



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-06-90-PT

Date: 25 July 2007

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 25 July 2007

PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

PUBLIC

**ORDER CONCERNING NEW COUNSEL FOR
ACCUSED MARKAČ AND ACCUSED ČERMAK**

The Office of the Prosecutor

Mr. Alan Tieger
Mr. Marks Moore

Counsel for the Accused

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina
Mr. Čedo Prodanović (in transfer) and Ms. Jadranka Sloković (in transfer) for Ivan Čermak
Mr. Miroslav Šeparović (in transfer) and Mr. Goran Mikuličić for Mladen Markač

I, BAKONE JUSTICE MOLOTO, Judge of 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 (“Tribunal”);

RECALLING the Appeals Chamber’s “Decision on interlocutory appeal against Trial Chamber’s decisions on conflict of interest and finding of misconduct”, filed on 4 May 2007, whereby the Appeals Chamber dismissed Miroslav Šeparović’s appeal against the Trial Chamber’s decision finding that he has a conflict of interest,¹ and the Trial Chamber’s decision determining that he is no longer eligible to represent the Accused Markač in this case before the Tribunal pursuant to Rule 44 of the Rules, therefore ordering the Accused Markač to immediately engage new counsel to represent him in Miroslav Šeparović’s stead, and ordering Miroslav Šeparović to assist the Accused Markač’s new counsel until such time as the latter is able to certify that he or she is ready to fully take over the case pursuant to Article 9(C) and (D) of the Code of Professional Conduct for Defence Counsel Appearing Before the International Tribunal;²

RECALLING the Appeals Chamber’s “Decision on Ivan Čermak’s interlocutory appeal against Trial Chamber’s decision on conflict of interest of attorneys Čedo Prodanović and Jadranka Sloković”, filed on 26 June 2007, whereby the Appeals Chamber dismissed the appeal against the Trial Chamber’s “Decision on conflict of interest of attorneys Čedo Prodanović and Jadranka Sloković”, filed on 5 April 2007, in which the Trial Chamber by majority found that Čedo Prodanović and Jadranka Sloković have a conflict of interest and ordered them to withdraw as counsel for Ivan Čermak in this case, but stay on the case until such time as a new defence team is able to certify that it can take over Čermak’s defence;

RECALLING that at the Status Conference held on 6 July 2007 (“Status Conference”) the Pre-Trial Judge stated that “it is not likely [that the trial will] start in the next six months”;³

CONSIDERING that at the Status Conference co-counsel for the Accused Markač stated that he “could inform the Court about the selection of counsel right after the summer recess”, *i.e.* on Monday 20 August 2007;⁴

CONSIDERING that at the Status Conference counsel for the Accused Čermak stated that he would inform the Trial Chamber “in due course as soon as we have concrete results” on the engagement of new lead counsel and co-counsel for the Accused Čermak;⁵

¹ Decision on conflict of interest of attorney Miroslav Šeparović, 27 Feb 2007

² Decision on finding of misconduct of attorney Miroslav Šeparović, 6 Mar 2007.

³ Status Conference, 6 Jul 2007, T. 223.

⁴ Status Conference, 6 Jul 2007, T. 229.

⁵ Status Conference, 6 Jul 2007, T. 230.

CONSIDERING the Trial Chamber's duty under Article 20(1) of the Statute to ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses;

CONSIDERING the rights of the accused in Article 21 of the Statute;

CONSIDERING that it is appropriate to issue such an order at this point in time in the interest of ensuring an expeditious resolution to these matters;

PURSUANT TO Articles 20 and 21 of the Statute and Rule 54 of the Rules of Procedure and Evidence;

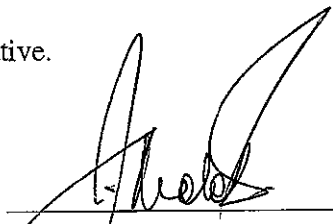
REITERATES its order to the Accused Markač to immediately engage new counsel to represent him in Miroslav Šeparović's stead;

ORDERS counsel for the Accused Markač to inform the Trial Chamber by Monday 20 August 2007 of the name of the new lead counsel for the Accused Markač by submitting to the Trial Chamber a copy of the power of attorney executed by the Accused Markač in favour of such new lead counsel;

ORDERS the Accused Čermak to immediately engage new counsel to represent him in Čedo Prodanović's and Jadranka Sloković's stead;

ORDERS the Accused Čermak to inform the Trial Chamber by 19 September 2007 of the names of the new lead counsel and the new co-counsel to represent him before the Tribunal by submitting to the Trial Chamber copies of the powers of attorney executed in favour of such new lead counsel and new co-counsel;

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



Judge Bakone Justice Moloto
Pre-Trial Judge

Dated this twenty-fifth day of July 2007

At The Hague

The Netherlands

[Seal of the Tribunal]