



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: 12 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:**

**12 March 2007**

**PROSECUTOR**

**v.**

**DOMAGOJ MARGETIĆ**

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**ORDER TO RESPOND IN WRITING PURSUANT TO RULE  
77BIS**

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**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 (“Judgement”), wherein it sentenced Mr. Domagoj Margetić (“Margetić”)

[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. <sup>1</sup>

**NOTING** Margetić’s letter regarding the payment of the fine, filed on 8 March 2007 (“Letter”), wherein he stated that:

“To date, I have raised approximately 7.000 €. This will be transferred immediately.

I will continue in my endeavours to raise the balance of the fine and have it transferred as soon as possible.

[...] it is my intention to discharge the fine in full.”<sup>2</sup>

**NOTING** that the 30 days’ timeframe (“Timeframe”) given for payment of such fine (“Timeframe”) expired on 9 March 2007 and Margetić had only paid the amount of 7.852,69 Euros within such Timeframe;

**NOTING** that Rule 77bis (C) of the Rules of Procedure and Evidence (“Rules”) <sup>3</sup> provides for measures that may be taken in case of non payment of a fine and Rule 77bis (D) for a finding of contempt and imposition of a penalty upon a person who is able to pay a fine but wilfully fails to do so;

**CONSIDERING** that the Trial Chamber, on having received Margetić’s explanation as to why he has not paid the fine in full within the Timeframe, may determine that the failure to pay should not be left without consequences;

**CONSIDERING** that Margetić should have an opportunity to make submissions in relation to any measure the Trial Chamber may take under Rule 77bis (C) or to any finding of contempt and imposition of a new penalty 77bis (D) the Trial Chamber may make;

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<sup>1</sup> Judgement, para 94.

<sup>2</sup> Letter, 7 March 2007.

<sup>3</sup> Annex 1, Translation of Rule 77bis in BSC.

**PURSUANT** to Rules 77bis of the Rules;

**HEREBY ORDERS** Margetić to respond in writing to the Trial Chamber, by no later than Friday 16 March 2007, to explain why the fine was not paid in full within the Timeframe, and to substantiate such explanation, to the extent possible, with documentary evidence.

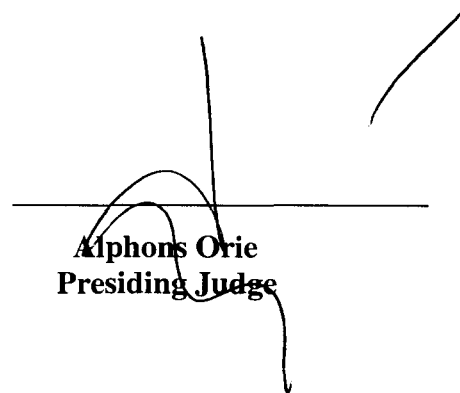
**FURTHER ORDERS** Margetić to make submissions in respect of why the Trial Chamber should not impose any of the measures provided for in Rules 77bis (C) or not make a finding of contempt and impose a new penalty under Rule 77bis (D).

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

Dated this twelfth day of March 2007

At The Hague

The Netherlands



**Alphons Orie**  
**Presiding Judge**

**Annex 1**  
**Rule 77bis**

**Pravilo 77bis**  
**Plaćanje novčanih kazni**

- (A) Prilikom izricanja novčane kazne iz pravila 77 ili pravila 91, vijeće određuje rok plaćanja.
- (B) Ako novčana kazna izrečena po pravilu 77 ili 91 nije uplaćena u naznačenom roku, vijeće koje je izreklo novčanu kaznu može izdati nalog kojim se od osobe kojoj je izrečena novčana kazna traži da stupi pred Međunarodni sud ili mu pismeno obrazloži zašto kazna nije uplaćena.
- (C) Nakon što je osobi kojoj je izrečena novčana kazna pružena prilika da se izjasni, vijeće može donijeti odluku o preduzimanju odgovarajućih mjera, uključujući:
- (i) produženje roka za uplatu novčane kazne;
  - (ii) nalog da se novčana kazna plati u ratama;
  - (iii) nakon savjetovanja sa sekretarom, nalog da se dugovani iznos odbije od eventualnog neisplaćenog honorara koji Međunarodni sud duguje toj osobi u slučaju da je ta osoba branilac koga je angažovao Međunarodni sud na osnovu Uputstva o dodjeli branioca;
  - (iv) pretvaranje cijele novčane kazne ili njenog dijela u zatvorsku kaznu u trajanju od najviše dvanaest mjeseci.
- (D) Pored odluke iz stava (C), vijeće može osobu proglasiti krivom za nepoštovanje Međunarodnog suda i izreći novu kaznu primjenjujući pravilo 77(G) ako je ta osoba mogla platiti novčanu kaznu u traženom roku, a hotimično je propustila da to učini. Ta kazna za nepoštovanje Međunarodnog suda pribraja se prvobitno izrečenoj novčanoj kazni.

- (E) Po potrebi, vijeće može izdati nalog za hapšenje kako bi se osiguralo prisustvo osobe ako ona ne pristupi ili ne odgovori pismenim obrazloženjem po nalogu iz stava (B). Država ili vlasti kojima je upućen taj nalog za hapšenje moraju, u skladu sa članom 29 Statuta, postupiti odmah i sa svom dužnom revnošću kako bi se osiguralo uredno i efikasno izvršenje naloga. Ako se po ovom stavu izda nalog za hapšenje, primjenjuju se, *mutatis mutandis*, odredbe pravila 45, 57, 58, 59, 59bis i 60. Nakon dovođenja dotične osobe na Međunarodni sud primjenjuju se, *mutatis mutandis*, odredbe pravila 64, 65 i 99.
- (F) Ako se na osnovu ovog pravila izrekne kazna zatvora ili se novčana kazna pretvori u zatvorsku kaznu, primjenjuju se, *mutatis mutandis*, odredbe pravila 102, 103 i 104 i Devetog dijela.
- (G) Na svako proglašenje krivim za nepoštovanje suda i svaku kaznu izrečenu na osnovu ovog pravila može se izjaviti žalba predviđena pravilom 77(J).