



INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA  
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POUR L'EX-YOUGOSLAVIE  
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**Case No. IT-05-88/2-R77.2**  
**Prosecutor v. Dragomir Pećanac**

**CONFIDENTIAL**

**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 Rules 44, 45, 62(B) and 77 thereof;

**NOTING** the Directive on Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 14(B), and 16 (H) thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing Before the International Tribunal ("Code of Conduct") (IT/125 REV.3);

**NOTING** that on 21 September 2011, a confidential order *in lieu* of indictment was filed against Mr. Dragomir Pećanac ("Accused"), charging him with contempt of the Tribunal under Rule 77 of the Rules;

**NOTING** that the order *in lieu* of an indictment alleges that the Accused has failed to comply with an order to attend before a Chamber without just excuse;

**CONSIDERING** that the Accused was transferred to the seat of the Tribunal on 9 October 2011 and that his initial appearance is scheduled for 10 October 2011;

**NOTING** that the Rules in parts four to eight apply *mutatis mutandis* to proceedings under Rule 77 of the Rules;

**NOTING** that any person charged with contempt is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for determination of indigence;

**CONSIDERING** that the Accused's rights under the Statute, Rules and Directive must be protected until he retains permanent counsel or has counsel assigned to him pursuant to Rule

45 of the Rules and that Rule 62(B) of the Rules enables the Registrar to assign duty counsel for this purpose;

**CONSIDERING** that Mr. Jens Dieckmann, Attorney at Law from Germany, is on the list of "duty counsel" envisaged in Rule 45(C) of the Rules, and has agreed to represent the Accused as duty counsel;

**HEREBY DECIDES** to assign Mr. Dieckmann pursuant to Article 16(H) and Article 62(C) of the Directive, as duty counsel to represent the Accused at his initial appearance, and in such other matters as may be necessary until a permanent counsel is assigned, effective as of the date of this decision.



Linda Mulrane  
Acting/Deputy Registrar

Dated this 9<sup>th</sup> day of October 2011  
At The Hague,  
The Netherlands