

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. BOX 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
FAX: 31 70 512-8637**Case No. IT-04-74-T*****Prosecutor v. Slobodan Praljak*****PUBLIC
DECISION****THE 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 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 16 and 20 thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.3) ("Code of Conduct");

CONSIDERING that on 5 April 2004, Mr. Slobodan Praljak ("Accused") was transferred to the seat of the Tribunal and that on 14 June 2004, the Accused informed the Registry that he had engaged Mr. Božidar Kovačić and Ms. Nika Pinter, Attorneys at Law from Croatia, as Counsel and Co-counsel respectively, to represent him before the Tribunal;

CONSIDERING that on 13 September 2004, the Accused submitted a declaration of means to the Registry, thereby applying for the assignment of Tribunal-paid Counsel on the basis that he did not have sufficient means to remunerate Counsel;

CONSIDERING the Deputy Registrar's Decision of 17 June 2005, by which the Deputy Registrar denied the Accused's request for legal aid as the Accused had refused to provide information relevant for the Registry's determination of his financial status and that, by doing so, the Accused had failed to show that he was unable to remunerate counsel;

CONSIDERING that on 21 September 2005, Trial Chamber I upheld the Deputy Registrar's Decision of 17 June 2005;

CONSIDERING the "Notice of Slobodan Praljak's Counsel's and Co-counsel's Withdrawal as Counsel and Co-counsel of Record Based on the Registry's Decision Denying Slobodan Praljak's Rule 45 Request for Legal Assistance in Light of His Inability to Finance His Defence" of 29 September 2005, by which Mr. Kovačić and Ms. Pinter notified the Registrar and the Chamber that the Accused had discontinued their services;

NOTING the Deputy Registrar's Notification of 3 November 2005 of the Accused's election to conduct his own defence pursuant to Rule 45(F) of the Rules;

CONSIDERING the "Request of Slobodan Praljak for the Review of an Opinion of the Registrar of the Tribunal and Request for Assignment of Defence Counsel" of 5 January 2006, and the Registry's reply of 27 January 2006;

CONSIDERING Trial Chamber II's "Decision on Assignment of Defence Counsel" of 15 February 2006 ("Trial Chamber's Decision"), by which the Trial Chamber directed the Registrar to assign Counsel to the Accused in the interest of justice, and ordered the Accused to cooperate with the Registrar in determining his financial status by providing and substantiating answers to the questions set out in the Annex of the Trial Chamber's Decision;

CONSIDERING that on 16 February 2006, the Accused requested the Registry to assign Mr. Kovačić as his Counsel pursuant to the Trial Chamber's Decision; and that on 19 February 2006, Mr. Kovačić requested the assignment of Ms. Pinter as his Co-counsel;

CONSIDERING that on 6 March 2006, the Registrar assigned Mr. Kovačić as Lead Counsel to the Accused and Ms. Pinter as his Co-counsel;

NOTING that on 11 April 2011, following a request of Mr. Kovačić and the Accused, the Deputy Registrar withdrew the assignment of Mr. Kovačić as Lead Counsel to the Accused, assigned Ms. Pinter as replacement Lead Counsel, and re-assigned Mr. Kovačić as Co-counsel to Ms. Pinter for a temporary period;

NOTING that on 9 May 2011, Ms. Pinter requested (i) the withdrawal of Mr. Kovačić as Co-counsel and his re-assignment as Legal Consultant, and (ii) the assignment of Ms. Nataša Fauveau-Ivanović, Attorney at Law from France, as replacement Co-counsel;

NOTING that the Registrar is satisfied with the reasons provided by Ms. Pinter in relation to the request for recomposition of the defence team of the Accused;

NOTING Article 20(A)(ii) of the Directive, which provides that in the interests of justice, the Registrar may at the request of Lead Counsel, withdraw the assignment of Co-counsel;

CONSIDERING that Ms. Fauveau-Ivanović is currently assigned as Lead Counsel to Mr. Radivoje Miletić (Case No IT-05-88) before the Tribunal, that the case of Mr. Miletić is currently in appeal before the Tribunal;

CONSIDERING that the presentation of evidence in the case of the Accused has finished and the Accused is currently awaiting Judgement;

CONSIDERING that the Registry is satisfied, in accordance with Article 16(G)(ii) of the Directive that the assignment of Ms. Fauveau-Ivanović to both cases presents no scheduling conflict and no potential or actual conflict of interest, and that the assignment would not otherwise prejudice the defence of either accused, or the integrity of the proceedings;

CONSIDERING that both the Accused and Mr. Miletić have consented in writing to the dual assignment of Ms. Fauveau-Ivanović;

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

HEREBY DECIDES pursuant to Article 20(A) of the Directive, to withdraw the assignment of Mr. Kovačić as Co-counsel, and, pursuant to Article 16(C) of the Directive, to assign Ms. Fauveau-Ivanović as Co-counsel to the Accused, effective as of the date of this decision.

John Hosking
Registrar

Dated this 26th day of May 2011

At The Hague,

The Netherlands.