



INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS  
MÉCANISME INTERNATIONAL APPELÉ À EXERCER LES FONCTIONS RÉSIDUELLES DES TRIBUNAUX PÉNAUX

**Case No. MICT-15-96-T**

***Prosecutor v. Stanišić & Simatović***

**PUBLIC**

**DECISION**

**THE REGISTRAR,**

**NOTING** the Statute of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) as adopted by the United Nations Security Council under Resolution 1966 (2010), and in particular Article 19 thereof;

**NOTING** the Rules of Procedure and Evidence, as adopted by the Mechanism on 8 June 2012 and as amended on 4 December 2020 (“Rules”), and in particular Rule 43 thereof;

**NOTING** the Directive on the Assignment of Defence Counsel, as adopted by the Mechanism on 14 November 2012 (“Directive”), and in particular Articles 16 and 21(A)(ii) thereof;

**NOTING** the Code of Professional Conduct for Defence Counsel appearing before the Mechanism (“Code of Conduct”), and in particular Articles 9(D) and 13(A) thereof;

**CONSIDERING** that the Mechanism is mandated to continue the “jurisdiction, rights and obligations and essential functions” of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia (“ICTY”);<sup>1</sup>

**CONSIDERING** that, on 9 December 2015, the Appeals Chamber of the ICTY ordered that Mr. Jovica Stanišić (“Accused”) be retried on all counts of the indictment pursuant to Rule 117(C) of the ICTY Rules of Procedure and Evidence;<sup>2</sup>

**NOTING** that, pursuant to Article 16(A) of the Directive, “[a] suspect or accused shall be entitled to have one counsel assigned to him”;

**CONSIDERING** that Mr. Wayne Jordash was provisionally assigned as lead counsel to represent the Accused before the Mechanism, effective as of 17 December 2015,<sup>3</sup> while said assignment became permanent 22 April 2016;<sup>4</sup>

<sup>1</sup> Security Council resolution 1966, Statute of the International Residual Mechanism for Criminal Tribunals, S/RES/1966 (2010), 22 December 2010, para. 4.

<sup>2</sup> *Prosecutor v. Stanišić & Simatović*, Case No. IT-03-69-A, Warrant of Arrest and Order for Surrender of Jovica Stanišić, public, 9 December 2015.

<sup>3</sup> *Prosecutor v. Stanišić & Simatović*, Case No. MICT-15-96-PT, Decision, public, 17 December 2015.

<sup>4</sup> *Prosecutor v. Stanišić & Simatović*, Case No. MICT-15-96-PT, Decision, public, 22 April 2016.

**NOTING** that, pursuant to Article 16(C) of the Directive, the Registrar may assign a co-counsel, at the request of lead counsel, to assist with the defence of a suspect or accused, and “that an indigent accused does not have a right to a co-counsel”;<sup>5</sup>

**CONSIDERING** that Mr. Iain Edwards was assigned as co-counsel to the Accused on 31 March 2017;<sup>6</sup>

**NOTING** that, pursuant to Article 21(A)(ii) of the Directive, the Registrar may, in the interests of justice, withdraw the assignment of co-counsel at the request of lead counsel;

**CONSIDERING** that, on 23 March 2021, lead counsel requested the withdrawal of co-counsel, submitting that the request is made in the interests of justice (“Request”);

**NOTING** that this proceeding is in a late stage, with final trial briefs filed and closing arguments scheduled to occur from 12 to 14 April 2021, and that the interests of the Accused have been represented continuously for the duration of the case;

**CONSIDERING** lead counsel’s representation in the Request, that the interests of the Accused will not be prejudiced if co-counsel is withdrawn, and that other defence team members have increased their respective contributions;

**CONSIDERING** that, on the basis of the foregoing, I am satisfied that the interests of justice would be served by granting the Request, and allowing the withdrawal of Mr. Edwards as co-counsel;

**RECALLING** the obligations imposed upon counsel to take steps to protect the client’s interests and to preserve the confidentiality of a client’s affairs, pursuant to Articles 9(D) and 13(A) of the Code of Conduct, respectively;

**HEREBY DECIDES** to withdraw Mr. Iain Edwards as co-counsel to the Accused, pursuant to Article 21(A)(ii) of the Directive and Rule 43 the Rules.



Abubacarr Tambadou  
Registrar

Dated this 9<sup>th</sup> day of April 2021.  
At The Hague,  
The Netherlands.

<sup>5</sup> *Prosecutor v. Ferdinand Nahimana et al.*, Case No. ICTR-00-52-A, Decision on Appellant Jean-Bosco Barayagwiza’s Motion Contesting the Decision of the President Refusing to Review and Reverse the Decision of the Registrar Relating to the Withdrawal of Co-Counsel, public, 23 November 2006, para. 10.

<sup>6</sup> *Prosecutor v. Stanišić & Simatović*, Case No. MICT-15-96-PT, Decision, public, 31 March 2017.



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<b>Date Created/ Daté du :</b>	9 April 2021	<b>Date transmitted/ Transmis le :</b>	9 April 2021
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