



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-01-48-PT
Date: 12 June 2003
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision of: 12 June 2003

PROSECUTOR

v.

SEFER HALILOVIĆ

**DECISION ON DEFENCE MOTION
TO THE PRE-TRIAL JUDGE**

The Office of the Prosecutor:

Mr. Ekkehard Withopf

Counsel for the Accused:

Mr. Ahmed Hodžić

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 (“International Tribunal”),

BEING SEISED of a motion filed by counsel for the Defence on 29 May 2003, plus addendum filed on 4 June 2003 (together “the Motion”), addressed to the pre-trial Judge in this matter and seeking, first, reconsideration of the Decision of the Trial Chamber of 1 April 2003 denying relief from waiver, and second, exclusion from the trial the transcript of the interview of the accused, Sefer Halilović, conducted by the Office of the Prosecutor (“Prosecution”), which relief is based in part upon allegations as to the conduct of prior defence counsel in these proceedings, in particular, alleging a conflict of interest contrary to the Directive on Assignment of Defence Counsel,

NOTING the response filed on 6 June 2003 by the Prosecution objecting to the relief sought,

NOTING that the issues raised in the Motion are matters for consideration by the full Trial Chamber and do not fall within the mandate of the pre-trial Judge pursuant to Rule 65 *ter*,

NOTING ALSO that the Motion again exceeds the limits for filings set out in the Practice Direction of 5 March 2002,

CONSIDERING that the specific allegations raised in the Motion relate to the activities of prior counsel and, as such, are matters that should be addressed under the disciplinary regime of the Directive on the Assignment of Counsel,

CONSIDERING that questions relating to the admissibility of evidence are more appropriately dealt with by the Trial Chamber conducting the trial to be heard at a suitable time during the trial,

CONSIDERING ALSO that, in the view of the Trial Chamber, the Motion does not provide any grounds for reconsideration of its Decision of 1 April 2003,

PURSUANT to Rules 54 and 73 of the Rules,

HEREBY DENIES the Motion, **REFERS** the part of the Motion raising specific allegations about the conduct of prior counsel to the Disciplinary Panel established pursuant to the Directive on Assignment of Counsel and **REQUIRES** the defence to comply with the Practice Direction on the Length of Briefs and Motions in all future filings.

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



Richard May
Presiding

Dated this twelfth day of June 2003
At The Hague
The Netherlands

[Seal of the Tribunal]