

INTERNATIONAL CRIMINAL TRIBUNAL
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Case No. IT-04-81-T

Prosecutor v. Momčilo Perišić

**PUBLIC
DECISION**

THE DEPUTY REGISTRAR,

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993) (“Statute”), and in particular Articles 20 and 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 16(B) and (C), and 20(A) thereof;

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

CONSIDERING that Mr. Momčilo Perišić (“Accused”) was transferred to the seat of the Tribunal on 7 March 2005, and that his initial appearance was held on 9 March 2005;

CONSIDERING that the Accused applied for the assignment of Tribunal-paid counsel pursuant to Article 7 of the Directive on the basis that he does not have sufficient means to remunerate counsel;

CONSIDERING that on 21 April 2005, the Registrar assigned Mr. James Castle, attorney at law from the United States of America, as counsel to the Accused for a period of 120 days pending the completion of the Registry’s inquiry into the Accused’s ability to remunerate counsel;

CONSIDERING that on 15 August 2005, the Deputy Registrar issued a decision finding that the Accused was able to remunerate counsel in part and assigning Mr. Castle as his counsel permanently;

CONSIDERING that on 8 February 2007, Mr. Castle submitted a written request to the Registry for the assignment of Mr. Novak Lukić, attorney at law from Serbia, as his co-counsel; and that on 18 January 2007, the Deputy Registrar assigned Mr. Lukić in this capacity in accordance with Mr. Castle’s request;

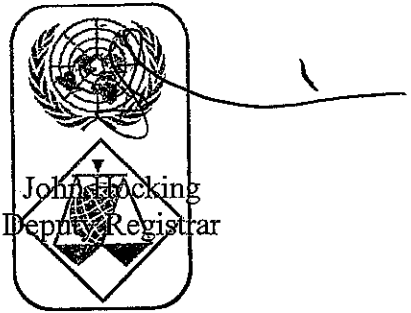
CONSIDERING that on 23 June 2008, Mr. Castle submitted a request to be withdrawn as lead counsel to the Accused for personal reasons, and submitted a proposal for the reconstitution of the defence team, recommending Mr. Lukić assume the role of lead counsel, Mr. Gregor Guy-Smith, attorney at law from the United States of America, as new co-counsel to Mr. Lukić, and his own re-

assignment as a legal consultant during a proposed transitional period of a minimum of four months;

CONSIDERING that on 29 July 2008, the Registrar assigned Mr. Lukić as lead counsel for the defence team of the Accused and Mr. Guy-Smith as co-counsel to Mr. Lukić and withdrew Mr. Castle as lead counsel and re-assigned him as co-counsel;

CONSIDERING that Mr. Lukić informed the Registrar in writing on 3 December 2008 that a further extension of Mr. Castle's involvement in the case is no longer required;

HEREBY DECIDES to withdraw Mr. Castle as co-counsel to Mr. Lukić pursuant to Article 20(A)(ii) of the Directive, effective as of the date of this decision.



Dated this 22nd day of December 2008
At The Hague,
The Netherlands.