



INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

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POUR L'EX-YOUGOSLAVIE

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IT-02-60-T  
D 20904 - D 20903

08 JANUARY 2004

*Case No. IT-02-60-T*  
*Prosecutor v Dragan Jokić*

## DECISION

### THE DEPUTY 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 as adopted by the Tribunal on 11 February 1994, as subsequently amended, and in particular Rules 44 and 45 thereof;

**CONSIDERING** the Directive on Assignment of Defence Counsel (hereinafter "the Directive"), as adopted by the Tribunal on 28 July 1994, as subsequently amended, and in particular, Articles 16, 19 and 20 thereof;

**CONSIDERING** the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.1) (hereinafter "the Code of Conduct"), and in particular Articles 9 and 13 thereof;

**CONSIDERING** that on 18 December 2003, Mr. Miodrag Stojanović, lead counsel in the present case, submitted a request to withdraw Ms. Cynthia Sinatra, attorney at law from Houston, assigned co-counsel since 5 February 2003, due to Ms. Sinatra's medical problems;

**CONSIDERING** that on the basis of Article 19(A)(ii) of the Directive, the assignment of co-counsel may be withdrawn at the request of lead counsel if it is in the interest of justice;

**NOTING** the letter of 29 October 2003 submitted to the Registry by Ms. Sinatra's physician recommending her withdrawal from the present case due to ill health;

**CONSIDERING** that in accordance with Article 16 of the Directive, the lead counsel is primarily responsible for all aspects of the defence of the Accused and that lead counsel Mr. Stojanović has requested the assignment of Mr. Branko Lukić, attorney at law from Doboj, as replacement co-counsel;

**CONSIDERING** that Mr. Lukić is the assigned lead counsel in the appeal of Mr. Milomir Stakić pending before the Tribunal;

**CONSIDERING** that in a waiver signed 15 December 2003, Mr. Stakić consented to the assignment of Mr. Lukić in the present case and that the Registry further ascertained that there is no conflict of interest resulting from the assignment of Mr. Lukić to the present case;

**CONSIDERING** further that in the interest of justice and pursuant to Article 20(B) of the Directive, Ms. Sinatra has agreed to continue representing the Accused for a period not exceeding 30 days after the date on which the replacement is assigned so as to ensure a smooth transition of counsel;

**NOTING** that in accordance with Article 9(D) of the Code of Conduct, Ms. Sinatra is obliged to surrender any papers and property to which the client or the Tribunal is entitled;

**NOTING** that in accordance with Article 13(A) of the Code of Conduct, Ms. Sinatra remains subject to a continuing duty of confidentiality of the client's affairs and shall not reveal to any other person, other than to members of her team who need such information for the performance of their duties, information which has been entrusted to her in confidence or use such information to the client's detriment or to her own or another client's advantage;

**CONSIDERING** that Mr. Lukić satisfies the requirements to be listed on the Rule 45 list of counsel who are eligible to be considered for assignment of counsel, and that there are no conflicts of interest;

**FINDING** that Mr. Stojanović has satisfied the Registry that this would constitute withdrawal of counsel "in the interest of justice" under Article 19(A)(ii) of the Directive;

**CONSIDERING** that Article 19(E) of the Directive stipulates that if the assignment of counsel has been withdrawn then a new counsel shall be assigned immediately to the accused;

**DECIDES** to withdraw Ms. Cynthia Sinatra and to assign Mr. Branko Lukić as co-counsel to the Accused, effective as of the date of this decision;

  
David Toibert  
Deputy Registrar  


Dated this Eighth day of January 2004  
At The Hague  
The Netherlands