



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

DECISION

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

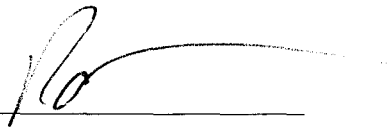
decisions of 2 October 2006 and 21 December 2006 in turn have been referred for appeal to the President of this Tribunal on 5 January 2007,

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]