

"Vukovar Hospital" Case: Trial Chamber I requests the Federal Republic of Yugoslavia to defer the proceedings instituted against Mile Mrksic, Veselin Sljivancanin and Miroslav Radic.

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**TRIAL CHAMBER
CHAMBRE DE 1ERE INSTANCE**

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"VUKOVAR HOSPITAL" CASE:

TRIAL CHAMBER I REQUESTS THE FEDERAL REPUBLIC OF YUGOSLAVIA TO DEFER THE PROCEEDINGS INSTITUTED AGAINST MILE MRKSIC, VESELIN SLJIVANCANIN AND MIROSLAV RADIC

On Wednesday 9 December 1998, Trial Chamber I, consisting of Judge Claude Jorda (presiding), Judge Riad and Judge Rodrigues, held a deferral hearing in the case of Mile Mrskic, Veselin Sljivancanin and Miroslav Radic.

On 3 December 1998, the Prosecutor filed a "*proposal* Sto the Trial ChamberC for a formal request to the Federal Republic of Yugoslavia for deferral Sto the competence of the ICTYC of its investigation and court proceedings Sinvolving the three accusedC". (See Press Release 370)

The Prosecutor based her request on Sub-rule 9(ii) of the Rules of Procedure and Evidence (RPE), claiming that the fact that the FRY has still not executed the arrest warrants against the three persons indicated that the proceedings in the Belgrade court lacked impartiality and independence, and were designed to shield the accused from international criminal responsibility. Furthermore, the Prosecutor argued that the requirements of Rule 9(iii) of the RPE were fulfilled, i.e. that "*what is in issue is closely related to, or otherwise involves, significant factual or legal questions which may have implications for investigations or prosecutions before the Tribunal.*"

It is this latter reason which provided the basis for the Trial Chamber's decision of 10 December 1998 to accept the Prosecutor's proposal. It did so after having recalled the primacy of the Tribunal and having noted the outstanding international arrest warrants (issued pursuant to Rule 61), and the fact that even after the Security Council's insistence in resolution 1207 (1998) the FRY had not shown any sign of co-operation with the Tribunal.

Accordingly, the Trial Chamber officially requested the FRY to defer to its competence the proceedings instigated against the three accused. This Request includes a request that the results of the investigation and a copy of the judgement, if already delivered, be forwarded to the Tribunal. Furthermore, the Trial Chamber ordered the Registrar of the Tribunal to transmit to the Tribunal's Prosecutor and to the Belgrade court a copy of the international arrest warrant and the order for the surrender of the accused.
