

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. Box 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888
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Case No. IT-03-66-PT
Prosecutor v. Isak Musliu

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 (hereinafter "the Rules") 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, and 11 (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");

CONSIDERING that on 29 April 2003, at the request of the accused Mr. Isak Musliu (hereinafter "the accused"), the Registrar assigned Mr. Bajram Krasniqi, Attorney-at-law from Pristina, as Lead Counsel and Mr. Steven Powles, Attorney-at-law from London, as co-counsel for the accused for a period of 120 days pending the assessment of the accused's ability to remunerate counsel;

CONSIDERING that based on the accused's declaration of means and the documentation provided in its support, the Registry has found the accused unable to remunerate counsel and, therefore, entitled to legal aid;

CONSIDERING further that in a correspondence dated 22 and 27 August 2003, the accused requested the Registry to withdraw the assignment of Mr. Krasniqi based on the negligent and unprofessional manner in which Mr. Krasniqi was conducting his defence;

NOTING the decision of the Registrar dated 8 September 2003, withdrawing the assignment of Mr. Krasniqi as lead counsel for the accused on these grounds;

CONSIDERING that on 19 September 2003, the accused requested the assignment of a lawyer who proved to be unqualified to represent the accused, and whose assignment was consequently denied by the Registry;

NOTING the subsequent correspondence between the Registry and the accused in which the accused was advised to choose a new counsel from the Rule 45 list of counsel available for assignment to indigent accused;

CONSIDERING that on 14 May 2004, the accused requested the assignment of Mr. Michael Topolski, Attorney-at-Law from London, as lead counsel;

CONSIDERING that in the same letter, the accused expressed his wish for Mr. Powles to continue working on his case as co-counsel;

CONSIDERING that Mr. Topolski is not currently listed on the Rule 45 list of counsel but is willing to have his name added to that list;

CONSIDERING that Mr. Topolski is a native English speaker and an experienced defence attorney, and that he has become a member of the Association of Defence Counsel;

CONSIDERING that the Registry is therefore satisfied that Mr. Topolski fulfils the qualification requirements of the Rules and the Directive for admission to the Rule 45 list and for assignment to indigent accused;

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

CONSIDERING that the right of the accused to legal representation was not jeopardized at any time as Mr. Powles continued to represent the accused, acting as lead counsel, from the day of Mr. Krasniqi's withdrawal until the date of this decision;

HEREBY DECIDES, without prejudice to article 18 of the Directive, to assign Mr. Michael Topolski as lead counsel and to confirm the assignment of Mr. Steven Powles as co-counsel to the accused as of the date of this decision.



David Golbert
Deputy Registrar

Dated this twenty-seventh day of May 2004
At The Hague
The Netherlands