

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888  
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**Case No. IT-95-5/18-R77.1**  
**Prosecutor v. Berko Zečević**

*PUBLIC*

**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, 45, 62(B) and 77 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 14(B), and 16(H) thereof;

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

**NOTING** that on 4 February 2011, a confidential order in lieu of an indictment was filed against Mr. Berko Zečević (“Accused”), charging him with contempt of the Tribunal under Rule 77 of the Rules and that this order in lieu of an indictment was made public on 15 February 2011;

**NOTING** that the order in lieu of an indictment alleges that the Accused has failed to comply with an order to attend before a Chamber without just excuse;

**CONSIDERING** that the Accused was transferred to the seat of the Tribunal on 17 February 2011, and that an initial appearance is scheduled for 18 February 2011;

**NOTING** that the Rules in parts four to eight apply *mutatis mutandis* to proceedings under Rule 77 of the Rules;

**NOTING** that any person charged with contempt is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for determination of indigence;

**CONSIDERING** that the Accused’s rights under the Statute, Rules and Directive must be protected until he retains permanent counsel or has counsel assigned to him pursuant to Rule

45 of the Rules and that Rule 62(B) of the Rules enables the Registrar to assign duty counsel for this purpose;

**CONSIDERING** that Mr. Guenael Mettraux, Professor of Law from Switzerland, is on the list of “duty counsel” envisaged in Rule 45(C) of the Rules, and has agreed to represent the Accused as duty counsel;

**HEREBY DECIDES** to assign Mr. Guenael Mettraux pursuant to Article 16(H) of the Directive, as duty counsel to represent the Accused at his initial appearance, and in such other matters as may be necessary until a permanent counsel is assigned, effective as of the date of this decision.



Ken Roberts  
Deputy Registrar

Dated this 17<sup>th</sup> day of February 2011  
At The Hague,  
The Netherlands