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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

Press Release . Communiqué de presse
(Exclusively for the use of the media. Not an official document)

REGISTRY

GREFFE

The Hague, 3 September 2004
CC/ P.I.S./890-e

MILOŠEVIĆ CASE:

*** STEVEN KAY AND GILLIAN HIGGINS “COURT ASSIGNED COUNSEL”
* TRIAL CHAMBER ISSUES AN ORDER ON THE MODALITIES
BY WHICH THEY ARE TO ACT**

Following the oral decision issued on Thursday 2 September by Trial Chamber III (see press release 889), the ICTY Deputy Registrar, John Hocking, today decided “*to assign Mr. Steven Kay as lead counsel for the accused and Ms. Gillian Higgins as co-counsel for the accused*”, effective 3 September 2004.

With reference to this assignment, the Trial Chamber issued an Order setting forth “*the modalities by which court assigned counsel are to act*”, as follows:

- (1) It is the duty of court assigned counsel (1) to determine how to present the case for the Accused, and in particular it is their duty to:
 - (a) represent the Accused by preparing and examining those witnesses court assigned counsel deem it appropriate to call;
 - (b) make all submissions on fact and law that they deem it appropriate to make;
 - (c) seek from the Trial Chamber such orders as they consider necessary to enable them to present the Accused’s case properly, including the issuance of subpoenas;
 - (d) discuss with the Accused the conduct of the case, endeavour to obtain his instructions thereon and take account of views expressed by the Accused, while retaining the right to determine what course to follow; and
 - (e) act throughout in the best interests of the Accused;
- (2) The Accused may, with the leave of the Trial Chamber, continue to participate actively in the conduct of his case, including, where appropriate, examining witnesses, following examination by court assigned counsel;
- (3) The Accused has the right, at any time, to make a reasonable request to the Trial Chamber to consider allowing him to appoint counsel; and
- (4) Court assigned counsel is authorised to seek from the Trial Chamber such further orders as they deem necessary to enable them to conduct the case for the Accused.

***The full text of the Deputy Registrar’s Decision and the Trial Chamber’s Order on the modalities to be followed by court assigned counsel are available on the Tribunal’s website at www.un.org/icty.
Hard-copies can also be obtained from Public Information Services***

Internet address: <http://www.un.org/icty>

Public Information Services/Press Unit

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