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Mécanisme pour les
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Decision on Zoran Zigic's request for assistance with regard to proceedings in Bosnia and Herzegovina, submitted by President on 26 June 2015			
COMMENTS			
Bosnia and Herzegovina Presidency, Office No.2 for Cooperation with ICTY (1cc)			

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Case Number/ Affaire n° :	MICT-14-81
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**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-14-81

Date: 26 June 2015

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Decision of: 26 June 2015

PROSECUTOR

v.

ZORAN ŽIGIĆ

PUBLIC

**DECISION ON ZORAN ŽIGIĆ'S REQUEST FOR ASSISTANCE
WITH REGARD TO PROCEEDINGS IN BOSNIA AND
HERZEGOVINA**

Counsel for Applicant:

Mr. Slobodan Stojanović

Bosnia and Herzegovina Presidency, Office No. 2 for Cooperation with the ICTY:

Mr. Trivun Jovičić, Minister Counsellor, Liaison Officer with the ICTY

I, THEODOR MERON, President of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

BEING SEISED OF “Zoran Žigić’s Request for Assistance Before the Authorities of Bosnia and Herzegovina”, filed confidentially and *ex parte* by Mr. Zoran Žigić on 19 May 2015 (“Request”);¹

NOTING that, on 2 November 2001, Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) found Žigić guilty of persecution as a crime against humanity and murder, torture, and cruel treatment as violations of the laws or customs of war, and sentenced him to 25 years of imprisonment;²

NOTING that, on 28 February 2005, the ICTY Appeals Chamber affirmed Žigić’s convictions, in part, and upheld his sentence;³

NOTING FURTHER the “Decision on Zoran Žigić’s Request to Withhold Consent for the Execution of the Republic of Austria’s Extradition Decision” rendered on 12 December 2014, in which I dismissed Žigić’s challenges to his proposed extradition to Bosnia and Herzegovina for lack of jurisdiction and reiterated that “[t]he Mechanism is not an appellate court vested with jurisdiction to review extradition decisions rendered by domestic courts that are unrelated to proceedings before the ICTY or Mechanism”;⁴

NOTING that, in the Request, Žigić invites me to request the authorities of Bosnia and Herzegovina to terminate any proceedings against him for offences outside the scope of the Republic of Austria’s extradition decision on the basis of the rule of speciality;⁵

CONSIDERING that Žigić has been released upon serving the sentence imposed by the ICTY;⁶

CONSIDERING FURTHER that I have no jurisdiction over national proceedings that appear to be unrelated to proceedings before the ICTY or the Mechanism;

¹ Žigić filed the Request filed the Request confidentially and *ex parte*. However, in accordance with Article 18 of the Statute of the Mechanism (“Statute”) and Rules 92 and 131 of the Rules of Procedure and Evidence of the Mechanism, all proceedings before the Mechanism shall be public unless there are exceptional reasons for keeping them confidential. Žigić has not demonstrated that there are any exceptional reasons for issuing the present decision confidentially. See, e.g., *Prosecutor v. Radovan Stanković*, MICT-13-51, Decision on Stanković’s Appeal against Decision Denying Revocation of Referral and on the Prosecution’s Request for Extension of Time to Respond, 21 May 2014, n. 1.

² See *Prosecutor v. Miroslav Kvočka et al.*, Case No. IT-98-30/1-T, Judgement, 2 November 2001 (“Trial Judgement”), paras. 683-691, 750, 764, 766.

³ See *Prosecutor v. Miroslav Kvočka et al.*, Case No. IT-98-30/1-A, Judgement, 28 February 2005, p. 243.

⁴ *Prosecutor v. Zoran Žigić*, Case No. MICT-14-81-ES.1, Decision on Zoran Žigić’s Request to Withhold Consent for the Execution of the Republic of Austria’s Extradition Decision, 12 December 2014, paras. 11, 15.

⁵ Request, para. 5.

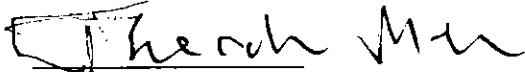
⁶ *Prosecutor v. Zoran Žigić*, Case No. MICT-14-81-ES.1, Public Redacted Version of the 10 November 2014 Decision of the President on the Early Release of Zoran Žigić, 23 December 2014, paras. 23-24. See also Article 25(2) of the Statute.

HEREBY

DENY the Request in its entirety.

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

Done this 26th day of June 2015,
At The Hague,
The Netherlands.


Judge Theodor Meron
President

[Seal of the Mechanism]