

INTERNATIONAL CRIMINAL TRIBUNAL
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IT-05-88-T

D 13009- D 13008

02 NOVEMBER 2007

Prosecutor v. Vujadin Popović
Case No. IT-05-88-T

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

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

NOTING that on 18 April 2005, acting pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Mr Zoran Živanović, Attorney at Law from Belgrade, as interim counsel to Vujadin Popović (“Accused”) to ensure that the Accused’s right to counsel was not affected while the Registry examined his ability to remunerate counsel;

CONSIDERING that on 3 July 2006, the Registry found the Accused able to remunerate counsel in part, and assigned Mr Živanović as permanent counsel to the Accused;

NOTING the Registrar’s Decision of 10 July 2006, assigning Ms. Julie Condon, Barrister from Australia, as co-counsel to Mr. Zivanović;

CONSIDERING that on 20 July 2007, Mr. Živanović submitted a written request to the Registrar for the withdrawal of his co-counsel Ms Condon pursuant to Article 20(A)(ii) of the Directive;

CONSIDERING that on 22 August 2007, Ms Condon submitted a written request to the Registry requesting her withdrawal as co-counsel;

CONSIDERING that the Registrar invited both lead and co-counsel to provide additional information in relation to their respective requests for withdrawal of co-counsel Ms. Condon, and an opportunity to comment on the response received from both counsel;

CONSIDERING that on the basis of the information provided by both lead and co-counsel, the Registrar is satisfied that good cause has been shown to warrant the replacement of co-counsel Ms Condon in this case;

NOTING Articles 20(A)(ii) and 20(E) of the Directive, which provide that in the interests of justice, the Registrar may withdraw the assignment of co-counsel at the request of lead counsel and assign replacement counsel;

CONSIDERING that on 28 September 2007, Mr. Živanović requested the assignment of Mrs. Mira Tapušković, Attorney at Law from Belgrade, as replacement co-counsel, further indicating that the Accused had agreed to her assignment;

CONSIDERING that Mrs Tapušković was assigned as a legal consultant to the Defence team of the Accused as of 2 October 2007, in accordance with Article 16(E) of the Directive;

CONSIDERING that the Registrar is satisfied, based on the information provided by lead counsel, that Mrs Tapušković is sufficiently prepared to immediately take over the role of co-counsel in this case, which is currently in the trial phase;

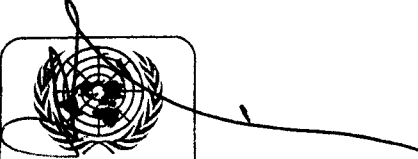
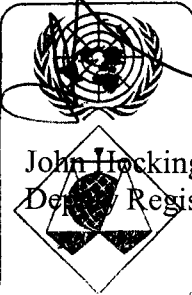
CONSIDERING that Mrs Tapušković is on the Tribunal's list of counsel eligible for assignment to indigent suspects and accused under Rule 45 of the Rules, and has indicated her willingness to be assigned as co-counsel in the Accused's case;

CONSIDERING that Mrs Tapušković was previously assigned as co-counsel to Mr. Miroslav Radić (Case No IT-95-13/1-T) before the Tribunal, that Mr. Radić was acquitted of all counts in the Indictment against him on 27 September 2007, and that no Notice of Appeal was filed against this ruling, and that the Registrar is satisfied that the assignment of Mrs Tapušković is in accordance with Article 16(G) of the Directive;

FINDING that the interests of justice would be served in allowing the replacement of co-counsel under these circumstances;

HEREBY DECIDES to withdraw the assignment of Ms. Julie Condon and to assign Mrs Mira Tapušković as co-counsel to Mr. Vujadin Popović, effective as of the date of this Decision;

DIRECTS Ms. Condon, in accordance with Article 9(D) of the Code of Conduct, to surrender to Mr. Živanović any case-related materials she received during her assignment as co-counsel.

John Hocking
Deputy Registrar

Dated this 2nd day of November 2007
At The Hague,
The Netherlands.