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27INTERNATIONAL CRIMINAL TRIBUNAL  
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TÉLÉPHONE: 31 70 512-5000  
TÉLÉCOPIE: 31 70 512-8637**IT-02-54-R77.5**  
**D156-D154**  
**19 DECEMBER 2008****Case No. IT-02-54-R77.5*****In the case against Florence Hartmann*****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 the Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 14(A), 16(B) and 20(A) thereof;

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

**NOTING** that on 27 August 2008, a specially appointed Trial Chamber issued the Order in Lieu of An Indictment On Contempt for the prosecution of Ms Florence Hartmann ("Accused") for contempt of the Tribunal under Rule 77 of the Rules;

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

**CONSIDERING** that the Accused applied for Tribunal legal aid pursuant to Article 8 of the Directive on the basis that she does not have means to remunerate counsel, and also requested the assignment of Mr. William Bourdon, attorney at law from France, as her counsel;

**CONSIDERING** that on 23 September 2008, the Registrar assigned Mr. Bourdon, as counsel to the Accused for a period of 120 days, determining that an interim assignment of counsel was necessary to ensure that the Accused's right to counsel was not affected while the Registry examined her ability to remunerate counsel;

**CONSIDERING** that on 13 November 2008, the Registrar issued a decision in which he found that the Accused lacked sufficient means to remunerate counsel, and confirmed the assignment of Mr. Bourdon as counsel to the Accused;

**CONSIDERING** that on 8 December 2008, the Accused wrote to the Registry indicating that she would be seeking the withdrawal of her counsel Mr. Bourdon; stated that she had approached Mr. Karim A. A. Khan, attorney at law from the United Kingdom who indicated that in principle, he was content to lead the Accused's defence team and undertook that her request for change of counsel would not be a ground for delaying the proceedings in this matter;

**CONSIDERING** that on 11 December 2008, the Accused provided further information to the Registry and confirmed her request for the assignment of Mr. Khan as replacement counsel;

**CONSIDERING** that Mr. Khan is on the Tribunal's list of counsel eligible for assignment to indigent suspects and accused;

**CONSIDERING** that Mr. Khan is currently assigned as co-counsel in the defence team of Mr. Bruno Stojić, and as counsel to Mr. Astrit Haraqija before this Tribunal;

**CONSIDERING** that Mr. Stojić and Mr. Haraqija have both consented in writing to Mr. Khan's assignment as counsel to the Accused;

**CONSIDERING** that on 16 December 2008, the Registrar wrote to the Accused to inform her of Mr. Khan's commitments in other cases before this Tribunal and provided her with independent legal advice in accordance with Article 16(G) of the Directive, and also requested her consent for his assignment in light of his additional engagements;

**CONSIDERING** that on 17 December 2008, the Accused confirmed that she was aware of Mr. Khan's commitments before this Tribunal and consented to the assignment of Mr. Khan;

**CONSIDERING** that the Registrar has sought Mr. Khan's views on the possibility of a scheduling conflict between Mr. Stojić's case and the Accused's case, and requested Mr. Khan to state how he would handle the resulting workload and ensure that no delay will be caused to either case;

**CONSIDERING** that in correspondence dated 18 December 2008 and 19 December 2008, Mr. Khan provided information which satisfied the Registrar that he would effectively represent the Accused, Mr. Stojić and Mr. Haraqija without prejudicing the rights of any of his clients;

**CONSIDERING** the scheduled commencement of trial in the Accused's case and its expected duration;

**CONSIDERING** that the Registrar is satisfied, in accordance with Article 16(G)(ii) of the Directive, that the assignment of Mr. Khan presents no significant scheduling conflict and no potential or actual conflict of interest, and that the assignment would not otherwise prejudice the defence of any of the accused represented by Mr. Khan or the integrity of the proceedings;

**CONSIDERING** that the Registrar is further satisfied that as a former staff member of the Tribunal, Mr. Khan did not participate personally and substantially in this matter during his previous employment with the Office of the Prosecutor;

**NOTING** that pursuant to Article 20(A)(i) of the Directive, the Registrar may in the interests of justice withdraw the assignment of counsel at the request of an accused;

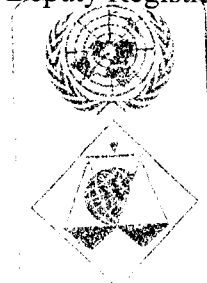
**CONSIDERING** that the Registrar is satisfied, based on the totality of the information available to him and the assurances given by the Accused and Mr. Khan that replacing Mr. Bourdon as counsel to the Accused would not delay the commencement of trial, and that the interests of justice would be served by granting the request of the Accused;

**HEREBY DECIDES** to withdraw the assignment of Mr. Bourdon as counsel to the Accused and to assign Mr. Khan as replacement counsel to the Accused, effective as of the date of this decision;

**DIRECTS** Mr. Bourdon to hand over any case-related materials he received during his assignment as counsel, in accordance with his duties under Article 9(D) of the Code of Conduct.



John Hocking  
Deputy Registrar



Dated this 19<sup>th</sup> day of December 2008  
At The Hague,  
The Netherlands.