



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-95-5/18-T

Date: 11 August 2014

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Order of: 11 August 2014

PROSECUTOR

v.

RADOVAN KARADŽIĆ

CONFIDENTIAL AND EX PARTE

**ORDER REGARDING ACCUSED'S REQUEST FOR REVIEW OF REGISTRAR'S
DECISION AND URGENT MOTION FOR STAY**

The Accused

Mr. Radovan Karadžić

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”),

BEING SEISED OF the Accused’s “Request for Review of Registrar’s Decision and Urgent Motion for Stay”, filed confidentially and *ex parte* of the Office of the Prosecutor on 8 August 2014 (“Motion”), wherein the Accused (i) requests that the Chamber review the Registry’s decision of 4 August 2014 (“Registry Decision”) on the manner in which he is to remunerate his defence team (“Request for Review”) and (ii) urgently moves for a stay of the Registry Decision pending the Chamber’s ruling on the Request for Review (“Request for Stay”);¹

NOTING that in the Motion the Accused (i) recalls that the Appeals Chamber has confirmed the Registry’s decision of 10 October 2012 according to which he should contribute a certain sum to the costs of his defence (“Appeals Chamber Decision”);² (ii) explains that on 29 July 2014 he asked the Registry to delay the enforcement of that decision until 7 October 2014 and then, following the Registry Decision refusing to do so, asked for reconsideration and for the legal aid to continue until 7 September 2014, namely after he has filed the final brief;³ and (iii) submits that he has not heard back from the Registry on the latter proposal but has decided to file the Motion nevertheless because the defence team’s payments were to be halted by close of business on 8 August 2014;⁴

NOTING that in the Motion the Accused also submits that he will file a brief in support of his Request for Review no later than 15 days from the Registry Decision, which may be supplemented by the Registry’s response to his request for reconsideration of the Registry Decision;⁵

NOTING finally that in relation to his Request for Review the Accused relies on Articles 13(B) and 31(D) of the Directive on the Assignment of Defence Counsel (“Directive”) as the provisions governing the Chamber’s ability to review the Registry Decision;⁶

CONSIDERING that the Chamber may intervene in a matter that is within the primary competence of the Registry where that matter goes to the fairness of the trial;⁷

¹ Motion, para. 1.

² Motion, paras. 2, 4.

³ Motion, paras. 5–7.

⁴ Motion, para. 8.

CONSIDERING further that the Accused implicitly frames the issue as one going to the fairness of his trial in that, according to him, the Registry Decision affects his ability to file a final brief in this case and have the support of his defence team during the closing arguments;⁸

CONSIDERING therefore that it is in the interests of justice to stay the Registry Decision until such time as the Accused's Request for Review has been fully briefed and adjudicated;

CONSIDERING however that, other than simply citing to Articles 13(B) and 31(D) of the Directive, the Accused does not provide any reasoned submissions as to why those provisions are applicable in a situation such as this one, where the issue of indigency has been litigated extensively under Article 13(B), culminating in the Appeals Chamber Decision;

CONSIDERING therefore that the Chamber would also benefit from properly reasoned submissions, from both the Accused and the Registry, on its jurisdiction to review the Registry Decision;

PURSUANT TO Rule 54 of the Tribunal's Rules of Procedure and Evidence ("Rules"),

HEREBY:

- a. **GRANTS** the Motion in part;
- b. **STAYS** the Registry Decision and **ORDERS** the Registry to continue reimbursing the Accused's defence team until such time as the Chamber has issued its decision on the Accused's Request for Review;
- c. **REMAINS** seised of the Accused's Request for Review;
- d. **ORDERS** the Accused to file a brief in support of his Request for Review by no later than Monday 18 August 2014, addressing not only grounds for review but also the issue of jurisdiction as outlined above; and

⁵ Motion, para. 14.

⁶ Motion, paras. 1, 9–10.

⁷ *Prosecutor v. Blagojević*, Public and Redacted Reason for Decision on Appeal by Vidoje Blagojević to Replace his Defence Team, Case No. IT-02-60-AR73.4, 7 November 2003, paras. 6–7; *see also Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, Order Concerning Court-Assigned Counsel's Terms of Engagement, 8 April 2005, confidential, p. 4.

⁸ *See* Motion, confidential and *ex parte* Annexes A and C.

- e. **ORDERS** the Registry to file a submission pursuant to Rule 33(B) of the Rules in response to the Accused's Request for Review by no later than Monday 25 August 2014.

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



Judge O-Gon Kwon, Presiding

Dated this eleventh day of August 2014
At The Hague
The Netherlands

[Seal of the Tribunal]