

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637**Case No. IT-04-75-PT*****Prosecutor v. Goran Hadžić*****DECISION****PUBLIC****THE 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 62(B) 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 6, 7, 11(B), 14(A), 16(B) and 16(G) thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.3) ("Code of Conduct"), and in particular Articles 9 and 14 thereof;

NOTING that Mr. Goran Hadžić ("Accused") was transferred to the seat of the Tribunal on 22 July 2011, and that his first initial appearance was held on 25 July 2011, and his further appearance was held on 24 August 2011;

NOTING that on 25 July 2011, pursuant to Rule 45 and Rule 62 (B) of the Rules that the Registrar assigned Mr. Vladimir Petrović, attorney at law from Serbia, as duty counsel to the Accused for the purposes of the initial appearance;

CONSIDERING that on 26 July 2011, the Accused applied for the assignment of Tribunal-paid counsel pursuant to Article 7 of the Directive on the basis that he does not have sufficient means to remunerate counsel;

NOTING that the Accused first requested the assignment of a counsel who was not on the Registrar's list of counsel eligible for assignment to indigent suspects and accused envisaged under Rule 45 of the Rules ("Rule 45 List"), and was therefore not available for immediate assignment;

CONSIDERING that the assignment of Mr. Vladimir Petrović was limited to the initial appearance and the assignment of a replacement duty counsel to the Accused was necessary, pending the assignment of permanent counsel;

CONSIDERING that on 27 July 2011, Mr. Zoran Živanović attorney at law from Serbia, was assigned as duty counsel to represent the Accused at his further initial appearance and in such other matters as may be necessary until a permanent counsel was assigned;

CONSIDERING that on 29 August 2011, the Accused requested the assignment of Mr. Zoran Živanović, attorney-at-law from Serbia, as his lead counsel;

CONSIDERING that Mr. Živanović is on the Rule 45 List and has indicated his willingness to represent the Accused;

CONSIDERING that Mr. Živanović has previously represented Messrs Željko Mejakić (IT-02-65), Dragoljub Prać, (IT-98-30/1) in proceedings before this Tribunal;

CONSIDERING that Mr. Živanović is assigned as lead counsel in the case against Mr. Vujadin Popović before this Tribunal, which is currently on appeal (IT-05-88-A);

CONSIDERING that in a letter dated 1 September 2011, the Registrar requested Mr. Živanović to provide his comments regarding a potential conflict of interest as a result of his ongoing duty of loyalty to former clients, and also invited Mr. Živanović to comment on a possible scheduling conflict between the Accused's case and Mr. Vujadin Popović's case;

CONSIDERING that on 5 September 2011, Mr. Živanović provided his written submission regarding his proposed dual representation of Mr. Vujadin Popović and the Accused, and satisfied the Registrar that he had no conflict of interest arising from his former representation of other Accused before the Tribunal;

CONSIDERING that both the Accused and Mr. Vujadin Popović have consented in writing to the dual assignment of Mr. Živanović;

CONSIDERING that the Registrar is therefore satisfied, in accordance with Article 16(G) of the Directive, that the dual assignment of Mr. Živanović presents no scheduling conflict and no potential or actual conflict of interest, and that the assignments would not otherwise prejudice the defence of either 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) to ensure that his right to counsel is not affected while the Registry assesses his ability to remunerate counsel;

HEREBY DECIDES to assign Mr. Zoran Živanović as lead 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;



John Hocking
Registrar

Dated this seventh day of September 2011
At The Hague
The Netherlands