

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1 P O BOX 13888
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Case No. IT-95-5/18-R77.3
In the Contempt Case of Radislav Krstić

IT-95-5/18-R77.3
D17 - D16
22 APRIL 2013

PUBLIC

DECISION

THE DEPUTY REGISTRAR,

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

NOTING the Rules of Procedure and Evidence 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 the Assignment of Defence Counsel adopted by the Tribunal on 28 July 1994, as subsequently amended (“Directive”), and in particular Articles 6, 7, 11(B), 14(A) and 16(A) thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal adopted by the Tribunal on 12 June 1997, as subsequently amended;

CONSIDERING the Order in Lieu of Indictment issued on 27 March 2013,¹ charging Mr. Radislav Krstić (“Accused”) with contempt of the Tribunal punishable under Rule 77(A) and (G) of the Rules;

CONSIDERING that on 3 April 2013, Mr. Tomislav Višnjić, Attorney at Law from the Republic of Serbia, was assigned as duty counsel to represent the Accused at his initial appearance and in other such matters as may be necessary to ensure that the rights of the Accused are protected until a permanent counsel is retained by the Accused or assigned by the Registrar;

CONSIDERING that on 4 April 2013 initial appearance of the Accused was held before Judge Melville Baird;

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 the determination of indigence;

¹ *In the Contempt Case of Radislav Krstić*, Case No. IT-95-5/18-R77 3, public Order in Lieu of Indictment, 27 March 2013.

CONSIDERING that the Accused has applied for Tribunal legal aid pursuant to Article 7 of the Directive on the basis that he does not have the means to remunerate counsel, has submitted a declaration of means pursuant to Article 7(B) of the Directive, and has requested that the Registrar assign Mr. Tomislav Višnjić as his permanent counsel;

CONSIDERING that Mr. Tomislav Višnjić is on the Registrar's list of counsel eligible for assignment to indigent suspects and accused envisaged under Rule 45 of the Rules, and has indicated his willingness to represent the Accused;

CONSIDERING that Mr. Tomislav Višnjić previously represented Messrs. Stojan Župljanin (IT-08-91-PT) and Gojko Janković (IT-96-23/2) in proceedings before this Tribunal;

CONSIDERING that Mr. Višnjić was assigned as lead counsel to Messrs. Milan Lukić (IT-98-32/1-A) and Dragoljub Ojdanić (IT-05-87-A), and that proceedings before the Appeals Chamber have concluded in both cases.²

CONSIDERING that the Registrar is satisfied that there is no scheduling conflict and no conflict of interest between Mr. Višnjić's representation of Messrs Ojdanić, Lukić, Župljanin Janković and his representation of the Accused, and that the assignment of Mr. Višnjić to the Accused does not otherwise prejudice the defence of the Accused or the integrity of the proceedings;

CONSIDERING that the Registry has not yet determined whether or to what extent the Accused is able to remunerate counsel;

CONSIDERING that in accordance with Article 11(B) of the Directive, the Registrar may temporarily assign counsel to an accused for a period of 120 days to ensure that an accused's right to counsel is not affected while the Registry examines his ability to remunerate counsel;

CONSIDERING that in this case it is necessary to assign counsel to the Accused pursuant to Article 11(B) of the Directive;

HEREBY DECIDES to assign Mr. Tomislav Višnjić as counsel to the Accused for a period of 120 days pursuant to Article 11(B) of the Directive, effective as of the date of this decision;



Kate Mackintosh
Deputy Registrar

Dated this 22nd day of April 2013
At The Hague,
The Netherlands.

² *Prosecutor v Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-A, public Judgement, 4 December 2012; *Prosecutor v. Šamović et al.* Case No. IT-05-87-A, public "Final Decision on 'Notice of Withdrawal of Dragoljub Ojdanić's Appeal Against the Judgement of Trial Chamber III Dated 26 February 2009' and 'Notice of Withdrawal of Prosecution's Appeal Against the Judgement of Trial Chamber III Dated 26 February 2009 in Relation to the Accused Dragoljub Ojdanić'", dated 31 January 2013.