

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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POUR L'EX-YOUGOSLAVIE

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IT-98-34-PT
D475-0474
13 OCTOBER 1999

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 5, 6, and 11 (A) (ii) thereof;

CONSIDERING the declaration of means Mr Vinko Martinović (hereinafter "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;

CONSIDERING that, since his detention at The Hague, the accused has been legally represented by Mr Šerić, who was already representing him in national procedures, which leads to the presumption that the accused was paying his defence at the time of his transfer to The Hague;

CONSIDERING that, according to information gathered from independent and reliable sources, the apparent lifestyle of the accused in terms of movable and immovable property he owns at the present time or he has owned in the recent past, appears to be above average;

FURTHER CONSIDERING that the information the accused and the relevant authorities in the former Yugoslavia have submitted to the Registrar, under Articles 9 and 10 of the Directive, appears to be partly contradictory as to the following:

1. Movable property –in terms of luxurious cars- owned by the accused in the recent past;
2. Immovable property –in terms of bars - owned by the accused in the recent past in the Mostar area and surroundings;



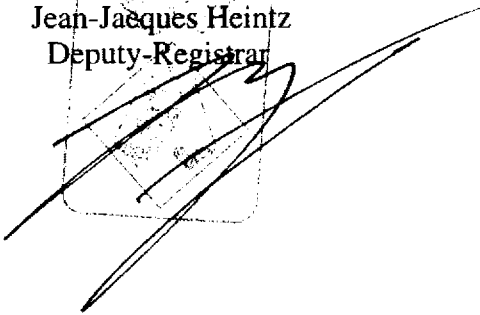
3. Net income and occupation of the accused at the time of his arrest by the Croatian authorities.

FURTHER NOTING that the authorities of the Republic of Croatia have failed to provide the Registry with additional information as to the indigent status of the accused before the Zagreb County Court aimed at determining the accused's financial status at this point in time;

FINDING that, in light of the foregoing, the accused has not satisfied the Registrar that he fulfils the requirement of indigency as defined in Article 5 of the Directive;

DECIDES not to grant the request for assignment of counsel.

For the Registrar:
Jean-Jacques Heintz
Deputy-Registrar

A large, bold, handwritten signature in black ink is written over the typed name and title of the Deputy Registrar.

Dated this twelve day October 1999
At The Hague
The Netherlands