

78
16.INTERNATIONAL 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 70 512-8637

5-04-82-A

4 78-1177

13 October 2008

Case No. IT-04-82-A

Prosecutor v. Johan Tarčulovski

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 Rule 44 thereof;

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

CONSIDERING that Mr. Johan Tarčulovski ("Accused") was transferred to the seat of the Tribunal on 16 March 2005 and that his initial appearance was held on 21 March 2005;

NOTING that the Accused chose to represent himself at his initial appearance;

NOTING that on 29 March 2005, the Accused submitted a Declaration of Means pursuant to Article 8 of the Directive on Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and requested the assignment of Mr. Antonio Apostolski, attorney at law from Skopje, Macedonia, pursuant to Rule 45 of the Rules, on the basis that he did not have sufficient means to remunerate counsel;

CONSIDERING that on 30 March 2005, acting pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Mr. Apostolski as counsel to the Accused for a period of 120 days, determining that an interim assignment of counsel was necessary to ensure that the Accused's right to counsel was not affected while the Registry examined his ability to remunerate counsel;

CONSIDERING that Mr. Apostolski's assignment was subsequently extended until 27 January 2006, date on which he was permanently assigned as counsel to the Accused;

CONSIDERING that Ms. Zivković was assigned as co-counsel to Mr. Apostolski pursuant to Article 16(C) of the Directive on 30 March 2007;

CONSIDERING that on 1 October 2008, the Accused informed the Registry that he was withdrawing his request for the assignment of Tribunal-paid counsel because the Government of the Republic of Macedonia had agreed to bear the costs of his legal representation on appeal;

CONSIDERING that the Registrar has obtained confirmation from the Government of the Republic of Macedonia by letter of 3 October 2008 that the Government will indeed bear the costs of the Accused's legal representation on appeal;

CONSIDERING that on 6 October 2008 the Accused executed powers of attorney in favour of Messrs. Alan M. Dershowitz, Nathan Z. Dershowitz, Antonio Apostolski and Jordan Apostolski, and that the powers of attorney authorise Messrs. Alan M. Dershowitz, Nathan Z. Dershowitz, Antonio Apostolski and Jordan Apostolski to represent the Accused in case IT-04-82-A before the Tribunal as a privately retained counsel;


CONSIDERING that the Registrar is satisfied that Messrs. Alan M. Dershowitz, Nathan Z. Dershowitz and Antonio Apostolski meet the qualification requirements for appointment pursuant to Rule 44 of the Rules;

CONSIDERING that the Registrar is currently assessing whether Jordan Apostolski fulfils the required qualifications to be appointed pursuant to Rule 44 of the Rules;

NOTING the obligations of Messrs. Alan M. Dershowitz, Nathan Z. Dershowitz and Antonio Apostolski under the Statute, the Rules, in particular Rule 44(C), and the Code of Conduct;

HEREBY DECIDES to withdraw the assignment of Mr. Antonio Apostolski as lead counsel and Ms. Zivković as co-counsel, effective as of the date of this decision;

FURTHER DECIDES to appoint Messrs. Alan M. Dershowitz, Nathan Z. Dershowitz and Antonio Apostolski as counsel to the Accused pursuant to Rule 44(A) of the Rules, effective as of the date of this decision.


John Hoeking
Deputy Registrar

Dated this 10th day of October 2008
At The Hague,
The Netherlands.