

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  
TÉLÉCOPIE: 31 70 512-8637

IT-05-88-T

D0619-D0618

23 FEBRUARY 2007

***The Prosecutor v Vujadin Popović et al.***  
**Case No IT-05-88-T**

## DECISION

## THE REGISTRAR,

**NOTING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21;

**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;

**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(A),(C) and 16(D) thereof;

**NOTING** the Code of Professional Conduct for Defence Counsel Appearing before the International Tribunal adopted by the Tribunal on 12 June 1997, as subsequently amended (“Code of Conduct”);

**CONSIDERING** that Mr Radivoje Miletić (“Accused”) was transferred to the seat of the Tribunal on 28 February 2005, and that his initial appearance was held on 2 March 2005;

**NOTING** the Decision of 2 March 2005 by the Deputy Registrar to assign Mr Peter Morrissey as duty counsel to represent the Accused at his initial appearance, and in such other matters as may be necessary until a permanent counsel is assigned;

**CONSIDERING** that on 8 April 2005, 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, submitted a declaration of means and requested the assignment of Ms Natacha Fauveau-Ivanović, attorney at law from Paris, as his counsel;

**CONSIDERING** that on 11 April 2005, acting pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Ms Fauveau-Ivanović 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 examines his ability to remunerate counsel;

**CONSIDERING** that on 26 September 2005, the Deputy Registrar issued a decision on the Accused’s ability to remunerate counsel, finding the Accused partly indigent and assigning Ms Fauveau-Ivanović as counsel to the Accused permanently, effective as of 14 August 2005;

**CONSIDERING** that on 20 April 2005, Ms Fauveau-Ivanović requested the assignment of Mr Nenad Petrušić, attorney at law from Belgrade, as her co-counsel in the interest of justice pursuant to Article 16(D) of the Directive;

**NOTING** that on 27 May 2005, the Registrar denied Ms Fauveau-Ivanović's request on the ground that she had not established that the assignment of Mr Petrušić did further the interests of justice;

**NOTING** that on 2 June 2005, Ms Fauveau-Ivanović filed a request for review of the Registrar's decision of 27 May 2005;

**NOTING** that on 28 September 2005, the Trial Chamber dismissed the request for review and upheld the Registrar's decision;

**NOTING** that on 6 October 2005, at the request of Ms Fauveau-Ivanović the Registrar assigned Mr Petrušić as legal consultant to the Accused's defence team;

**NOTING** that on 7 August 2006, Ms Fauveau-Ivanović requested the Registrar to reconsider his decision not to assign Mr Petrušić as her co-counsel ("7 August 2006 Request");

**NOTING** that on 21 August 2006, the Registrar denied the request for reconsideration ("21 August 2006 Decision");

**NOTING** that on 25 August 2006, Ms Fauveau-Ivanović filed a confidential request for review of the 21 August 2006 Decision before the Trial Chamber;

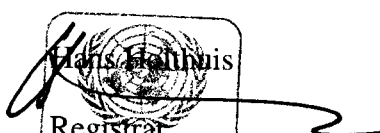
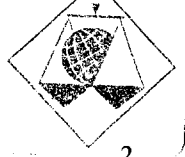
**NOTING** that on 16 November 2006, the Trial Chamber issued a confidential decision ("16 November 2006 Decision") in which it directed the Registrar to reconsider the 7 August 2006 Request, *de novo*, taking into account the 16 November 2006 Decision;

**NOTING** that on 6 December 2006, having reconsidered Ms Fauveau-Ivanović's 7 August 2006 Request in light of the Trial Chamber's 16 November 2006 Decision, the Registrar refused Mr Petrušić's assignment as co-counsel under Article 16(D) of the Directive;

**CONSIDERING** that on 11 December 2006, Ms Fauveau-Ivanović filed a confidential request for review of the Registrar's decision of 6 December 2006 before the Trial Chamber;

**CONSIDERING** that on 20 February 2007, the Trial Chamber issued its "Decision on Third Request for Review of the Registry Decision on the Assignment of Co-Counsel for Radivoje Miletić" finding that the assignment of Mr Petrušić serves to promote the expeditious conduct of the proceedings, and ordering the Registrar to assign Mr Petrušić as co-counsel for the Accused;

**HEREBY DECIDES**, in compliance with the Trial Chamber's 20 February 2007 decision, to assign Mr Petrušić as co-counsel to Ms Fauveau-Ivanović, effective as of the date of this decision.

  
Hans Holthuis  
Registrar  


Dated this 23<sup>rd</sup> day of February 2007  
At The Hague,  
The Netherlands.

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