

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), as subsequently amended, 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 and 45 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 6, 7, 8, 9, 10 and 11(A) thereof;

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

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

NOTING that on 25 July 2011, with the consent of the Accused and pursuant to Rule 45(C) of the Rules, the Deputy Registrar assigned Mr. Vladimir Petrović, attorney at law from Serbia, as Duty Counsel to the Accused to represent the Accused at his initial appearance,

and in such other matters as may be necessary until a permanent or replacement counsel is assigned;¹

CONSIDERING that on 26 July 2011, the Accused applied for the assignment of Tribunal-paid counsel on the basis that he does not have sufficient means to remunerate counsel and submitted a declaration of means to the Registry pursuant to Article 7(B) of the Directive;

NOTING that on 27 July 2011, pursuant to Rule 45(C) of the Rules, the Deputy Registrar assigned Mr. Zoran Živanović, attorney at law from Serbia, as replacement Duty Counsel to represent the Accused in such matters as may be necessary until permanent counsel was assigned;²

CONSIDERING that on 29 August 2011, the Accused requested the Registry in writing to assign Mr. Živanović as his lead counsel;

CONSIDERING that on 7 September 2011, acting pursuant to Article 11(B) of the Directive, the Registrar assigned Mr. Živanović as lead counsel to the Accused for a period of 120 days, determining that an interim assignment of counsel was necessary to ensure that the Accused's right to counsel was not affected while the Registry examines his ability to remunerate counsel;³

CONSIDERING that on 20 December 2011, the Acting Deputy Registrar extended Mr. Živanović's assignment for an additional period of 120 days, effective 4 January 2012;⁴

CONSIDERING that on 19 January 2012, at the request of Mr. Živanović, the Acting Deputy Registrar appointed Mr. Christopher Gosnell, attorney at law from Canada, as co-counsel to Mr. Živanović;⁵

CONSIDERING that on 3 May 2012, the Registrar extended the assignment of Mr. Živanović and Mr. Gosnell for an additional period of 120 days pending the Registry's inquiry into the Accused's means;⁶

¹ *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-I, public Decision, dated 25 July 2011.

² *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-I, public Decision, dated 27 July 2011.

³ *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-PT, public Decision, dated 7 September 2011.

⁴ *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-PT, public Decision, dated 20 December 2011.

CONSIDERING that the Registry has examined the information provided by the Accused in his declaration of means and has completed its inquiry into the Accused's means pursuant to Article 9 of the Directive;

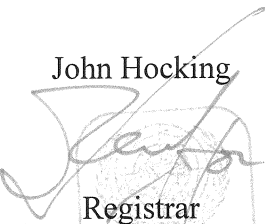

CONSIDERING that the Registry is satisfied that the Accused does not have sufficient means available to him to pay for the costs of his defence before the Tribunal;

DECIDES in light of the above and pursuant to Article 11(A)(i) of the Directive that the Accused is eligible for full legal aid;

DECIDES without prejudice to Article 19 of the Directive and pursuant to Article 11(A)(i) of the Directive to assign Mr. Živanović as lead counsel and Mr. Gosnell as co-counsel to the Accused permanently, effective as of the date of this decision;

INFORMS the Accused and his counsel that all expenses relating to the Accused's defence referred to in Articles 23-28 of the Directive shall be borne by the Tribunal; and

REMINDS the Accused of his obligation pursuant to Article 7(E) of the Directive to update his declaration of means at any time a change relevant to his declaration of means occurs

John Hocking

Registrar


Dated this third day of September 2012
At The Hague,
The Netherlands.

⁵ *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-PT, public Decision, dated 19 January 2012.

⁶ *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-PT, public Decision, dated 3 May 2012.