



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
Former Yugoslavia Since 1991

Case No.: IT-03-67-PT
Date: 10 November 2006
Original: English

BEFORE THE BUREAU OF THE INTERNATIONAL CRIMINAL TRIBUNAL

Before: Judge Fausto Pocar, President
Judge Kevin Parker
Judge Carmel Agius
Judge Mohamed Shahabuddeen
Judge Mehmet Güney

Registrar: Mr. Hans Holthuis

Decision of: 10 November 2006

THE PROSECUTOR

v.

Vojislav ŠEŠELJ

**DECISION ON APPEAL AGAINST THE REGISTRAR'S DECISION TO ASSIGN DAVID
HOOPER AS DEFENCE COUNSEL**

Counsel for the Prosecutor:

Ms. Hildegard Uertz-Retzlaff
Mr. Daniel Saxon
Mr. Ulrich Mussemeyer

The Accused (representing himself):

Mr. Vojislav Šešelj

Standby Counsel:

Mr. David Hooper
Mr. Andreas O'Shea

1. On 4 October 2006, Vojislav Šešelj (“Šešelj”) filed an appeal before the Bureau¹ against the Deputy Registrar’s decision of 30 August 2006² assigning David Hooper as his Defence Counsel (“Appeal”).³

2. The Decision of the Deputy Registrar to assign David Hooper as Counsel to Šešelj was taken in conformity with a request to the Registry of the International Tribunal to do so by the Trial Chamber in its Decision of Assignment of Counsel of 21 August 2006.⁴ As Judges on the bench that rendered the Decision of the Trial Chamber, Judges Robinson and Orié have indicated that they are unable to carry out their functions as members of the Bureau pursuant to Rule 23 (E) of the Rules of Evidence and Procedure (“Rules”). Accordingly, in order to determine this Appeal, the Bureau has been reconstituted in accordance with Rule 17 of the Rules with Judges Shahabuddeen and Güney replacing Judges Robinson and Orié.

3. This Appeal impugns the Decision of the Deputy Registrar to assign Defence Counsel to Šešelj. There is no authority conferred on the Bureau to consider appeals against decisions taken by the Deputy Registrar. Therefore, this Appeal is not properly before the Bureau.

4. On the basis of the foregoing, Šešelj’s Appeal against the Deputy Registrar’s Decision is **DISMISSED**.

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

Done this 10th day of November 2006,
At The Hague,
The Netherlands.


Judge Fausto Pocar
President

[Seal of the International Tribunal]

¹ Pursuant to Rule 23 of the Rules of Procedure and Evidence (“Rules”), the Bureau is composed of the President, the Vice-President and the Presiding Judges of the Trial Chambers.

² Deputy Registrar’s Decision, 30 August 2006 (“Decision”).

³ Appeal Against the Registrar’s Decision to Assign David Hooper as Defence Counsel in the Proceedings Against Dr. Vojislav Šešelj, signed on 18 September 2006 and filed on 4 October 2006, pp. 5-6 (“Appeal”).

⁴ Decision on Assignment of Counsel, 21 August 2006 (“Decision of Trial Chamber”), para. 81 and p. 25.