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Tribunal Pénal  
International pour  
l'ex-Yougoslavie

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**THE REFERRAL BENCH**  
**LA FORMATION DE RENVOI**

The Hague, 1 July 2005  
CVO/MOW/985-e

**MILE MRKŠIĆ, MIROSLAV RADIĆ AND VESELIN ŠLJIVANČANIN CASE:**

**REFERRAL BENCH GRANTS PROSECUTOR'S MOTION FOR WITHDRAWAL,  
CASE TO BE TRIED AT THE TRIBUNAL**

On 30 June 2005, the Referral Bench, consisting of Judges Orie (President), Kwon and Parker granted the "Prosecutor's Motion to Withdraw the Motion and Request for Referral of the Indictment to Another Court under Rule 11bis" of 9 June 2005 in the case against Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin. The case will stay before Trial Chamber II for pre-trial preparation.

In the Bench's view "*this is not an obvious case for referral and, it would be unjustified and unwise to act on its own initiative to order the referral of this particular case given the complexity of the issues which haven been raised by the submissions and the intensity of the feelings generated among interested parties by the prospect of referral*".

The Bench conclude that "*on balance, the interest of justice appear to be better met by this trial being conducted before this Tribunal*".

**Background**

On 9 February 2005 the Prosecutor filed a "*Motion by the Prosecutor under Rule 11bis for Referral of the Indictment*" with regard to the case against Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin. A hearing the Request for Referral took place on 12 May 2003 with representatives of the Government of Croatia and the Government of Serbia and Montenegro. Before the Referral Bench reached a decision, it received on 9 June 2005 the Prosecutor's Motion for Withdrawal.

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***The full text of the Decision can be obtained from the Media Office.  
Proceedings can be followed on the Tribunal's website [www.un.org/icty](http://www.un.org/icty).***

Internet address: <http://www.un.org/icty>

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