

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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Case No. IT-98-32/1-T

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 16(C) 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 12 June 2008, Mr. Alarid was assigned as lead counsel to the Accused ("12 June 2008 Decision");

NOTING the procedural history of counsel assignments in this case as outlined in the 12 June 2008 Decision, and in the subsequent decision of the Registrar dated 4 July 2008;

CONSIDERING that on 11 October 2008, Mr. Alarid requested the assignment of Mr. Dragan Ivetić, attorney at law from the United States, as his co-counsel;

CONSIDERING that Mr. Ivetić is on the Tribunal's list of counsel eligible for assignment to indigent suspects and accused, and has indicated his willingness to be assigned as co-counsel in the Accused's case;

NOTING that Mr. Ivetić was previously assigned as co-counsel for Dušan Fuštar in *The Prosecutor v Mejakić et al.*, Case No. IT-02-65, and is currently assigned as co-counsel in the case against Sreten Lukić in *The Prosecutor v Milan Milutinović et al.*, Case No. IT-05-87, before the Tribunal;

CONSIDERING that the case against Dušan Fuštar was referred to the authorities of Bosnia and Herzegovina in accordance with Rule 11*bis* of the Rules, and Dušan Fuštar was transferred to Bosnia and Herzegovina on 9 May 2006, that the proceedings against him were concluded on 22 April 2008, and that he is currently serving his sentence;

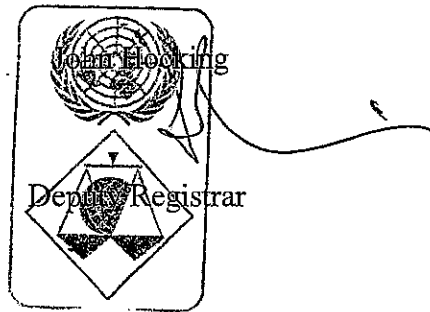
CONSIDERING that the proceedings against Sreten Lukić have been adjourned pending the delivery of the Judgment;

CONSIDERING that the Registrar is satisfied that no scheduling conflict or conflict of interest exists between Mr. Ivetić's previous representation of Dušan Fuštar or his current representation of Sreten Lukić and his representation of the Accused; and that the assignment of Mr. Ivetić to the Accused does not otherwise prejudice the defence of the Accused, or the integrity of the proceedings;

CONSIDERING that both Mr. Sreten Lukić and the Accused have consented in writing to the dual assignment of Mr. Ivetić after receiving independent legal advice on this issue from the Registry pursuant to Article 16(G) of the Directive;

CONSIDERING that the Registrar is of the view that in the Accused's case it is in the interests of justice to assign a co-counsel;

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



Dated this 23rd day of October 2008
At The Hague,
The Netherlands.