

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

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IT-04-82-14  
14 255 - 14 256  
31 October 2008

Case No. IT-04-82-A

*Prosecutor v. Johan Tarčulovski*

**DECISION**  
**PUBLIC**

**THE DEPUTY REGISTRAR,**

**NOTING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

**NOTING** the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended ("Rules"), and in particular Rule 44 thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.2) ("Code of Conduct");

**CONSIDERING** that Mr. Johan Tarčulovski ("Accused") was transferred to the seat of the Tribunal on 16 March 2005 and that his initial appearance was held on 21 March 2005;

**NOTING** that the Accused chose to represent himself at his initial appearance;

**NOTING** that on 29 March 2005, the Accused submitted a Declaration of Means pursuant to Article 8 of the Directive on Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and requested the assignment of Mr. Antonio Apostolski, attorney at law from Skopje, Macedonia, pursuant to Rule 45 of the Rules, on the basis that he did not have sufficient means to remunerate counsel;

**CONSIDERING** that on 30 March 2005, acting pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Mr. Antonio Apostolski as counsel to the Accused for a period of 120 days, and subsequently assigned Mr. Antonio Apostolski permanently as counsel to the Accused;

**CONSIDERING** that on 1 October 2008, the Accused informed the Registry that he was withdrawing his request for the assignment of Tribunal-paid counsel;

**CONSIDERING** that on 6 October 2008, the Accused executed powers of attorney in favour of Messrs. Alan M. Dershowitz, Nathan Z. Dershowitz, Antonio Apostolski and Jordan Apostolski, and that the powers of attorney authorise Messrs. Alan M. Dershowitz, Nathan Z.

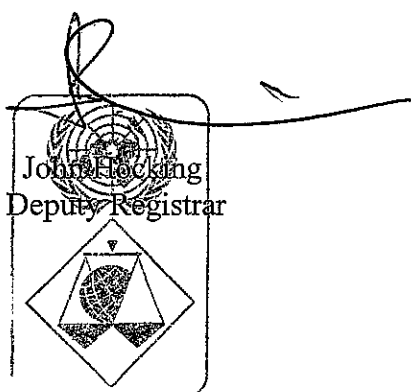
Dershowitz, Antonio Apostolski and Jordan Apostolski to represent the Accused in case IT-04-82-A before the Tribunal as privately retained counsel;

**NOTING** that on 10 October 2008, the Registrar appointed Messrs. Alan M. Dershowitz, Nathan Z. Dershowitz and Antonio Apostolski as counsel to the Accused pursuant to Rule 44(A) of the Rules whilst the assessment of Mr. Jordan Apostolski's qualifications for appointment pursuant to Rule 44(A) of the Rules was still ongoing;

**CONSIDERING** that the Registrar is now satisfied that Mr. Jordan Apostolski meets the qualification requirements for appointment pursuant to Rule 44 of the Rules;

**NOTING** the obligations of Mr. Jordan Apostolski under the Statute, the Rules, in particular Rule 44(C), and the Code of Conduct;

**HEREBY DECIDES** to appoint Mr. Jordan Apostolski as counsel to the Accused pursuant to Rule 44(A) of the Rules, effective as of the date of this decision.



Dated this 31<sup>st</sup> day of October 2008  
At The Hague,  
The Netherlands.