



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-95-12-S
Date: 25 May 2006
Original: English

IN THE REFERRAL BENCH

Before: Judge Alphons Orie, Presiding
Judge O-Gon Kwon
Judge Kevin Parker

Registrar: Mr. Hans Holthuis

Decision: 25 May 2006

PROSECUTOR

v.

IVICA RAJIĆ, a.k.a “VICTOR ANDRIĆ”

**DECISION ON PROSECUTION’S MOTION TO WITHDRAW THE
MOTION UNDER RULE 11 *BIS* FOR REFERRAL OF THE
INDICTMENT AND THE REQUEST UNDER RULE 11 *BIS* FOR
REFERRAL OF THE INDICTMENT TO ANOTHER COURT**

The Office of the Prosecutor:

Ms. Carla Del Ponte
Ms. Susan L. Somers
Mr. Kenneth Scott

Counsel for the Accused:

Ms. Doris Košta

THE REFERRAL BENCH 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 (“Tribunal”);

BEING SEIZED OF the Prosecutor’s Motion to Withdraw the Motion under Rule 11 *bis* for Referral of the Indictment and the Request under Rule 11 *bis* for Referral of the Indictment to another court, filed on 12 May 2006 by the Prosecution (“Prosecution’s Motion to Withdraw the Motion and the Request under Rule 11 *bis*”);

NOTING that the operative indictment against Ivica Rajić, also known as Victor Andrić (“Accused”), for crimes committed in Stupni Do, Vareš Municipality, Bosnia and Herzegovina was filed on 14 January 2004 (“Indictment”);

NOTING the “Motion by the Prosecutor Under Rule 11 *bis* for Referral of the Indictment” and the partially confidential “Request by the Prosecutor Under Rule 11 *bis* for Referral of the Indictment to Another Court”, both filed on 28 July 2005, in which the Prosecution requested that the Indictment be referred to the authorities of Bosnia and Herzegovina for trial in an appropriate court;

NOTING the President’s “Order appointing a Trial Chamber for the purposes of determining whether the indictment should be referred to another court under Rule 11 *bis*” issued on 17 August 2005 in which the President appointed this Referral Bench to determine whether the case against the Accused shall be referred to the authorities of Bosnia and Herzegovina pursuant to Rule 11 *bis* of the Rules of procedure and evidence (“Rules”);

CONSIDERING that, on 25 October 2005, the Prosecution and the Accused entered into a plea agreement according to which the Accused agreed to plead to four of the ten charges in the Indictment;

CONSIDERING that, on 10 November 2005, the Prosecution filed before the Referral Bench a “Prosecutor’s Notice concerning the Plea Agreement” in which the Prosecution informed the Referral Bench of her intention to withdraw her request for referral upon completion of the sentencing procedure;

CONSIDERING that at the plea hearing held on 26 October 2005 before Trial Chamber I (“Trial Chamber”), Ivica Rajić pleaded guilty to four counts of the Indictment and that, on 27 April 2006, the Prosecution filed a motion pursuant to Rules 51 and 73 of the Rules to withdraw the remaining counts, which was granted by the Trial Chamber on 4 May 2006;

CONSIDERING that, on 8 May 2006, the Trial Chamber issued its sentencing judgement in which it sentenced the Accused to a single combined sentence of twelve years of imprisonment;

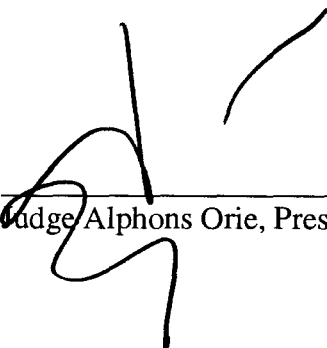
FOR THE FOREGOING REASONS,

PURSUANT TO Rules 11 *bis* and 51, 98 *ter* of the Rules,

GRANTS the Prosecution's Motion to Withdraw the Motion and the Request under Rule 11 *bis*.

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

Done on this twenty-fifth day of May 2006,
At The Hague,
The Netherlands



Judge Alphons Orie, Presiding Judge

[Seal of the Tribunal]