

IT-98-30/1-A
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26 AUGUST 2002

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UNITED
NATIONS



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: IT-98-30/1-A
Date: 26 August 2002
Original: English

IN THE APPEALS CHAMBER

Before: Judge David Hunt, Pre-Appeal Judge
Registrar: Mr Hans Holthuis
Decision of: 26 August 2002

PROSECUTOR

v

Miroslav KVOČKA, Mlađo RADIĆ, Zoran ŽIGIĆ & Dragoljub PRCAĆ

Confidential

DECISION

Counsel for the Prosecutor:

Mr Christopher Staker

Counsel for the Defence:

**Mr Krstan Simić for Miroslav Kvočka
Mr Toma Fila for Mlađo Radić
Mr Slobodan Stojanović for Zoran Žigić
Mr Jovan Simić for Dragoljub Prcać**

I, David Hunt, Pre-Appeal Judge,

NOTING the decision of the Registrar issued on 8 July 2002 (“Registrar’s Decision”), whereby the Registrar withdrew the assignment of defence counsel Slobodan Stojanović for Zoran Žigić (“Appellant Žigić”) and discontinued legal aid to the Appellant Žigić;

NOTING the correspondence of the Appellant Žigić to the Registrar dated 29 July, in which the Appellant Žigić requests that the Registrar provide him copies of the documents relevant to the Registrar’s Decision and requests an extension of the deadline for the filing of an appeal against the Registrar’s Decision;

NOTING the “Motion to Freeze Proceedings Against Accused Zoran Žigić Until Clarification of His Defense Status” filed confidentially by the Appellant Žigić on 29 July (“Motion”), in which the Appellant Žigić requests a suspension of the time limits for the filing of documents relevant to his substantive appeal until the situation relating to his defence has been clarified, or, in the alternative, an extension of time in which to file his Brief in Reply until 31 August;

NOTING the correspondence of the Appellant Žigić to the Registrar dated 11 July, in which the Appellant Žigić advises the Registrar that he has revoked the power of attorney of defence counsel Miodrag Deretić as he is unable to pay for his services;

NOTING the correspondence of the Appellant Žigić to the Pre-Appeal Judge dated 16 July, in which the Appellant Žigić advises the Pre-Appeal Judge that he is unable to meet the filing deadlines of his substantive appeal;

NOTING the correspondence of the Appellant Žigić to the Appeals Chamber dated 2 August, in which the Appellant Žigić advises the Appeals Chamber that he is not in a position to respond to the filings of the prosecution in his substantive appeal, that he is unable to prepare an appeal against the Registrar’s Decision without the assignment of defence counsel, and repeats his request for a suspension of all deadlines in the substantive appeal proceedings “until the final determination” of the status of his defence;

NOTING the “Prosecution Response to Motions For Zoran Žigić to Suspend Deadlines” filed confidentially by the prosecution on 8 August (“Response”), in which the prosecution opposes the request to suspend the time limits for the filing of documents but does not oppose the requested extension of time for filing the Brief in Reply;

NOTING the correspondence of the Appellant Žigić to the Registrar dated 9 August, in which the Appellant Žigić notes that the Registrar has provided him with documents relevant to the Registrar’s Decision in English, and requests that the documents be translated in a language in which he understands; that the Registrar appoint Slobodan Stanković as court appointed counsel to represent him in his appeal against the Registrar’s Decision; that the deadline for the appeal be suspended until he has received the relevant documents in a language he understands; and that a court appointed counsel be assigned to represent him;

NOTING the correspondence of the Appellant Žigić to the Registry dated 13 August, in which the Appellant Žigić requests the Registry to appoint Mr Stojanović as his defence counsel;

NOTING the decision of the Registrar dated 20 August, in which he recognised Mr Stojanović as continuing to represent the Appellant Žigić on a pro-bono basis in his substantive appeal;

NOTING the “Motion for Separation of Appellant (sic) Žigić’s Appeal Procedure” filed by counsel for Miroslav Kvočka (“Appellant Kvočka”) on 23 July (“Motion for Separation”), in which Appellant Kvočka requests that Žigić’s appeal be severed from that of the other appellants;

NOTING the “Defence Motion on Extention (sic) of Time Limit For Filing Brief in Reply” filed by Appellant Kvočka on 23 July (“Motion for Extension of Time”), in which Appellant Kvočka requests an extension of time until 31 August 2002 for the filing of his Brief in Reply in his substantive appeal;

NOTING the “Prosecution Response to the Motions of the Appellant Miroslav Kvočka for Extension of Time and for Separation of the Appeal of Žigić” filed by the prosecution on

26 July ("Response"), in which the prosecution opposes the Motion for Separation but does not oppose the Motion for Extension of Time;

NOTING the letter by the Legal Officer of the Appeals Chamber filed during the period of court recess on 30 July, in which the parties were informed that they may proceed on the basis that Appellant Kvočka will be granted an extension of time until 30 August for the filing of his Brief in Reply;

CONSIDERING that the Appellant Žigić was for some time without court assigned counsel and that the Registrar's Decision was made prior to the expiration of the filing of the Appellant Žigić's Brief in Reply;

CONSIDERING that the Appellant Žigić wishes to appeal against the Registrar's Decision and has not yet received the relevant documents in a language which he understands;

CONSIDERING FURTHER that the Conference and Language Services Unit has advised that translations of the relevant documents will not be available before 3 September;

HEREBY ORDERS:

- (1) The time for the filing of the Appellant Žigić's Brief in Reply is suspended until further order;
- (2) The Appellant Žigić is granted an extension of time for filing an appeal against the Registrar's Decision until 18 September;
- (3) The decision on the Motion for Separation filed by the Appellant Kvočka is delayed until the legal aid position of the Appellant is determined;
- (4) The grant of the Motion for Extension of Time for the filing of the Brief in Reply to the Appellant Kvočka until 30 August is confirmed.

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

Dated this 26th day of August 2002,
At the Hague,
The Netherlands.



Judge David Hunt
Pre-Appeal Judge

[Seal of the Tribunal]