

IT-98-32/1-R77.1
D883 - D882
22 January 2010

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UNITED NATIONS



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INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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Case No. IT-98-32/1-R77.1

Prosecutor v. Zuhdija Tabaković

PUBLIC

DECISION ON ASSIGNMENT OF COUNSEL

THE DEPUTY REGISTRAR,

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), as subsequently amended (“Statute”), 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 the Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended (“Directive”), and in particular Articles 7 through 11 thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.3);

NOTING that on 17 November 2009, the Reviewing Judge issued his Decision on Review of Indictment, confirming an indictment for contempt of court pursuant to Rule 77 of the Rules against Mr. Zuhdija Tabaković (“Accused”);

CONSIDERING that the Accused was transferred to the seat of the Tribunal on 18 December 2009 and that his initial appearance was held on 22 December 2009;

NOTING that the Rules in parts four to eight apply *mutatis mutandis* to proceedings under Rule 77 of the Rules;

CONSIDERING that on 21 December 2009, Mr. Steven Powles, Barrister from the United Kingdom, was assigned as “duty counsel” to the Accused to ensure that the rights of the Accused are protected until he retains permanent counsel or has counsel assigned to him pursuant to Rule 45 of the Rules;

NOTING that on 22 December 2009 a public redacted version of the Indictment against the Accused was filed;



CONSIDERING that the Accused has applied for Tribunal legal aid pursuant to Article 8 of the Directive on the basis that he does not have means to remunerate counsel and has requested that the Registry assign Mr. Powles as his permanent counsel;

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 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) to ensure that his right to counsel is not affected while the Registry assesses his ability to remunerate counsel;

HEREBY DECIDES to assign Mr. Powles 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.


Ken Roberts
Deputy Registrar


Dated this 22nd day of January 2010
At The Hague,
The Netherlands.