

INTERNATIONAL CRIMINAL TRIBUNAL  
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Case No. IT-95-5/18-PT

*Prosecutor v. Radovan Karadžić*

IT-00-39-A  
A 7302 - A 7301  
28 OCTOBER 2008

IT-95-5/18-PT  
D 11872 - D 11871  
28 OCTOBER 2008

7302  
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## DECISION

## 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 Rules 44 and 45 thereof;

**NOTING** the Directive on Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 5(iii), 11(B) and 16(B) thereof;

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

**CONSIDERING** that Mr. Radovan Karadžić ("Accused") was transferred to the seat of the Tribunal on 30 July 2008;

**CONSIDERING** the Trial Chamber's "*Order for Detention on Remand*" of 30 July 2008;

**CONSIDERING** that the Accused elected to represent himself in proceedings before the Tribunal in a letter to the Registry of 4 August 2008, filed on 6 August 2008 by the Registrar in its *Registry Submission Pursuant to Rule 33(B) Regarding the Accused's Representation and the Transmission of Court Documents*;

**CONSIDERING** that on 29 September 2008, the Accused submitted a declaration of means to the Registry, thereby applying for funding of his defence team as a self-represented accused on the basis that he did not have sufficient means to pay for his defence;

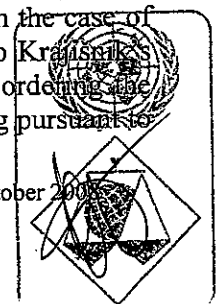
**CONSIDERING** that the Registry has not yet determined whether or to what extent the Accused is able to bear his defence costs;

**NOTING** that on 20 October 2008, the Registrar assigned Mr. Peter Robinson, Barrister from Australia, as a legal advisor to the Accused;

**CONSIDERING** the Appeals Chamber's "*Decision on Appellant Momčilo Krajišnik's Motion to Call Radovan Karadžić Pursuant to Rule 115*" of 16 October 2008 in the case of *Prosecutor v. Momčilo Krajišnik* (Case No. IT-00-39-A), granting Mr. Momčilo Krajišnik ("Appellant") "*Motion to Call Radovan Karadžić Pursuant to Rule 115*", and ordering the Appellant to contact the Accused to appear as a witness at the evidentiary hearing pursuant to Rule 115 of the Rules;

IT-95-5/18-PT

23 October 2008



**CONSIDERING** the Appeals Chamber's "*Scheduling Order for Evidentiary Hearing*" of 21 October 2008 in the case of *Prosecutor v. Momčilo Krajišnik*, informing the parties that the Accused's testimony will be heard during the session on 5 November 2008, and directing the Registrar to arrange for counsel to be assigned to the Accused for the purposes of the evidentiary hearing, should the Accused choose to exercise his right to be assisted by counsel at the hearing;

**CONSIDERING** that on 21 October 2008, the Accused requested the Registrar to assign Mr. Robinson to represent him at the evidentiary hearing in the case of *Prosecutor v. Momčilo Krajišnik*;

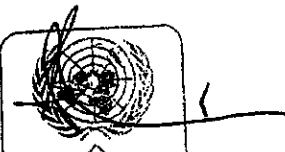
**CONSIDERING** that Mr. Robinson is on the Tribunal's list of counsel eligible for assignment to indigent suspects and accused, and has indicated his willingness to be assigned as counsel for the Accused's representation at the evidentiary hearing;

**NOTING** that there is nothing in the Statute, Rules, Directive or other Tribunal regulations which would entitle a witness to the assignment of counsel by the Registrar;

**CONSIDERING** that whilst witnesses are ordinarily not entitled to the assignment of counsel by the Registrar, the Accused is currently detained on the authority of the Tribunal and faces criminal charges brought against him by the Prosecutor;

**CONSIDERING** that representation by counsel during the evidentiary hearing may assist in ensuring the protection of the Accused's rights;

**HEREBY DECIDES** to assign Mr. Robinson as counsel for the purposes of the evidentiary hearing in the case of *Prosecutor v. Momčilo Krajišnik*, as scheduled by the Appeals Chamber.



John Hocking  
Deputy Registrar

Dated this 23<sup>rd</sup> day of October 2008  
At The Hague,  
The Netherlands.

