

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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IT-04-74-PT
D23211-D23210
27 February 2006

Case No. IT-04-74-PT
Prosecutor v. Bruno Stojić

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 Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended (“Directive”), and in particular Articles 14, 16, and 19(A) thereof;

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

NOTING that on 31 March 2004, Bruno Stojić (“Accused”) submitted a power of attorney given to Mr. Željko Olujić, Attorney at Law from Zagreb, to represent him pursuant to Rule 44 of the Rules;

NOTING that on 4 November 2004, the Accused submitted a Declaration of Means requesting the assignment of Mr. Olujić as his counsel pursuant to Rule 45 of the Rules;

NOTING the Appeals Chamber’s “Decision on Appeal by Bruno Stojić Against Trial Chamber’s Decision on Request for Appointment of Counsel” of 24 November 2004,¹ in which the Appeals Chamber upheld the Trial Chamber’s decision² that, in view of Mr. Olujić’s representation of Ivica Rajić, he could not be admitted as counsel to the Accused as the dual representation could lead to a conflict of interest;

CONSIDERING that on 2 February 2005, the Accused submitted a power of attorney appointing Mr. Berislav Živković, Attorney at Law from Zagreb, as his counsel pursuant to Rule 44 of the Rules, until such time as the Registry assign permanent counsel to him;

CONSIDERING that on 5 October 2005, the Accused requested the assignment of Mr. Tomislav Kuzmanovic, Attorney at Law from Wisconsin, to represent him before the Tribunal;

CONSIDERING that on 5 October 2005, the Deputy Registrar assigned Mr. Kuzmanovic as counsel to the Accused permanently;

¹ *Prosecutor v. Prlić et al.*, Case No. IT-04-74-AR73.1, Decision on Appeal by Bruno Stojić Against Trial Chamber’s Decision on Request for Appointment of Counsel, 24 November 2004.

² *Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Requests for Appointment of Counsel, 30 July 2004.

CONSIDERING that on 3 November 2005, upon the request of lead counsel, the Deputy Registrar assigned Ms. Senka Nožica, Attorney at Law from Bosnia and Herzegovina, as co-counsel to Mr. Kuzmanovic;

CONSIDERING that on 30 January 2006, Mr. Kuzmanovic informed the Registry that due to an unexpected professional obligation in his national jurisdiction, he would be unable to act as lead counsel for the Accused at least until the end of the year;

CONSIDERING that on 6 February 2006, Mr. Kuzmanovic submitted a written request to the Registry for his replacement as counsel by Ms. Nožica, supported by a letter from the Accused in which he agrees to the replacement of counsel, and gives a power of attorney to Ms. Nožica to represent him as counsel before the Tribunal;

CONSIDERING that Ms. Nožica is on the Registry's list of counsel eligible for assignment to indigent suspects and accused, and has agreed to be assigned as counsel to the Accused;

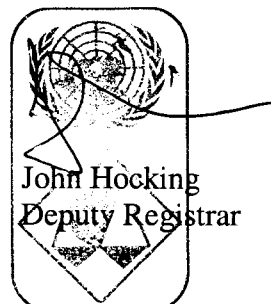
CONSIDERING that Ms. Nožica has been actively involved in the preparation of the Accused's case since November 2005 and that she is sufficiently familiar with the case to replace Mr. Kuzmanovic as lead counsel;

CONSIDERING further that on 9 February 2006, the Registry received written guarantees from Ms. Nožica that she will not seek any extensions of time or additional resources for the preparation of the Accused's case as a result of the replacement of counsel;

CONSIDERING that the Registry is satisfied that in the circumstances, the withdrawal of Mr. Kuzmanovic from the case and his replacement by Ms. Nožica as counsel for the Accused is in the interest of justice;

HEREBY DECIDES to withdraw the assignment of Mr. Tomislav Kuzmanovic and to assign Ms. Senka Nožica as counsel to the Accused, effective as of the date of this decision.

DIRECTS Mr. Kuzmanovic to hand over any case-related materials received during his assignment to Ms. Nožica in accordance with his duty under Article 9(D) of the Code of Conduct.



John Hocking
Deputy Registrar

Dated this 24th day of February 2006
At The Hague,
The Netherlands.