



INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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IT-01-42-PT
DI485-DI484
11 MARCH 2002

1485
AT

~~IT-98-30/1-A~~
~~A 135-A 134~~
11 MARCH 2002

Case No. IT-98-30/1-A
Prosecutor v. Milojica Kos

Case No. IT-01-42-PT
Prosecutor v. Miodrag Jokić

DECISION

THE REGISTRAR,

CONSIDERING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

CONSIDERING 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;

CONSIDERING the Directive on Assignment of Defence Counsel (hereinafter "the Directive"), as subsequently amended, and in particular Articles 6, 8, 10, 11 (B) 19 (A) (i) and 20 (A);

CONSIDERING that on 4 March 2002, Mr. Miodrag Jokić (hereinafter "the accused") has requested the withdrawal of Mr. Alun Jones, attorney at law from London, and the assignment of Mr. Zarko Nikolić, attorney at law from Novi-Sad, as his defence counsel;

CONSIDERING that Mr. Jones, assigned counsel to the accused for 120 days by a decision of the Registrar dated 20 December 2001, has explained, in a communication to the Registry dated 4 March 2002, that he is not in position to continue to represent the accused due to his involvement in other legal proceedings;

NOTING that Mr. Nikolić is currently assigned as defence counsel to the accused Mr. Milojica Kos;

CONSIDERING that Mr. Kos agreed to the withdrawal of Mr. Nikolić and has requested the assignment of Mrs. Jelena Nikolić as lead counsel, in a letter to the Registry dated 4 March 2002;

CONSIDERING that there is no potential conflict of interest arising from the assignment of the Mr. Nikolić as counsel to the accused;

CONSIDERING that in the interests of justice, the Registry may withdraw the assignment of a counsel at the request of the accused or his counsel;

CONSIDERING that Mrs. Nikolić who has been working as a legal assistant since 1998 in that case, is familiar with the case and that her assignment as counsel in replacement for Mr. Nikolić guarantees the right of Mr. Kos to a proper legal representation as stipulated by the Statute;

CONSIDERING that in his letter to the Registry dated 4 March 2002, Mr. Kos has declared that the appeal proceedings will not be delayed as a result of the withdrawal of Mr. Nikolić;

CONSIDERING HOWEVER that the accused filed a declaration of means dated 6 December 2001 and that on the basis of Article 10 of the Directive, the Registrar may inquire into his means, request the gathering of any information or the production of any documents to verify the request for the purpose of establishing whether the accused satisfies the requisite conditions for assignment of counsel;

CONSIDERING that the right of the accused to counsel should not be affected while the Registrar is in the process of examining the information referred to in Articles 7 and 9 of the Directive;

CONSIDERING that Mr. Nikolić does not meet the requirement of Article 14 (ii) of the Directive, but that he speaks the language of the accused;

CONSIDERING that in particular circumstances, upon the request of an accused, the Registrar may assign a counsel who does not speak either of the two languages of the Tribunal, but speaks the language of the accused;

CONSIDERING that Mrs. Nikolić meets the requirement for assignment as set forth of Article 14 of the Directive;

DECIDES to withdraw the assignment of Mr. Nikolić as counsel to Mr. Kos and to assign him as counsel to the accused as of 11 March 2002 for a period of time of 24 days;

DECIDES to assign Mrs. Nikolić as lead counsel for Mr. Kos as of 11 March 2002.


Bruno Cathala
Deputy Registrar


Dated this eighth day of March 2002
At The Hague
The Netherlands

