



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-95-14-R77.6

Date: 20 March 2007

Original: English

IN TRIAL CHAMBER I

Before:

**Judge Alphons Orie, Presiding
Judge Christine Van den Wyngaert
Judge Bakone Justice Moloto**

Registrar:

Mr. Hans Holthuis

Order of:

20 March 2007

PROSECUTOR

v.

DOMAGOJ MARGETIĆ

ORDER PURSUANT TO RULE 77 *bis*

The Office of the Prosecutor:

Ms. Ann Sutherland
Mr. Salvatore Cannata

Counsel for the Accused:

Mr. Veljko Miljević

TRIAL CHAMBER I (“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”);

RECALLING the “Judgement on Allegations of Contempt” of 7 February 2007, wherein the Trial Chamber sentenced Domagoj Margetić, *inter alia*,

[T]o a fine of **10,000 Euros**. The full amount of the fine shall be paid to the Registrar of the Tribunal within 30 days of this Judgement;¹

NOTING that Margetić did not pay the full amount of the fine within the 30 days’ time frame;

NOTING that on 12 March 2007, the Trial Chamber ordered Margetić to explain why the fine was not paid in full, to substantiate such explanation, to the extent possible, with documentary evidence, and to make submissions relating to the possible imposition of measures provided for in Rule 77bis (C) and (D) of the Rules of Procedure and Evidence (“Rules”);²

NOTING that both Margetić and his counsel submitted a written response on 16 March 2007 explaining that the fine was not paid in full within the 30 days’ time frame because neither Margetić nor his wife have a steady source of income and they only succeeded in raising funds for paying off the remainder of the fine by 15 March 2007;³

NOTING that on 15 March 2007, Margetić paid the remainder of the fine;

CONSIDERING that it is within the discretion of the Trial Chamber to decide whether further measures pursuant to Rule 77bis (C) and (D) of the Rules are to be taken;

CONSIDERING that, as the fine has been paid in full in the meantime, no measures pursuant to Rule 77bis (C) of the Rules are necessary;

CONSIDERING that the circumstances in which Margetić failed to pay the fine within the 30 days’ time frame are such that it is doubtful whether a finding of contempt and the imposition of a new penalty pursuant to Rule 77bis (D) are warranted;

¹ Judgement on Allegations of Contempt, 7 February 2007, para. 94.

² Order to Respond in Writing Pursuant to Rule 77bis, 12 March 2007.

³ Response to the Trial Chamber’s Order of 12 March 2007, 15 March 2007, filed on 16 March 2007; Written Response to the Tribunal’s Order of 12 March 2007, 15 March 2007, filed on 16 March 2007.

PURSUANT TO Rules 54 and 77bis of the Rules

HEREBY DECLARES that

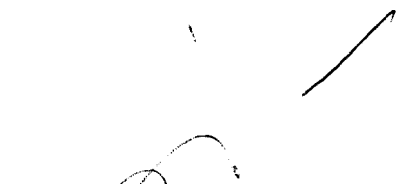
the Trial Chamber will not impose any of the measures provided for in Rule 77bis (C) and (D) of the Rules.

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

Dated this twentieth day of March 2007

At The Hague,

The Netherlands



Alphons Orie
Presiding Judge

[Seal of the Tribunal]