



IT-02-54-T-R77.4

D52-D51

06 MAY 2005

INTERNATIONAL CRIMINAL TRIBUNAL
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SC

Case No. IT-02-54-T-R77.4
Prosecutor v. Slobodan Milošević

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 Rules 44, 45, and 77 thereof;

NOTING the Directive on Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended (“Directive”), and in particular Articles 7, 8, 10, and 11(B) thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.1);

NOTING that Mr. Kosta Bulatović was called to testify in the case *Prosecutor v. Slobodan Milošević* as a Defence witness;

NOTING the refusal of Mr. Kosta Bulatović (“Accused”) to answer questions asked by the Prosecution in cross-examination on 19 and 20 April 2005;

NOTING the Trial Chamber’s “Order on Contempt Concerning Witness Kosta Bulatović” of 20 April 2005, by which the Trial Chamber initiated proceedings against the Accused pursuant to Rule 77 of the Rules;

NOTING that the Rules in Parts Four to Eight apply *mutatis mutandis* to proceedings under Rule 77 of the Rules;

NOTING that any person charged with contempt is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for determination of indigency;

NOTING the Decision of the Deputy Registrar of 20 April 2005 assigning Mr. Stephane Bourgon, Attorney at Law from Montreal, as duty counsel for the Accused;

CONSIDERING that on 5 May 2005 the Accused submitted a declaration of means to the Registry pursuant to Article 7(B) of the Directive, and requested the assignment of Mr. Bourgon as his counsel pursuant to Rule 45 of the Rules;

CONSIDERING that Mr. Stephane Bourgon is a member of the Association of Defence Counsel and is currently on the Rule 45 list of counsel eligible to represent indigent suspects and accused;

CONSIDERING that for the purpose of establishing whether the Accused satisfies the requisite conditions for assignment of counsel, the Registrar may inquire into his means, request the gathering of any information or the production of any documents to verify the request;

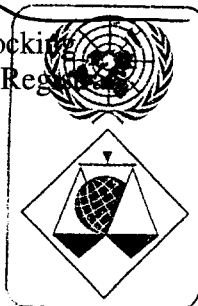

CONSIDERING that in accordance with Article 11(B) of the Directive, the Registry may assign counsel to an accused to ensure that an accused's right to counsel is not affected while the Registrar examines his declaration of means and the information obtained pursuant to Article 10 of the Directive;

CONSIDERING that in this case it is necessary to assign counsel to the Accused pursuant to Article 11(B) of the Directive to ensure that his right to counsel is not affected while the Registrar examines his ability to remunerate counsel;

NOTING the Trial Chamber's "Order Rescheduling Hearing in Contempt Proceedings" of 4 May 2005, by which the Trial Chamber rescheduled the hearing in the contempt proceedings against the Accused for 6 May 2005;

HEREBY DECIDES to assign Mr. Bourgon as counsel to represent the Accused for a period of 120 days, effective as of the date of this decision.

John Hocking
Deputy Registrar



Dated this fifth day of May 2005
At The Hague,
The Netherlands.