

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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Case No. IT-98-34-PT
Vinko Martinović

DECISION**THE REGISTRAR,**

CONSIDERING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

CONSIDERING the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended, and in particular Rule 45 thereof;

CONSIDERING the Directive on Assignment of Defence Counsel as amended by the Tribunal on 19 July 1999, and in particular Articles 7 (A), and 11 *bis* thereof;

CONSIDERING that on 30 December 1999 Mr. Vinko Martinović (hereinafter "the accused") submitted a request to the Registrar for review the Registrar's decision of 21 December 1999, and to determine that all the costs and expenses of legal representation necessarily and reasonably incurred should be covered by the Tribunal in view of the accused's current financial situation;

NOTING the declaration of means the accused filed with the Registry on 11 August 1999, and his request to have Mr Branko Šerić, attorney from Zagreb, assigned as his defence counsel;

NOTING the Decision of the Registrar of 12 October 1999 denying the request of the accused;

NOTING the decision of Trial Chamber I dated 30 November 1999 rejecting the appeal of the accused against the Registrar's decision of 12 October 1999;

NOTING the decision of the Registrar of 21 December 1999 to partially grant legal aid to the accused under Article 18 (C) of the Directive;

CONSIDERING that the right of the accused to an effective defence before the International Tribunal shall not be affected while the accused's financial situation is being re-examined in view of the request filed by the accused on 30 December 1999;



CONSIDERING that while the accused continues to claim that he lacks means to cover his defence's costs and expenses, the current initial stage of the proceedings pending against the accused appears to be of great importance for the preparation of his defense;

CONSIDERING that the accused continues to have the burden of proof that he fulfils the requirement of indigency as defined in Article 5 of the Directive;

FINDING that the accused's request for review filed 30 December 1999 was not supported by relevant information aimed at justifying the substantial change in the accused's financial situation occurred some time after he was covering the costs of his defence while being tried in Croatia and before he applied for legal aid before the International Tribunal on 19 August 1999¹;

INVITES the accused to provide the Registry with such an information, more in particular in order to prove the substantial change occurring in the accused's financial situation in the above noted period with a view to the payment of his attorney throughout the judicial proceedings before the Croatian authorities and his application for legal aid upon his transfer to The Hague;

DECIDES that, in the interests of justice, all costs and expenses of legal representation of the accused necessarily and reasonably incurred shall be temporarily borne by the Tribunal for a period not exceeding 30 days without prejudice to Article 19 of the Directive and Article 45 H of the Rules of Procedure and Evidence.

For the Registrar:
Jean-Jacques Heintz
Deputy Registrar

A handwritten signature in black ink, appearing to be 'J. Heintz', written over the typed name of the Deputy Registrar.

Dated this seventeenth day of January 2000
At The Hague
The Netherlands

¹ The accused stated in his declaration of means and supplementary information submitted to the Registry that he was a private restaurateur before his arrest, and that his wife has an income of 2000 KM a month from a rented car-wash. Furthermore, the relevant authorities certified that the accused had the right to use a 7 years old particular car (4x4 Nissan) and the temporary use of a three room apartment located in Mostar owned by the Croatian Republic Herzeg-Bosna, and that the accused's wife is the user of a building ("Car Wash & Shop") registered in Mostar by the Real Estate Office, owned by the accused (Gross personal income: 3.916,31 KM for the period of 01/01/1998-31/12/1998).