



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-04-74-PT

Date: 1 September 2004

Original: English

BEFORE THE TRIAL CHAMBER

Before: Judge Liu Daqun, Presiding
Judge Amin El Mahdi
Judge Alphons Orié

Registrar: Mr. Hans Holthuis

Decision of: 1 September 2004

PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIC
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN CORIĆ
BERISLAV PUSIĆ**

**CERTIFICATION FOR APPEAL OF DECISION ON
CONFLICT OF INTEREST REVOKING COUNSEL OF
ACCUSED STOJIC**

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

Mr. Ćamil Salahović and Mr. Želimir Par for the accused Mr. Jadranko Prlić
Mr. Željko Olujić for the accused Mr. Bruno Stojic
Mr. Bozidar Kovačić and Ms. Nika Pinter for the accused Mr. Slobodan Praljak
Ms. Vesna Alaburić for the accused Mr. Milivoj Petković
Mr. Tomislav Jonjić for the accused Mr. Valentin Ćorić
Mr. Marinko Škobić for the accused Mr. Berislav Pušić

TRIAL CHAMBER I 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 (“Trial Chamber”);

BEING SEIZED of the “Accused Bruno Stojić’s Request for the Certification of the Right to Appeal, in Order to Appeal Against the Decision of the Trial Chamber Dated July 30, 2004 Regarding the Motion to Appoint Željko Olujić Lead Counsel” dated 5 August 2004 (“Request for Certification”);

NOTING the Trial Chamber’s “Decision on request for appointment of counsel,” which bars Mr. Željko Olujić from representing the accused Bruno Stojić (“Accused”) and invites the Accused to appoint another lead counsel within a period of one month (“Impugned Decision”);

NOTING that the Request for Certification is made pursuant to Rule 73(B) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) which provides that “[d]ecisions on all motions are without interlocutory appeal save with certification by the Trial Chamber, which may grant such certification if the decision involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings”;

NOTING that the Defence requests leave to appeal the Impugned Decision on the grounds that it relates to the fundamental right of an accused to choose counsel and that replacement of counsel at this stage would delay the proceedings ;

NOTING the “Prosecution Response to the Accused Bruno Stojić’s Request for the Certification of the Right to Appeal, in Order to Appeal Against the Decision of the Trial Chamber Dated July 30, 2004 Regarding the Motion to Appoint Željko Olujić Lead Counsel” dated 11 August 2004, whereby the Prosecution opposes the Request for Certification on the grounds that the Impugned Decision does not deny Mr. Stojić the right to choose counsel, nor causes delays in the proceedings, as a change of counsel at this stage will have no significant or detrimental effect on the proceedings;

CONSIDERING that the Impugned Decision relates to the right of an accused to choose counsel; that the interpretation given thereof by the Trial Chamber may affect the fair and expeditious conduct of the proceedings;

FINDING furthermore that an immediate resolution by the Appeals Chamber may materially advance the proceedings;

CONSIDERING that it is in the interests of justice to stay the execution of the Impugned Decision until the Appeals Chamber has decided on the matter and the Accused should stand ready to resume the proceedings as soon as the Appeals Chamber has rendered its decision;

FOR THE FOREGOING REASONS,

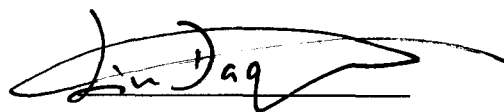
PURSUANT to Rule 73(B) of the Rules;

HEREBY GRANTS the Request for Certification;

SUSPENDS the execution of the Impugned Decision until the Appeals Chamber has ruled on the matter;

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

Dated this First Day of September 2004,
At The Hague,
The Netherlands.



Judge Liu Daqun
Presiding Judge

[Seal of the Tribunal]