

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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IT-98-32/1-A
A3029-A3027
19 April 2012

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

PUBLIC

DECISION

THE REGISTRAR,

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (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 Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended (“Directive”), and in particular Articles 6, 7, 8, 9, 10 and 11 thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal as adopted by the Tribunal on 25 May 1993, as subsequently amended (“Code”);

NOTING that on 21 October 1998, the initial Indictment was filed against Mr. Milan Lukić (“Accused”);¹

CONSIDERING that the Accused 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 on 23 February 2006, pursuant to Rule 45(C) of the Rules, the Deputy Registrar assigned Mr. Michael G. Karnavas, Attorney at Law from the United States, as duty counsel to the Accused for the purposes of his initial appearance and for such other matters as necessary until permanent counsel is assigned;²

CONSIDERING that on 13 April 2006, pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Mr. Alan Yatvin, Attorney at Law from the United States, as counsel to the Accused for a period of 120 days, to ensure that the Accused’s right to counsel was not affected while the Registrar examined his ability to remunerate counsel;³

CONSIDERING that on 5 December 2007, pursuant to Article 20 of the Directive, the Registrar assigned Mr. Bojan Sulejić, Attorney at Law from the Republic of Serbia, as counsel to the

¹ *Prosecutor v. Milan Lukić, Sredoje Lukić & Militar Vasiljević*, IT-98-32-I, Indictment, 21 October 1998.

² *Prosecutor v. Milan Lukić*, IT-98-32/1-I, Decision by the Deputy Registrar, 23 February 2006.

³ *Prosecutor v. Milan Lukić*, IT-98-32/1-PT, Decision by the Deputy Registrar, 13 April 2006.

Accused;⁴

CONSIDERING that on 12 June 2008, pursuant to Article 20 of the Directive, the Deputy Registrar assigned Mr. Jason Alarid, Attorney at Law from the United States, as counsel to the Accused, and reassigned Mr. Sulejić as co-counsel;⁵

CONSIDERING that on 14 October 2009, pursuant to Article 20 of the Directive, the Deputy Registrar assigned Mr. Tomislav Višnjić, Attorney at Law from the Republic of Serbia, as replacement lead counsel to the Accused;⁶

NOTING that the trial proceedings in *The Prosecutor v. Milan Lukić* concluded on 20 July 2009;⁷

NOTING that the appeals proceedings in *The Prosecutor v. Milan Lukić* are ongoing;

NOTING that any person accused before the Tribunal is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for the determination of indigence;

CONSIDERING that the Accused applied for Tribunal legal aid pursuant to Article 7 of the Directive, on the basis that he does not have sufficient means to remunerate counsel, and submitted a declaration of means pursuant to Article 7(B) of the Directive;

CONSIDERING that the Registry has examined the information provided by the Accused in his declaration of means and has completed an inquiry into the Accused's means pursuant to Article 10(A) of the Directive;

CONSIDERING that the investigation into the Accused's means involved extensive inquiries and investigation in several countries;

CONSIDERING that pursuant to the Registry Policy for Determining the Extent to Which an Accused is Able to Remunerate Counsel ("Indigency Policy"), the Registry assesses the income and assets of the Accused, his spouse, and persons with whom he habitually resides, and determines the contribution the Accused is able to make to the costs of his defence by deducting the estimated living expenses of the Accused's family and dependents for the period in which the Accused requires representation before the Tribunal, from his disposable means;

CONSIDERING that the Registry has assessed the Accused's financial status and his ability to remunerate counsel in line with the Indigency Policy;

CONSIDERING based on the information available to the Registry that the Accused does not have sufficient means to pay for the costs of his defence before the Tribunal, and as such the Accused is entitled to the assignment of Tribunal-paid counsel;

REMINDING the Accused of his obligation under Article 7(E) of the Directive to update his declaration of means at any time a change relevant to his declaration of means occurs;

DECIDES in light of the above and in accordance with Article 11(A) of the Directive that the Accused is eligible for full legal aid;

⁴ *Prosecutor v. Milan Lukić*, IT-98-32/1-PT, Decision by the Registrar, 5 December 2007.

⁵ *Prosecutor v. Milan Lukić*, IT-98-32/1-PT, Decision by the Deputy Registrar, 12 June 2008.

⁶ *Prosecutor v. Milan Lukić*, IT-98-32/1-A, Decision by the Deputy Registrar, 14 October 2009.

⁷ *Prosecutor v. Milan Lukić* IT-98-32/1-T, Judgment, 20 July 2009.

INFORMS the Accused and his counsel that the costs relating to the Accused's defence referred to in Articles 23, 24, 26, 27 and 28 of the Directive shall be borne by the Tribunal.

John Hocking
Registrar

A handwritten signature in black ink is written over a circular stamp and a diamond-shaped stamp. The circular stamp contains a globe and the text "John Hocking". The diamond-shaped stamp contains a stylized figure and the text "Registrar".

Dated this 18th day of April 2012
At The Hague,
The Netherlands.