

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. BOX 13888
2501 EW THE HAGUE, NETHERLANDS
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637Case No. IT-99-36/2-I
Prosecutor v. Stojan Župljanin

PUBLIC

1F-99-36/2-I
D136 - D135
18 JULY 2008

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(A) and 16 (B) thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.2);

CONSIDERING that Mr. Stojan Župljanin ("Accused") was transferred to the seat of the Tribunal on 21 June 2008, and that his initial appearance took place on 23 June 2008;

CONSIDERING that on 23 June 2008, in order to protect the Accused's rights under the Statute, Rules and Directive, the Deputy Registrar assigned Mr. Tomislav Višnić, attorney at law from Serbia, as his duty counsel pursuant to Rule 62(B) of the Rules, for the purposes of his initial appearance and for other such matters as necessary until replacement counsel is assigned;

CONSIDERING that a further initial appearance is scheduled for 21 July 2008;

CONSIDERING that the Accused has indicated that he will apply for Tribunal legal aid pursuant to Article 8 of the Directive on the basis that he does not have means to remunerate counsel and has requested that the Registry assign Mr. Višnić as his permanent counsel;

CONSIDERING that the Registry has not yet determined whether or to what extent the Accused is able to remunerate counsel;

CONSIDERING that in accordance with Article 11(B) of the Directive, the Registrar may assign counsel to an accused for a period of 120 days to ensure that an accused's right to counsel is not affected while the Registry examines his ability to remunerate counsel;

CONSIDERING that in this case it is necessary to assign counsel to the Accused pursuant to Article 11(B) to ensure that his right to counsel is not affected while the Registry assesses his ability to remunerate counsel;

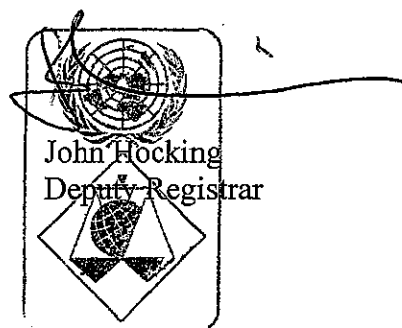
NOTING that Mr. Višnić is currently representing Mr. Dragoljub Ojdanić in *The Prosecutor v Milutinović et al.*, and has previously represented Mr. Radislav Krstić and Mr. Gojiko Janković in proceedings before the Tribunal;

CONSIDERING that the Registry has ascertained that no conflict of interest exists between Mr. Višnić's representation of Mr. Ojdanić, Mr. Krstić and Mr. Janković and his representation of the Accused;

CONSIDERING that the Registry has determined that Mr. Višnić's representation of both Mr. Ojdanić and the Accused will not prejudice the defence of either Mr. Ojdanić or the Accused;

CONSIDERING that both Mr. Ojdanić and the Accused have received independent legal advice on this issue from the Registry pursuant to Article 16(G)(i) of the Directive, and have consented to Mr. Višnić representing them both;

HEREBY DECIDES to assign Mr. Višnić as counsel to the Accused for a period of 120 days pursuant to Article 11(B) of the Directive, effective as of the date of this decision.



Dated this eighteenth day of July 2008
At The Hague,
The Netherlands.