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A7INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. Box 13888
2501 EW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 512-5000
FAX: 31 70 512-8637TRIBUNAL PÉNAL INTERNATIONAL
POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637

Prosecutor v. Mićo Stanišić
Case No. IT-08-91-A

IT-08-91-A
A 22-A 20
02 MAY 2013

PUBLIC

DECISION

THE DEPUTY 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 the Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 14, 16 and 20 thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal adopted by the Tribunal on 12 June 1997, as subsequently amended;

CONSIDERING that Mr. Mićo Stanišić ("Accused") was transferred to the seat of the Tribunal on 11 March 2005 following which he applied for the assignment of Tribunal-paid counsel on the basis that he did not have sufficient means to remunerate counsel;

CONSIDERING that on 5 May 2006, acting pursuant to Article 11(B) of the Directive, the Registrar assigned Mr. Stevo Bezbradica, a Barrister and Solicitor from Australia, as counsel to the Accused for a period of 120 days, determining that an interim assignment of counsel was necessary to ensure that the Accused's right to counsel was not affected while the Registrar examined the Accused's ability to remunerate counsel;

CONSIDERING that on 9 February 2007 the Registrar issued a decision determining that the Accused is able to remunerate counsel in part, and assigning Mr. Bezbradica as counsel to the Accused permanently;

CONSIDERING that on 13 June 2008 the Deputy Registrar issued a decision pursuant to Article 20 of the Directive withdrawing the assignment of Mr. Bezbradica as lead counsel and assigning Mr. Slobodan Zečević, attorney at law from the Republic of Serbia, as counsel to the Accused;

CONSIDERING that on 4 July 2008 the Deputy Registrar issued a decision pursuant to Articles 16(C) and 16(D) of the Directive assigning Mr. Slobodan Cvijetić, attorney at law from Bosnia and Herzegovina as co-counsel to Mr. Zečević;

CONSIDERING that Judgement in the Accused’s case was delivered on 27 March 2013 and Mr. Stanišić was sentenced to a single term of 22 years’ imprisonment;

CONSIDERING that on 3 April 2013, pursuant to Article 16(C) of the Directive, lead counsel Mr. Zečević requested that the Registrar assign Mr. Stéphane Bourgon, attorney at law from Canada as his co-counsel during appeal proceedings in the Accused’s case;

CONSIDERING that Mr. Bourgon 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 be assigned as co-counsel to Mr. Zečević in the Accused’s case;

CONSIDERING that Mr. Bourgon is currently assigned as co-counsel in the case against Mr. Drago Nikolić before this Tribunal, which is currently on appeal (Case No. IT-05-88-A);

CONSIDERING that both Mr. Drago Nikolić and Mr. Mićo Stanišić have consented in writing to the dual assignment of Mr. Bourgon;

CONSIDERING that the Registrar is satisfied, in accordance with Article 16 (G)(ii) of the Directive that the dual assignment of Mr. Bourgon 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:

CONSIDERING that by correspondence dated 26 April 2013, Mr. Zečević requested that the Registrar withdraw the assignment of Mr. Cvijetić as his co-counsel;

CONSIDERING that Mr. Bourgon was assigned by the Registrar as a legal consultant to the defence team of the Accused on 15 April 2013, pursuant to a request by Mr. Zečević in accordance with Article 16(E) of the Directive, and that Mr. Zečević has provided written assurances to the Registrar that Mr. Bourgon is prepared to immediately take over the role of co-counsel in this case;

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;

NOTING Articles 20(A)(ii) and 20(E) of the Directive, which provide that in the interests of justice, the Registrar may withdraw the assignment of co-counsel at the request of lead counsel and assign replacement counsel;

CONSIDERING that in light of the foregoing and on the basis of information and undertakings provided by Mr. Zečević, and noting the stage of these proceedings, the Registrar is satisfied that interests of justice would be served in allowing the withdrawal of Mr. Cvijetić and the assignment of Mr. Bourgon as replacement co-counsel;

HEREBY DECIDES, pursuant to Article 20(A)(ii), and Articles 16(C) and 20(E) of the Directive, respectively, to withdraw the assignment of Mr. Cvijetić and to assign Mr. Bourgon as co-counsel to Mr. Zečević effective as of the date of this decision;

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



Dated this first day of May 2013,
At The Hague,
The Netherlands.