

INTERNATIONAL CRIMINAL TRIBUNAL  
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Case No. IT-98-32/1-PT  
*Prosecutor v. Milan Lukić*

## PUBLIC

## DECISION

## THE DEPUTY REGISTRAR,

**NOTING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993) ("Statute"), and in particular Articles 20 and 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 Article 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 in September 2006, the Accused started to raise allegations against Mr. Yatvin and requested his withdrawal from the case;

**CONSIDERING** that the Registry conducted an inquiry in the allegations raised by the Accused, found them completely unsubstantiated, and denied the withdrawal of Mr. Yatvin;

**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 wishes of the Accused;

**CONSIDERING** that shortly thereafter, the Accused unilaterally interrupted all communications with his defence team and refused to co-operate with either of his defence counsel;

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

**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, and that on 10 March 2008, the Registrar assigned Mr. Alarid as co-counsel to Mr. Sulejić;

**CONSIDERING** that on 12 June 2008, following requests by both counsel and the Accused, the Deputy Registrar found that the exchange of positions of Mr. Sulejić and Mr. Alarid was in the interests of justice, and re-assigned Mr. Alarid as lead-counsel and Mr. Sulejić as co-counsel ("12 June 2008 Decision);

**CONSIDERING** that the Registry has commenced an inquiry into certain allegations against Mr. Sulejić, as outlined in the 12 June Decision, and that this inquiry is still ongoing;

**CONSIDERING** that on 25 June 2008, Mr. Alarid submitted a request for the withdrawal of Mr. Sulejić;

**CONSIDERING** that on 2 July 2008, this request was supplemented by a written statement of Mr. Alarid that a withdrawal of Mr. Sulejić would not delay the impending trial;

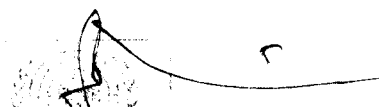
**CONSIDERING** that Mr. Alarid has further indicated that he would request the assignment of another co-counsel in the near future;

**NOTING** that in accordance with Article 20(A)(ii) of the Directive the Registrar may withdraw the assignment of co-counsel at the request of the lead counsel, if he finds that this is in the interests of justice;

**CONSIDERING** that on the basis of information provided by Mr. Alarid and other information obtained by the Registrar, the Registrar is satisfied that withdrawing Mr. Sulejić will further the interests of justice in this particular case;

**HEREBY DECIDES** to withdraw the assignment of Mr. Sulejić as co-counsel to Mr. Alarid, effective as of the date of this Decision;

**DIRECTS** Mr. Sulejić, in accordance with Article 9(D) of the Code of Conduct to surrender to Mr. Alarid any case-related materials he received during his assignment as co counsel.

  
John Hocking  
Deputy Registrar

Dated this fourth day of July 2008  
At The Hague,  
The Netherlands.