

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
2501 EW THE HAGUE, NETHERLANDS
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
FAX: 31 70 512-8637**Case No. IT-05-88-T*****Prosecutor v. Ljubomir Borovčanin*****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 and 45 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, 16 and 20 thereof;

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

CONSIDERING that Mr. Ljubomir Borovčanin ("Accused") was transferred to the seat of the Tribunal on 1 April 2005, and that on or about that date he applied for the assignment of Tribunal-paid counsel on the basis that he did not have sufficient means to remunerate counsel;

CONSIDERING that on 9 May 2005, the Deputy Registrar assigned Mr. Alan Newman, QC from the United Kingdom, 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 his ability to remunerate counsel;

CONSIDERING that on 30 May 2005, the Registrar assigned Mr. Miodrag Stojanović, Attorney at Law from Bijeljina, Bosnia and Herzegovina, as co-counsel to Mr. Newman;

CONSIDERING that on 4 January 2006, the Registrar issued a decision i) withdrawing the assignment of Mr. Newman as lead counsel, ii) assigning Mr. Aleksandar Lazarević, Attorney at Law from Belgrade, Serbia, as lead counsel for a period of 120 days, and iii) re-assigning Mr. Stojanović as co-counsel to Mr. Lazarević;

CONSIDERING that on 26 June 2006, the Registrar issued a decision i) determining that the Accused was able to remunerate counsel in part, and ii) confirming the assignment of Mr. Lazarević as lead counsel and Mr. Stojanović as co-counsel, effective as of 4 May 2006;

CONSIDERING that on 25 March 2008, the Registrar issued a decision withdrawing the assignment of Mr. Stojanović and assigning Mr. Christopher Gosnell, Attorney at Law in the State of New York, United States, as co-counsel to Mr. Lazarević;

CONSIDERING that on 11 September 2009, Mr. Lazarević submitted a request to the Registrar to be withdrawn as lead counsel to the Accused pursuant to Article 20 (A) (i) of the Directive, and proposing that Mr. Gosnell be re-assigned as lead counsel to the Accused;

CONSIDERING that on the same date the Accused submitted written notification of his agreement to Mr. Lazarević's request for his withdrawal and requested the assignment of Mr. Gosnell as his lead counsel;

CONSIDERING that Mr. Gosnell is on the Tribunal's list of counsel eligible for assignment to indigent suspects and accused under Rule 45 of the Rules ("Rule 45 List"), and has indicated his willingness to be assigned as lead counsel to the Accused;

CONSIDERING that on the basis of information provided by both lead and co-counsel, the Registrar is satisfied that good cause has been shown to warrant the replacement of lead counsel Mr. Lazarević in this case;

NOTING Article 20(A) (i) of the Directive, which provides that in the interests of justice, the Registrar may withdraw the assignment of counsel at the request of the Accused or counsel;

CONSIDERING that Mr. Gosnell indicated his intention to request the assignment of Ms. Tatjana Čmerić, attorney at law from Belgrade, Serbia, as replacement co-counsel in the event of his re-assignment;

CONSIDERING that Ms. Čmerić is admitted to the Rule 45 list and has indicated her willingness to be assigned as co-counsel to Mr. Gosnell;

NOTING Articles 20 (A) (ii) and 20 (E) of the Directive, which provide that in the interests of justice, the Registrar may withdraw the assignment of co-counsel at the request of lead counsel and assign replacement counsel;

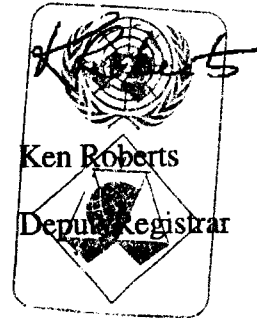
CONSIDERING that closing arguments in the Accused's trial concluded on 15 September 2009, and that the case is currently awaiting judgement;

FINDING that the interests of justice would be served in allowing the replacement of lead and co-counsel under these circumstances;

HEREBY DECIDES

- 1) to withdraw the assignment of Mr. Lazarević and to assign Mr. Christopher Gosnell as counsel to the Accused Ljubomir Borovčanin, effective as of the date of this decision;
- 2) to assign Ms Tatjana Čmerić as co-counsel to Mr. Gosnell, effective as of the date of this decision;

DIRECTS Mr Lazarević, in accordance with Article 9(D) of the Code of Conduct to surrender to Mr Gosnell any case-related materials he received during his assignment as counsel.



Dated this twenty first day of January 2010

At The Hague,

The Netherlands.