



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-95-14 &
14/2-R77-A
Date: 29 September 2006
Original: English

IN THE APPEALS CHAMBER

Before: Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andréia Vaz
Judge Theodor Meron
Judge Wolfgang Schomburg

Registrar: Mr. Hans Holthuis

Decision: 29 September 2006

PROSECUTOR

v.

Josip JOVIĆ

**DECISION ON MOTION OF JOSIP JOVIĆ FOR SUSPENSION OF THE
ORDER ON PAYMENT OF FINES**

The Office of the Prosecutor:

Mr. Peter Kremer, QC

Counsel for the Appellant:

Mr. Krešimir Krsnik

THE APPEALS 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 (“Appeals Chamber” and “International Tribunal”, respectively),

NOTING the “Judgement” rendered in this case by Trial Chamber III on 30 August 2006, in which the Trial Chamber found the accused Josip Jović guilty of contempt and imposed a fine of €20,000 on the accused, payable within thirty days of the Judgement;

NOTING the “Accused Josip Jović’s Notice of Appeal” (“Notice of Appeal”) filed by the Appellant Josip Jović (“Appellant”) on 14 September 2006;

BEING SEIZED of the “Motion of the Accused Josip Jović for Suspension [sic] of the Order on Payment of Fines”, filed by the Appellant on 26 September 2006, in which the Appellant requests that the Appeals Chamber grant a suspension of his obligation of payment of fines until a judgement has been rendered by the Appeals Chamber on his appeal;

NOTING that the Appellant submits the following grounds:

- that the right to be considered innocent until pronounced guilty by a final decision of a court is a universally recognized right, which is also protected by Article 21.3 of the Statute of the International Tribunal;
- that the application of any court decision before finality is an exception in all modern legal systems, allowable only in cases of utmost necessity;
- that there is no necessity in his case or legally protected interest that would be safeguarded by the immediate application of the order on payment of fines;
- that the execution of a sentence before the finality of a judgement is practically unknown in criminal law and impossible in Croatian criminal law, which according to the Statute and practice of the International Tribunal must be taken into account;
- that the Appellant faces difficult financial circumstances and the raising of funds for the payment of fines would represent a great hardship for him and his family;

HAVING BEEN INFORMED by the Prosecution that it does not intend to oppose the Appellant’s Motion;

NOTING that the urgency of the matter requires immediate action by the Appeals Chamber;

CONSIDERING that the appeal has not yet been heard;

CONSIDERING that it is not necessary, at this stage, to discuss the merits of the Appellant's submissions;

FINDING that in the specific circumstances of the case a decision of the Appeals Chamber is warranted;

THEREFORE

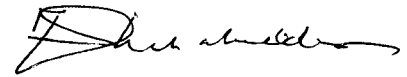
DECIDES that the payment of a fine, if any, shall not be due before the Appeals Chamber has rendered its decision.

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

29 September 2006

The Hague

The Netherlands.



Mohamed Shahabuddeen
Presiding Judge

[Seal of the International Tribunal]