

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. Box 13888
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JSC

Case No. IT-03-66-PT
Prosecutor v. Haradin Bala

IT-03-66-PT
D1354 - D1353
12 DECEMBER 2003

DECISION**THE DEPUTY REGISTRAR,**

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

CONSIDERING the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended, and in particular Rules 44 and 45 thereof;

CONSIDERING the Directive on Assignment of Defence Counsel (hereinafter "the Directive"), as adopted by the Tribunal on 28 July 1994, as subsequently amended, and in particular Articles 8, 9, 10, 11 (A)(i) and 19(A)(i) thereof;

CONSIDERING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.1) (hereinafter "the Code of Conduct"), and in particular Articles 9 and 13 thereof;

CONSIDERING the request of Mr. Haradin Bala (hereinafter "the accused") dated 12 March 2003 requesting the assignment of Mr. Tome Gashi, attorney at law from Prishtina, as his lead counsel and the assignment of Mr. Peter Murphy, attorney at law from Houston, as his co-counsel;

NOTING the Decision of the Registrar of 9 May 2003 assigning Mr. Tome Gashi as lead counsel and Mr. Peter Murphy as co-counsel to the Accused for a period of 120 days pending the verification of the financial status of the Accused;

NOTING the letter of the Accused dated 17 November 2003 in which the Accused expressed his general dissatisfaction with the manner Mr. Gashi has been conducting his defence and provided the Registry with several allegations in support of his request to withdraw Mr. Gashi's as lead counsel;

NOTING further that in the same letter, the Accused requested the Registry to assign Mr. Peter Murphy, currently co-counsel, as his lead counsel;

CONSIDERING that Mr. Gashi informed the Registry, in a letter dated 8 December 2003, of existing disagreements with his client on the manner the defence should be conducted, and that he, therefore, accepted to be removed from the defence team of the Accused;

CONSIDERING that Mr. Murphy has expressed his consent to be assigned as lead counsel to the Accused;

CONSIDERING that the replacement of Mr. Gashi as lead counsel by Mr. Murphy at this stage of the proceedings would not be detrimental to the representation of the Accused, nor would it unduly delay the pre-trial proceedings;

CONSIDERING that the Accused has been informed that the Registry will not allocate any additional funds as a consequence of the replacement of lead counsel;


FINDING that the reasons put forward by both the Accused and Mr. Gashi completely satisfy the Deputy Registrar that this would constitute a withdrawal of counsel "in the interest of justice" under Article 19(A)(i);

NOTING that in accordance with Article 9(D) of the Code of Conduct, Mr. Gashi is obliged to surrender any papers and property to which the client and/or the Tribunal are entitled;

NOTING that in accordance with Article 13(A) of the Code of Conduct, Mr. Gashi remains subject to a continuing duty of confidentiality;

CONSIDERING that, in the course of its inquiry pursuant to article 10 of the Directive, the Registry received documentation confirming that the Accused does not have sufficient means to pay the costs of his defence;

HEREBY DECIDES to withdraw the assignment of Mr. Tome Gashi as lead counsel and to assign Mr. Peter Murphy as lead counsel to the Accused, effective as of the date of this decision.



David Tolbert
Deputy Registrar

Dated this eleventh day of December 2003
At The Hague
The Netherlands