



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

Case No.: IT-95-15-I
Date: 3 October 2002
Original: English
French

THE CONFIRMING JUDGE

Before: Judge Amin El Mahdi

Registrar: Mr Hans Holthuis

Decision of: 3 October 2002

THE PROSECUTOR

v.

ZORAN MARINIĆ

**ORDER AUTHORISING THE WITHDRAWAL
OF THE INDICTMENT AGAINST ZORAN MARINIĆ**

The Office of the Prosecutor:

Mrs Carla Del Ponte

I, Amin El Mahdi, Judge at the International Criminal Tribunal for the Former Yugoslavia (hereinafter "the International Tribunal"),

NOTING the indictment against Zoran Marinić (hereinafter "the Accused") filed by the Prosecutor and confirmed by Judge Gabrielle Kirk McDonald on 10 November 1995 (hereinafter "the Indictment");

NOTING the warrant of arrest against the accused;

NOTING the Motion submitted by the Prosecutor to the President of the Tribunal pursuant to Rule 51 of the Rules of Procedure and Evidence of the Tribunal (hereinafter "the Rules") on 29 August 2002 requesting that the charges in the indictment against the Accused be dropped and that the warrant of arrest against the Accused be revoked;

NOTING that the Judge who confirmed the indictment left office at the Tribunal on 16 November 1999;

NOTING the Order of the President of the Tribunal dated 24 September 2002 assigning me to rule on the Prosecutor's Motion;

CONSIDERING that the Prosecutor contends that, in order to allocate the available resources better and move the cases forward in a fair and expeditious manner, she is obliged to reassess all of the outstanding indictments with a view to the overall investigative and prosecutorial strategy of her Office;

CONSIDERING that, pursuant to Articles 16 and 18 of the Statute of the Tribunal, the Prosecutor is responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991 and, where a *prima facie* case exists, for the instigation of proceedings in accordance with the rules of the Tribunal;

CONSIDERING that the Prosecutor maintains that the Accused is a lower-ranking defendant within the hierarchy who, as such, no longer satisfies the current criteria of the Office of the Prosecutor's prosecutorial strategy;

CONSIDERING that, in keeping with the proper administration of justice and the implementation of the International Tribunal's general policy¹, it appears more appropriate for the Accused to be tried before a national court;

CONSIDERING that, at the current time, the Prosecutor does not know the whereabouts of the Accused, who is not represented by any counsel known to the Tribunal; that there is no reason to apply the provisions of Rule 51(B) of the Rules;

FOR THE FOREGOING REASONS,

AUTHORISE the Prosecutor to withdraw the indictment against Zoran Marinić at the International Tribunal pursuant to Rule 51 of the Rules;

ORDER that the warrant of arrest against Zoran Marinić be revoked;

ORDER the Prosecutor to transmit to the competent national authorities all of the information relevant to the case and, in particular, all of the material supporting the indictment;

INSTRUCT the Registrar to take all the necessary measures so that this order is executed in accordance with the aforesaid rule.

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

So ordered this third day of October 2002
At The Hague
The Netherlands

(signed)

Amin El Mahdi
Confirming Judge

[Seal of the Tribunal]

¹ See the Security Council Presidential Statement S/PRST/2002/21, 23 July 2002.