



22 DECEMBER 1999

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 11 (A) (ii), and 18 (C) thereof;

CONSIDERING the request made by Mr. Vinko Martinović (hereinafter "the accused") 17 December 1999 under Sub-rule 45 (E) of the Rules, for the assignment of Mr. Šerić as his defence counsel, and including additional documentation on 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 due to the lack of clarity from the accused's file as to the availability of sufficient means to cover his defence's costs and expenses;

NOTING the decision of 30 November 1999 on the appeal of the accused against the Registrar's decision, by which the Trial Chamber confirmed the Registrar's decision;

NOTING the letter of the accused of 24 November 1999 in which the accused notes *inter alia* that in view of the Registry's decision he is not in a position to prepare his defence;

NOTING the correspondence of Mr. Šerić of 25 November 1999 in which he informs the Trial Chamber that he has until now conducted the defence of the accused *pro bono* but that he has informed the accused that he can no longer continue to do so;



NOTING the correspondence of Mr. Šerić of 7 December 1999 requesting the Registrar to cover one time travel expenses to The Hague to attend a status conference, and one allotment of 250 working hours, under Article 18 (C) of the Directive;

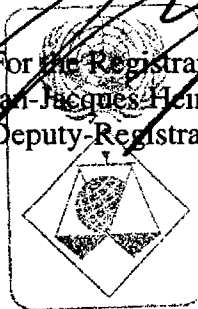
CONSIDERING that the Government of the Republic of Croatia has replied to the questions raised by the Registrar 14 September 1999, notably as to the fact that no counsel was assigned to the accused before the Zagreb County Court;

CONSIDERING that the documentation submitted by the accused in his new request for assignment of counsel does not add any relevant information to determine whether the accused has currently sufficient financial means to cover all costs and expenses of his defence;

FURTHER CONSIDERING the right of the accused to an effective defence before the International Tribunal;

DECIDES, in light of the foregoing and in accordance with the Directive, to partially grant legal aid to the accused, this including the fixed rate referred to in Article 24 of the Directive, the costs of hiring one legal assistant and up to two investigators, and case-related travel expenses along with the daily subsistence allowance applied to the number of days of work necessarily and reasonably performed by all members of the defence team.


For the Registrar
Jean-Jacques Heintz
Deputy-Registrar



Dated this twenty-first day of December 1999
At The Hague
The Netherlands