



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

Case No.: IT-01-42-I
Date: 26 July 2002
Original: English
French

THE CONFIRMING JUDGE

Before: Judge Amin El Mahdi

Registrar: Mr Hans Holthuis

Decision of: 26 July 2001

THE PROSECUTOR

v.

MILAN ZEC

**ORDER AUTHORISING THE WITHDRAWAL
OF THE CHARGES AGAINST
MILAN ZEC WITHOUT PREJUDICE**

**The Prosecutor:
Mrs Carla Del Ponte**

I, Amin El Mahdi, Judge at the International Criminal Tribunal for the Former Yugoslavia,

NOTING the indictment filed by the Prosecutor and confirmed by Judge Patricia Wald on 27 February 2001 (hereinafter "the Indictment") against, amongst others, Milan Zec (hereinafter "the Accused");

NOTING the warrant for the arrest of the Accused;

NOTING the Application presented by the Prosecutor to the President of the Tribunal on 18 July 2002 pursuant to Rule 51 of the Rules of Procedure and Evidence of the Tribunal in which she requests to withdraw the charges in the indictment against the Accused and revoke the warrant for the arrest of the Accused;

NOTING that the Judge who confirmed the Indictment is not available;

NOTING the Decision of the President of the Tribunal dated 26 July 2002 assigning me to rule on the Prosecutor's Application;

CONSIDERING that the Prosecutor maintains that additional evidence obtained during investigations conducted after the Indictment was confirmed have revealed that the prosecution evidence is, at this stage, insufficient to sustain the charges against the Accused;

CONSIDERING that the Prosecutor holds that withdrawing the charges against the Accused does not exclude the possibility of his being prosecuted at a later date for the same or other charges on the basis of additional evidence obtained in the course of the ongoing investigation;

CONSIDERING that the interests of justice require that a charge against an accused be relevant; that if such is no longer the case, for instance as a result of additional exculpatory evidence, a charge must be withdrawn;

CONSIDERING that, pursuant to Articles 16 and 18 of the Statute of the Tribunal, the Prosecutor is responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former

Yugoslavia since 1 January 1991 and could, in view of the *prima facie* evidence, instigate proceedings against the Accused in accordance with the rules of the Tribunal;

FOR THE FOREGOING REASONS,

ORDER, pursuant to Rule 51 of the Rules of Procedure and Evidence, that the Prosecutor be authorised to withdraw the charges in the Indictment against the Accused Milan Zec without future prejudice;

ORDER that the warrant for the arrest of Milan Zec be withdrawn;

INSTRUCT the Registrar to take all the measures necessary for this Order to be executed in accordance with the aforesaid Rule.

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

So ordered this twenty-sixth day of July 2002
At The Hague
The Netherlands

(signed)

Amin El Mahdi
Confirming Judge

[Seal of the Tribunal]