



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-96-23/2-S

Date: 8 May 2007

Original: English

BEFORE THE REFERRAL BENCH

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

Registrar: Mr. Hans Holthuis

Decision: 8 May 2007

PROSECUTOR

v.

DRAGAN ZELENović

**DECISION ON PROSECUTION'S MOTION TO WITHDRAW THE
MOTION UNDER RULE 11 *BIS***

The Office of the Prosecutor:

Ms. Carla Del Ponte

Counsel for the Accused:

Mr. Zoran Jovanović

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*”, filed on 16 April 2007 (“Motion”);

NOTING the “Motion by the Prosecutor Under Rule 11 *bis*(A)” filed on 29 November 2004, in which the Prosecution requested that the case against the Accused be referred to the authorities of Bosnia and Herzegovina for trial there;

NOTING that on 14 December 2006, the Prosecution and the Accused filed a “Joint Motion for Consideration of Plea Agreement Between Dragan Zelenović and the Office of the Prosecutor pursuant to Rule 62*ter*” to which they annexed a “Plea Agreement” wherein the Accused agreed to plead guilty to seven of the crimes he was charged with;

NOTING that on 16 January 2007 the Accused and the Prosecution filed a “Joint Motion of Annex to Plea Agreement” to which they annexed an “Amended Indictment” consisting of a redacted and revised copy of the indictment, reflecting the charges and underlying incidents the Accused had agreed to plead guilty to (“Amended Indictment”);

RECALLING that on 17 January 2007, Trial Chamber I (“Trial Chamber”) found the Accused guilty and entered a conviction on seven counts of the Amended Indictment;

NOTING that on 4 April 2007, the Trial Chamber issued its Sentencing Judgement in which it sentenced the Accused to fifteen years of imprisonment;

CONSIDERING that the case has been decided upon by the Trial Chamber and the question of referral of the case to Bosnia and Herzegovina is no longer relevant;

FOR THE FOREGOING REASONS,

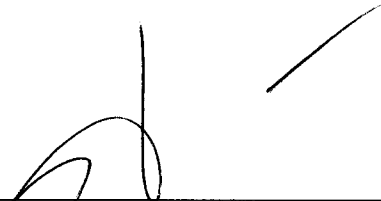
PURSUANT TO Rules 11 *bis* and 54 of the Rules of Procedure and Evidence,

GRANTS the Motion.

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

Done on this eighth day of May 2007,

At The Hague,
The Netherlands



Judge Alphons Ori
Presiding Judge

[Seal of the Tribunal]