



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-04-81-PT  
Date: 19 January 2007  
Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Pre-Trial Judge  
**Registrar:** Mr. Hans Holthuis  
**Decision of:** 19 January 2007

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

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**DECISION**

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**The Office of the Prosecutor:**

Mr. Mark Harmon  
Ms. Susan Somers

**Counsel for Momčilo Perišić:**

Mr. James Castle

**I, Patrick Robinson**, Judge 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 (“International Tribunal”),

**NOTING** “Counsel’s request to appear by teleconference for 7 February 2007 status conference”, filed by counsel for Mr. Perišić (“Counsel”) on 5 January 2007 (“Initial Request”) as well as “Momčilo Perešić’s waiver of appearance for 7 February 2006 status conference”, filed on the same day (“Initial Waiver”),

**NOTING** that the Initial Request and Initial Waiver contained incorrect dates, and that Counsel therefore submitted “Counsel’s request to appear by teleconference for 6 February 2007 status conference”, filed on 11 January 2007 (“Request”) as well as “Momčilo Perešić’s waiver of appearance for 6 February 2007 status conference”, filed on the same day (“Waiver”),

**NOTING** the subsequent “Registry submission on counsel’s request to appear by teleconference for 7 February 2007 status conference”, filed on 11 January 2007 (“Registry Submission”),

**NOTING** “Counsel’s request to file reply to Registry’s submission on counsel’s request to appear by teleconference for 6 February 2007 status conference”, filed on 12 January 2007 as well as his “*Ex parte* reply to Registrar’s submission regarding counsel’s request to appear by teleconference for 6 February 2007 status conference”, filed on 16 January 2007 (“*ex parte* Reply”),

**NOTING** the Counsel in his *ex parte* Reply states that he will physically appear for the upcoming Status Conference that is scheduled to take place on 6 February 2007, thereby mooted Counsel’s Request to participate in aforementioned Status Conference by teleconference,

**NOTING** that Counsel submits in his *ex parte* Reply that he will physically attend the upcoming Status Conference as “a courtesy to the Chamber”,

**CONSIDERING** however that the question of the manner in which a Status Conference is held is always a matter for the Trial Chamber to decide,

**NOTING** that Counsel in his Request and his *ex parte* Reply has raised the issue of his remuneration, an issue which Counsel has raised with the Registrar of this Tribunal, whose

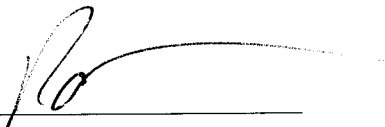
decisions of 2 October 2006 and 21 December 2006 in turn have been referred for appeal to the President of this Tribunal on 5 January 2007,

**CONSIDERING** therefore that the issue of remuneration is not something which is properly before the Trial Chamber, wherefore it will not entertain any arguments pertaining to it in this decision,

**PURSUANT TO** Rules 54 and 65 *bis* of the Rules of Procedure and Evidence of the International Tribunal,

**HEREBY ALLOW** the *ex parte* Reply and **DISMISS** the Request as moot.

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



Patrick Robinson  
Pre-Trial Judge

Dated this nineteenth day of January 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**