



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-01-48-PT
Date: 1 August 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Decision of: 1 August 2002

PROSECUTOR

v.

SEFER HALILOVIĆ

**DECISION ON SEFER HALILOVIĆ'S APPLICATION TO
REVIEW THE REGISTRAR'S DECISION OF 19 JUNE 2002**

The Office of the Prosecutor:

Mr. Ekkehard Withopf
Mr. Carl Koenig

The Accused:

Mr. Sefer Halilović

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“International Tribunal”),

BEING SEISED of an application filed by Sefer Halilović (“Accused”) on 24 June 2002 pursuant to Article 13(B) of the Directive on Assignment of Defence Counsel issued by the International Tribunal (“Directive”), seeking review of the decision of the Registrar dated 19 June 2002 (“Impugned Decision”) declining a request by the Accused to assign Mr Senad Kreho as defence counsel to the Accused and, instead, assigning Mr Richard Soyer as defence counsel (“Application”),

NOTING also that, in his Application, the Accused requests in the alternative that Ms Dijana Kreho, currently assigned as legal assistant to the Accused and wife of Mr Senad Kreho, be assigned as defence counsel,

NOTING that, in a Decision dated 11 February 2002, the Registrar assigned defence counsel, Mr Faruk Balijagić, to the Accused and that subsequently in the Impugned Decision, Mr Balijagić was dismissed with the consent of the Accused and replaced by Mr Soyer as defence counsel,

NOTING the “Registry Comments on Trial Chamber’s Invitation to Comment on the Accused’s Request for Review of the Registrar’s Decision on the Assignment of Counsel” filed on 5 July 2002 and the further comments of the Registry filed partly confidentially and *ex parte* on 18 July 2002,

NOTING Articles 5 to 13 of the Directive and, in particular, Article 13 which provides in the relevant part:

(A) ...

(B) The accused whose request for assignment of counsel has been denied, may within two weeks of the date of notification to him, make a motion to the Trial Chamber before which he is due to appear for immediate review of the Registrar’s decision. The Trial Chamber may

- (i) confirm the Registrar’s decision;
- (ii) ...; or
- (iii) rule that a counsel should be assigned.

CONSIDERING that the Directive:

- (i) provides an accused with the right to be assisted by counsel (Article 5);
- (ii) provides that an accused who lacks the means to remunerate counsel shall be entitled to assigned counsel (Article 6);

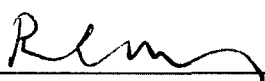
- (iii) sets forth a procedure for an accused to apply for counsel to be assigned to him on the basis that he or she lacks the means to remunerate counsel (Articles 7-9);
- (iv) entitles the Registrar to inquire into the means of the accused (Article 10);
- (v) requires the Registrar to determine whether an accused lacks means to remunerate counsel and provide a reasoned decision (Article 11 and emphasis added);
- (vi) requires the Registrar to notify the accused of his decision (Article 12);
- (vii) provides the accused with the right to apply to the Chamber before which he or she is due to appear for a review of the Registrar's decision and that the Chamber may either confirm the decision; rule that an accused has the means to partially remunerate counsel; or rule that counsel shall be assigned (Article 13);

CONSIDERING that Article 13(B) does not provide a right to apply to a Trial Chamber for a review of the decision of the Registrar assigning a particular counsel to an accused,

CONSIDERING that, in this case, as the Registrar has not determined that the Accused lacks the means to remunerate counsel and has decided that he does have the right to an assigned counsel, there is no basis for the Accused to seek a review before the Trial Chamber pursuant to Article 13(B) of the Directive,

HEREBY DENIES the Application.

Done in both English and French, the English version being authoritative.



Richard May
Presiding

Dated this first day of August 2002
At The Hague
The Netherlands

[Seal of the Tribunal]