



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: 17 January 2008

Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 17 January 2008

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

DECISION ON TWO MOTIONS FILED 10 JANUARY

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”);

BEING SEISED OF “The Accused’s Submission to the Pre-Trial Chamber, Registrar and Prosecution Concerning Disregard by the Tribunal for the Fundamental Rights and Actual Wishes of the Accused Regarding Communication and Appointment of the Accused’s Legal Counsel” filed on 10 January 2007¹ (“First Motion”) and “The Accused’s Submission to the Registrar and the Pre-Trial Chamber Concerning the Submission to the Accused of Documents in a Language and Script that he Does not Speak, Read, Write or Understand”, filed on 10 January 2008² (“Second Motion”);

NOTING “Registrar’s Notification Regarding the Assignment of Legal Assistance to the Accused” filed on 14 January 2008;

NOTING “Prosecution Response to the Accused’s Motions Dated 3 and 7 January 2008” filed on 14 January 2008;

CONSIDERING that the Accused has elected to represent himself and he therefore is obligated to proceed in accordance with proper procedure as defined by the Statute, Rules of Procedure and Evidence and jurisprudence of the Tribunal;

CONSIDERING that at the time of the filing of these Motions the Accused was clearly aware that the issue of the language and script for disclosure and filings had been decided already by my oral ruling of 11 December 2007 during the Status Conference;³

CONSIDERING that on the application of the Accused, the Trial Chamber granted certification of the 11 December ruling on 15 January 2008;⁴

CONSIDERING that parties to a proceeding may not reargue issues which have been decided already by the Pre-Trial Judge or the Trial Chamber;

CONSIDERING that, in addition, the Accused raises issues relating to assignment and payment of counsel, which are matters primarily between the Accused and the Registry and not properly before the Trial Chamber;⁵

¹ Dated 3 January 2008.

² Dated 7 January 2008.

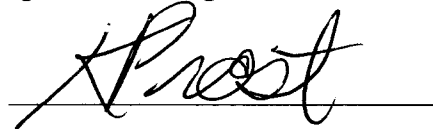
³ T. 114 (11 December 2007).

⁴ Decision on Motion for Certification to Appeal the 11 December Oral Decision, 15 January 2008.

⁵ See Decision concerning Tolimir’s Submission of 10, 16 and 23 October 2007.

HEREBY DISMISS the First Motion and Second Motion as frivolous.

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

A handwritten signature in black ink, appearing to read 'Prost', written over a horizontal line.

Kimberly Prost
Pre-Trial Judge

Dated this seventeenth day of January 2008
At The Hague
The Netherlands

[Seal of the Tribunal]