

INTERNATIONAL CRIMINAL TRIBUNAL
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IT-06-90-PT

D 3445 - D 3443

06 November 2007

Case No. IT-06-90-PT***Prosecutor v. Mladen Markač*****PUBLIC
DECISION****THE DEPUTY REGISTRAR,**

NOTING the Statute of the Tribunal (“Statute”) as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

NOTING the Rules of Procedure and Evidence (“Rules”) as adopted by the Tribunal on 11 February 1994, as subsequently amended, and in particular Rule 44 thereof;

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

NOTING that Mr. Mladen Markač (“Accused”) was transferred to the seat of the Tribunal on 11 March 2004;

CONSIDERING that on 12 March 2004, the Accused executed a power of attorney authorising Mr. Goran Mikuličić, Attorney at Law from Croatia, to represent him as counsel in proceedings before the International Tribunal and stated that he would not apply for Tribunal legal aid;

CONSIDERING that on 1 April 2004, the Accused executed a power of attorney authorising Mr. Miroslav Šeparović, Attorney at Law from Croatia, to also represent him as counsel in proceedings before the International Tribunal;

NOTING that on 14 July 2006, the Trial Chamber issued its “Decision on Prosecution’s Consolidated Motion to Amend the Indictment and for Joinder” (“14 July 2006 Decision”), ordering that the case of *Prosecutor v. Ante Gotovina*, case No. IT-01-45-PT and the case of *Prosecutor v. Ivan Čermak and Mladen Markač*, case No. IT-03-73-PT be jointly tried;

NOTING that on 25 October 2006, the Appeals Chamber issued its “Decision on Interlocutory Appeals against the Trial Chamber’s Decision to Amend the Indictment and for Joinder” (“Decision of 25 October 2006”), in which it confirmed the 14 July 2006 Decision;

NOTING that on 27 February 2007, the Trial Chamber issued its “Decision on Conflict of Interest of Attorney Miroslav Šeparović” (“Decision on Conflict of Interest”), finding that Mr Šeparović had a conflict of interest and warned him that “by persisting to represent the Accused Markač [...] [he] has jeopardised his client’s interests [and] has failed to meet the standard of professional ethics required in the performance of his duties before this Tribunal”;

NOTING further that on 6 March 2007, the Trial Chamber issued its “Decision on Finding of Misconduct of Attorney Miroslav Šeparović” (“Decision on Misconduct”), in which it affirmed its finding in the Decision on Conflict of Interest and determined that Mr Šeparović is no longer eligible to represent the Accused before this Tribunal, pursuant to Rule 44 of the Rules, and ordered the Accused to immediately engage new counsel;

NOTING that on 20 March 2007, Mr. Šeparović filed a consolidated Interlocutory Appeal against the Decision on Conflict of Interest and the Decision on Misconduct;

NOTING that on 4 May 2007, the Appeals Chamber issued its “Decision on Miroslav Šeparović’s Interlocutory Appeal against Trial Chamber’s Decision on Conflict of Interest and Finding of Misconduct” (“Appeals Decision on Misconduct”), finding that Mr. Šeparović’s continued representation of the Accused is incompatible with the best interests of justice and dismissed the Interlocutory Appeal in its entirety;

CONSIDERING that on 10 May 2007, the Deputy Registrar revoked Mr. Šeparović’s admission as counsel for the Accused before the Tribunal in case No. IT-06-90, as he was no longer qualified to represent the Accused pursuant to Rule 44 of the Rules;

NOTING that on 20 August 2007, further to the Appeals Decision on Misconduct, the Accused confirmed that he would retain Mr. Mikuličić as his counsel and filed a corresponding power of attorney;

CONSIDERING that on 17 October 2007, the Accused executed a power of attorney authorising Mr. Tomislav Kuzmanović, Attorney at Law from the United States, to act on his behalf in proceedings before the International Tribunal;

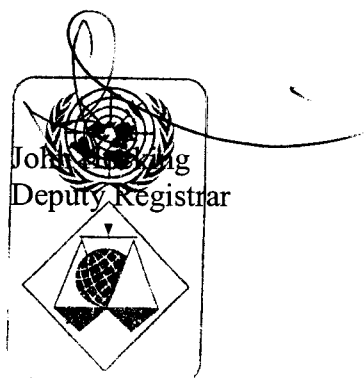
NOTING that Mr. Kuzmanović previously represented Mr. Zdravko Mucić in case No. IT-96-21, and Mr. Bruno Stojić in case No. IT-04-74 before the International Tribunal;

CONSIDERING that the Registrar is satisfied that Mr. Kuzmanović fulfils the specific qualification requirements of Rule 44 of the Rules;

CONSIDERING that the Registrar is satisfied that the conditions for admission of counsel under Rule 44(A) of the Rules are fulfilled;

NOTING Mr. Kuzmanović’s obligations under the Statute, the Rules, and in particular Rule 44(C) thereof, and the Code of Conduct;

HEREBY DECIDES pursuant to Rule 44(A) of the Rules, to admit Mr. Kuzmanović to represent the Accused before the Tribunal.



Dated this sixth day of November 2007
At The Hague,
The Netherlands.