

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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Case No. IT-03-69-T

The Prosecutor v. Jovica Stanišić

DECISION

PUBLIC

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 ("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, 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 11 June 2003, Mr. Jovica Stanišić ("Accused") was transferred to the seat of the Tribunal, and that on 12 June 2003, he requested the assignment of Tribunal-paid counsel on the basis that he did not have sufficient means to remunerate counsel;

CONSIDERING that on 18 July 2003, the Registrar assigned Mr. Vladan Vukčević, attorney at law from Belgrade, Serbia, as lead counsel to the accused for a period of 120 days, to ensure that the Accused's right to counsel was not affected while the Registry examined his ability to remunerate counsel;

CONSIDERING that on 17 September 2003, Mr. Geert-Jan Alexander Knoops, attorney at law from Amsterdam, the Netherlands, was assigned as temporary co-counsel in the defence team of the Accused;

CONSIDERING that on 23 October 2003, the Deputy Registrar issued a decision withdrawing the assignment of Mr. Vukčević as lead counsel and assigning Mr. Knoops as lead counsel to the Accused on a temporary basis, pending verification of the means of the Accused;

CONSIDERING that on 11 May 2004, the Deputy Registrar issued a decision extending the assignment of Mr. Knoops, and assigning Mr. Wayne Jordash, a Barrister from the United Kingdom, as co-counsel to Mr. Knoops for a period of 30 days;

CONSIDERING that on 29 June 2004, the Registrar issued a decision determining that the Accused was able to remunerate counsel in part, and confirming the assignment of Mr. Knoops as lead counsel to the Accused and Mr. Jordash as co-counsel to Mr. Knoops, effective as of 11 June 2004;

CONSIDERING that on 23 November 2010, the Deputy Registrar issued a decision i) withdrawing the assignment of Mr. Knoops as lead counsel and assigning Mr. Jordash as lead counsel to the Accused, and ii) re-assigning Mr. Knoops as co-counsel to Mr. Jordash pending withdrawal from the defence team of the Accused;

CONSIDERING that on 12 April 2011, pursuant to a request by Mr. Jordash, the Registrar assigned Mr. Scott Martin, attorney at law from the United States of America as a legal consultant to the defence team of the Accused, in accordance with Article 16(E) of the Directive;

CONSIDERING that on 11 May 2011, Mr. Jordash submitted a request for the withdrawal of Mr. Knoops as co-counsel and the assignment of Mr. Martin as co-counsel to Mr. Jordash;

CONSIDERING that Mr. Martin 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 Mr. Martin is a former employee of the Tribunal, and that the Registrar is satisfied, based on consultation with Mr. Martin and the Office of the President, that Mr. Martin did not participate personally or substantially in matters related to the case of *Prosecutor v Stanišić and Simatović*;

CONSIDERING that the Registrar is satisfied, based on information and undertakings provided by lead counsel Mr. Jordash, that Mr. Martin is sufficiently prepared to immediately take over the role of co-counsel in this case and the recomposition of the defence team will not result in any delay to trial proceedings;

CONSIDERING that Mr. Knoops will be re-assigned as a legal consultant to the defence team of the Accused in accordance with Article 16 (E) of the Directive;

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;

FINDING that in the specific circumstances of this case, the interests of justice would be served in allowing the replacement of co-counsel;

HEREBY DECIDES pursuant to Article 20(A)(ii) of the Directive, to withdraw the assignment of Mr. Knoops and to assign Mr. Scott Martin as co-counsel to Mr. Wayne Jordash, effective as of the date of this decision;

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

Dated this 18th day of May 2011

At The Hague,

The Netherlands.

