

**UNITED
NATIONS**



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-04-75-I
Date: 23 August 2011
Original: English

IN THE TRIAL CHAMBER

Before: Judge Guy Delvoie, Presiding
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua

Registrar: Mr. John Hocking

Decision: 23 August 2011

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**ORDER ON EXTENSION OF TIME FOR THE ASSIGNMENT
OF COUNSEL**

The Office of the Prosecutor:

Mr. Norman Farrell

Duty Counsel for the Accused:

Mr. Zoran Živanović

1. **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 (“Tribunal”) is seised of the “Registry Submission Pursuant to Rule 33(B) Requesting an Extension of Time for the Assignment of Counsel”, filed on 22 August 2011 (“Registry Submission”).¹

2. The Registry Submission requests, pursuant to Rule 62(C) of the Rules of Procedure and Evidence of the Tribunal (“Rules”), an extension of time to assign counsel to Mr. Goran Hadžić.² The person selected by Hadžić for assignment as his lead counsel is not on the Rule 45 list of pre-screened counsel and is therefore not available for immediate assignment.³ The Registry accordingly asks to have until 23 September 2011 for the assignment of counsel to Hadžić pursuant to Rule 62(C) of the Rules.

3. Rule 45(A) of the Rules provides that counsel shall be assigned to suspects or accused who lack the means to remunerate such counsel. For this purpose, Rule 45(B) of the Rules provides that the Registrar shall maintain a list of counsel who: (a) fulfil the requirements of Rule 44 of the Rules, (b) have established competence in criminal law and/or public international law, (c) possess at least seven years of relevant experience, and (d) have indicated their availability and willingness to be assigned by the Tribunal.

4. Rule 62(C) of the Rules provides that, within 30 days of the initial appearance, if the accused has not retained permanent counsel, the Registrar shall appoint such counsel and that, if the Registrar is unable to appoint permanent counsel within the time limit, he will seek an extension from the Trial Chamber.

5. The Chamber notes that Hadžić applied on 26 July 2011 for assignment of Tribunal-paid counsel pursuant to Article 7 of the Directive on the Assignment of Defence Counsel.⁴ However, as the counsel chosen by Hadžić is not currently on the Rule 45 list, the Registry must first determine whether Hadžić’s chosen lead counsel meets the requirements of Rules 44 and 45 of the Rules before it can make the assignment. The Chamber therefore finds an extension of time for the assignment of counsel warranted.

¹ *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-I, Registry Submission Pursuant to Rule 33(B) Requesting an Extension of Time for the Assignment of Counsel, 22 August 2011 (“Registry Submission”).

² Registry Submission, p. 3.

³ Registry Submission, p. 2.

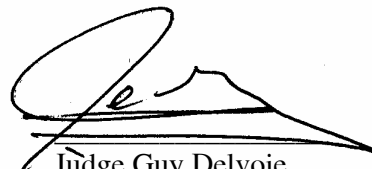
⁴ Registry Submission, p. 2; *see* IT/73/Rev.11, 29 June 2006.

6. The Trial Chamber takes this opportunity to emphasise the importance of permanent counsel being assigned as soon as possible, so that the preparation of the case for trial can commence expeditiously.

7. Accordingly, the Trial Chamber, pursuant to Rules 44, 45(B), 54, and 62(C) of the Rules hereby GRANTS the Registry Submission and ORDERS that the Registry shall, no later than Friday, 23 September 2011, assign permanent counsel for Mr. Goran Hadžić.

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

Done this twenty-third day of August 2011,
At The Hague,
The Netherlands.



Judge Guy Delvoic
Presiding

[Seal of the Tribunal]