

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. BOX 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5334
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D1115 - D1113
30 OCTOBER 2003**Case No. IT-03-66-PT*****Prosecutor v. Limaj et al.*****CONFIDENTIAL****DECISION****THE REGISTRAR,**

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

CONSIDERING 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;

CONSIDERING the Directive on Assignment of Defence Counsel (hereinafter "the Directive") as adopted by the Tribunal on 28 July 1994, as subsequently amended, and in particular Articles 6, 8, 10, 11(A)(iii) and 18(A)(ii) thereof;

NOTING the declaration of means of Mr. Fatmir Limaj (hereinafter "the accused") dated 3 March 2003 in which the accused declared his monthly income as deputy in the Kosovo Assembly and the movable and immovable property owned by him and by his family;

NOTING the decision of the Registrar dated 4 March 2003 assigning Mr. Karim Khan, attorney at law from the United Kingdom of Great Britain and Northern Ireland, temporarily as counsel to the accused for a period of 120 days in order to secure the rights of the accused while verifying his declaration of indigency;

NOTING the decision of the Registrar dated 22 July 2003 continuing the assignment of Mr. Khan as counsel to the accused without prejudice to Article 18 of the Directive while further investigating the indigent status of the accused;

CONSIDERING that a fundraising campaign has been launched, establishing a special fund (hereinafter "the fund") for monetary contributions to the defence of the accused;

NOTING further the Press Release from the "Coordination Office for Defence of Fatmir Limaj" dated 8 October 2003 showing that up to this date, the fund has raised 238,381.93 Euros, 24,785.55 Swiss Francs, 550.00 US Dollars and 150.00 British Pounds, which, converted into US Dollars, amount to 291,594.92 USD;

NOTING that under the Directive, an accused lacks the means to remunerate counsel if he does not have sufficient means, which would allow him to remunerate counsel at the rates provided for by the Directive;

CONSIDERING the accused's will to appoint a counsel of his own choice to represent him before the Tribunal and to cover the costs associated to his defence with the money collected by the fund;

CONSIDERING that the estimated cost of legal representation before the Tribunal at the pre-trial stage is approximately 211,200 USD, which includes legal fees (a maximum of 154,000 US Dollars for a level one case) and support staff costs (a maximum of 50,000 Euros for a level one case) ;

CONSIDERING that the total legal fees paid by the Tribunal in this case so far amounts to 51,597.20 US Dollars (covering the months from March to July inclusively);

CONSIDERING that this amount corresponds to an average of 110 defence counsel working hours per month and that, consequently, it could be expected that the legal fees to be paid by the Tribunal for August and September will amount to approximately 24,200 US Dollars;

CONSIDERING that, given the current stage of the proceedings, it is reasonable to expect that the Registry would have authorized a total of approximately 1,400.00 US Dollars for hearing hours for remainder of the pre-trial stage;

CONSIDERING further that the Tribunal has paid 287.41 Euros for support staff expenses in this case;

CONSIDERING that the Tribunal has covered roughly 17,000.00 US Dollars of travel and DSA expenses from March to October 2003 inclusively and that, in view of the current state of proceeding, the Registry would not authorize more than approximately 26,047.00 US Dollars for travel and DSA for the remainder of the pre-trial stage;

CONSIDERING therefore that the total estimated cost of the pre-trial stage of the case, including travel and DSA expenses and hearing hours, amounts to approximately 257,047.00 US Dollars;

CONSIDERING further that the sums paid by the Tribunal for defence expenses in this case, i.e. approximately 93,125.67 US Dollars, should be deducted from the total estimated cost of the defence at the pre-trial stage;

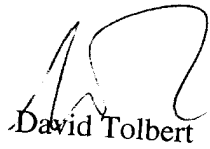
CONSIDERING that the total amount collected by the fund until 8 October 2003 is by far sufficient to cover all expenses of the defence for the remaining of the pre-trial stage, estimated at 162,762.39 US Dollars;

NOTING that the accused has been informed of his continuing right to submit a new declaration of means and request a reevaluation of his indigency status and his consequent right to receive legal aid at the subsequent stages of the proceedings;

NOTING that the Directive foresees that the Registrar may withdraw the assignment of counsel or his partial remuneration and/or expenses if information establishing that the accused has sufficient means to allow him to pay for his defence has been obtained by the Registry;

CONSIDERING that the accused informed the Registry of his intention to retain Mr. Khan - who is recognized by the Registry as qualified to represent accused persons before the Tribunal - as one of the counsel on his defence team and to remunerate him accordingly for the representation;

DECIDES to withdraw the assignment of counsel to the accused effective as of 8 October 2003.



David Tolbert
Deputy Registrar

Dated this 30th day of October 2003
At The Hague
The Netherlands

