

Djukic case/update 4 : Trial Chamber upholds the indictment but orders Djukic's provisional release on humanitarian grounds.

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DJUKIC CASE /UPDATE 4

TRIAL CHAMBER UPHOLDS THE INDICMENT BUT ORDERS DJUKIC'S PROVISIONAL RELEASE ON HUMANITARIAN GROUNDS

Trial Chamber I has upheld the indictment against General DJUKIC, but has ordered General DJUKIC'S provisional release solely on humanitarian grounds.

In its decision rendered on **24 April 1996**, the Trial Chamber stated that, neither the Statute nor the Rules authorises the withdrawal of an indictment for medical reasons, no matter how serious, for the major crimes over which the Tribunal has jurisdiction, and that consequently, no grounds exist for granting the Prosecutor's motion.

Neither could the Defence's request be granted, as its allegations of insufficient evidence against Djukic are irrelevant at this stage of the proceedings and can only be reviewed at a later date, either during the review of preliminary motions or during substantive review.

However, the Judges are satisfied that General Djukic's medical condition is incompatible with any form of detention, and that the palliative care which his condition requires justifies a different environment. It therefore ordered that he be permitted to leave the Netherlands in order to join his family, subject to the following stringent conditions: Before his release, General Djukic or his counsel must inform the Registry of his address, and of any future change of address; General Djukic must keep the Registrar informed as to his medical condition; Should his medical condition permit, the General, when summoned, must appear before the Tribunal to answer any request addressed to him; the government of the State of residence must not obstruct the execution of any requests made by the Tribunal in respect of the General, in accordance with Rule 65.