



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-99-37-PT
Date: 10 December 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 10 December 2002

PROSECUTOR

v.

**NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ**

**DECISION ON DEFENCE RESPONSE TO THE "REGISTRY COMMENTS ON TRIAL
CHAMBER'S INVITATION TO COMMENT ON DEFENCE REQUEST FOR REVIEW
OF REGISTRAR'S DECISION FROM THE 13TH OF SEPTEMBER 2002"**

The Office of the Prosecutor

**Mr. Geoffrey Nice
Ms. Cristina Romano**

Counsel for the Accused

**Mr. Tomislav Višnjić, Mr. Vojislav Selžan and Mr. Peter Robinson, for Dragoljub Ojdanić
Mr. Toma Fila and Mr. Zoran Jovanović, for Nikola Šainović**

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 (“the International Tribunal”),

NOTING the Decision of the Registrar, dated 13 September 2002, filed on 17 September 2002 (“the Decision”), pursuant to which the accused Nikola Šainović (“the Accused”) should bear the costs of 1700 hours of investigative work at pre-trial stage,

NOTING the Defense Request for Review of the Registrar’s Decision from the 13th of September 2002, filed by the Defence of Nikola Šainović, dated 26 September 2002 (“the Request”), requesting this Trial Chamber to review the Decision,

— **NOTING** the Registry Comments on Defence Request for Review of Registrar’s Decision from the 13th of September 2002, filed on 10 October 2002, and the Notice filed on 11 October 2002 (together “the Registry Comments”), in which the Registrar explains that he reached the Decision on the basis of a formula, which took into account the income of the Accused and his family members, as well as his immovable property, which includes a flat in the centre of Belgrade, a weekend house and a plot of land,

— **NOTING** the Defence Response to the “Registry Comments on Trial Chamber’s Invitation to Comment on Defence Request for Review of Registrar’s Decision from the 13th of September 2002”, filed on 17 October 2002 (“the Defence Response”), in which the Defence asserts that (i) it is unable to verify the validity of the Registrar’s estimate resulting from the formula, as the Registrar has not indicated the relevant figures, (ii) the Accused’s flat in the centre of Belgrade lacks market value, as it is under a criminal investigation before the domestic court, and (iii) since the Constitutional Charter of Serbia and Montenegro will be adopted and the Federal Assembly will be dismissed, the mandate of the Accused as well as his earnings will cease,

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY DECIDES as follows:

- (i) Instructs the Registrar to clarify the basis upon which he arrived at the decision that the Accused should bear the cost of 1700 hours of investigative work at the pre-trial stage; in this regard, if the Registrar uses a formula, that formula should show how 1700 hours result from its application;
- (ii) Instructs the Registrar to explain the basis for taking into account the assets of the wife and mother of the Accused, in the light of the provisions of Article 8(B) of the Directive on Assignment of Defence Counsel, and in the absence of any evidence that the assets of his wife and mother, constitute means “of which he has direct or indirect enjoyment or freely disposes”;
- (iii) Upholds the Registrar’s decision to take into account the flat of the Accused in Belgrade, on the grounds that, for the reasons stated by the Registrar, he can freely dispose of it; and
- (iv) Instructs the Registrar to keep under review the status of the Accused’s financial assets, and in that regard, to take into account any future change in that status resulting from any loss of earnings in the event that the Constitutional Charter of Serbia and Montenegro is adopted and the Federal Assembly is dismissed.

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



Richard May
Presiding

Dated this tenth day of December 2002
At The Hague
The Netherlands

[Seal of the Tribunal]