

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. BOX 13888
2501 EW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 416-5000
FAX: 31 70 416-5345TRIBUNAL PÉNAL INTERNATIONAL
POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 416-5000
FAX: 31 70 416-5345

IT-98-34-PT

0730-0729

17 MARCH 2000

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 adopted by the Tribunal on 28 July 1994, as subsequently amended, and in particular Articles 7 (A), and 11 *bis* thereof;

CONSIDERING that Mr. Branko Šerić, defence counsel for Mr. Vinko Martinović (hereinafter "the accused"), claimed at the Status Conference held on 03 February 2000 that his client's legal representation was ineffective due to the accused's lack of financial means to pay for his defence;

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;

FURTHER NOTING the decision of the Registrar of 17 January 2000 temporarily assigning Mr. Šerić as counsel for the accused in the interests of justice and inviting the accused to provide the Registry with relevant information on the change operated in his financial situation;



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;

CONSIDERING that the information currently available on the accused's financial situation does not allow a determination of the accused's indigent status;

CONSIDERING that the right of the accused to an effective defence before the International Tribunal shall not be affected pending the final determination of his financial situation by the Registrar;

DECIDES to renew the assignment of Mr. Šerić as counsel for the accused in the interests of justice, the assignment covering all costs and expenses of legal representation of the accused necessarily and reasonably incurred for another period of 3 months without prejudice to Article 19 of the Directive and Article 45 H of the Rules of Procedure and Evidence. This assignment is effective 16 March 2000.

Dorothee de Sampayo Garrido-Nijgh
Registrar

A handwritten signature in black ink, appearing to be 'D. de Sampayo', is written over a rectangular stamp. The stamp contains the United Nations logo and the text 'Dorothee de Sampayo Garrido-Nijgh Registrar'.

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