



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-05-88/1-PT
Date: 13 July 2007
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge O-Gon Kwon
Judge Kimberly Prost

Registrar: Mr. Hans Holthuis

Decision of: 13 July 2007

PROSECUTOR

v.

MILORAD TRBIĆ

PUBLIC

**DECISION ON MOTION TO ORDER THE REGISTRY TO PAY
INVOICES DUE FROM JANUARY 2007 TO JUNE 2007**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. Stéphane Piletta-Zanin

THIS TRIAL CHAMBER 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”);

NOTING the “Motion to Order the Registry to Pay Invoices Due from January 2007 to the End of June 2007” (“Motion”), captioned urgent and filed in the original French on 3 July 2007,¹ in which Counsel for the Accused requests the Trial Chamber to “invite the Registry without further delay to pay all amounts due to the Defence (both principal and interest) from January 2007 to the end of June 2007” and to “announce that all deadlines have been suspended and will only enter into force again when all the unpaid invoices from January 2007 onwards have been paid”;²

NOTING the “Prosecution’s Response to Urgent ‘Requête Tendante à Ordonner au Greffe le Règlement des Situations Dues de Janvier 2007 à Fin Juin 2007’” (“Response”), filed on 5 July 2007, in which the Prosecution takes no position on the Motion;³

NOTING the “Registry Submission Pursuant to Rule 33(B) of the Rules of Procedure and Evidence Regarding the ‘Requête Tendante à Ordonner au Greffe le Règlement des Situations Dues de Janvier 2007 à Fin Juin 2007’” (“Registry Submission”), filed on 6 July 2007, in which the Registry respectfully submits, *inter alia*, that “the Trial Chamber has no jurisdiction to decide on the matter” and that the Motion should be dismissed;⁴

NOTING the “Decision on Referral of Case Under Rule 11 *bis*” of 27 April 2007 (“Referral Decision”), in which the Referral Bench decided to refer the Accused’s case to the authorities of Bosnia and Herzegovina;⁵

NOTING that the Referral Decision became final on 14 May 2007;⁶

CONSIDERING that, while the Referral Bench retains the power to issue certain orders in a referred case after its decision on referral has become final, the Trial Chamber seised of pre-trial proceedings in a referred case lacks competence to consider any motions filed subsequent to the date on which the Referral Bench’s decision becomes final;⁷

¹ This motion was signed on 2 July 2007 and the English translation was filed on 6 July 2007.

² Motion, p. 6 (English translation).

³ Response, para. 2.

⁴ Registry Submission, para. 14.

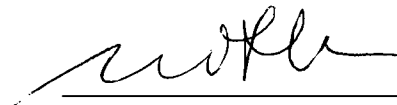
⁵ Referral Decision, para. 49(a).

⁶ See Decision on Trial Chamber’s Competence to Entertain Motion Filed After Entry Into Force of Decision Under Rule 11 *bis*, 1 June 2007 (“Decision on Competence”), p. 1.

⁷ Decision on Competence, p. 2.

CONCLUDES that the Trial Chamber is not competent to deal with the Motion.

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



Carmel Agius
Presiding

Dated this thirteenth day of July 2007,

At The Hague

The Netherlands

[Seal of the Tribunal]