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Zoran Zigic's Reply to Prosecution's Response to Zoran Zigic's Motion to dismiss Prosecution's Response to earlier Request, submitted by Defence counsel on 27 October 2014			
COMMENTS			
Counsel for Zoran Zigic: Mr. Slobodan Stojanovic			

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International Residual Mechanism
for Criminal Tribunals

Case No:MICT-14-81-ES.1

Date 27 October 2014

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President of the Mechanism

Registrar: Mr. John Hocking

THE PROSECUTOR

v.

ZORAN ZIGIC

P u b l i c

ZORAN ZIGIC'S REPLY TO PROSECUTION'S RESPONSE TO ZORAN
ŽIGIĆ'S MOTION TO DISMISS PROSECUTION'S RESPONSE TO EARLIER
REQUEST

Office of the Prosecutor:
Mr. Hassan Bubacar Jallow :
Mr. Mathias Marcussen

Counsel for Zoran Zigic
Mr. Stojanovic Slobodan,

P u b l i c

ZORAN ŽIGIĆ'S REPLY TO PROSECUTION'S RESPONSE TO ZORAN ŽIGIĆ'S MOTION TO DISMISS PROSECUTION'S RESPONSE TO EARLIER REQUEST

1. Prosecution filed Response to Zoran Žigić's Motion¹ to dismiss Prosecution's response to earlier Request (Response) on 22 October 2014.

2. Paragraph 3 of the Response. Prosecution misunderstood the arguments of the Motion with allegation that "...Žigić in reality challenges Trial Chamber's findings...". Not at all. Žigić is not challenging any of ICTY decisions. In regards to the Indictment, as well. He accepts the both verdicts just as they are. He challenges only decisions of BiH and Austria, delivered after proceedings during the enforcement of his sentence, the decisions that must be under MICT supervision.

3. Regarding competence of MICT (paragraph 4 of the Response) it stems that Prosecution supports our position about competence of MICT, just with argument that Prosecution must be included in this procedure.

4. However, within competence of MICT there is no scope for Prosecution in the specific case. We do not see the grounds for Prosecution to deal with "review of extradition decisions by national authorities".² Simply, the Prosecution is not empowered to represent and to act as agent of authorities of BiH and Austria.³

5. The intent of Prosecution is clear and could be seen from the very last sentence of the Response. It reveals that Prosecution's position is to oppose "Žigić's attempt to block his extradition to serve his BiH sentence". But, it is doing it with knowing just nothing about his BiH sentence and applicable laws to that sentence⁴. It seems that the law, its application, and the facts are not matter for Prosecution here.

Counsel for Zoran Žigić
Stojanović Slobodan

Word count: 368



Case No: MICT-14-81-ES.1

¹ MICT-14-81-ES.1, Motion of the Convicted Zoran Žigić for Dismissing of Prosecution's Response to Zoran Žigić's Request for non-compliance with Republica Austria Extradition Decision, dated 10 October 2014 and filed on 14 October 2014 (Motion).

² Contra, Response, para 4.

³ The precedent could not be the certain Application filed by Prosecution on behalf of the Prosecution of BiH in regards to borrowing the model of Omarska camp, dated 19 September 2014, Case No MICT-14-81. The Application is based on specific request of BiH Prosecution and it pertains to pure contractual matters. We are not of the opinion that it was proper venue for such transactions, although problem lies in initial decision. But we have to stress that Žigić (nor Kvočka and the others two, out of five) was not called to participate in this proceeding although the Model was the exhibit his convictions were relied on.

⁴ This is simply position of the Prosecution here, with no any blame on it.