

MECHANISM FOR INTERNATIONAL
CRIMINAL TRIBUNALSMÉCANISME POUR LES TRIBUNAUX
PÉNAUX INTERNATIONAUX

Case No. MICT-13-55

The Prosecutor v. Radovan Karadžić

PUBLIC

DECISION

THE REGISTRAR,

NOTING the Statute of the Mechanism for International Criminal Tribunals (“Statute” and “Mechanism” respectively) as adopted by the Security Council under Resolution 1966 (2010), and in particular Article 19 thereof;

NOTING the Rules of Procedure and Evidence as adopted by the Mechanism on 8 June 2012 (“Rules”), and in particular Rules 42 and 43 thereof;

NOTING the Directive on the Assignment of the Defence Counsel as adopted by the Mechanism on 14 November 2012 (“Directive”) and in particular Articles 5, 6, 11 and 14 thereof;

NOTING the Code of Professional Conduct for Defence Counsel appearing before the Mechanism;

CONSIDERING that the Mechanism is mandated to continue the “jurisdiction, rights and obligations and essential functions” of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia (“ICTY”);

NOTING the Transitional Arrangements contained in Annex 2 to the Statute and in particular Article 2(2), which indicates that the Mechanism shall have competence to conduct and complete all appellate proceedings for which the notice of appeal against the judgement or sentence is filed on or after the commencement date of the respective branch of the Mechanism;

CONSIDERING that on 24 March 2016, Trial Chamber III of the ICTY issued the trial judgement in the case *Prosecutor v. Radovan Karadžić*, case number ICTY-95-5/18-T;

CONSIDERING that, while Mr. Radovan Karadžić (“Accused”) represented himself during trial proceedings, he informed the Registry in writing on 8 December 2015 and confirmed on 21 March 2016 that he wishes to be represented on appeal;

CONSIDERING that on 21 March 2016, the Accused submitted a power of attorney authorising Mr. Peter Robinson to represent him as lead counsel before the Mechanism;

CONSIDERING that Mr. Robinson has been assigned as legal associate to the Accused since 16 October 2008 pursuant to the ICTY Remuneration Scheme for Persons Assisting Indigent Self-Represented Accused (1 April 2010);

CONSIDERING that Mr. Robinson is included on the Mechanism's list of counsel eligible for assignment to indigent suspects and accused envisaged in Rule 43 of the Rules;

CONSIDERING that on 21 March 2016, Mr. Robinson indicated his willingness to be assigned as counsel to the Accused;

NOTING that Mr. Robinson appeared before the ICTY as co-counsel for Dragoljub Ojdanić in *Prosecutor v. Šainović et al.* (IT-05-87);

CONSIDERING that the Registry has ascertained that no potential or actual conflict of interest exists between Mr. Robinson's former assignment and his representation of the Accused;

CONSIDERING that the Registrar of the ICTY in 2012 found the Accused able to contribute €146,501.00 to the cost of his defence;¹

CONSIDERING that the Accused submitted a new Declaration of Means to the Mechanism on 8 December 2015 which is currently under review by the Registry;

NOTING that in accordance with Article 11(B) of the Directive, the Registrar may assign counsel to an accused for a period of 120 days to ensure that an accused's right to counsel is not affected while the Registry examines his Declaration of Means;

HEREBY DECIDES to assign Mr. Peter Robinson as lead counsel to represent Mr. Radovan Karadžić before the Mechanism for a period of 120 days effective as of 24 March 2016.


John Lock
Registrar



Dated this 24th day of March 2016.
At The Hague,
The Netherlands.

¹ See *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-AR73.13, Public Redacted Version of the 25 July 2014 Decision on Appeal From Decision on Indigence, public, 2 December 2014.