



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-95-8-T
Date: 17 June 1996
Original: French and
English

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Elizabeth Odio Benito
Judge Fouad Riad

Registrar: Mr. Dominique Marro, Deputy Registrar

Order of: 17 June 1996

PROSECUTOR

v.

GORAN LAJIĆ

**ORDER FOR THE WITHDRAWAL OF THE CHARGES AGAINST THE PERSON
NAMED GORAN LAJIĆ AND FOR HIS RELEASE**

The Office of the Prosecutor:

Mr. Grant Niemann
Mr. Michael Keegan

Counsel for the Accused:

Mr. Toma Fila
Ms. Lopčić

THE TRIAL CHAMBER

NOTING the indictment issued by the Prosecutor against Goran Lajić which was confirmed on 21 July 1995,

NOTING the application of the Prosecutor presented on 12 June 1996 seeking the withdrawal of the charges against the person named Goran Lajić who is now appearing before Trial Chamber I and also seeking his release,

HAVING HEARD the parties at the initial appearance of 17 May 1996,

HAVING HEARD the parties at the hearing of 17 June 1996;

CONSIDERING that Goran Lajić was arrested by the German authorities on 18 March 1996 and is currently being detained at the United Nations Detention Unit pursuant to the indictment which was confirmed on 21 July 1995 and the warrant of arrest which was signed that same day;

CONSIDERING that, during the initial appearance of 17 May 1996, the accused, Goran Lajić, pleaded not guilty to each of the counts mentioned in the indictment, asserting *inter alia* that he had "never seen the Keraterm camp" and that an error had been committed as to his identity;

CONSIDERING that, during the initial appearance, the Trial Chamber noted that the Prosecutor had stated that the accused was the person mentioned in the indictment;

CONSIDERING that, following the initial appearance, the Prosecutor continued his investigations into the identity of the accused; that, according to his application presented on 12 June 1996, a photograph album was prepared by the police of the Netherlands at the request of the Prosecutor and shown to ten witnesses; that nine of the ten witnesses were unable to identify the accused as being the person named Goran Lajić referred to in the indictment of 21 July 1995 and accused of having committed the crimes in the Keraterm camp;

CONSIDERING therefore that, pursuant to Rules 72 and 54 of the Rules of Procedure and Evidence, the Prosecutor has requested that the Trial Chamber withdraw the charges against the accused without prejudice to the accusations against the person named Goran Lajić referred to in the indictment and that it release the accused who is currently being detained at the United Nations Detention Unit;

CONSIDERING that reasonable grounds have not been provided for believing that the accused currently being detained in the United Nations Detention Unit is actually the person named Goran Lajić referred to in the indictment; and that the request of the Prosecutor should be granted;

FOR THE FOREGOING REASONS

ORDERS that the charges against the accused Goran Lajić who is currently appearing before this Trial Chamber be withdrawn, without prejudice to the charges against the person named Goran Lajić referred to in the indictment which was confirmed on 21 July 1995;

ORDERS that the accused Goran Lajić, who is currently being detained at the United Nations Detention Unit, be released immediately;

INSTRUCTS the Registrar to take all the necessary measures to render this order enforceable immediately.

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

Claude Jorda
Presiding Judge, Trial Chamber I

Dated this seventeenth day of June 1996
At The Hague
The Netherlands

[Seal of the Tribunal]