



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-02-59-PT
Date: 18 November 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Pre-trial Judge

Registrar: Mr. Hans Holthuis

Order of: 18 November 2002

PROSECUTOR

v.

DARKO MRĐA

**DECISION ON THE MOTION TO WITHDRAW THE
PROSECUTION MOTION OF 2 OCTOBER 2002 FOR AN ORDER
TO COMPEL THE ACCUSED DARKO MRĐA TO PROVIDE A
PHOTOGRAPH OF HIS UPPER AND LOWER TEETH**

The Office of the Prosecutor:

Mr. Nicholas Koumjian
Ms. Sureta Chana

Counsel for the Accused:

Mr. Vojislav M. Dimitrijević

I, **Wolfgang Schomburg**, Judge of the 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 (“International Tribunal”),

HAVING BEEN DESIGNATED pre-trial Judge in the present matter by the “Order Appointing a Pre-Trial Judge” issued by Trial Chamber II of the International Tribunal on 18 June 2002,

BEING SEISED of the Prosecution’s Motion to Withdraw the Prosecution Motion of 2 October 2002 for an Order to Compel the Accused Darko Mrđa to Provide a Photograph of His Upper and Lower Teeth of 11 November 2002, as corrected on 12 November 2002 (“Motion”),

NOTING the response of the Defence of 9 October 2002,

NOTING the Prosecution’s attempt to determine if photographs of the state of the accused’s teeth can be obtained by alternative less intrusive and, thereby, proportional means,

CONSIDERING that the merits of the Motion have not yet been considered,

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence of the International Tribunal,

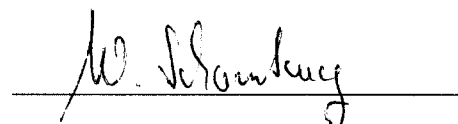
HEREBY GRANTS the Motion.

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

Dated this eighteenth day of November 2002,

At The Hague,

The Netherlands



Judge Wolfgang Schomburg

Pre-trial Judge

[Seal of the Tribunal]