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A)INTERNATIONAL CRIMINAL TRIBUNAL
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Case No. IT-03-67-R.77.1
Prosecutor v. Ljubiša Petković

IT-03-67-R77.1
D103-D101
22 AUGUST 2008

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 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 6, 7, 8 and 11(A)(i) thereof;

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

NOTING that on 13 May 2008, an order in lieu of an indictment was filed against Mr. Ljubiša Petković (“Accused”), charging him with contempt of the Tribunal under Rule 77 of the Rules and that this order was made public on 28 May 2008;

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

CONSIDERING that the Accused was transferred to the seat of the Tribunal on 28 May 2008, and that his initial appearance took place on 29 May 2008;

NOTING that on 28 May 2008, pursuant to Rule 45(C) of the Rules, the Registrar assigned Mr. Gregor Guy-Smith, attorney at law from the United States, as duty counsel to the Accused for the purposes of his initial appearance and for such other matters as necessary until replacement counsel is assigned;

CONSIDERING that on 2 June 2008, the Accused submitted a power of attorney for Mr. Zoran Jovanović, attorney at law from Serbia, and requested his assignment as counsel;

NOTING that on 4 June 2008, the Accused applied for legal aid on the basis that he does not have sufficient means to remunerate counsel and reiterated his request for the assignment of Mr. Jovanović as his counsel;

CONSIDERING that on 6 June 2008, the Registry informed the Accused that Mr. Jovanović could not be assigned as his counsel due to a potential conflict of interest arising from Mr. Jovanović’s representation of Mr. Franko Simatović before the Tribunal;

CONSIDERING that on 16 June 2008, the Accused requested the assignment of Mr. Zoran Stojković, attorney at law from Serbia, as his counsel;

NOTING that Mr. Stojković is not admitted to the list of counsel eligible to represent suspects and accused before this Tribunal pursuant to Rule 45 of the Rules (“Rule 45 list”), and does not meet all the qualification requirements for admission to that list;

CONSIDERING that when the Accused was informed of this, he submitted a new request on 23 June 2008 (“23 June 2008 Request”), for the appointment of Mr. Stojković under Rule 44(B) of the Rules at his own expense;

CONSIDERING that in the 23 June 2008 Request, the Accused also asked for the assignment of Ms Branislava Isailović, attorney at law from France, on a temporary basis, pending the outcome of the Registrar’s examination of Mr. Stojković’s eligibility to be appointed as counsel to the Accused pursuant to Rule 44(B) of the Rules;

CONSIDERING that on 27 June 2008, the Accused confirmed his request for the temporary assignment of Ms Isailović;

CONSIDERING that on 1 July 2008, the Deputy Registrar assigned Ms Isailović in accordance with Article 11(B) of the Directive to ensure that the Accused’s right to counsel is not affected while the Registry examines his ability to remunerate counsel;

CONSIDERING that Mr. Stojković has failed to apply for admission under Rule 44 of the Rules, and to satisfy the Registrar that it is in the interests of justice to waive the language requirement in accordance with Rule 44(B) of the Rules, and can therefore not be appointed to represent the Accused;

CONSIDERING that on 20 August 2008, the Accused agreed to be represented by Ms Isailović permanently;

CONSIDERING that the Registry has examined the information provided by the Accused in his declaration of means and has completed an inquiry into the Accused's means pursuant to Article 10(A) of the Directive;

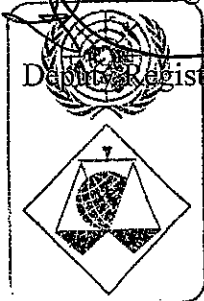
CONSIDERING that the Registry is satisfied that the Accused does not have any means available to him to pay for the costs of his defence before the International Tribunal;

DECIDES in light of the above and in accordance with Article 11(A)(ii) of the Directive that the Accused is eligible for full legal aid;

DECIDES without prejudice to Article 19 of the Directive and pursuant to Article 11(A)(i) of the Directive to assign Ms Isailović as counsel to the Accused permanently, effective as of the date of this decision;

INFORMS the Accused and his counsel that the expenses relating to the Accused's defence referred to in Articles 23, 26 and 27 of the Directive shall be borne by the International Tribunal.

John Hocking
 Deputy Registrar



Dated this 22nd day of August 2008
 At The Hague,
 The Netherlands.