



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,**

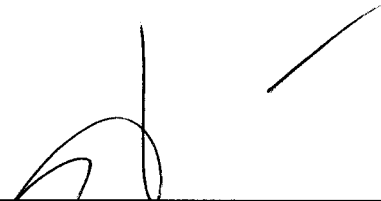
**PURSUANT TO** Rules 11 *bis* and 54 of the Rules of Procedure and Evidence,

**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 Orie  
Presiding Judge

**[Seal of the Tribunal]**