

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
2501 EW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 512-5334
FAX: 31 70 512-8637TRIBUNAL PÉNAL INTERNATIONAL
POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5334
TÉLÉCOPIE: 31 70 512-8637IT-05-88-T
D28998 - D28996
15 June 2009**Case No. IT-05-88-T*****Prosecutor v. Vinko Pandurević*****PUBLIC
DECISION****THE REGISTRAR,**

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993) (“Statute”), 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 Mr. Vinko Pandurević (“Accused”) was transferred to the seat of the Tribunal on 23 March 2005 and that on or about that date, he applied for the assignment of Tribunal-paid counsel on the basis that he did not have sufficient means to remunerate counsel;

CONSIDERING that on 22 April 2005, acting pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Mr. Đorđe Sarapa, attorney at law from Serbia, 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 12 October 2005 and 23 February 2006, Mr. Sarapa’s assignment was extended for two additional periods of 120 days, effective as of 20 August 2005 and 18 December 2005 respectively;

CONSIDERING that on 7 March 2006, the Deputy Registrar issued a decision assigning Mr. Peter Haynes, Barrister from the United Kingdom, as lead counsel to the Accused and re-assigning Mr. Sarapa as his co-counsel, both assignments being 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 21 June 2006, the Registrar issued a decision i) determining that the Accused was able to remunerate counsel in part, and ii) assigning Mr. Haynes as lead counsel and Mr. Sarapa as co-counsel;

CONSIDERING that on 7 April 2009, Mr. Sarapa submitted a written request to the Registrar, to be withdrawn as co-counsel to Mr. Haynes for personal reasons;

CONSIDERING that on 5 May 2009, Mr. Haynes submitted a written request to the Registrar for the withdrawal of the assignment of his co-counsel Mr. Sarapa pursuant to Article 20 (A) (ii) of the Directive;

CONSIDERING that on the basis of 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, Mr. Sarapa;

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 12 May 2009, the Registry wrote to Mr. Haynes requesting a proposal for replacement counsel and reconstitution of the defence team;

CONSIDERING that in correspondence dated 13 May 2009, Mr. Haynes submitted a proposal for the reconstitution of the defence team and requested the assignment of Mr. Simon Davis, Barrister from the United Kingdom, as replacement counsel;

CONSIDERING that Mr. Davis 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 his willingness to be assigned as co-counsel in the Accused's case;

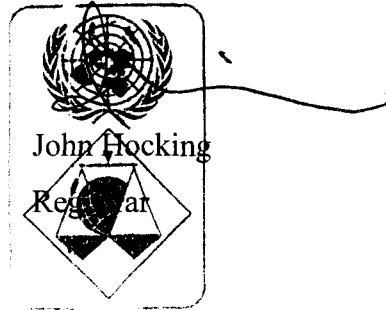
CONSIDERING that on 14 May 2009, Mr. Davis was assigned as a legal consultant to Mr. Haynes, in accordance with Article 16(E) of the Directive, for a transitional period;

CONSIDERING that in correspondence dated 5 June 2009, Mr. Haynes informed the Registry that Mr. Davis was ready to fulfill the duties of co-counsel, further indicating that the Accused had agreed to his assignment;

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 Mr. Sarapa and to assign Mr. Simon Davis as co-counsel to Mr. Haynes, effective as of the date of this Decision;

DIRECTS Mr. Sarapa, in accordance with Article 9(D) of the Code of Conduct to surrender to Mr. Haynes any case-related materials he received during his assignment as co-counsel.



Dated this twelfth day of June 2009
At The Hague,
The Netherlands.