

UNITED NATIONS



NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

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***Prosecutor v. Goran Hadžić***

**Case No. IT-04-75-PT**

**PUBLIC**

**DECISION**

**THE ACTING DEPUTY REGISTRAR,**

**NOTING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993) on 25 May 1993, as subsequently amended, 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 and 16 thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing before the International Tribunal (“Code of Conduct”);

**NOTING** that Mr. Goran Hadžić (“Accused”) was transferred to the seat of the Tribunal on 22 July 2011;

**NOTING** that the Accused has applied for the assignment of Tribunal-paid counsel pursuant to Articles 7 and 8 of the Directive on the basis that he does not have sufficient means to remunerate counsel;

**CONSIDERING** that on 7 September 2011, acting pursuant to Article 11(B) of the Directive, the Registrar assigned Mr. Zoran Živanović, attorney at law from the Republic of Serbia, as lead counsel to the Accused for a period of 120 days, and that this assignment was renewed as of 4 January 2012 to ensure that the Accused’s right to counsel was not affected while the Registry examines his ability to remunerate counsel;

**CONSIDERING** that the Registry is conducting an inquiry into the Accused’s ability to remunerate counsel and that the inquiry is still in progress;

**CONSIDERING** that on 9 December 2011, Mr. Živanović requested the assignment of Mr. Christopher Gosnell, attorney at law from Canada, as co-counsel to the defence team of the Accused;

**NOTING** Article 16(C) of the Directive, which provides that in the interests of justice and at the request of lead counsel, the Registrar may assign a second counsel to assist with the defence of the suspect or accused;

**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, and has indicated his willingness to be assigned as co-counsel in the Accused's case;

**CONSIDERING** that Mr. Gosnell is a former employee of the Tribunal, and that the Registrar is satisfied, based on consultation with Mr. Gosnell and the Office of the Prosecutor, that Mr. Gosnell did not participate personally or substantially in matters related to the instant case;

**CONSIDERING** that Mr. Gosnell was previously assigned as co-counsel, and thereafter as lead counsel, to Mr. Ljubomir Borovčanin (Case No. IT-05-88),<sup>1</sup> and as legal consultant to Mr. Jovica Stanišić (Case No. IT-03-69) before this Tribunal;

**CONSIDERING** that the Registry is satisfied, based on all the information before it, that the assignment of Mr. Gosnell presents no potential or actual conflict of interest, and that the assignment would not otherwise prejudice the defence of Mr. Ljubomir Borovčanin, or Mr. Jovica Stanišić, or the integrity of the proceedings;

**FINDING** that the interests of justice would be served in assigning co-counsel under these circumstances;

**HEREBY DECIDES** to assign Mr. Gosnell as co-counsel to Mr. Živanović, effective as of the date of this decision.

Linda Strite Murnane  
  
 Acting Deputy Registrar

Dated this 19<sup>th</sup> day of January 2012,  
 At The Hague,  
 The Netherlands.

<sup>1</sup> The Registry notes that the trial judgement against Mr. Ljubomir Borovčanin in the Case No. IT-05-88 was pronounced on 10 June 2010, and that no Notice of Appeal was filed against this ruling by Mr. Borovčanin.