

INTERNATIONAL CRIMINAL TRIBUNAL  
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IT-98-32/1-R77.1

D842 - D841

21 DECEMBER 2009

*Case No. IT-98-32/1-R77.1*  
*Prosecutor v. Zuhdija Tabaković*

**PUBLIC****DECISION ON THE ASSIGNMENT OF DUTY COUNSEL****THE DEPUTY REGISTRAR,**

**NOTING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), as subsequently amended (“Statute”), 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, 62(B) 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(B), and 16(H) thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.3);

**CONSIDERING** the Decision on Review of Indictment issued by Judge Howard Morrison on 17 November 2009<sup>1</sup> confirming an indictment for contempt of court pursuant to Rule 77 of the Rules against Mr. Zuhdija Tabaković (“Accused”);

**CONSIDERING** that the Accused was transferred to the seat of the Tribunal on 18 December 2009 and that pursuant to Rule 62 of the Rules, his initial appearance before a Judge shall be made without delay;

<sup>1</sup> *Prosecutor v. Zuhdija Tabaković*, Case No. IT-98-32/1-R77.1, Decision on Review of Indictment, 17 November 2009.

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

**NOTING** that any person charged with contempt of court is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for determination of indigency;

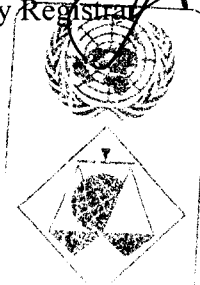
**CONSIDERING** that the Accused's rights under the Statute, Rules and Directive must be protected until he retains permanent counsel or has counsel assigned to him pursuant to Rule 45 of the Rules and that Rule 62(B) of the Rules enables the Registrar to assign duty counsel for this purpose;

**CONSIDERING** that the Accused has been informed of his right to retain counsel or to have one assigned by the Registrar if he lacks the means to remunerate counsel, and has consented to the assignment of duty counsel in the interim;

**CONSIDERING** that Mr. Steven Powles, Barrister from the United Kingdom, is on the list of "duty counsel" envisaged in Rule 45(C) of the Rules, and has agreed to represent the Accused as duty counsel;

**HEREBY DECIDES** to assign Mr. Powles pursuant to Article 16(H) of the Directive, as duty counsel to represent the Accused at his initial appearance, and in such other matters as may be necessary until a permanent counsel is retained by the Accused or assigned by the Registrar, effective as of the date of this decision.

Ken Roberts  
Deputy Registrar



Dated this 21<sup>st</sup> day of December 2009  
At The Hague,  
The Netherlands.