

INTERNATIONAL CRIMINAL TRIBUNAL  
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*Prosecutor v. Stojan Župljanin*  
Case No. IT-08-91-A

**PUBLIC****DECISION****THE DEPUTY REGISTRAR,**

**NOTING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), as subsequently amended, 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 adopted by the Tribunal on 12 June 1997, as subsequently amended;

**CONSIDERING** that Mr. Stojan Župljanin (“Accused”) was transferred to the seat of the Tribunal on 21 June 2008, following which he applied for the assignment of Tribunal-paid counsel on the basis that he did not have sufficient means to remunerate counsel;

**CONSIDERING** that on 18 July 2008, acting pursuant to Article 11(B) of the Directive, the Deputy Registrar assigned Mr. Tomislav Višnjić, attorney at law from the Republic of Serbia, as counsel to the Accused for a period of 120 days, determining that an interim assignment of counsel was necessary to ensure that the Accused’s right to counsel was not affected while the Registrar examined the Accused’s ability to remunerate counsel;

**CONSIDERING** that the Deputy Registrar and Acting Registrar issued decisions on 19 November 2008 and 3 April 2009 respectively extending Mr. Višnjić’s temporary assignment;

**CONSIDERING** that on 18 August 2009, the Registrar issued a decision pursuant to Article 20 of the Directive withdrawing the assignment of Mr. Višnjić as counsel, assigning Mr. Igor Pantelić, attorney at law from the Republic of Serbia, as replacement counsel to the Accused and assigning Mr. Dragan Krgović, attorney at law from the Republic of Serbia, as co-counsel;

**CONSIDERING** that on 23 July 2010, the Deputy Registrar withdrew the assignment of Mr. Pantelić as counsel, assigned Mr. Krgović as replacement counsel to the Accused, and reassigned Mr. Pantelić as co-counsel;

**CONSIDERING** that on 22 February 2011, the Deputy Registrar withdrew the assignment of Mr. Pantelić as co-counsel, assigned Mr. Aleksandar Aleksić, attorney at law from the Republic of Serbia, as replacement co-counsel;

**CONSIDERING** that on 2 March 2011 the Deputy Registrar issued a decision in accordance with Article 11(A) of the Directive determining that the Accused was eligible for legal aid in full;

**CONSIDERING** that Judgement in the Accused's case was delivered on 27 March 2013 and Mr. Župljanin was sentenced to a single term of 22 years' imprisonment;

**CONSIDERING** that on 13 May 2013 the Accused filed his Notice of Appeal;

**CONSIDERING** that on 5 June 2013, pursuant to Article 16(C) of the Directive, lead counsel Mr. Krgović requested that the Registrar assign Ms. Tatjana Čmerić, attorney at law from the Republic of Serbia, as his co-counsel during appeal proceedings in the Accused's case;

**CONSIDERING** that Ms. Čmerić is on the Registrar's list of counsel eligible for assignment to indigent suspects and accused envisaged under Rule 45 of the Rules, and has indicated her willingness to be assigned as co-counsel to Mr. Krgović in the Accused's case;

**CONSIDERING** that Ms. Čmerić was assigned as co-counsel in trial proceedings against Mr. Ljubomir Borovčanin (IT-05-88), that Judgement was issued in that case on 10 June 2010 and no Notice of Appeal was filed in relation to Mr. Borovčanin, and that the Registrar is satisfied that the assignment of Ms. Čmerić is in accordance with Article 16(G) of the Directive;

**CONSIDERING** that by correspondence dated 20 June 2013 Mr. Krgović requested that the Registrar withdraw the assignment of Mr. Aleksić as his co-counsel;

**CONSIDERING** that Ms. Čmerić was assigned by the Registrar as a legal consultant to the Defence team of the Accused on 15 April 2013, pursuant to a request by Mr. Krgović in accordance with Article 16(E) of the Directive, and that Mr. Krgović has provided written assurances to the Registrar that Ms. Čmerić is prepared to immediately take over the role of co-counsel in this case;

**NOTING** Article 16(C) of the Directive, which provides that in the interests of justice and at the request of lead counsel, the Registrar may assign a second counsel to assist with the defence of the suspect or accused;

**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;

**CONSIDERING** that in light of the foregoing and on the basis of information and undertakings provided by Mr. Krgović and Ms. Čmerić, and noting the stage of these proceedings, the Registrar is satisfied that allowing the withdrawal of Mr. Aleksić and the assignment of Ms. Čmerić as replacement co-counsel is consistent with the interests of justice;

**HEREBY DECIDES**, pursuant to Article 20(A)(ii), and Articles 16(C) and 20(E) of the Directive, respectively, to withdraw the assignment of Mr. Aleksić and to assign Ms. Čmerić as co-counsel to Mr. Krgović, effective as of the date of this decision;

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



Kate Mackintosh  
Deputy Registrar

Dated this 27<sup>th</sup> day of June 2013  
At The Hague,  
The Netherlands.