



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-05-88/1-PT  
Date: 13 July 2007  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge O-Gon Kwon  
Judge Kimberly Prost

**Registrar:** Mr. Hans Holthuis

**Decision of:** 13 July 2007

**PROSECUTOR**

v.

**MILORAD TRBIĆ**

**PUBLIC**

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**DECISION ON MOTION TO ORDER THE REGISTRY TO PAY  
INVOICES DUE FROM JANUARY 2007 TO JUNE 2007**

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**The Office of the Prosecutor:**

Mr. Peter McCloskey

**Counsel for the Accused:**

Mr. Stéphane Piletta-Zanin

**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 (“Tribunal”);

**NOTING** the “Motion to Order the Registry to Pay Invoices Due from January 2007 to the End of June 2007” (“Motion”), captioned urgent and filed in the original French on 3 July 2007,<sup>1</sup> in which Counsel for the Accused requests the Trial Chamber to “invite the Registry without further delay to pay all amounts due to the Defence (both principal and interest) from January 2007 to the end of June 2007” and to “announce that all deadlines have been suspended and will only enter into force again when all the unpaid invoices from January 2007 onwards have been paid”,<sup>2</sup>

**NOTING** the “Prosecution’s Response to Urgent ‘Requête Tendante à Ordonner au Greffe le Règlement des Situations Dues de Janvier 2007 à Fin Juin 2007’” (“Response”), filed on 5 July 2007, in which the Prosecution takes no position on the Motion;<sup>3</sup>

**NOTING** the “Registry Submission Pursuant to Rule 33(B) of the Rules of Procedure and Evidence Regarding the ‘Requête Tendante à Ordonner au Greffe le Règlement des Situations Dues de Janvier 2007 à Fin Juin 2007’” (“Registry Submission”), filed on 6 July 2007, in which the Registry respectfully submits, *inter alia*, that “the Trial Chamber has no jurisdiction to decide on the matter” and that the Motion should be dismissed;<sup>4</sup>

**NOTING** the “Decision on Referral of Case Under Rule 11 *bis*” of 27 April 2007 (“Referral Decision”), in which the Referral Bench decided to refer the Accused’s case to the authorities of Bosnia and Herzegovina;<sup>5</sup>

**NOTING** that the Referral Decision became final on 14 May 2007;<sup>6</sup>

**CONSIDERING** that, while the Referral Bench retains the power to issue certain orders in a referred case after its decision on referral has become final, the Trial Chamber seised of pre-trial proceedings in a referred case lacks competence to consider any motions filed subsequent to the date on which the Referral Bench’s decision becomes final;<sup>7</sup>

<sup>1</sup> This motion was signed on 2 July 2007 and the English translation was filed on 6 July 2007.

<sup>2</sup> Motion, p. 6 (English translation).

<sup>3</sup> Response, para. 2.

<sup>4</sup> Registry Submission, para. 14.

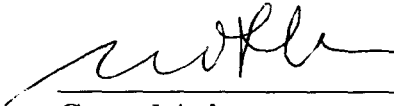
<sup>5</sup> Referral Decision, para. 49(a).

<sup>6</sup> See Decision on Trial Chamber’s Competence to Entertain Motion Filed After Entry Into Force of Decision Under Rule 11 *bis*, 1 June 2007 (“Decision on Competence”), p. 1.

<sup>7</sup> Decision on Competence, p. 2.

**CONCLUDES** that the Trial Chamber is not competent to deal with the Motion.

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



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**Carmel Agius**  
**Presiding**

Dated this thirteenth day of July 2007,

At The Hague

The Netherlands

**[Seal of the Tribunal]**