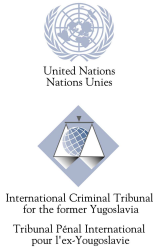


## CONTEMPT OF COURT PROCEEDINGS



(IT-94-1-A-R77)

**MILAN VUJIN****MILAN VUJIN***Convicted of contempt of the Tribunal in the case of the Prosecutor v. Tadić (IT-94-1-A)*

Counsel for Duško Tadić

- Fined 15,000 Dutch Guilders
- Removed from the list of assigned defence counsel

*Crimes convicted of:***Contempt of the Tribunal (Rule 77 of the Rules of Procedure and Evidence)**

- Between September 1997 and April 1998, Milan Vujin instructed witnesses preparing to make statements to his co-counsel to lie; nodded his head to indicate to witnesses during their interviews when to say yes and when to say no; intimidated witnesses in a manner which dissuaded them from telling the truth; knowingly instructed a witness to make false statements to the Tribunal; and paid a person giving a statement money when pleased with the information provided.

<b>Indictment</b>	10 February 1999 (Scheduling Order)
<b>Initial appearance</b>	26 April 1999
<b>First Instance Judgement</b>	31 January 2000, sentenced to pay a fine of 15,000 Dutch guilders
<b>Appeals Chamber Judgement</b>	27 February 2001, sentence affirmed

**STATISTICS**

<b>Trial days</b>	18
<b>Witnesses called by Prosecution</b>	12
<b>Witnesses called by Defence</b>	8

<b>FIRST RULING</b>	
<b>Commenced</b>	30 March 1999, adjourned until 26 April 1999
<b>Appeals Chamber</b>	Judge Mohamed Shahabuddeen (presiding), Judge Antonio Cassese, Judge Rafael Nieto-Navia, Judge Florence Ndepele Mwachande Mumba, Judge David Hunt
<b>Counsel for the Prosecution</b>	Upawansa Yapa, Brenda Hollis, Michael Keegan
<b>Counsel for the Defence</b>	Vladimir Domazet
<b>Judgement</b>	31 January 2000

APPEAL	
Appeals Chamber	Judge Jean-Claude Jorda (presiding), Judge Mohamed Bennouna, Judge Patricia Wald, Judge Fausto Pocar, Judge Liu Daqun
Counsel for the Prosecution	Upawansa Yapa, Brenda Hollis, Michael Keegan
Counsel for the Defence	Vladimir Domazet
Judgement	27 February 2001

RELATED CASES <i>by geographical area</i>
TADIĆ (IT-94-1) "Prijedor"

## INDICTMENT AND CHARGES

In accordance with Rule 77 of its Rules of Procedure and Evidence, the Tribunal can conduct proceedings for contempt of court. The ICTY's jurisdiction in respect of contempt is not expressly outlined in the Statute. However, it is firmly established that the Tribunal possesses an inherent jurisdiction, deriving from its judicial function, to ensure that its exercise of the jurisdiction expressly given to it by the Statute is not frustrated and that its basic judicial functions are safeguarded. As an international criminal court, the Tribunal possesses this inherent power to deal with conduct interfering with its administration of justice. Such interference may be by way of conduct which obstructs, prejudices or abuses the Tribunal's administration of justice. Those who knowingly and wilfully interfere with the Tribunal's administration of justice in such a way may, therefore, be held in contempt of the Tribunal.

The allegations of contempt arose out of Milan Vujin's conduct as lead counsel on behalf of Duško Tadić in connection with the appeal against the judgement of 7 May 1997, and the sentencing judgement of 14 July 1997.

In October 1998, the Prosecution filed a motion alleging that the questioning of potential witnesses conducted by Milan Vujin and Witness D, co-counsel for Tadić, at the Prijedor police station on 14 March 1998, was intimidating in nature. The motion further alleged that an interpreter from the Tadić Defence Team had conducted several telephone interviews with a potential witness who felt threatened by them. It was finally alleged that the Defence counsel, or their agents, had attempted to "shape the statements of potential witnesses."

On 9 October 1998, the Appeals Chamber examined the motion in closed session, but the Prosecution called no witnesses in support of its allegations. On 4 November 1998, the Appeals Chamber denied the Prosecution motion, upon the basis that the evidence did not support the allegations.

Shortly after the allegations were dismissed, Witness D informed the Deputy Registrar of the Tribunal of certain conduct alleged on the part of Milan Vujin.

On 10 February 1999, the Appeals Chamber issued a Scheduling Order, outlining the following factual allegations:

Between September 1997 and April 1998, Milan Vujin was alleged to have instructed witnesses preparing to make statements to his co-counsel to lie; nodded his head to indicate to witnesses during their interviews when to say yes and when to say no; intimidated witnesses in a manner which dissuaded them from telling the truth; knowingly instructed a witness to make false statements to the Tribunal; and paid a person giving a statement money when pleased with the information provided, but did not pay him when he did not answer as instructed.

Milan Vujin was required to respond to allegations that he had acted "in contempt of the International Tribunal in that he knowingly and wilfully intended thereby to interfere with the administration of justice." Milan Vujin denied the allegations against him.

## TRIAL

Contempt of court proceedings opened on 30 March 1999 before the Appeals Chamber, ruling in the first instance and consisting of Judge Mohamed Shahabuddeen (presiding), Judge Antonio Cassese, Judge Rafael Nieto-Navia, Judge Florence Ndepele Mwachande Mumba and Judge Wang Tieya. Unable to attend the hearing, Milan Vujin filed a motion seeking an adjournment. The hearing was scheduled to resume on 26 April 1999, on which date Milan Vujin confirmed his previous written submission denying the allegations.

On 31 August 1999, Judge David Hunt was ordered to replace Judge Wang Tieya, who, due to ill-health, was unable to continue to sit on the Appeals Chamber.

The hearing concluded on 18 November 1999, when the Appeals Chamber adjourned the case and reserved its judgement.

## FIRST INSTANCE JUDGEMENT

On 31 January 2000, the Appeals Chamber rendered its judgement, finding Milan Vujin guilty of contempt of the Tribunal.

Milan Vujin was fined 15,000 Dutch Guilders (approximately 6,800 euros). The Appeals Chamber directed the Registrar of the Tribunal to consider striking Milan Vujin off the Registrar's list of assigned counsel pursuant to Rule 45 of the Tribunal's Rules of Procedure and Evidence and reporting his conduct as found by the Appeals Chamber to the professional body to which he belongs. It ordered that copies of the following documents (redacted to comply with the relevant Witness Protection Orders) be made public:

- the Decision on Prosecution Request for Orders Regarding Defence Harassment and Intimidation of Potential Witnesses, 4 November 1998, together with the respective pleadings of the parties; and
- the Scheduling Order Concerning Allegations Against Prior Counsel, 10 February 1999, but not the statements attached to it.

The Appeals Chamber ordered that the material from the evidence given and the material in the documents tendered during any closed session of the hearing would be made public insofar as it had been referred to in the judgement.

## APPEALS JUDGEMENT

Milan Vujin filed a confidential application for leave to appeal the first instance judgement on 7 February 2000.

On 27 February 2001, the Appeals Chamber, consisting of Judge Jean-Claude Jorda (presiding), Judge Mohamed Bennouna, Judge Patricia Wald, Judge Fausto Pocar and Judge Liu Daqun, dismissed Milan Vujin's appeal against the finding of contempt and affirmed the previous judgement.

Sentence: Milan Vujin was fined 15,000 Dutch Guilders to be paid within 21 days and the Registrar was directed to consider striking Milan Vujin off the list of assigned counsel or suspend him for a given period and report his conduct to the professional body to which he belonged.

On 12 June 2001, the Registrar ordered that Milan Vujin be withdrawn from the list of assigned Defence counsel "in order to safeguard the administration of justice before the Tribunal."

On 12 September 2001, the President of the Tribunal dismissed a request for review of the Registrar's decision filed by Milan Vujin on 25 June 2001.