

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 70 512-5000
TÉLÉCOPIE: 31 70 512-8637**Case No. IT-04-74-T*****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 the Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 16 and 20 thereof;

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

NOTING the Deputy Registrar's Decision of 5 October 2005 which found Mr. Bruno Stojić ("Accused") to be partially indigent and assigned Mr. Tomislav Kuzmanovic, Attorney at Law from the United States, to represent him as lead counsel;

NOTING the Deputy Registrar's Decision of 3 November 2005 assigning 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 lead counsel by Ms. Nožica, and indicating 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 2006 replacing Mr. Kuzmanovic with Ms. Nožica as lead counsel to the Accused;

NOTING the Deputy Registrar's Decision of 24 March 2006 assigning Mr. Peter Murphy, Attorney at Law from the United States, as co-counsel to Ms. Nožica;

CONSIDERING that on 23 August 2007, Ms. Nožica made a written submission to the Registry requesting that Mr. Murphy be replaced by Mr. Karim A.A. Khan, Attorney at Law from the United Kingdom, as co-counsel with effect from 27 September 2007, and indicating that her request was supported by the Accused who agreed to Mr. Murphy's withdrawal and the assignment of Mr. Khan as co-counsel to represent him before the Tribunal;

NOTING Articles 16(C) and 20(A)(ii) of the Directive, which provide that the Registry may assign and withdraw co-counsel at the request of lead counsel in the interests of justice;

CONSIDERING that on 23 August 2007, Ms. Nožica informed the Registry that Mr. Murphy had accepted an offer of appointment as a Circuit Judge from the Ministry of Justice in England, which required him to be free of all work as an advocate not later than 1 October 2007;

CONSIDERING that Mr. Khan is on the Registry's list of counsel eligible for assignment to indigent suspects and accused under Rule 45 of the Rules, and has agreed to be assigned as co-counsel to Ms. Nožica;

CONSIDERING that Mr. Khan is currently acting as co-counsel for Mr. Fatmir Limaj in appellate proceedings before the Tribunal, in which the Appeal Judgement is scheduled to be delivered on 27 September 2007;

CONSIDERING that the Registry is satisfied in accordance with Article 16(G)(ii) of the Directive that the assignment of Mr. Khan to both cases 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 both the Accused and Mr. Limaj have consented in writing to the dual assignment of Mr. Khan;

CONSIDERING that the Registry is further satisfied that, upon consultation with Mr. Khan and the Office of the Prosecutor, and upon notice to the Trial Chamber and to all lead counsel for the co-accused in *Prosecutor v. Prlić, et al.*, Case No. IT-04-74-T, Mr. Khan did not participate personally and substantially in this matter during his previous employment with the Office of the Prosecutor;

CONSIDERING that Ms. Nožica has verified that Mr. Murphy has undertaken a work plan to ensure the smooth transition of his counsel duties to Mr. Khan, which transition will neither delay the proceedings nor prejudice the Accused;

FINDING that the interests of justice would be served by honouring the request of Ms. Nožica under these circumstances;

HEREBY DECIDES to withdraw Mr. Peter Murphy and to assign Mr. Karim A.A. Khan as co-counsel to Ms. Senka Nožica, effective 27 September 2007;

DIRECTS Mr. Murphy, in accordance with Article 9(D) of the Code of Conduct, to surrender any case-related materials he received during his assignment as counsel.

Dated this 25th day of September 2007
At The Hague,
The Netherlands.

