

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. BOX 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
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D383-D382
22 MAY 2008

Case No. IT-04-84-R77.4
Prosecutor v. Astrit Haraqija

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. Astrit Haraqija ("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 and pursuant to Rule 45(C) of the Rules, the Registrar assigned Mr. Karim Khan, Attorney at Law from the United Kingdom, as duty counsel to the Accused for the purposes of his initial appearance and for other such matters as necessary until permanent counsel is assigned;

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. Khan 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 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;

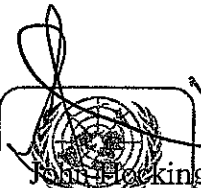

NOTING that Mr. Khan is currently representing Mr Bruno Stojić in *The Prosecutor v Prlić et al.* (IT-04-74-T);

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

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

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

HEREBY DECIDES to assign Mr. Khan 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.


Josip Jerković
Deputy Registrar


Dated this 20th day of May 2008
At The Hague,
The Netherlands