

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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Case No. IT-98-32/1-PT
Prosecutor v. Milan Lukić

PUBLIC**DECISION****THE REGISTRAR,**

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993) ("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 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 14(A) and 20(A) thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.2) ("Code of Conduct");

CONSIDERING that Mr. Milan Lukić ("Accused") was transferred to the seat of the Tribunal on 21 February 2006, and that his initial appearance was held on 24 February 2006;

CONSIDERING that 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;

CONSIDERING that on 23 February 2006, at the request of the Accused and pursuant to Rule 62(B) of the Rules, the Registrar assigned Mr. Michael Karnavas, attorney-at-law from the United States, as duty counsel to the Accused for the purposes of his initial appearance and for such other matters as necessary until replacement counsel is assigned;

CONSIDERING that on 20 March 2006, the Registry informed the Accused that Mr. Karnavas could not be assigned as his permanent counsel due to a scheduling conflict;

CONSIDERING that on 6 April 2006, at the Accused's request and pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Mr. Alan Yatvin, attorney-at-law from the United States, as 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;

CONSIDERING that Mr. Yatvin's assignment as counsel to the Accused was extended on three occasions, on 16 August 2006, 22 November 2006 and 9 March 2007, in order to ensure that the Accused's right to counsel is not affected while the Registry conducts its inquiry into the Accused's financial means, and that the inquiry is still ongoing;

CONSIDERING that on 18 January 2007, the Deputy Registrar assigned Ms Jelena Lopičić-Jancić, attorney-at-law from the Republic of Serbia, as co-counsel to Mr. Yatvin, in accordance with the expressed wish of the Accused;

CONSIDERING that thereafter, the Accused totally interrupted all communications with his defence team and refused to co-operate with both his defence counsel;

CONSIDERING that on 10 October 2007, the Accused requested the replacement of Mr. Yatvin by Mr. Bojan Sulejić, attorney-at-law from the Republic of Serbia;

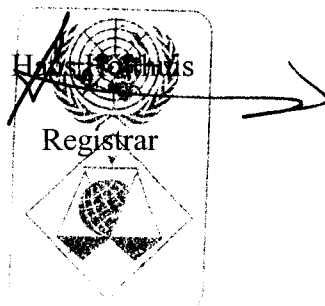
CONSIDERING that on 5 December 2007, pursuant to Article 20 of the Directive and without prejudice to Article 19(B) of the Directive, the Registrar decided to withdraw the assignments of Mr. Yatvin and Ms Lopičić-Jancić as lead and co-counsel respectively, and to assign Mr. Sulejić as counsel to the Accused, in order to ensure that the Accused receives an effective legal representation and to protect the integrity of the judicial process;

CONSIDERING that on 22 February 2008, Mr. Sulejić requested the assignment of Mr. Jason Alarid, attorney-at-law from the United States, as his co-counsel;

CONSIDERING that Mr. Alarid is on the Registry's list of counsel eligible for assignment to indigent suspects and accused under Rule 45 of the Rules and has agreed to be assigned as co-counsel to Mr. Lukić;

CONSIDERING that the assignment of a co-counsel in this case is in the interest of justice;

HEREBY DECIDES to assign Mr. Alarid as co-counsel to Mr. Sulejić effective as of the date of this decision.



Dated this 10th day of March 2008
At The Hague,
The Netherlands.