



INTERNATIONAL CRIMINAL TRIBUNAL  
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IT-03-69-PT  
D 7227 - D 7226  
27 FEBRUARY 2006

Case No. IT-03-69-PT

*Prosecutor v. Franko Simatović*

## 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 Rule 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 6, 7, 8, 10, 11(A)(ii), 18, 23(C) and 31 thereof;

**CONSIDERING** that on 14 July 2003, Franko Simatović (“Accused”) requested that Mr Zoran Jovanović, attorney at law from Belgrade, Serbia and Montenegro, be assigned as his Tribunal paid counsel on the basis that he did not have sufficient means to remunerate counsel;

**CONSIDERING** that on 18 July 2003, the Registry assigned Mr Jovanović as counsel to the Accused, pending the Registry’s determination of the Accused’s eligibility for legal aid;

**CONSIDERING** that on 1 August 2003, the Accused submitted a declaration of means to the Registry;

**CONSIDERING** that on 17 May 2004, the Registry assigned Mr Jovanović as permanent counsel to the Accused, and found that the Accused was partially indigent and able to contribute US\$145,196 to the cost of his defence (“Decision”);

**NOTING** the 26 May 2004 “Defence Request for Review of the Decision of the Registry on Assignment of Counsel and the Extent to which the Accused is able to Remunerate Counsel” (“Request for Review”), in which the defence challenges certain findings of the Registry which relate to the extent to which the Accused is able to remunerate counsel;

**NOTING** the 19 July 2004 “Registry Reply to the Defence Request for Review of the Decision of the Registry on Assignment of Counsel and the Extent to which the Accused is able to Remunerate Counsel”;

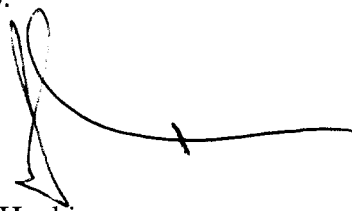

**CONSIDERING** the 26 October 2004 “Decision on Defence Request for Review of the Decision of the Registry on Assignment of Counsel and the Extent to which the Accused is able to Remunerate Counsel”, in which the Trial Chamber referred the matter back to the Registry for determination in accordance with the procedure laid out in Article 31 of the Directive;

**CONSIDERING** that in accordance with Article 31 of the Directive, the Registry consulted the Office of the President (“President”) on this matter, and on the basis of the President’s advice, obtained comments from the Accused;

**CONSIDERING** that the Registry is satisfied that it is necessary to adjust certain aspects of the Decision which have an impact upon the extent to which the Accused is able to remunerate counsel;

**NOTING** that the reasons for the adjustment are outlined in a letter to the Accused dated 27 February 2006;

**DECIDES** to confirm Mr Jovanović’s assignment as counsel to the Accused, and finds that the Accused is able to remunerate counsel in the amount of US\$110,200.

  
John Hocking  
Deputy Registrar  


Dated this 27<sup>th</sup> day of February 2006  
At The Hague,  
The Netherlands.