



IT-98-32/1-R77.2
1458-1457
21 September 2010

1458
ML

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CHURCHILLPLEIN, 1, P.O. BOX 13888
2501 EW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 512-5000
FAX: 31 70 512-8637

TRIBUNAL PÉNAL INTERNATIONAL
POUR L'EX-YOUGOSLAVIE

CHURCHILLPLEIN, 1 B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637

Case No. IT-98-32/1-R77.2
Prosecutor v. Jelena Rašić

PUBLIC

DECISION ON THE ASSIGNMENT OF DUTY COUNSEL

THE DEPUTY REGISTRAR,

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), as subsequently amended (“Statute”), 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 (IT/125 REV.3);

CONSIDERING the confidential “Decision on Review of Indictment” issued by Judge Howard Morrison on 26 August 2010¹ confirming an indictment for contempt of court pursuant to Rule 77 of the Rules against Ms. Jelena Rašić (“Accused”);

CONSIDERING that the Accused was transferred to the seat of the Tribunal on 20 September 2010 and that her initial appearance is scheduled for 22 September 2010²;

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 of court is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for determination of indigency;

CONSIDERING that the Accused’s rights under the Statute, Rules and Directive must be protected until she retains permanent counsel or has counsel assigned to her 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;

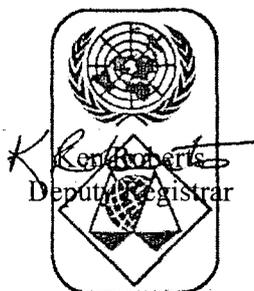
¹ *Prosecutor v. Jelena Rasić*, IT-98-32/1-R77.2, “Decision on Review of Indictment”, 26 August 2010.

² *Prosecutor v. Jelena Rasić*, IT-98-32/1-R77.2, “Scheduling Order for Initial Appearance”, 21 September 2010.

CONSIDERING that the Accused has been informed of her right to retain counsel or to have one assigned by the Registrar if she lacks the means to remunerate counsel, and has consented to the assignment of duty counsel in the interim;

CONSIDERING that Ms. Mira Tapušković, attorney at law from Serbia, 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 Ms. Tapušković pursuant to Article 16(H) of the Directive, as duty counsel to represent the Accused at her initial appearance, and in such other matters as may be necessary until a permanent counsel is retained by the Accused or assigned by the Registrar, effective as of the date of this decision.



Dated this 21st day of September 2010
At The Hague,
The Netherlands.