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IT-00-39-A

A 7074 - A 7073  
12 September 2008

Case No. IT-00-39-A

*Prosecutor v. Momčilo Krajišnik*

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, 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 the Trial Chamber rendered its judgement against Mr. Momčilo Krajišnik ("Accused") on 27 September 2006 ("27 September 2006 Judgment"), and, *inter alia*, sentenced the Accused "to a single sentence of twenty-seven (27) years of imprisonment";

**CONSIDERING** that on 11 May 2007, the Appeals Chamber issued the "Decision on Momčilo Krajišnik's Request to Self-Represent, on Counsel's Motions in Relation to the Appointment of *Amicus Curiae* and on the Prosecution Motion of 16 February 2007", in which it held that the Accused has a right to represent himself on appeal, and requested the Registry to *inter alia* take any necessary steps to implement this decision ("Appeals Chamber Decision of 11 May 2007");

**CONSIDERING** that on 21 February 2008, the Accused filed a motion seeking postponement of the next status conference in this case until 31 March 2008, in order to accommodate the schedule of Mr. Alan Dershowitz, whom Mr. Krajsinik sought to engage as counsel;

**CONSIDERING** the "Decision on Momčilo Krajišnik's Motion to Reschedule Status Conference and Permit Alan Dershowitz to Appear" of 28 February 2008 ("Appeals Chamber Decision of 28 February 2008"), in which the Appeals Chamber granted Mr. Krajsinik's motion of 21 February 2008, recognised that the Accused may engage Mr. Alan Dershowitz's legal assistance regarding the sole issue of Joint Criminal Enterprise whilst remaining self-represented in all other respects and articulated parameters for Mr. Alan Dershowitz's involvement in this case;

**CONSIDERING** that on 4 April 2008 the Deputy Registrar, pursuant to Rule 44(A) of the Rules, issued a decision admitting Mr. Alan Dershowitz to represent the Accused before the Tribunal in accordance with the parameters of the Appeals Chamber decision of 28 February 2008;

**CONSIDERING** the “Order on Motion to Interview Radovan Karadžić with a view to then Calling him as a Witness Pursuant to Rule 115” of 20 August 2008, in which the Appeals Chamber permitted the Accused to speak to Radovan Karadžić, and directed the Registrar to “[...] provide for the necessary arrangements to allow the Appellant to speak to Radovan Karadžić in order to determine if the Appellant wants to call him as a witness pursuant to Rule 115 of the Rules.”;

**CONSIDERING** the “Motion A) for Permission for Nathan Z. Dershowitz to act as Counsel with Alan M. Dershowitz on behalf of Mr. Momčilo Krajišnik on the Issue of JCE and to Conduct the Interview of Radovan Karadžić as Allowed by Order Dated 20 August 2008 and B) to extend the Deadline of September 15, 2008 contained in said Order to September 29, 2008” filed on behalf of the Accused on 2 September 2008, (“Motion for Permission for Nathan Dershowitz to act as Counsel”);

**CONSIDERING** the “Decision on Momčilo Krajišnik’s Motion for Permission for Nathan Z. Dershowitz to act as Counsel with Alan M. Dershowitz and for Extension of Time” of 5 September 2008, (“Appeals Chamber Decision of 5 September 2008”), in which the Appeals Chamber granted the Motion for Permission for Nathan Dershowitz to act as Counsel in part, and permitted Mr. Nathan Dershowitz to approach the Registry at the earliest opportunity with a view to be appointed as co-counsel on the matter of JCE in compliance with Rule 44 of the Rules;

**CONSIDERING** that the Registrar is satisfied that Mr. Nathan Dershowitz fulfils the specific qualification requirements of Rule 44 of the Rules;

**CONSIDERING** that the Registrar is satisfied that the conditions for admission of counsel under Rule 44(A) of the Rules are fulfilled;

**NOTING** Mr. Nathan Dershowitz’s obligations under the Statute, the Rules, and in particular Rule 44(C) thereof, and the Code of Conduct;

**HEREBY DECIDES** pursuant to Rule 44(A) of the Rules, to admit Mr. Nathan Dershowitz to represent the Accused before the Tribunal in accordance with the parameters of the Appeals Chamber Decisions of 28 February 2008 and 5 September 2008.

Dated this 12<sup>th</sup> day of September 2008,  
At The Hague,  
The Netherlands.

