

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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IT-98-32/1-A
A219 - A218
14 October 2009

Case No. IT-98-32/1-A
Prosecutor v. Milan Lukić

PUBLIC

DECISION

THE DEPUTY REGISTRAR,

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993) ("Statute"), and in particular Articles 20 and 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 Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 16(B) and 20(A)(i) thereof;

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

CONSIDERING that Mr. Milan Lukić was transferred to the seat of the Tribunal on 21 February 2006, and that his initial appearance was held on 24 February 2006;

CONSIDERING that Mr. Lukić applied for the assignment of Tribunal-paid counsel pursuant to Article 7 of the Directive on the basis that he does not have sufficient means to remunerate counsel;

CONSIDERING that on 12 June 2008, at the request of Mr. Lukić, the Deputy Registrar assigned Mr. Jason Alarid, attorney at law from the United States, as lead counsel to Mr. Lukić;

CONSIDERING that on 23 October 2008, the Deputy Registrar assigned Mr. Dragan Ivetić, attorney at law from the United States, as co-counsel to Mr. Alarid;

CONSIDERING that on 20 July 2009, the Trial Chamber issued its Judgement against Mr. Lukić, finding him guilty of persecutions, murder, extermination, cruel treatment and inhumane acts as crimes against humanity and war crimes, and sentenced him to life imprisonment;

CONSIDERING that on 19 August 2009, Mr. Lukić filed his Notice of Appeal;

CONSIDERING that on 30 September 2000, Mr. Lukić requested the assignment of Mr. Tomislav Višnjić, attorney at law from Belgrade, as new lead counsel, on the basis that Mr. Lukić and Mr. Alarid had ceased all communications;

CONSIDERING that Mr. Višnjić is currently listed on the Rule 45 list of counsel who are eligible to be assigned to indigent accused, and that he indicated his willingness and availability to take over the position of lead counsel for Mr. Lukić;

CONSIDERING that Mr. Višnjić is currently assigned as lead counsel in the case against Mr. Dragoljub Ojdanić before the Tribunal (Case No. IT-05-87-A);

CONSIDERING that the case against Mr. Ojdanić is at the appeal stage and that the Registrar is satisfied that it will not demand much of Mr. Višnjić's time;

CONSIDERING that both Mr. Lukić and Mr. Ojdanić have consented in writing to the dual assignment of Mr. Višnjić;

CONSIDERING that the Registrar is satisfied, in accordance with Article 16(G)(ii) of the Directive, that the dual assignment of Mr. Višnjić presents no scheduling conflict and no potential or actual conflict of interest, and that the assignment would not otherwise prejudice the defence of either accused or the integrity of the proceedings;

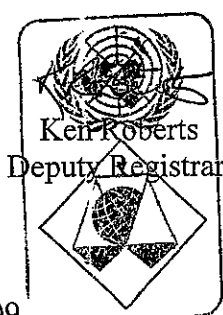
NOTING that in accordance with Article 20(A)(i) of the Directive, the Registrar may withdraw the assignment of counsel at the request of an accused, if he finds that this is in the interests of justice;

CONSIDERING that the Registrar is satisfied that replacing lead counsel would, at this stage of the proceedings, not be detrimental to the representation of Mr. Lukić;

CONSIDERING further that Mr. Ivetić, as co-counsel on the case for the past twelve months, is fully familiar with the case, and is therefore expected to facilitate the preparation of the appeal;

HEREBY DECIDES to withdraw the assignment of Mr. Alarid and to assign Mr. Višnjić as lead counsel to Mr. Lukić, effective as of the date of this decision;

DIRECTS Mr. Alarid to hand over any case-related materials he received or produced during his assignment as lead counsel, in accordance with his duties under Article 9(D) of the Code of Conduct.



Dated this fourteenth day of October 2009
At The Hague,
The Netherlands.