

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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IT-04-74-PT
b23435-b23434
24 MARCH 2006

Case No. IT-04-74-PT
Prosecutor v. Bruno Stojić

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 (“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 and 16 thereof;

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

NOTING that on 31 March 2004, Bruno Stojić (“Accused”) submitted a power of attorney for Mr. Željko Olujić, Attorney at Law from Zagreb, to represent him pursuant to Rule 44 of the Rules;

NOTING that on 4 November 2004, the Accused submitted a Declaration of Means requesting the assignment of Mr. Olujić pursuant to Rule 45 of the Rules;

NOTING the Appeals Chamber’s “Decision on Appeal by Bruno Stojić Against Trial Chamber’s Decision on Request for Appointment of Counsel” of 24 November 2004,¹ in which the Appeals Chamber upheld the Trial Chamber’s finding² that, in view of Mr. Olujić’s representation of Ivica Rajić, he could not be admitted as counsel to the Accused as the dual representation could lead to a conflict of interest;

CONSIDERING that on 2 February 2005, the Accused submitted a power of attorney appointing Mr. Berislav Živković, Attorney at Law from Zagreb, as his counsel pursuant to Rule 44 of the Rules, until such time the Registry assigned permanent counsel to him;

CONSIDERING that on 5 October 2005, the Accused submitted a power of attorney for Mr. Tomislav Kuzmanovic, Attorney at Law from Wisconsin, to represent him as lead counsel;

CONSIDERING that on 5 October 2005, the Deputy Registrar assigned Mr. Kuzmanovic as counsel to the Accused permanently;

¹ *Prosecutor v. Prlić et al.*, Case No. IT-04-74-AR73.1, Decision on Appeal by Bruno Stojić Against Trial Chamber’s Decision on Request for Appointment of Counsel, 24 November 2004.

² See *Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Requests for Appointment of Counsel, 30 July 2004.

CONSIDERING that on 3 November 2005, the Deputy Registrar assigned Ms. Senka Nožica, Attorney at Law from Bosnia and Herzegovina, as co-counsel to Mr. Kuzmanovic;

CONSIDERING that on 6 February 2006, Mr. Kuzmanovic made a written submission to the Registry requesting his replacement as counsel by Ms. Nožica, and that his request was supported by the Accused who agreed with the replacement and requested the assignment of Ms. Nožica as counsel to represent him before the Tribunal;

NOTING the Deputy Registrar's Decision of 23 February 2005 replacing Mr. Kuzmanovic by Ms. Nožica as counsel to the Accused;

CONSIDERING that on 1 March 2006, Ms. Nožica submitted a written request to the Registry for the assignment of Mr. Peter Murphy, attorney at law from Houston, as her co-counsel;


CONSIDERING that Mr. Murphy is on the Registry's list of counsel eligible for assignment to indigent suspects and accused and has agreed to be assigned as co-counsel;

CONSIDERING that Mr. Murphy is currently acting as co-counsel for Blagoje Simić in appellate proceedings before the Tribunal;

CONSIDERING that both the Accused and Mr. Simić have consented in writing to the dual assignment of Mr. Murphy;

CONSIDERING that the Registry is satisfied that the assignment of Mr. Murphy to both cases does not adversely affect the rights of either accused, nor create a conflict of interests;

HEREBY DECIDES to assign Mr. Peter Murphy as co-counsel to Ms. Nožica, effective as of the date of this decision.



John Hoogling
Deputy Registrar

Dated this 24th day of March 2006
At The Hague,
The Netherlands.