



INTERNATIONAL CRIMINAL TRIBUNAL  
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**Case No. IT-09-92-PT**  
***Prosecutor v. Ratko Mladić***

**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, 45 and 62(B) 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, 11(B), 14(A), 16(B) and 16(G) thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.3) (“Code of Conduct”), and in particular Articles 9 and 14 thereof;

**NOTING** that Mr. Ratko Mladić (“Accused”) was transferred to the seat of the Tribunal on 31 May 2011, and that his first initial appearance was held on 3 June 2011 and his further initial appearance was held on 4 July 2011;

**NOTING** that on 1 June 2011, pursuant to Rule 45 and Rule 62 (B) of the Rules, the Registrar assigned Mr. Aleksandar Aleksić, attorney at law from Serbia, as duty counsel to the Accused for the purposes of his initial appearance and for such other matters as necessary until a permanent counsel is assigned;

**CONSIDERING** that on 23 June 2011, the Accused 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, and requested the assignment of Mr. Milos Šaljić, attorney at law from Serbia, as his lead counsel;

**CONSIDERING** that on 11 July 2011, the Registry informed the Accused that Mr. Šaljić was not eligible for assignment as his lead counsel due to a lack of written and oral proficiency in one of the two working languages of the Tribunal, noting that the language requirement is one of the criteria for assignment required under Rules 44 and 45 of the Rules;

**CONSIDERING** that on 14 July 2011 the Registrar denied the Accused’s request to assign Mr. Šaljić as his lead counsel;

**CONSIDERING** that on 20 July 2011 the Accused submitted a written declaration authorising Mr. Branko Lukić to represent him as lead counsel before the Tribunal;

**CONSIDERING** that on 21 July 2011, the Accused formally requested the Registry to assign Mr. Branko Lukić, attorney at law from Belgrade, as lead counsel to him;

**CONSIDERING** that Mr. Branko Lukić is on the Registrar's list of counsel eligible for assignment to indigent suspects and accused envisaged under Rule 45 of the Rules, and has indicated his willingness to represent the Accused;

**CONSIDERING** that Mr. Branko Lukić has previously represented Messrs Miroslav Kvočka (IT-98-30), Dragan Jokić,(IT-02-60) and Milomir Stakić (IT-97-24) in proceedings before this Tribunal;

**CONSIDERING** that Mr. Branko Lukić is currently assigned as lead counsel in the case against Mr. Sreten Lukić before this Tribunal, which is currently on appeal (IT-05-87-A);

**CONSIDERING** that in a letter dated 20 July 2011, the Registrar expressed his concerns regarding a potential conflict of interest as a result of Mr. Branko Lukić's ongoing duty of loyalty to former clients, and requested him to address the Registry on these issues;

**CONSIDERING** that on 20 July 2011 the Registrar also invited Mr. Branko Lukić to comment on a possible scheduling conflict between the Accused's case and Mr. Sreten Lukić's case, and to explain how he would handle the resulting workload;

**CONSIDERING** that on 22 July 2011, Mr. B. Lukić provided his written submission detailing how he would allocate his time in order to complete the work to be performed on both the Accused's case and Mr. Sreten Lukić 's case, and addressing any conflict of interest arising from his former representation of other accused before the Tribunal;

**CONSIDERING** that both the Accused and Mr. Sreten Lukić have consented in writing to the dual assignment of Mr. Branko Lukić;

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

**CONSIDERING** that the Registry has not yet determined whether or to what extent the Accused is able to remunerate counsel;


**CONSIDERING** that in accordance with Article 11(B) of the Directive, the Registrar may temporarily assign counsel to an accused for a period of 120 days to ensure that an accused's right to counsel is not affected while the Registry examines his ability to remunerate counsel;

**CONSIDERING** that in this case it is necessary to assign counsel to the Accused pursuant to Article 11(B) to ensure that his right to counsel is not affected while the Registry assesses his ability to remunerate counsel;

**HEREBY DECIDES** to assign Mr. Branko Lukić as counsel to the Accused for a period of 120 days pursuant to Article 11(B) of the Directive, effective as of the date of this decision;

**DECIDES** that the assignment of Mr. Aleksić as duty counsel ceases as of the date of this decision;

**DIRECTS** Mr. Aleksić to hand over to Mr. Branko Lukić any case-related materials he received during his assignment as duty counsel, in accordance with his duty under Article 9(D) of the Code of Conduct.

Ken Roberts  
Deputy Registrar

Dated this twenty-second day of July 2011  
At The Hague,  
The Netherlands.