



United Nations  
Nations Unies



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)

**PRESIDENT**

**PRESIDENT**

The Hague, 8 February 2005  
JP/MOW/935e

### **PRESIDENT MERON ISSUES DECISION ON ASSIGNED COUNSEL'S APPLICATION TO WITHDRAW FROM MILOŠEVIĆ CASE**

Yesterday, Monday 7 February 2005, the President of the ICTY, Judge Theodor Meron, issued a decision affirming the Registrar's denial of assigned counsel's application to withdraw from the Milošević case.

#### *Background*

This decision follows the request by Slobodan Milošević's court-assigned lawyers, Steven Kay and Gillian Higgins, to withdraw as Milošević's counsel before the Tribunal. During the Prosecution stage of the trial, Milošević represented himself. At the conclusion of the Prosecution case, the Trial Chamber decided that Milošević's repeated bouts of illness were endangering the integrity of the trial and, potentially, the fairness of the ultimate verdict. The Trial Chamber therefore decided to assign counsel to represent Milošević, notwithstanding his opposition to such assignment. Kay and Higgins were subsequently named to represent Milošević for the defence part of the trial, a decision they appealed on behalf of Mr. Milošević. A November 1 2004 decision by the Appeals Chamber upheld their appointment, but held that the Trial Chamber must operate under "*the default presumption that, when he is physically capable of doing so, Milošević will take lead in presenting his case.*"

Before this Appeal Chamber decision was issued, assigned counsel wrote to the Registrar seeking to withdraw from their appointment under Article 19 of the Directive on Assignment of Defence Counsel. The Registrar referred this request to the Trial Chamber which heard arguments on the matter after the Appeals Chamber's decision made it clear that assigned counsel should stay in place. On 7 December 2004, the Trial Chamber issued its decision in which it indicated that it found no basis for assigned counsel's request to withdraw. A week later, the Registrar issued a decision concluding that "*the Registry is not satisfied that it is in the interest of justice to withdraw the Court Assigned Counsel...*" On 28 December 2004, assigned counsel filed their Request for Review of Registrar's Decision on Withdrawal with the President of the Tribunal.

\*\*\*

***The full text of the Decision is available on the Tribunal's website [www.un.org/icty](http://www.un.org/icty). Hard copies can also be obtained from the Media Office.***

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

**Communications Service/ Media Office**

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands  
Tel.: +31-70-512-5356; 416-5343 Fax: +31-70-512-5355