

*Prosecutor v. Pedrag Banovic***DECISION****THE REGISTRAR,**

CONSIDERING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

CONSIDERING the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended, and in particular Rules 44 and 45 thereof;

CONSIDERING the Directive on Assignment of Defence Counsel (hereinafter "the Directive"), as adopted by the Tribunal on 28 July 1994, as subsequently amended, and in particular, Article 19(A)(i) thereof;

CONSIDERING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.1) (hereinafter "the Code of Conduct"), and in particular Articles 9 and 13 thereof;

CONSIDERING that Mr. Tomas Rothpfeffer, Attorney at law in Stockholm, was assigned co-counsel to Mr. Pedrag Banovic (hereinafter "the Accused") by the Registrar on 11 October 2002;

CONSIDERING that Mr. Jovan Babic, lead counsel for the Accused, has officially requested the Registry to withdraw the assignment of Mr. Tomas Rothpfeffer as co-counsel;

CONSIDERING that Mr. Babic has indicated to the Registry that, in view of the procedural developments in the case, the assistance of a second counsel is not required;

NOTING that the Registry has found no fault with the competence of Mr. Rothpfeffer or the quality of the work he has provided before the International Tribunal in this case;

NOTING that at this stage of the proceedings, the withdrawal of Mr. Rothpfeffer will not have any impact in the allocation of resources to the case or in the Accused's right to a fair trial;

NOTING that in accordance with Article 9(D) of the Code of Conduct, Mr. Rothpfeffer is obliged to surrender any papers and property to which the client or the Tribunal is entitled;

NOTING that in accordance with Article 13(A) of the Code of Conduct, Mr. Rothpfeffer remains subject to a continuing duty of confidentiality "of the client's affairs and shall not reveal to any other person, other than to members of his team who need such information for the performance of their duties, information which has been entrusted to him in confidence or use such information to the client's detriment or to his own or another client's advantage";

HEREBY DECIDES to withdraw the assignment of Mr. Rothpfeffer as co-counsel, effective as of the date of this decision.

Hans Holthuis
Registrar

Dated this twelfth day of September 2003
At The Hague

The Netherland