

INTERNATIONAL CRIMINAL TRIBUNAL  
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TÉLÉPHONE: 31 70 512-5000  
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03221-03229  
18 August 2009*Prosecutor v. Stojan Župljanin*

Case No. IT-08-91-PT

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 ("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 16, 20 and 21 thereof;

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

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

**NOTING** 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 Višnjić, 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;

**NOTING** that the Accused applied for Tribunal legal aid pursuant to Article 8 of the Directive on the basis that he does not have means to remunerate counsel and requested that the Registry assign Mr. Višnjić as his permanent counsel;

**NOTING** that on 18 July 2008, the Deputy Registrar assigned Mr. Višnjić as temporary counsel to the Accused in accordance with Article 11(B) of the Directive, to ensure that the Accused's right to counsel is not affected while the Registry examines his ability to remunerate counsel, and thereafter, extended his temporary assignment on 19 November 2008 for a period of 120 days;

**NOTING** that on 16 February 2009, the Accused requested the withdrawal of Mr. Višnjić as his lead counsel;

**NOTING** that on 25 February 2009, the Acting Registrar denied the Accused's request to withdraw the assignment of Mr. Višnjić, finding that such a withdrawal would not be in the interests of justice as required by Article 20(A) of the Directive;

**NOTING** that on 19 March 2009, in accordance with Article 20(A) of the Directive, the Accused filed a confidential and *ex parte* request for review of the Registrar's decision not to withdraw Mr. Višnjić, before the President ("Request for Review");

**NOTING** that on 3 April 2009, the Acting Registrar further extended the temporary assignment of Mr. Višnjić for a period of 120 days;

**NOTING** that on 5 May 2009, the President denied the Accused's Request for Review, finding that the Registrar had acted in a manner that was procedurally fair and observed basic rules of natural justice;

**NOTING** that on 15 May 2009, Mr. Višnjić filed a confidential and *ex parte* motion in which he requested the Trial Chamber to compel the Registrar to withdraw him as lead counsel to Mr. Župljanin ("Withdrawal Motion");

**CONSIDERING** that on 22 June 2009, the Trial Chamber granted the Withdrawal Motion in a confidential and *ex parte* Decision ("Trial Chamber Decision");

**CONSIDERING** that the Trial Chamber Decision requests the Registrar to withdraw the assignment of Mr. Višnjić as Lead Counsel to the Accused, and to instruct him to continue to act or assist the new defence team for a transitional period as deemed necessary in the interests of justice;

**CONSIDERING** that the Trial Chamber Decision further requests the Registrar to assign Mr. Igor Pantelić, current Co-counsel in the defence team of the Accused, as the new Lead Counsel and to assign a replacement Co-counsel;

**CONSIDERING** that Mr. Pantelić 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 counsel in the Accused's case;

**CONSIDERING** that on 10 August 2009, Mr. Pantelić requested that Mr. Dragan Krgović, attorney-at-law from Serbia be assigned as Co-counsel;

**CONSIDERING** that Mr. Krgović 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. Krgović is currently assigned as Lead Counsel in the case against Mr. Milan Gvero (IT-05-88) before this Tribunal;

**CONSIDERING** that the hearing of evidence in the case against Mr. Gvero was completed, that the final briefs were filed and that closing arguments are scheduled to commence on 2 September 2009;

**CONSIDERING** that on 10 August 2009, Mr. Krgović provided his written submission in relation to any potential or actual scheduling conflict arising from his current representation of Mr. Gvero before the Tribunal;

**CONSIDERING** that Mr. Krgović further indicated that he would be involved in the Accused's case on a full time basis on completion of the closing arguments in the case against Mr. Gvero;

**CONSIDERING** that Mr. Pantelić has ensured a transition plan to protect the rights of the Accused while replacement Co-counsel is not yet available on a full time basis and has requested the assignment of Mr. Višnjić as his legal consultant for a transitional period of one month, to provide assistance to the defence team as necessary;

**CONSIDERING** that on 11 August 2009, in accordance with Article 16(G) of the Directive, the Registrar wrote to the Accused and to Mr. Gvero and provided independent legal advice in relation to Mr. Krgović's potential assignment as Co-counsel in light of his current representation of Mr. Gvero;

**CONSIDERING** that both the Accused and Mr. Gvero have consented in writing to the dual assignment of Mr. Krgović;


**CONSIDERING** that the Registrar is satisfied, in accordance with Article 16(G)(ii) of the Directive, that the dual assignment of Mr. Krgović presents no scheduling conflict and no potential or actual conflict of interest, and that the assignment would not otherwise prejudice the defence of either of the accused or the integrity of the proceedings;

**CONSIDERING** further that based on the information provided by Mr. Pantelić and the assurances given by him, the Registrar is satisfied that Mr. Pantelić will be sufficiently prepared to defend the Accused adequately at trial;

**HEREBY DECIDES** pursuant to Article 20 of the Directive, to withdraw the assignment of Mr. Višnjić as Lead Counsel, to assign Mr. Pantelić as replacement Lead Counsel to the Accused and to assign Mr. Krgović as Co-counsel, effective as of the date of this decision;

**DIRECTS** Mr. Višnjić to hand over to Mr. Pantelić any case-related materials he received or produced during his assignment, in accordance with his duties under Article 9(D) of the Code of Conduct.

Dated this 18<sup>th</sup> day of August 2009,  
At The Hague,  
The Netherlands.



John Hocking  
Registrar

