

15888
AINTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. BOX 13888
2501 EW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 512-5000
FAX: 31 70 512-8637TRIBUNAL PÉNAL INTERNATIONAL
POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637IT-03-67-T
D15888-D15887
30 NOVEMBER 2006

Case No. IT-03-67-T

Prosecutor v. Vojislav Šešelj

DECISION

THE ACTING 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, and in particular Rules 44 and 45 thereof;

NOTING the Directive on the Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended;

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

NOTING that Mr Vojislav Šešelj ("Accused") surrendered to the Tribunal on 23 February 2003, and that in a correspondence dated 25 February 2003 which was addressed to the Registrar, the Accused expressed his intention to represent himself before the Tribunal, which he reiterated during his initial appearance on 26 February 2003;

NOTING that on 9 May 2003, the Trial Chamber issued its "Decision on Prosecutor's Motion for Order Appointing Counsel to Assist Vojislav Šešelj with his Defence", in which it, *inter alia*, decided "that standby counsel [...] shall be assigned to the Accused [...]" and ordered "the Registry to assign one standby counsel from the list of counsel kept by the Registrar under Rule 45(B) [...]";

NOTING that on 5 September 2003, the Registrar assigned Mr Aleksandar Lazarević, attorney-at-law from Serbia, as standby counsel to the Accused;

NOTING that on 16 February 2004, the Registrar withdrew Mr Lazarević's assignment as standby counsel to the Accused, and assigned Mr Tjarda van der Spoel, attorney-at-law from the Netherlands, in that capacity;

NOTING that on 21 August 2006, the Trial Chamber issued its "Decision on Assignment of Counsel" ("21 August 2006 Decision"), in which it, *inter alia*, requested that "the Registry [...] make the necessary arrangements for assigning, as soon as practicable, Counsel for the Accused [...]";

NOTING that on 30 August 2006, the Registrar assigned Mr David Hooper, Barrister from the United Kingdom, as counsel to the Accused, and directed Mr van der Spoel to act on behalf of the Accused in matters relating to the interlocutory appeal of the 21 August 2006 Decision;

NOTING that on 13 September 2006, the Registrar assigned Mr Andreas O'Shea, Law Professor in South Africa, as co-counsel to Mr Hooper;

NOTING that on 20 October 2006, the Appeals Chamber issued the "Decision on Appeal against the Trial Chamber's Decision on Assignment of Counsel" ("Appeals Chamber's Decision of 20 October 2006"), in which it, *inter alia*, reversed the 21 August 2006 Decision "in light of the absence of a specific warning to Šešelj before assigning him counsel [...]";

NOTING that on 25 October 2006, the Trial Chamber issued the "Order Concerning Appointment of Standby Counsel and Delayed Commencement of Trial" ("Trial Chamber's Order of 25 October 2006"), in which it, *inter alia*, ordered "the Registrar [...] to appoint standby counsel with necessary support staff [...]";

NOTING that on 30 October 2006, pursuant to the Appeals Chamber's Decision of 20 October 2006, and the Trial Chamber's Order of 25 October 2006, the Registrar withdrew the assignments of Messrs Hooper and O'Shea as counsel and co-counsel respectively, and assigned Mr Hooper as standby counsel and Mr O'Shea as co-counsel to Mr Hooper;

CONSIDERING that on 27 November 2006, the Trial Chamber orally instructed "standby counsel to permanently take over the conduct of the defence from the Accused [...]" and requested "the Registry to appoint Mr van der Spoel as independent counsel to take any necessary action in relation to an appeal against this decision [...]" ("Trial Chamber's Oral Decision");

CONSIDERING that Mr van der Spoel is on the Registrar's list of counsel qualified for assignment to indigent suspects and accused, and has given his consent to act as independent counsel to the Accused;

DECIDES in accordance with the Trial Chamber's Oral Decision, to assign Mr van der Spoel as independent counsel to the Accused for the purpose of taking any necessary action in relation to an appeal of the Trial Chamber's Oral Decision.

Dated this thirtieth day of November 2006,
At The Hague,
The Netherlands.


Robin Vincent
Acting Deputy Registrar
