial Chamber is now required to withdraw the indictment,

FOR THESE REASONS,

I HAVE no jurisdiction to consider the said application, having been wrongfully seized of the matter,

REJECT the said application.



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

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