

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CHURCHILLPLEIN, 1, P.O. BOX 13888
2501 EW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 416-5000
FAX: 31 70 416-8637

TRIBUNAL PÉNAL INTERNATIONAL
POUR L'EX-YOUGOSLAVIE

CHURCHILLPLEIN, 1, B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 416-5000
FAX: 31 70 416-8637

IT-02-60-PT
D15913-D15912
08 APRIL 2003

Case No. IT-02-60-PT

Prosecutor v. Vidoje BLAGOJEVIĆ et al.

DECISION

THE REGISTRAR,

CONSIDERING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

CONSIDERING the Rules of Procedure and Evidence, and in particular Rules 44 and 45 thereof;

CONSIDERING the Directive on Assignment of Defence Counsel, and in particular Article 19 (A) (i) thereof;

CONSIDERING the requests of Mr. Vidoje Blagojević (hereinafter "the accused"), submitted at a Status Conference on 27 November 2002, to have the assignment of his co-counsel, Ms. Suzanna Tomanović, withdrawn and, in case this request were not granted, to have his entire assigned defence team withdrawn;

CONSIDERING that at the Status Conference the accused stated that Ms. Tomanović had not been selected according to his wishes and requested that a co-counsel of his choosing be assigned to work with his lead counsel Mr. Michael Karnavas;

CONSIDERING that the accused, by letter of 16 September 2002 to the Registry, and subsequently before the Pre-Trial Judge had requested the replacement of Ms. Tomanović and that the Trial Chamber on 9 December 2002 confirmed the Registry's decision assigning Ms. Tomanović as co-counsel and denied the accused's oral motion;

CONSIDERING that, at the Status Conference on 27 March 2003 the accused restated his request to have Ms. Tomanović withdrawn as co-counsel and expressed a lack of confidence in his lead counsel Mr. Karnavas', based on his refusal to abide by the accused's wishes concerning the selection of co-counsel, and that the Pre-Trial Judge noted that it was now "for the Registrar to decide the merits of this request" and specified that the Registrar should decide, first, whether Ms. Tomanović should be replaced, and second, if a determination is made that Ms. Tomanović should not be replaced, whether the accused's concomitant request to replace his entire legal defence team should be granted;

CONSIDERING that the accused has not shown any substantive grounds relating to the performance or professional ethics of Ms. Tomanović justifying a replacement; that no change in circumstances has taken place since the Trial Chamber's Decision On Oral Motion To Replace Co-Counsel of 9 December 2002, and that to replace co-counsel at this point in the proceedings may cause prejudice to the accused by having the potential to cause, *inter alia*, a delay in the proceedings and thereby adversely affect his right to be tried expeditiously;

DECIDES to refuse withdrawal of the assignment of Ms. Tomanović as co-counsel to the accused and, on the same grounds to refuse the accused's concomitant request to replace his entire legal defence team.



Dated this eighth day of April 2003
At The Hague
The Netherlands