

MECHANISM FOR INTERNATIONAL
CRIMINAL TRIBUNALSMÉCANISME POUR LES TRIBUNAUX
PÉNAUX INTERNATIONAUX

Case No. MICT-13-55-A

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 wished to be represented by counsel 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, and that on that same day Mr. Robinson indicated his willingness to be assigned as counsel to the Accused;

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;

NOTING that on 24 March 2016, in accordance with Article 11(B) of the Directive, the Registrar, temporarily assigned Mr. Robinson as counsel to the Accused for a period of 120 days while the Registry examined the Accused's new Declaration of Means submitted on 8 December 2015;

CONSIDERING that on 24 May 2016, the Registrar found the Accused had not provided new information beyond what was already known to the Registry during the original indigency determination, and accordingly, pursuant to paragraph 7 of the Remuneration Policy for Persons Representing Indigent Accused in Appeals Proceedings before the Mechanism for International Criminal Tribunals (21 March 2016), recognised the indigency determination made by the ICTY;

CONSIDERING that on 30 May 2016, the Accused requested the Appeals Chamber to review the Registrar's decision of 24 May 2016;¹

CONSIDERING that on 24 June 2016, the Appeals Chamber granted the Accused's motion for review and found that the Accused does not appear to be in a position to contribute to the costs of his defence and accordingly ordered the Registrar not to deduct the outstanding contribution of €146,501 from the funds available to the defence on appeal;²

NOTING that further to the Appeals Chamber's decision, the Registrar considers the Accused to be fully indigent;

HEREBY DECIDES to assign Mr. Peter Robinson permanently as lead counsel to represent Mr. Radovan Karadžić before the Mechanism pursuant to Article 11(A)(i) of the Directive.


John Hood
Registrar



Dated this 6th day of July 2016.
At The Hague,
The Netherlands.

¹ *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Motion for Review of Registrar's Decision on Indigence, public, 30 May 2016.

² *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Decision on a Motion for Review of the Registrar's Decision on Indigence, public, 24 June 2016.