



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

Case No. IT-99-36-T

Date: 10 March 2003

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge Ivana Janu  
Judge Chikako Taya

**Registrar:** Mr. Hans Holthuis

**Decision of:** 10 March 2003

**PROSECUTOR**

v.

**RADOSLAV BRĐANIN**

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**DECISION ON DEFENCE MOTION FOR ADJOURNMENT**

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**The Office of the Prosecutor:**

Ms. Joanna Korner  
Mr. Andrew Cayley

**Counsel for the Accused:**

Mr. John Ackerman  
Mr. Milan Trbojević

**TRIAL CHAMBER II** (“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 (“Tribunal”):

**BEING SEISED OF** the confidential Defence “Motion for Adjournment of Trial” (“Motion”), filed on 4 March 2003, in which the Defence requests the Trial Chamber to adjourn the instant case between 14 March – 14 April 2003 in the absence of Lead Counsel for medical reasons;

**CONSIDERING** that the Motion is based primarily on the asserted grounds that

1. Radoslav Brđanin (“Accused”) asserts a right to choose his Counsel before this Tribunal, which in this case is John Ackerman, and objects to the continuation of the instant case in the absence of chosen Lead Counsel from The Hague; and
2. the Directive on the Assignment of Counsel (“Directive”) does not mandate that Co-Counsel must take over in the absence of Lead Counsel;

**CONSIDERING** that the right of an accused to be represented by Counsel before this Tribunal does not justify a significant delay in proceedings during the absence of Lead Counsel where there is a Co-Counsel assigned to the case and available to attend trial;

**CONSIDERING FURTHER** that an absence of express language in the Directive mandating that Co-Counsel take over the case in the absence of Lead Counsel does not preclude that this should be the case where there will otherwise be an unnecessary and significant delay in proceedings and an unjustified drain on the resources of this Tribunal;

**FINDING** therefore that the arguments advanced in the Motion do not justify an adjournment of the instant case for the requested period;

**NOTING HOWEVER** the confidential “Decision” of the Registrar, filed on 7 March 2003, in which the Registrar decides pursuant to Article 19(C)(ii) of the directive “to withdraw the assignment of Mr. Trbojević as Co-Counsel, effective seven days from the date of this decision” and invites Mr. Ackerman to consider submitting a request for the assignment of a new Co-Counsel;

**CONSIDERING** that any new Co-Counsel who may be appointed will require a minimum amount of time to familiarise him or herself with the case and its documents;

**FINDING** that under these circumstances it would be in the interests of justice to order an adjournment of the trial in the absence of Lead Counsel;

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Articles 20 and 21 of the Statute and Rules 44, 45 and 54 of the Rules of Procedure and Evidence;

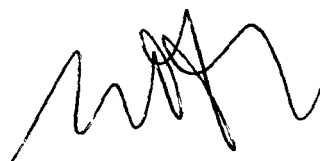
**HEREBY ORDERS THAT** proceedings in the instant case are adjourned following the close of session on 14 March 2003 and will resume on 14 April 2003.

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

Dated this 10<sup>th</sup> day of March 2003,

At The Hague

The Netherlands



**Carmel Agius**

**Presiding Judge**

**[Seal of the Tribunal]**