



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-02-60-T  
Date: 2 June 2003  
Original: English

**IN TRIAL CHAMBER I, SECTION A**

**Before:** Judge Liu Daqun, Presiding  
Judge Volodymyr Vassilenko  
Judge Carmen Maria Argibay

**Registrar:** Mr. Hans Holthuis

**Order of:** 2 June 2003

**PROSECUTOR**

v.

**VIDOJE BLAGOJEVIĆ  
DRAGAN JOKIĆ**

**CONFIDENTIAL and EX PARTE**

**ORDER TO THE REGISTRY**

**The Office of the Prosecutor:**

Mr. Peter McCloskey

**Counsel for the Accused:**

Mr. Michael Karnavas and Ms. Suzana Tomanović for Vidoje Blagojević  
Mr. Miodrag Stojanović and Ms. Cynthia Sinatra for Dragan Jokić

**Independent Counsel for Mr. Blagojević**

Mr. Jan Sjöcrona

**TRIAL CHAMBER I, SECTION A**, (“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 oral motion of the Accused, Vidoje Blagojević, for the replacement of his defence team (“Motion”), namely Mr. Michael Karnavas as lead counsel and Ms. Suzana Tomanović as co-counsel (“Defence Team”), as raised by the Accused at an *ex parte* and closed session hearing held on 29 May 2003 (“Hearing”),<sup>1</sup>

**NOTING** that certain written communications between the Accused and the Registry/Office of Legal Aid and Detention Matters (“OLAD”) on the issue of the assignment of counsel for the Accused were referenced at the Hearing, and that the Trial Chamber is not in possession of all of the referenced communications,

**NOTING** that some of the communications between the Accused and Registry/OLAD on the issue of the assignment of counsel may include additional information or requests regarding aspects of the case that the Trial Chamber should not and does not want to be informed of,

**NOTING** that at the Hearing both the Accused and the Registry referenced meetings between the Accused and representatives of the Registry/OLAD on the issue of assignment of counsel for which the Trial Chamber does not possess any written record or minutes,

**NOTING** that the Registry indicated at the Hearing that it would like to file a response to the “factual and legal allegations raised in the Motion,” if it would be of assistance to the Trial Chamber,<sup>2</sup>

**NOTING** that at the Hearing, Mr. Jan Sjöcrona, the independent legal counsel (“Independent Counsel”) appointed by the Registrar to advise the Accused on his rights in relation to the assignment of counsel in accordance with the Trial Chamber’s Order,<sup>3</sup> indicated that the Accused considers that there has been insufficient consultation between himself and the Defence Team in preparation for the commencement of trial, and particularly on the issue of defence strategy,<sup>4</sup>

<sup>1</sup> The Trial Chamber observes that the Accused has previously made similar requests before the Trial Chamber: Request to replace co-counsel, 27 November 2002; Request to replace co-counsel, and if co-counsel is not replaced, request to replace Defence Team, 27 March 2003; Notice to the Trial Chamber that the Accused considers his Defence Team to have been fired, 5 May 2003; notice to the Trial Chamber that the Accused considers that he has no defence counsel present, 14 May 2003. See also, Decision on Oral Motion to Replace Co-Counsel, 9 December 2002; Order on the Appointment of Independent Legal Counsel, 9 May 2003 (“Order”).

<sup>2</sup> Hearing, Unofficial Transcript, p. 27.

<sup>3</sup> Decision by The Registrar, 23 May 2003.

<sup>4</sup> Hearing, Unofficial Transcript, p. 5.

**NOTING** that the United Nations Regulations to Govern the Supervision of Visits to and Communications with Detainees<sup>5</sup> provides for the maintenance of a log book to record all visits with detainees at the United Nations Detention Unit,<sup>6</sup>

**CONSIDERING** that communications between the Accused and Registry/OLAD are confidential, including written records of oral meetings,

**CONSIDERING** that all communications between the Accused and Registry/OLAD on the issue of the assignment of counsel are relevant to the Trial Chamber's consideration of the Motion,

**CONSIDERING** that the Registry has indicated that the confidentiality of the communications shall be lifted in this case to permit the distribution of the communications to the Trial Chamber and the Independent Counsel; the communications shall remain confidential vis-à-vis the public and any discussion or citation of such communications shall be on a confidential basis,

**CONSIDERING** that the Trial Chamber should not and does not want to receive any information contained in communications between the Accused and Registry beyond the limited scope of that which is necessary for the consideration of the Motion, namely information related to the issue of assignment of counsel,

**CONSIDERING** that, while not an indicator in itself of the level or sufficiency of consultation between the Accused and the Defence Team, copies of the log book of the United Nations Detention Unit related to the time, date and length of the visit between the Accused and either or both members of the Defence Team may be of assistance to the Trial Chamber in considering the Motion,

**PURSUANT TO** Rule 54 of the Rules of Evidence and Procedure of the Tribunal,

**HEREBY ORDERS** that the Registry shall:

1. Provide the Trial Chamber and the Independent Counsel with copies of all written communication between the Accused and the Registry on the issue of assignment of counsel;

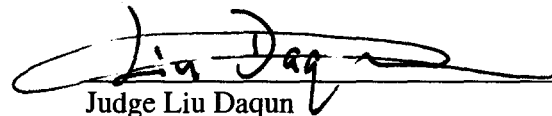
<sup>5</sup> IT/98/Rev.3, as amended July 1999.

<sup>6</sup> Regulation 46 provides: (A) A log of all recorded visits shall be kept by the Commanding Officer, with details of the name of the detainee, the name and address of the visitor, the reason for recording the visit and the date on which the Registrar made the relevant order. (B) A copy of each entry shall be given to the detainee in a language he understands.

2. Provide the Trial Chamber and the Independent Counsel with copies of all minutes taken during meetings between the Accused and the Registry on the issue of assignment of counsel;
3. Redact any information contained in such documentation that is not related to the issue of assignment of counsel before delivery of such documentation to the Trial Chamber and the Independent Counsel;
4. Provide the Trial Chamber with copies of those sections of the log book which include entries of visits of Mr. Karnavas or Ms. Tomanović to Mr. Blagojević, beginning in August 2001 when Mr. Blagojević was first detained in the United Nations Detention Unit; and
5. File its Response to the Motion by 10 June 2003,

**AND REQUESTS** that this confidential and *ex parte* Order be made available to the Independent Legal Counsel appointed to Mr. Blagojević, namely Mr. Jan Sjöcrona.

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

  
Judge Liu Daqun  
Presiding

Dated this second day of June 2003,  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**