



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

Case No.: IT-03-66-I

Date: 28<sup>th</sup> February 2003

Original: English

**BEFORE THE TRIAL CHAMBER**

**Before:** Judge Liu Daqun, Presiding  
Judge Mohamed El Mahdi  
Judge Alphonsus Orié

**Registrar:** Mr. Hans Holthuis

**Order of:** 28<sup>th</sup> February 2003

**PROSECUTOR**

v.

Fatmir LIMAJ, a.k.a. Çeliku  
Haradin BALA, a.k.a. Shala  
Isak MUSLIU, a.k.a. Qerqiz  
Agim MURTEZI, a.k.a. Murrizi

**ORDER TO WITHDRAW THE INDICTMENT AGAINST AGIM MURTEZI AND  
ORDER FOR HIS IMMEDIATE RELEASE**

**The Office of the Prosecutor:**  
Andrew Cayley

**Counsel for the Accused:**  
Stéphane Bourgon

**TRIAL CHAMBER I** (“the Chamber”) 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 (“the Tribunal”);

**BEING SEIZED** of a Motion submitted by the Prosecutor on 27<sup>th</sup> February 2003 for withdrawal of the indictment against Mr. **Agim MURTEZI**;

**NOTING** the Decision to Confirm the Indictment against, *i.a.*, **Agim MURTEZI**, born on 20<sup>th</sup> February 1956 in Čučuljage/Qylagë in the municipality of Lipljan/Lipjan in Kosovo, and the Warrant of Arrest and Order for his Surrender, all of which were issued by Judge Amin El Mahdi on 27<sup>th</sup> January 2003;

**NOTING** the arrest on 17<sup>th</sup> February of Mr. **Agim MURTEZI** and his subsequent transfer to the custody of the Tribunal on 18<sup>th</sup> February 2003;

**CONSIDERING** the initial appearance of Mr. **Agim MURTEZI** on 20<sup>th</sup> February 2003, and the Order of that same day for his detention on remand in the United Nations Detention Unit at The Hague;

**CONSIDERING** the Urgent Preliminary Response to Prosecution’s Motion to Withdraw Indictment Against **Agim MURTEZI**, filed by the Defence on 28<sup>th</sup> February 2003;

**CONSIDERING** the information provided by the Prosecution during the hearing on 28<sup>th</sup> February 2003 that doubts persist as to the true identity of the perpetrator of the crimes alleged in the indictment and that the Prosecution is convinced that **Agim MURTEZI** is not the perpetrator of these crimes;

**NOTING** that the legal foundation for detaining **Agim MURTEZI** no longer exists;

**CONSIDERING** that both Parties are in agreement that the indictment against **Agim MURTEZI** should be withdrawn and that he should be released immediately;

**AFTER HAVING HEARD** the Parties;

PURSUANT to Rule 51 of the Tribunal's Rules of Procedure and Evidence;

**HEREBY ORDERS**

1. that **Agim MURTEZI**, born on 20<sup>th</sup> February 1956 in Čučuljage/Qylagë in the municipality of Lipljan/Lipjan in Kosovo, be withdrawn forthwith from the indictment in this case;
2. the Registrar to release **Agim MURTEZI** immediately from the United Nations Detention Unit and to take all necessary steps to arrange for his return to Kosovo as soon as possible;
3. the Prosecutor to file an Amended Indictment in this case within seven days of this Order.

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

Dated this twenty eighth day of February 2003,

At The Hague,

The Netherlands



Judge Liu Daqun

Presiding Judge

**[Seal of the Tribunal]**