

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. BOX 13888  
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888  
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TÉLÉPHONE: 31 70 512-5000  
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D376-D375  
22 MAY 2008

**Case No. IT-04-84-R77.4**  
**Prosecutor v. Bajrush Morina**

*PUBLIC*

**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 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(A), and 16 thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (“code of Conduct”)(IT/125 REV.2);

**NOTING** that on 8 January 2008, an indictment was filed against Mr. Bajrush Morina (“Accused”), charging him with contempt of the Tribunal under Rule 77 of the Rules and that this indictment was made public on 25 April 2008;

**CONSIDERING** that the Accused was transferred to the seat of the Tribunal on 28 April 2008 and that his initial appearance was held on 29 April 2008;

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

**CONSIDERING** that on 29 April 2008, Mr. Jens Dieckmann, Attorney at Law from Germany, was assigned as “duty counsel” to the Accused to ensure that the Accused rights are protected until he retains permanent counsel or has counsel assigned to him pursuant to Rule 45 of the Rules;

**CONSIDERING** that the Accused has indicated that he will apply for Tribunal legal aid pursuant to Article 8 of the Directive, on the basis that he does not have means to remunerate counsel and has requested that the Registry assign Mr. Dieckmann as his permanent counsel;

**CONSIDERING** that the Registry has not yet determined whether or to what extent the Accused is able to remunerate counsel;

**CONSIDERING** that in accordance with Article 11(B) of the Directive, the Registrar may assign counsel to an accused for a period of 120 days to ensure that an accused's right to counsel is not affected while the Registry examines his ability to remunerate counsel;

**CONSIDERING** that in this case it is necessary to assign counsel to the Accused pursuant to Article 11(B) to ensure that his right to counsel is not affected while the Registry assesses his ability to remunerate counsel;


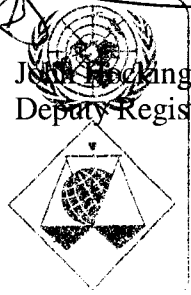
**NOTING** that Mr. Dieckmann is currently assigned as co-counsel in the case against Mr. Sredoje Lukić in *The Prosecutor v Milan Lukić et al.*;

**CONSIDERING** that the Registry has ascertained that no conflict of interest exists between Mr. Dieckmann's representation of Mr Lukić and his representation of the Accused;

**CONSIDERING** that the Registry has determined that Mr. Dieckmann's representation of both Mr. Lukić and the Accused will not prejudice the defence of either Mr. Lukić or the Accused due to the generally limited scope of cases under Rule 77 of the Rules;

**CONSIDERING** that both Mr. Lukić and the Accused have consented in writing to the dual assignment of Mr. Dieckmann after receiving independent legal advice on this issue from the Registry pursuant to Article 16(G) of the Directive;

**HEREBY DECIDES** to assign Mr. Dieckmann as counsel to the Accused for a period of 120 days pursuant to Article 11(B) of the Directive, effective as of the date of this decision.

  
Jean Hooding  
Deputy Registrar  


Dated this 20<sup>th</sup> day of May 2008  
At The Hague,  
The Netherlands