

**UNITED
NATIONS**



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-95-14/2-PT

Date: 19 December 1997

Original: French

BEFORE A JUDGE OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fouad Riad
Registrar: Ms. Dorothee de Sampayo Garrido-Nijgh
Order of: 19 December 1997

PROSECUTOR

v.

Ivan ŠANTIĆ

**ORDER ON PROSECUTOR'S MOTION
FOR LEAVE TO WITHDRAW THE INDICTMENT
AGAINST IVAN ŠANTIĆ**

Office of the Prosecutor:

M. Mark Harmon

2/2124 055
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SP

I, Judge Fouad Riad, Judge of Trial Chamber I,

PURSUANT TO Rule 15 of the Rules of Procedure and Evidence;

CONSIDERING the indictment against Ivan ŠANTIĆ confirmed on 10 November 1995 (hereafter "Indictment");

CONSIDERING the Motion for leave to withdraw the indictment against the accused Ivan ŠANTIĆ submitted by the Prosecutor on 18 December 1997 pursuant to Rule 51 (hereafter "Motion");

CONSIDERING the response of the Defence dated 19 December 1997;

CONSIDERING the hearing held on 19 December 1997;

CONSIDERING that the emergency of the situation justifies that the order be issued by single judge of Trial Chamber;

CONSIDERING that the Motion of the Prosecutor addresses the fundamental rights of the accused and, in particular, the issue of individual freedom;

CONSIDERING that, in accordance with the Statute and the Rules of Procedure and Evidence, the Prosecutor has the right to conduct her investigations;

CONSIDERING that the Prosecutor believes that there is not sufficient evidence to ensure a fair trial;

CONSIDERING that the Defence has consented to the Motion of the Prosecutor in its Response;

FOR THE FOREGOING REASONS,

ORDERS that the Indictment against Ivan ŠANTIĆ be withdrawn in accordance with Rule 51 of the Rules of Procedure and Evidence;

THEREFORE DIRECTS that Ivan ŠANTIĆ be immediately released.

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

Fouad Riad
Judge of Trial Chamber I

Dated this nineteenth day of December 1997
At The Hague
The Netherlands

[Seal of the Tribunal]