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UNITED
NATIONS

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-00-39-A

Date: 4 November 2008

Original: English

IN THE APPEALS CHAMBER

Before: **Judge Fausto Pocar, Presiding**
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andrésia Vaz
Judge Theodor Meron

Registrar: **Mr. Hans Holthuis**

Decision of: **4 November 2008**

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

PUBLIC

DECISION ON URGENT *AMICUS* REQUEST TO MEET WITH MR. KARADŽIĆ

The Office of the Prosecutor
Mr. Peter Kremer QC

The Appellant
Mr. Momčilo Krajišnik

Counsel for the Appellant on the Matter of JCE
Mr. Alan M. Dershowitz
Mr. Nathan Z. Dershowitz

Amicus Curiae
Mr. Colin Nicholls QC

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THE APPEALS CHAMBER 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 ("Appeals Chamber" and "Tribunal", respectively);

BEING SEIZED OF "Urgent *Amicus* Request to Meet With Mr. Karadžić", filed by *Amicus Curiae* on 31 October 2008 ("Request"), wherein *Amicus Curiae* requests permission to hold a meeting at the UNDU with Mr. Radovan Karadžić in the afternoon of 4 November 2008;

NOTING that the Prosecution has communicated to the Appeals Chamber that it does not intend to respond to the Request;

NOTING *Amicus Curiae*'s submission that the purpose of the meeting would be to assist him to prepare for Mr. Radovan Karadžić's testimony on matters arising out of *Amicus Curiae*'s sixth and seventh grounds of appeal;[1]

NOTING *Amicus Curiae*'s submission that it would be in the best interests of Mr. Momčilo Krajišnik ("Appellant") for *Amicus Curiae* to meet with Mr. Radovan Karadžić to fully ascertain his knowledge of matters relevant to these grounds of appeal before questioning him in court on such matters;[2]

NOTING *Amicus Curiae*'s submission that the meeting would take place in the absence of the Appellant and his Legal Associate;[3]

RECALLING that *Amicus Curiae* is assigned "to assist the Appeals Chamber by arguing in favour of [the Appellant's] interests";[4]

CONSIDERING that Mr. Radovan Karadžić was called to testify by the Appellant and that both the Appellant and the Appellant's Counsel on the matter of JCE will have proofed Mr. Radovan Karadžić on the issues on which the Appellant sought his testimony prior to his appearance in court;

FINDS therefore, that the meeting is not necessary in order to assist the Appeals Chamber by arguing in favour of the Appellant's interests; and

DENIES the Request.

Done in English and French, the English text being authoritative.

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[1] Request, para. 6.
[2] Request, para. 7.
[3] Request, para. 9.
[4] Decision on Momčilo Krajišnik's Request to Self-Represent, on Counsel's Motion in Relation to Appointment of *Amicus Curiae*, and on the Prosecution Motion of 16 February 2007, 11 May 2007 ("11 May 2007 Decision"), para. 19.

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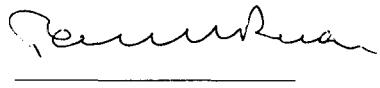
Dated this fourth day of November 2008,
At The Hague,
The Netherlands.



Judge Fausto Pocar
Presiding

[Seal of the Tribunal]

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