

IT-95-15-I
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02 September 2002

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**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case IT-95-15-I

IN THE TRIAL CHAMBER

Before: The Judge of the Trial Chamber
Registrar: Mr. Hans Holthuis
Date Filed: 29 August 2002

THE PROSECUTOR

v.

ZORAN MARINIĆ

**PROSECUTION MOTION TO WITHDRAW INDICTMENT
AGAINST ZORAN MARINIĆ**

The Office of the Prosecutor
Carla Del Ponte
Prosecutor

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

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v.

ZORAN MARINIĆ

**PROSECUTION MOTION TO WITHDRAW INDICTMENT
AGAINST ZORAN MARINIĆ**

The Prosecution respectfully requests, pursuant to Rule 51 of the Rules of Procedure and Evidence (hereinafter "the Rules"), a Judge of the Tribunal to order the withdrawal of the Indictment against accused Zoran MARINIĆ.

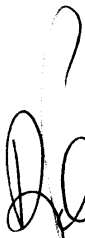

Background

1. The original Indictment charging accused Zoran MARINIĆ with offences was confirmed on 10 November 1995 by Judge Gabriella Kirk McDonald. This Indictment charged Zoran MARINIĆ with various crimes committed in the Lašva Valley region in Bosnia-Herzegovina in 1993.
2. The Indictment and charges against Zoran MARINIĆ have been thoroughly reviewed in light of the current status of the evidence.
3. In the aim of balancing the available resources and the need to prosecute cases fairly and expeditiously, the Prosecutor is compelled to re-evaluate all outstanding Indictments. The Prosecutor considers the accused Zoran MARINIĆ as a low-level perpetrator and as such does not, any longer, meet the requirement of the prosecutorial strategies of the Office of the Prosecutor. Therefore, in furtherance of the fair administration of justice and the mandate of the ICTY the Prosecutor considers this case would be appropriately prosecuted in a domestic jurisdiction.
4. No Counsel known to the Tribunal represents the accused Zoran MARINIĆ,

and at this time the Prosecutor has no knowledge of the whereabouts of the accused. Granting the Prosecutor's request would not prejudice the accused.

Conclusion

5. For the reason outlined herein, the Prosecutor respectfully requests this International Tribunal;
- (i) To withdraw the Indictment against Zoran MARINIĆ and the arrest warrant against the accused dated 26 June 1996.
 - (ii) To waive the requirement in Rule 51 (B) of the Rules due to the whereabouts of the accused is unknown to the Prosecutor and the accused is not represented by Counsel known to the Tribunal.



Carla Del Ponte
Prosecutor

Dated this 29th day of August 2002
The Hague
The Netherlands