



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

Case Nos. IT-95-14-R77.3
Date: 21 December 2005
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Christine Van Den Wyngaert
Judge Bakone Moloto
Registrar: Mr. Hans Holthuis
Decision: 21 December 2005

PROSECUTOR

v.

**STJEPAN ŠEŠELJ
DOMAGOJ MARGETIĆ**

**DECISION ON THE ACCUSED DOMAGOJ MARGETIĆ'S
MOTION TO DISMISS THE INDICTMENT**

The Office of the Prosecutor:

Mr. David Akerson

Counsel for the Accused:

Mr. Domagoj Margetić is self-represented

TRIAL CHAMBER I (“Chamber”) of the 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 (“Tribunal”);

BEING SEISED OF the “Motion to Dismiss the Indictment” which was filed on 31 October 2005, by Mr. Niko Đurić, who pretended to act on behalf of Mr Domagoj Margetić (“the Accused”), in which he requested the Chamber to dismiss the indictment against the Accused (“the Motion”);

NOTING the “Prosecution’s Response to Motion to Dismiss the Indictment Filed by the Accused Margetić”, filed on 3 November 2005, in which the Prosecution responds to the Motion;

NOTING the Registrar’s Decision, filed on 9 November 2005, (“the Decision”) in which the Registrar noted that:

- i. on 19 October 2005 it had been notified that the Accused had retained Mr Đurić to represent him in proceedings before the Tribunal and that the Registry had received a power of attorney which the Accused had signed and which explicitly authorised Mr Đurić to represent the Accused in the present case before the Tribunal;
- ii. the Registry had had no reason at the time to suspect the validity of the power of attorney executed in favour of Mr. Đurić and that, owing to the fact that he had fulfilled the requirements for counsel under Rule 44 of the Rules that he was admitted as counsel on 26 October 2005;
- iii. that on 2 November 2005, the Accused transmitted to the Registry a written declaration in which the Accused stated that the power of attorney authorising Mr Đurić to represent him before the Tribunal was invalid and that he would represent himself before the Tribunal;

NOTING that on 5 November 2005, in response to a request for clarification from the Registry, the Accused stated in a written declaration, which was attached to the letter that:

- i. he had signed the power of attorney executed in favour of Mr. Đurić;
- ii. he had instructed Mr. Đurić that the power of attorney was limited to proceedings before the County Court in Zagreb which relate to the proceedings against the Accused before the Tribunal;
- iii. Mr. Đurić was at no point given the authority to represent the Accused before the Tribunal;
- iv. the Chamber should not consider any submissions filed on behalf of Mr. Đurić; and

v. the Accused intends to represent himself before the Tribunal.

NOTING that in the Decision, the Registry requested the direction of the Trial Chamber on whether to strike the Motion;

CONSIDERING that the Accused has indicated that he did not sign the power of attorney in favour of Mr. Đurić, that he intends to represent himself before the Tribunal and that the Chamber should not consider any submissions filed on behalf of Mr. Đurić;

CONSIDERING that Rule 54 provides that at the request of either party, or *proprio motu*, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders, as may be necessary for the purposes or for the preparation or conduct of the trial;

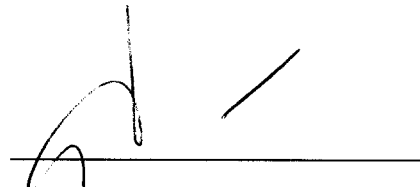
FOR THE FOREGOING REASONS:

PURSUANT TO Rule 54, the Chamber hereby:

ORDERS the Registry to strike the Motion;

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

Dated this 21st day of December 2005
At The Hague,
The Netherlands



Judge Alphons Orie,
Presiding Judge, Trial Chamber I

[Seal of the Tribunal]