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International
Criminal Tribunal
for the Former
Yugoslavia

Court
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Tribunal Pénal
International pour
l'ex-Yougoslavie

Section des
Services
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A 105

CASE / AFFAIRE NO. IT-05-87-A DATE 20 March 2009

FROM / DE SYED RIAZ HAIDER, COURT OFFICER

TO / A

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| <input checked="" type="checkbox"/> President/Président (1) | <input checked="" type="checkbox"/> Prosecutor/Procureur | <input checked="" type="checkbox"/> Defense Counsel/Conseil de la Défense |
| <input checked="" type="checkbox"/> Vice President/Vice-Président | | Mr. O'Sullivan/Mr. Zečević Mr. Fila/Mr. Petrović Mr. Višnjić/Mr. Robinson |
| <input checked="" type="checkbox"/> Appeals Chamber/ Chambre d'appel | <input checked="" type="checkbox"/> Case Manager/ Commis aux affaires | Mr. Ackerman / Mr. Aleksić Mr. Bakrač / Mr. Čepić Mr. B. Lukić/Mr Ivetić |
| 0 Trial Chamber I/ Chambre de 1ère instance I | 0 Chief of Investigations/ Chef des enquêtes | FOR INFO: Mr. Sepenuk |
| 0 Trial Chamber II/ Chambre de 1ère instance II | | |
| 0 Trial Chamber III/ Chambre de 1ère instance III | | |
| <input checked="" type="checkbox"/> E-copy | | |
| 0 Embassy/Ambassade | | |
| 0 Other/Autre | | |
| <input checked="" type="checkbox"/> Registrar/Deputy Registrar/Greffier/Greffier adjoint MS T. MAIKOWSKI / MS S. FOFANA | | 0 VWS Coordinator/Coordinateur de la SVT |
| <input checked="" type="checkbox"/> Senior Legal Officer/Juriste hors-classe / Legal Officer SLO / LO | | <input checked="" type="checkbox"/> UNDU Commanding Officer/Commandant du QPNU MS. M. PAYNTER |
| <input checked="" type="checkbox"/> Communications Service/Service Communication | | <input checked="" type="checkbox"/> OLAD |

PLEASE FIND ATTACHED / VEUILLEZ TROUVER CI-JOINT

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| 0 Order/Warrant/decision issued by Appeals Chamber or Trial Chamber or a Judge on/ Ordonnance/Mandat/Décision émis(e) par la Chambre d'appel ou les Chambres de 1ère instance ou un Juge le ___/___/___ |
| 0 Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le ___/___/___ |
| 0 Motion/Request/Application submitted by Prosecution/Defence Counsel on/ Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense le ___/___/___ |
| 0 Response/reply/brief submitted by Prosecution/Defence Counsel on/ Réponse/Réplique/Mémoire présenté(e) par l'Accusation/le Conseil de la défense le ___/___/___ |
| <input checked="" type="checkbox"/> Decision of the Registrar on/Décision du Greffier le <u>19/03/2009</u> |
| 0 Other/Autre |

RECEIVED / RECU

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| <input checked="" type="checkbox"/> Office hours/heures ouvrables Date: <u>19/03/2009</u> |
| 0 Outside Office hours/en dehors des heures ouvrables Date: ___/___/___ Time/Heure: h |

FILED / ENREGISTRE

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| <input checked="" type="checkbox"/> Office hours/heures ouvrables Date: <u>20/03/2009</u> |
| 0 Outside Office hours/en dehors des heures ouvrables Date: ___/___/___ Time/Heure: h |

Article 27.2- Directive for the Registry: A party anticipating a late filing will call the Registry during office hours to request permission of the Registrar and instruction for after hour filing.

Article 27.2-Directive pour le Greffe: une partie prévoyant un dépôt hors des heures ouvrables se mettra en rapport avec le personnel du Greffe durant les heures de bureau pour solliciter l'autorisation du Greffier et les instructions nécessaires.

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A 104 - A 103
20 MARCH 2009

Case No. IT-05-87-A

Prosecutor v. Dragoljub Ojdanić

DECISION

THE ACTING 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, 16, and 20 thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (IT/125 REV.1) ("Code of Conduct");

NOTING the Registrar's decision of 10 May 2002 assigning Mr. Tomislav Višnjić, attorney at law from Belgrade, as counsel to Mr. Dragoljub Ojdanić ("Accused");

NOTING the Registrar's decision of 1 November 2002 assigning Mr. Peter Robinson, attorney at law from Santa Rosa, California, as co-counsel to Mr. Višnjić;

NOTING the Registrar's decision of 12 May 2006, withdrawing Mr. Robinson's assignment as co-counsel due to a scheduling conflict with a case before the International Criminal Tribunal for Rwanda (ICTR) at the time, and replacing him by Mr. Norman Sepenuk, attorney at law from Oregon;

CONSIDERING that in a judgement pronounced on 26 February 2009, the Accused was found guilty of two counts of crimes against humanity pursuant to Articles 5 and 7(1) of the Statute and sentenced to a single term of 15 years imprisonment ("Judgement");

CONSIDERING that the Accused has indicated his intention to appeal the Judgement;

CONSIDERING that by correspondence dated 4 March 2009 and 15 March 2009, pursuant to Articles 16(C) and 20(A)(ii) of the Directive, lead counsel, Mr. Višnjić, requested the Registry to re-assign Mr. Robinson as co-counsel on the basis that he has specific personal expertise in Appeal cases before this Tribunal and the ICTR and further requested the Registrar to grant the withdrawal of Mr. Sepenuk as his co-counsel;

CONSIDERING that Mr. Robinson is listed on the Rule 45 list of counsel who are eligible to be assigned to indigent accused;

CONSIDERING that Mr. Robinson is currently assigned as a legal associate to Radovan Karadžić, a self-represented accused before the Tribunal in pretrial proceedings;

CONSIDERING that Mr. Robinson's assignment as a legal associate to Radovan Karadžić is limited in nature and scope and does not, therefore, preclude his assignment as co-counsel in this case on appeal;

CONSIDERING furthermore that both Mr. Karadžić and Mr. Ojdanić have consented in writing to the dual assignment of Mr. Robinson;

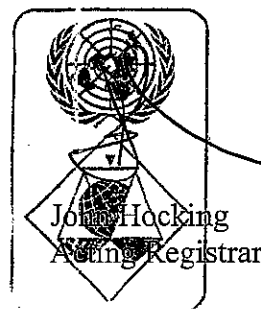
CONSIDERING therefore that the Registrar is satisfied that the dual assignment of Mr. Robinson presents no scheduling conflict and no potential or actual conflict of interest, and that the assignment would not otherwise prejudice the defence of either accused or the integrity of the proceedings;

CONSIDERING that the Registrar is satisfied that replacing Mr. Sepenuk as co-counsel would, at this stage of the proceedings, not be detrimental to the representation of the Accused;

NOTING that pursuant to Article 13 of the Code of Conduct, Mr. Sepenuk shall preserve the confidentiality of the client's affairs and shall not reveal information which was entrusted to him in confidence during his assignment as co-counsel;

HEREBY DECIDES to replace Mr. Sepenuk by Mr. Robinson as co-counsel to Mr. Višnjić, effective as of the date of this decision;

DIRECTS Mr. Sepenuk to hand over any case-related materials he received during his assignment as co-counsel, in accordance with his duties under Article 9(D) of the Code of Conduct.



Dated this 19th day of March 2009
At The Hague,
The Netherlands.