

INTERNATIONAL 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  
FAX: 31 70 512-8637IT-05-87-A  
A 104 - A 103  
20 MARCH 2009

Case No. IT-05-87-A

*Prosecutor v. Dragoljub Ojdanić*

## DECISION

## THE ACTING 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 and 45 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 14, 16, and 20 thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.1) ("Code of Conduct");

**NOTING** the Registrar's decision of 10 May 2002 assigning Mr. Tomislav Višnjić, attorney at law from Belgrade, as counsel to Mr. Dragoljub Ojdanić ("Accused");

**NOTING** the Registrar's decision of 1 November 2002 assigning Mr. Peter Robinson, attorney at law from Santa Rosa, California, as co-counsel to Mr. Višnjić;

**NOTING** the Registrar's decision of 12 May 2006, withdrawing Mr. Robinson's assignment as co-counsel due to a scheduling conflict with a case before the International Criminal Tribunal for Rwanda (ICTR) at the time, and replacing him by Mr. Norman Sepenuk, attorney at law from Oregon;

**CONSIDERING** that in a judgement pronounced on 26 February 2009, the Accused was found guilty of two counts of crimes against humanity pursuant to Articles 5 and 7(1) of the Statute and sentenced to a single term of 15 years imprisonment ("Judgement");

**CONSIDERING** that the Accused has indicated his intention to appeal the Judgement;

**CONSIDERING** that by correspondence dated 4 March 2009 and 15 March 2009, pursuant to Articles 16(C) and 20(A)(ii) of the Directive, lead counsel, Mr. Višnjić, requested the Registry to re-assign Mr. Robinson as co-counsel on the basis that he has specific personal expertise in Appeal cases before this Tribunal and the ICTR and further requested the Registrar to grant the withdrawal of Mr. Sepenuk as his co-counsel;

**CONSIDERING** that Mr. Robinson is listed on the Rule 45 list of counsel who are eligible to be assigned to indigent accused;

**CONSIDERING** that Mr. Robinson is currently assigned as a legal associate to Radovan Karadžić, a self-represented accused before the Tribunal in pretrial proceedings;

**CONSIDERING** that Mr. Robinson's assignment as a legal associate to Radovan Karadžić is limited in nature and scope and does not, therefore, preclude his assignment as co-counsel in this case on appeal;

**CONSIDERING** furthermore that both Mr. Karadžić and Mr. Ojdanić have consented in writing to the dual assignment of Mr. Robinson;

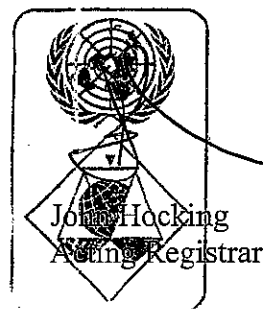
**CONSIDERING** therefore that the Registrar is satisfied that the dual assignment of Mr. Robinson presents no scheduling conflict and no potential or actual conflict of interest, and that the assignment would not otherwise prejudice the defence of either accused or the integrity of the proceedings;

**CONSIDERING** that the Registrar is satisfied that replacing Mr. Sepenuk as co-counsel would, at this stage of the proceedings, not be detrimental to the representation of the Accused;

**NOTING** that pursuant to Article 13 of the Code of Conduct, Mr. Sepenuk shall preserve the confidentiality of the client's affairs and shall not reveal information which was entrusted to him in confidence during his assignment as co-counsel;

**HEREBY DECIDES** to replace Mr. Sepenuk by Mr. Robinson as co-counsel to Mr. Višnjić, effective as of the date of this decision;

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



Dated this 19th day of March 2009  
At The Hague,  
The Netherlands.