

UNITED  
NATIONS

IT-02-54-T-R77.2  
D269 - D267  
19 APRIL 2004

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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-02-54-R77.2

Date: 19 April 2004

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Kevin Parker

**Registrar:** Mr. Hans Holthuis

**Decision of:** 19 April 2004

**PROSECUTOR**

v.

**DUŠKO JOVANOVIĆ**

**DECISION CONFIRMING WITHDRAWAL OF INDICTMENT  
AND TERMINATION OF PROCEEDINGS**

**The Office of the Prosecutor:**

Ms. Carla del Ponte  
Ms. Cristina Romano

**Counsel for the Accused:**

Mr. Siniša Simić

Case No. IT-02-54-R77.2

19 April 2004

**THIS TRIAL 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,

**BEING SEISED** of “Duško Jovanović’s Preliminary Motion to Dismiss for Lack of Jurisdiction” filed on behalf of the accused on 27 February 2004 (“the Jurisdiction Motion”),

**BEING SEISED** also of the “Prosecutor’s Motion to Withdraw the Indictment against Duško Jovanović” filed by the Office of the Prosecutor (“Prosecution”) on 23 March 2004 (“the Motion to Withdraw”),

**NOTING** the Understanding annexed to the Motion to Withdraw whereby the accused, Duško Jovanović, agreed to publish a written statement acknowledging full personal and professional responsibility for publishing the details of a protected witness in violation of protective measures Orders of the Tribunal,

**NOTING** the publication of said statement in ‘DAN’ daily newspaper in both the English and Serbian languages on 22 March 2004,

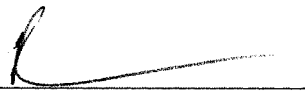
**CONSIDERING** that the accused has acknowledged that he was “fully aware” that the witness was protected and that to provide the true identity of the witness would constitute a violation of the protective measures orders imposed by the Tribunal and undermine public respect for the fair administration of justice,

**CONSIDERING** the expressions of regret contained in the statement, especially those concerning any harm that the article may have caused to the protected witness and to the administration of justice,

**PURSUANT TO** Rules 51 and 77 of the Rules of Procedure and Evidence of the International Tribunal

**HEREBY GRANTS** the Motion to Withdraw and terminates all other proceedings related to the alleged contempt, including the Jurisdiction Motion.

Done in both English and French, the English text being authoritative.



Patrick Robinson  
Presiding

Dated this nineteenth day of April 2004  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**