

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5334
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D8866-D8864
25 APRIL 2007

Case No. IT-04-81 PT

The Prosecutor v. Momčilo Perišić

DECISION

THE DEPUTY 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 Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended (“Directive”), and in particular Articles 14, 16, and 20 thereof;

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

CONSIDERING that on 9 March 2005, acting pursuant to Rule 62(B) of the Rules, the Registrar assigned Mr Karim Khan as duty counsel to Momčilo Perišić (“Accused”);

CONSIDERING that on 21 April 2005, the Registrar assigned Mr James Castle, attorney at law from the United States, as counsel to the Accused for a period of 120 days pending the completion of the Registry’s inquiry into the Accused’s ability to remunerate counsel;

CONSIDERING that on 15 August 2005, the Deputy Registrar issued a decision finding that the Accused was able to remunerate counsel in part and assigning Mr Castle as his counsel permanently;

CONSIDERING that Mr Castle requested the Registry to assign Mr Dušan Slijepčević, an attorney from Serbia, as his co-counsel pursuant to Article 16(D) of the Directive, and that the Accused joined in the request;

CONSIDERING the Decision of the Deputy Registrar of 7 April 2006, assigning Mr Slijepčević as co-counsel to Mr Castle;

CONSIDERING that on 12 June 2006, Mr Castle requested the withdrawal of Mr Slijepčević stating that “Mr Slijepčević does not meet our criteria for co-counsel in this case”, and asserting that both Mr. Slijepčević and the Accused agreed to the withdrawal;

CONSIDERING that, upon Mr Castle’s submissions, in the interest of justice and in light of the fact that Mr Castle intended to request the assignment of a new co-counsel in the near future, the Registry withdrew Mr Slijepčević as co-counsel to Mr Castle pursuant to Article 20(A)(ii) of the Directive, effective as of 25 August 2006;

CONSIDERING that on 8 February 2007, Mr Castle submitted a written request to the Registry for the assignment of Mr Novak Lukić, attorney at law from Serbia, as his co-counsel;

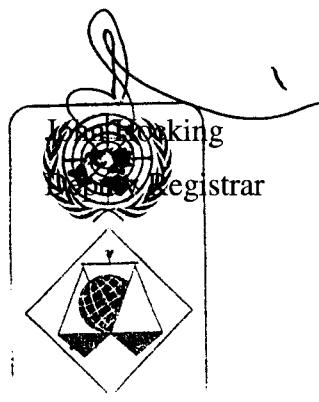
CONSIDERING that Mr Lukić is on the Registry’s list of counsel eligible for assignment to indigent suspects and accused and has agreed to be assigned as co-counsel;

CONSIDERING that Mr Lukić is currently acting as lead counsel for Veselin Šljivančanin in the final phase of the trial stage before the Tribunal;

CONSIDERING that, following notification by the Registrar pursuant to Article 16(G)(i) of the Directive, both the Accused and Mr. Šljivančanin consented in writing on 22 March 2007 and 8 April 2007 respectively, to the dual assignment of Mr Lukić;

CONSIDERING that the Registry is satisfied that the assignment of Mr Lukić to both cases does not adversely affect the rights of either accused, nor create a conflict of interests or a scheduling conflict pursuant to Article 16(G)(ii) of the Directive;

HEREBY DECIDES to assign Mr Novak Lukić as co-counsel to Mr Castle, effective as of the date of this decision.



Dated this 25th day of April 2007

At The Hague,

The Netherlands.