



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-05-88/2-PT

Date: 30 October 2007

Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Decision of: 30 October 2007

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION CONCERNING TOLIMIR'S SUBMISSIONS OF 10, 16, AND 23
OCTOBER 2007**

Office of the Prosecutor
Mr. Peter McCloskey

The Accused
Zdravko Tolimir

I, KIMBERLY PROST, Judge 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 “Submission by the Accused to the Registrar and the Pre-Trial Chamber for Leave to Appoint a Legal Advisor and Defence Team”, made on 10 October 2007 (“10 October Submission”), in which the Accused Zdravko Tolimir requests that a legal advisor be assigned to him;¹

NOTING the “Submission of the Accused to the Pre-Trial Chamber and the Registry Concerning the Transparency of Work and the Publication of all Documents to Ensure the Fairness and Integrity of the Proceedings”, made on 16 October 2007 (“16 October Submission”), in which the Accused requests that the 10 October 2007 Submission be made public,² arguing that he had sent the 10 October Submission “to the Pre-trial Chamber, which has the supervisory role and may examine, regulate and monitor every measure and procedural action of the Registry that may affect the integrity of the proceedings”,³

NOTING ALSO the “Submission of the Accused to the Pre-Trial Chamber and the Registrar Concerning the Non-Disclosure of the ‘Submission by the Accused for Leave to Appoint a Legal Advisor and Defence Team’ of 10 October 2007”, made on 23 October 2007 (“23 October Submission”), in which the Accused reiterates his request that the 10 and 16 October Submissions be filed publicly;⁴

CONSIDERING that the Accused has chosen to represent himself and thus is responsible to ensure that materials filed are relevant and presented in accordance with the Rules of Procedure and Evidence of the Tribunal;

CONSIDERING that the initial decision on the appointment of a legal advisor falls solely within purview of the Registry;⁵

¹ Submission by the Accused to the Registrar and the Pre-Trial Chamber for Leave to Appoint a Legal Advisor and Defence Team”, 10 October 2007 (original version in BCS), 23 October 2007 (English translation), para. 11.

² Submission of the Accused to the Pre-Trial Chamber and the Registry Concerning the Transparency of Work and the Publication of all Documents to Ensure the Fairness and Integrity of the Proceedings, 16 October 2007 (original version in BCS), 23 October 2007 (English translation), para. 6.

³ 16 October Submission, para. 2.

⁴ Submission of the Accused to the Pre-Trial Chamber and the Registrar Concerning the Non-Disclosure of the ‘Submission by the Accused for Leave to Appoint a Legal Advisor and Defence Team’ of 10 October 2007”, 23 October 2007 (original version in BCS), 26 October 2007 (English translation), para. 7.

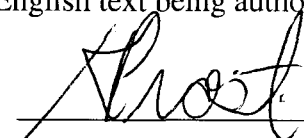
⁵ See also Status Conference, T. 58–59 (14 September 2007). The Pre-Trial Judge encouraged the Accused to cooperate fully with the Registry on this matter. *Ibid.*, T. 59 (14 September 2007).

CONSIDERING that the 10, 16, and 23 October Submissions do not raise matters which are properly before the Pre-Trial Judge or the Trial Chamber at this stage;

CONSIDERING that any further submissions on this issue should be addressed directly to the Registry, unless a review of a specific decision is requested;

HEREBY DECIDE that the Trial Chamber is not seised of the 10, 16, and 23 October Submissions.

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



Kimberly Prost
Pre-Trial Judge

Dated this thirtieth day of October 2007
At The Hague
The Netherlands

[Seal of the Tribunal]