

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1 P.O. BOX 13888  
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888  
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D42-D41  
24 MAY 2008

**Case No. IT-03-67-R.77.1-I**  
**Prosecutor v. Ljubiša Petković**

*PUBLIC*

**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, 45, 62(B) and 77 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(B), and 16(H) thereof;

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

**NOTING** that on 13 May 2008, an order in lieu of an indictment was filed against Mr. Ljubiša Petković ("Accused"), charging him with contempt of the Tribunal under Rule 77 of the Rules and that this order was made public on 28 May 2008;

**NOTING** that the Order of 13 May 2008 alleges the Accused to have knowingly and willfully interfered with the administration of justice by refusing to respect a summons issued by the Trial Chamber on 7 April 2008, to appear as a witness in the case *Prosecutor v. Vojislav Šešelj*. Case No. IT-03-67-T;

**CONSIDERING** that the Accused was transferred to the seat of the Tribunal on 28 May 2008;

**NOTING** that the Rules in parts four to eight apply *mutatis mutandis* to proceedings under Rule 77 of the Rules;

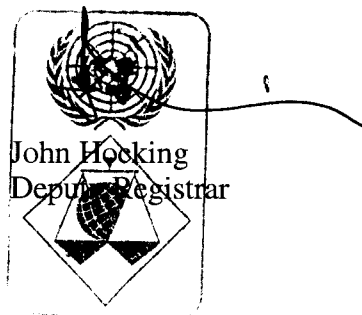
**NOTING** that any person charged with contempt is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for determination of indigence;

**CONSIDERING** that the Accused's rights under the Statute, Rules and Directive must be protected until he retains permanent counsel or has counsel assigned to him pursuant to Rule

45 of the Rules and that Rule 62(B) of the Rules enables the Registrar to assign duty counsel for this purpose;

**CONSIDERING** that Mr. Gregor Guy-Smith, Attorney at Law from the United States, is on the list of "duty counsel" envisaged in Rule 45(C) of the Rules, and has agreed to represent the Accused as duty counsel;

**HEREBY DECIDES** to assign Mr. Gregor Guy-Smith pursuant to Article 16(H) of the Directive, as duty counsel to represent the Accused at his initial appearance, and in such other matters as may be necessary until a permanent counsel is assigned, effective as of the date of this decision.



Dated this 29<sup>th</sup> day of May 2008  
At The Hague,  
The Netherlands.