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INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. Box 13888  
2501 EW THE HAGUE, NETHERLANDS  
TELEPHONE: 31 70 512-5000  
FAX: 31 70 512-8637TRIBUNAL PÉNAL INTERNATIONAL  
POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888  
2501 EW LA HAYE, PAYS-BAS  
TÉLÉPHONE: 31 70 512-5000  
FAX: 31 70 512-8637

RK

**Case No. IT-05-88-PT**  
***Prosecutor v. Milorad Trbić***

IT-05-88-PT

D 439-D 438

23 NOVEMBER 2005

**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, and in particular Rule 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 6, 7, 8 and 11(A) thereof;

**NOTING** the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV. 1);

**CONSIDERING** that Milorad Trbić ("Accused") was transferred to the seat of the Tribunal on 7 April 2005;

**CONSIDERING** that on 11 April 2005, the Accused submitted a declaration of means form to the Registry pursuant to Article 7(B) of the Directive, thereby applying for the assignment of Tribunal-paid counsel on the basis that he did not have sufficient means to remunerate counsel;

**CONSIDERING** that on 11 April 2005, acting pursuant to Rule 45(C) of the Rules, the Deputy Registrar assigned Mr Eugene O'Sullivan, Professor of law from Canada, as duty counsel to the Accused;

**CONSIDERING** that on 23 June 2005, acting pursuant to the Article 11(B) of the Directive, the Deputy Registrar assigned Ms Colleen Rohan, 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 examined his ability to remunerate counsel;

**CONSIDERING** that on 21 October 2005, the Deputy Registrar extended Ms Rohan's assignment for an additional period of 120 days;

**CONSIDERING** that the Registry has examined the information provided by the Accused in his declaration of means and has completed an inquiry into the Accused's means pursuant to Article 10(A) of the Directive;



**CONSIDERING** that the Registry is satisfied that, with the exception of modest funds held in a bank account ("Liquid Funds"), the Accused does not have any means available to him to pay for the costs of his defence before the International Tribunal;

**CONSIDERING** that the Liquid Funds are barely sufficient to provide for the basic needs of the Accused and his family and that it would be unreasonable for the Registry to take the Liquid Funds into account in determining the Accused's ability to remunerate counsel;

**DECIDES** in light of the above and in accordance with Article 11(A)(i) of the Directive that the Accused cannot reasonably be expected to contribute to the costs of his defence before the International Tribunal and is therefore eligible for full legal aid;

**DECIDES** without prejudice to Article 18 of the Directive and pursuant to Article 11(A)(i) of the Directive to assign Ms Rohan as counsel to the Accused permanently, effective as of the date of this decision;

**INFORMS** the Accused and his counsel that the expenses relating to the Accused's defence referred to in Articles 22, 26 and 27 of the Directive shall be borne by the International Tribunal.

John H. Lang  
Deputy Registrar

Dated this twenty-first day of November 2005  
At The Hague,  
The Netherlands.