

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

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IT-04-81-T  
16415-16416  
22 December 2008

16415  
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**Case No. IT-04-81-T**

***Prosecutor v. Momčilo Perišić***

**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 Articles 16(B) and (C), 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. Momčilo Perišić (“Accused”) was transferred to the seat of the Tribunal on 7 March 2005, and that his initial appearance was held on 9 March 2005;

**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 21 April 2005, the Registrar assigned Mr. James Castle, attorney at law from the United States of America, 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 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; and that on 18 January 2007, the Deputy Registrar assigned Mr. Lukić in this capacity in accordance with Mr. Castle’s request;

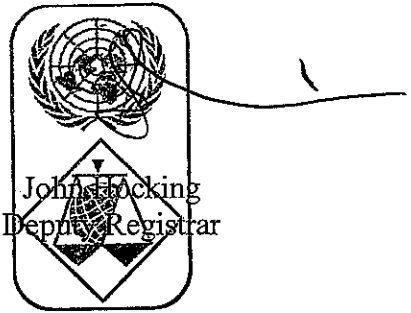
**CONSIDERING** that on 23 June 2008, Mr. Castle submitted a request to be withdrawn as lead counsel to the Accused for personal reasons, and submitted a proposal for the reconstitution of the defence team, recommending Mr. Lukić assume the role of lead counsel, Mr. Gregor Guy-Smith, attorney at law from the United States of America, as new co-counsel to Mr. Lukić, and his own re-

assignment as a legal consultant during a proposed transitional period of a minimum of four months;

**CONSIDERING** that on 29 July 2008, the Registrar assigned Mr. Lukić as lead counsel for the defence team of the Accused and Mr. Guy-Smith as co-counsel to Mr. Lukić and withdrew Mr. Castle as lead counsel and re-assigned him as co-counsel;

**CONSIDERING** that Mr. Lukić informed the Registrar in writing on 3 December 2008 that a further extension of Mr. Castle's involvement in the case is no longer required;

**HEREBY DECIDES** to withdraw Mr. Castle as co-counsel to Mr. Lukić pursuant to Article 20(A)(ii) of the Directive, effective as of the date of this decision.



Dated this 22<sup>nd</sup> day of December 2008  
At The Hague,  
The Netherlands.