

INTERNATIONAL CRIMINAL TRIBUNAL  
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1564-1562  
01 July 2008

**Case No. IT-03-67-R.77.1**  
**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, 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 11(B), 14(A) and 16(A) 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;

**CONSIDERING** that the Accused was transferred to the seat of the Tribunal on 28 May 2008, and that on or about that date he applied for the assignment of Tribunal-paid counsel on the basis that he does not have sufficient means to remunerate counsel;

**NOTING** that on 28 May 2008, pursuant to Rule 45(C) of the Rules, the Registrar assigned Mr. Gregor Guy-Smith, attorney at law from the United States, as duty counsel to the Accused for the purposes of his initial appearance and for such other matters as necessary until replacement counsel is assigned;

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

**CONSIDERING** that on 2 June 2008, the Accused submitted a power of attorney for Mr. Zoran Jovanović, attorney at law from Serbia, and requested his assignment as counsel;

**CONSIDERING** that on 6 June 2008, the Registry informed the Accused that Mr. Jovanović could not be assigned as his counsel due to a potential conflict of interest arising from Mr. Jovanović's representation of Mr. Franko Simatović before the Tribunal;

**CONSIDERING** that on 16 June 2008, the Accused requested the assignment of Mr. Zoran Stojković, attorney at law from Serbia, as his counsel;

**NOTING** that Mr. Stojković is not admitted to the list of counsel eligible to represent suspects and accused before this Tribunal pursuant to Rule 45 of the Rules ("Rule 45 list"), and does not meet all the qualification requirements for admission to that list;

**CONSIDERING** that when the Accused was informed of this, he submitted a new request on 23 June 2008 ("23 June 2008 Request"), for the appointment of Mr. Stojković under Rule 44(B) of the Rules at his own expense;

**CONSIDERING** that Mr. Stojković is yet to apply for admission under Rule 44 of the Rules, and to satisfy the Registrar that it is in the interests of justice to waive the language requirement in accordance with Rule 44(B) of the Rules;

**CONSIDERING** that in the 23 June 2008 Request, the Accused also asked for the assignment of Ms Branislava Isailović, attorney at law from France, on a temporary basis, pending the outcome of the Registrar's examination of Mr. Stojković's eligibility to be appointed as counsel to the Accused pursuant to Rule 44(B) of the Rules;

**CONSIDERING** that on 27 June 2008, the Accused confirmed his request for the temporary assignment of Ms Isailović;

**CONSIDERING** that Ms Isailović is on the Rule 45 list and has indicated her willingness to be assigned as counsel to the Accused;

**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 the 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 and Mr. Stojković's qualifications;

**HEREBY DECIDES** to assign Ms Isailović as counsel to the Accused for a period of 120 days effective as of the date of this decision;

**DECIDES** that the assignment of Mr Guy-Smith as duty counsel ceases as of the date of this decision;

**DIRECTS** Mr. Guy-Smith to hand over any case-related materials received during his assignment as duty counsel to Ms Isailović, in accordance with his duty under Article 9(D) of the Code of Conduct.



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