

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637**Case No. IT-95-13/1-A*****Prosecutor v. Veselin Šljivančanin*****DECISION****THE REGISTRAR,**

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), 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 the Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended ("Directive"), and in particular Articles 16(C) and 20(A)(ii) thereof;

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

CONSIDERING that Mr. Veselin Šljivančanin was transferred to the United Nations Detention Unit ('UNDU') on 1 July 2003, and that pursuant to Rule 62 of the Rules the initial appearance of Mr. Šljivančanin was held on 10 July 2003;

CONSIDERING that on 29 September 2003, the Registry assigned Mr. Novak Lukić, Attorney at Law from Belgrade, as lead counsel and Mr. Momčilo Bulatović, Attorney at Law from Belgrade, as co-counsel to represent Mr. Šljivančanin, on a temporary basis, pending the Registrar's determination of the financial status of the accused;

CONSIDERING that on 4 May 2004, the Registry confirmed the assignment of Mr Lukić as lead counsel to Mr. Šljivančanin and the assignment of Mr Bulatović as co-counsel, as laid down in the decision of assignment dated 29 September 2003;

CONSIDERING that on 3 October 2007, Mr. Šljivančanin was found guilty of one count of aiding and abetting torture and sentenced to a single term of five years' imprisonment;

CONSIDERING that on 29 October 2007, Mr. Šljivančanin filed his Notice of Appeal;

CONSIDERING that by correspondence dated 10 December 2007, pursuant to Article 16(C) of the Directive, lead counsel, Mr. Lukić, requested the Registry to assign Mr. Stéphane Bourgon, Attorney at Law from Canada, as co-counsel on the basis that he has specific personal expertise in Appeal cases before the Tribunal;

CONSIDERING that Mr. Bourgon is currently listed on the Rule 45 list of counsel who are eligible to be assigned to indigent accused;

CONSIDERING that Mr. Bourgon is currently assigned as co-counsel in the cases against Mr. Enver Hadžihasanović and Mr. Drago Nikolić before this Tribunal;

CONSIDERING that the case against Mr. Hadžihasanović is awaiting the Appeal Judgment and that the Registrar is satisfied that it will not demand much of Mr. Bourgon's time;

CONSIDERING that on 14 December 2007, the Registrar, by letter to Mr. Bourgon, expressed his concerns about a possible scheduling conflict between Mr. Šljivančanin's case and Mr. Drago Nikolić's case, and requested Mr. Bourgon to state how he would handle the resulting workload;

CONSIDERING that in a letter dated 6 January 2008, Mr. Bourgon made a written submission detailing how he would allocate his time in order to complete the work to be performed on both Mr. Šljivančanin's case and Mr. Drago Nikolić's case;

CONSIDERING that both Mr. Šljivančanin and Mr. Drago Nikolić have consented in writing to the dual assignment of Mr. Bourgon;

CONSIDERING that the Registrar is satisfied, in accordance with Article 16(G)(ii) of the Directive, that the dual assignment of Mr. Bourgon presents no scheduling conflict and no potential or actual conflict of interest, and that the assignment would not otherwise prejudice the defence of either accused or the integrity of the proceedings;

CONSIDERING that by correspondence dated 16 January 2008, Mr. Lukić requested the Registrar to grant the withdrawal of Mr. Bulatović as co-counsel to Mr. Šljivančanin, in particular, due to the scope of the preparation required for the Appeal proceedings;

NOTING that pursuant to Article 20(A)(ii), the Registrar may in the interests of justice withdraw the assignment of co-counsel at the request of lead counsel;

CONSIDERING that the Registrar is satisfied that replacing Mr. Bulatović as co-counsel would, at this stage of the proceedings, not be detrimental to the representation of Mr. Šljivančanin;

HEREBY DECIDES to withdraw the assignment of Mr. Bulatović and to assign Mr. Bourgon as co-counsel to Mr. Šljivančanin, effective as of the date of this decision;

DIRECTS Mr. Bulatović to hand over any case-related materials he received during his assignment as co-counsel, in accordance with his duties under Article 9(D) of the Code of Conduct.



Dated this 22nd day of January 2008
At The Hague,
The Netherlands.