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*Prosecutor v Mićo Stanišić*  
Case No. IT-04-79-PT

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, 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 16, 20 and 21 thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing before the International Tribunal (IT/125/REV.2);

**CONSIDERING** that Mićo Stanišić ("Accused") was transferred to the seat of the Tribunal on 11 March 2005 and that on or about that date, he applied for the assignment of Tribunal-paid counsel on the basis that he did not have sufficient means to remunerate counsel;

**NOTING** that on or about 24 March 2005, the Accused requested that the Registrar assign Mr. Branko Lukić, an attorney from Serbia and Montenegro, as his Tribunal-paid counsel, but because Mr. Lukić was engaged in two other cases before the Tribunal at that time, the Registrar refused to assign him and invited the Accused to select an alternate counsel from the Registrar's list of counsel qualified for assignment to indigent suspects and accused ("Rule 45 list");

**NOTING** that on 5 April 2005, the Accused provided the Registrar with a power of attorney in which he authorized Mr. Lukić to represent him before the International Tribunal in a *pro bono* capacity;

**NOTING** that on 9 March 2006, the Registrar received a letter from Mr. Lukić in which he informed the Registrar that he wished to terminate his representation of the Accused;

**CONSIDERING** that on 2 May 2006, the Accused informed the Registrar that he wanted Mr. Stevo Bezbradica, a Barrister and Solicitor from Australia, to replace Mr. Lukić;

**CONSIDERING** that on 5 May 2006, acting pursuant to Article 11(B) of the Directive, the Registrar assigned Mr. Bezbradica 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 examines the Accused's ability to remunerate counsel;

**CONSIDERING** that pursuant to Article 11(B) of the Directive, the Registrar extended Mr. Bezbradica's assignment on two occasions, on 12 September 2006 and on 28 December 2006 respectively;

**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 5 March 2008 the Registry received notification from Mr. Bezbradica advising that he had been asked by his client to immediately cease all work on his client's behalf, and that the Accused had elected to represent himself;

**CONSIDERING** that on 5 March 2008 a notification from the Accused was received by the Registry, in which the Accused requested Mr. Bezbradica's withdrawal as counsel from his case and further notified that he would conduct his own defence ("Withdrawal Request");

**CONSIDERING** the Accused's notification of 5 March 2008 to constitute notification pursuant to Rule 45(F) of the Rules that the Accused has elected to conduct his own defence, and that the Registrar has informed the Trial Chamber accordingly;

**CONSIDERING** that on 17 March 2008 the Registrar wrote to Mr. Bezbradica inviting him to comment on the issues raised by the Accused in his Withdrawal Request, and on the state of their relationship;

**CONSIDERING** that Mr. Bezbradica submitted a Confidential and Ex Parte reply to this correspondence on 20 March 2008, in which he rejected the Accused's allegations as false, and indicated he did not object to the Accused being permitted to represent himself at trial;

**NOTING** the "Registrar's Submission Regarding Mr. Mićo Stanišić's Legal Representation" of 20 March 2008, the "Defence Counsel's Additional Submission" of 3 April 2008 and the "Prosecution's Submission in Relation to Mićo Stanišić's Legal Representation" of 3 April 2008, all of which were filed confidentially with the Trial Chamber;

**CONSIDERING** that on numerous occasions since receiving the Withdrawal Request, Registry staff have communicated with the Accused and discussed his legal representation, including his concerns about his lead counsel and the possibility of assigning a replacement counsel;

**CONSIDERING** that during a meeting with the Deputy Registrar on 5 May 2008 at the United Nations Detention Unit in The Hague, the Accused requested the assignment of Mr. Slobodan Zečević, attorney at law from Serbia, as replacement counsel;

**NOTING** that pursuant to Article 20(A)(i) of the Directive, the Registrar may in the interests of justice withdraw the assignment of lead counsel at the request of the accused;

**CONSIDERING** that Mr. Zečević 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 counsel in the Accused's case;

**CONSIDERING** that Mr. Zečević is currently assigned as co-counsel in the case against Mr. Milan Milutinović and has previously represented Messrs. Miroslav Deronjić (IT-02-61), Momir Talić (IT-99-36) and Milan Simić (IT-95-9/2) before this Tribunal;

**CONSIDERING** that the hearing of evidence in the case against Mr. Milutinović was completed on 21 May 2008, final defence briefs are due on 8 July 2008 and closing arguments are scheduled to commence on 22 July 2008;

**CONSIDERING** that in a letter to Mr. Zečević dated 15 May 2008, the Registrar expressed his concerns about a possible scheduling conflict between Mr. Stanišić's case and Mr. Milutinović's case, as well as his concerns regarding a potential conflict of interest as a result of Mr. Zečević's ongoing duty of loyalty to former clients, and requested Mr. Zečević to address the Registry on these issues;

**CONSIDERING** that on 21 May 2008 Mr. Zečević provided his written submission in relation to any potential or actual scheduling conflict and any conflict of interest arising from his former representation of other accused before the Tribunal;

**CONSIDERING** that Mr. Zečević has provided several written submissions to the Registry detailing a plan for the defence of the Accused, including how he proposes to allocate his time and that of other defence team members in order to complete any remaining preparatory work and be fully ready to defend the Accused at trial;

**CONSIDERING** that on 5 June 2008, in accordance with Article 16(G) of the Directive, the Registrar wrote to the Accused and provided independent legal advice in relation to Mr. Zečević's potential assignment as counsel in light of his current representation of Mr. Milutinović and his former representation of Messrs. Deronjić, Talić and Simić;

**CONSIDERING** that the Accused responded on 9 June 2008, stating that he fully understood the advice provided by the Registrar in relation to a possible conflict of interest arising from his representation of former clients and the manner in which it could impact on his defence if Mr. Zečević were assigned as his counsel, and confirmed his request for the assignment of Mr. Zečević;

**CONSIDERING** further that both the Accused and Mr. Milan Milutinović have consented in writing to the dual assignment of Mr. Zečević;

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



**CONSIDERING** further that based on the information provided by Mr. Zečević, his work plan, and the assurances given by him, the Registrar is satisfied that Mr. Zečević will be sufficiently prepared to defend the Accused adequately at trial;

**CONSIDERING** that the Trial Chamber was consulted on the replacement of counsel;

**CONSIDERING** further that whilst a unilateral interruption of communications by an accused with his counsel, especially shortly before the commencement of trial, would not normally justify the withdrawal of counsel, in the specific circumstances of this case, the Registrar is satisfied that replacing Mr. Bezbradica as counsel would serve the interests of justice and would contribute to preserving the integrity of the proceedings;

**HEREBY DECIDES** pursuant to Article 20 of the Directive, to withdraw the assignment of Mr. Bezbradica as lead counsel and to assign Mr. Zecević as counsel to the Accused, effective as of the date of this decision;

**DIRECTS** Mr. Bezbradica 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.

John Hocking  
Deputy Registrar

Dated this thirteenth day of June 2008,  
At The Hague,  
The Netherlands.