

D R A F T

D195 - D194 195  
mcf

**THE INTERNATIONAL CRIMINAL TRIBUNAL**  
**FOR THE FORMER YUGOSLAVIA**

**Case No. IT - 96 -20 - T**

**IN THE TRIAL CHAMBER**

**Before:** Judge Jorda, Presiding  
Judge Odio-Benito  
Judge Riad

**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh

**Decision of:** 22 April 1996

**THE PROSECUTOR**

v.

**ĐORĐE ĐUKIĆ**

---

**DECISION ON  
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**

**THE TRIAL CHAMBER,**

**HAVING CONSIDERED** the request of the Prosecutor pursuant to Rule 51(A), and

**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, and

**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 GRANTS 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 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.

---

Claude Jorda  
Presiding Judge

Dated this 22nd day of April, 1996,  
At The Hague,  
The Netherlands