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REGISTRY
GREFFE

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LEGAL AID TO ACCUSED ZORAN ŽIGIĆ WITHDRAWN
FOLLOWING THE COMPLETION OF A FINANCIAL INVESTIGATION
BY THE REGISTRY

On Monday 8 July 2002, the Registrar of the International Criminal Tribunal for the former Yugoslavia, Mr. Hans Holthuis, decided to withdraw the Counsel, co-counsel, and legal assistants previously assigned to the defence of the accused Zoran Žigić.

This Decision flows from an investigation into the financial status of the accused and his close family members: the conclusion of this investigation is that Mr. Žigić, who upon his detention in April 1998 had claimed indigence and had been assigned a defence team comprising up to ten persons, "*currently has sufficient means to pay for his defence.*"

Zoran Žigić was sentenced to 25 years imprisonment by Trial Chamber I on 2 November 2001 (see Press Release 631). He has filed an appeal that is pending, and for which the remaining defence costs are estimated at approximately US \$ 32,000.00.

FEE-SPLITTING SCHEME

Following the assignment of an investigator on 1 March 2002 within the Registry's Office of Legal Aid and Detention Matters (OLAD), a verification of the current financial status of the accused against the latter's declaration of means filed in April 1998 was undertaken.

It has revealed that "*the accused, his immediate family and the persons with whom he resided before his detention came into substantial means which have mostly been acquired by cash transfers from members of his defence team, which in turn, were diverted from their revenues as assigned defence counsel regarding the matter.*"

The value of the assets currently at the disposal of Mr. Žigić and his close family members is at least estimated at 126,196.00 Euros (approximately US \$ 124,000). This includes an apartment purchased in November 1998, another apartment purchased in April 2000, a commercial company purchased in July 2001 and three vehicles.

Mr. Žigić has received the total amount of at least 178,280.00 Euros (approximately US \$ 175,000) from members of his defence counsel team, according to a scheme organised by his former lead counsel, Mr. Simo Tošić, attorney-at-law from Banja Luka. The scheme included the assignment of two investigators who never actually performed work for the defence.

ABUSES OF THE LEGAL AID SYSTEM WILL NOT BE TOLERATED

The Registrar of the Tribunal is of the view that "*the actions of the accused and particular members of his defence team have gravely abused the system established by the International Tribunal to ensure effective legal assistance to all suspects and accused who are unable to pay for their defence.*"

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His Decision to withdraw all legal aid assigned to Zoran Žigić is therefore also without prejudice of the Tribunal's rights to file for recovery of funds against the accused and to conduct further investigations in relation to the conduct of all other past and present defence team members, including the two lead-counsels assigned at various times to the accused, namely Mr. Simo Tošić and Mr. Slobodan Stojanović, attorney-at-law from Belgrade.

Today's Decision by the Registrar is in keeping with previous announcements that allegations of fee-splitting between a Defence Team and an accused would be thoroughly investigated and that abuse of the legal aid system, including financial dishonesty and/or unethical behavior by counsels, would not be tolerated.

This case emphasizes the need for the establishment of a shared culture of deontology, through a professional association of defence counsels practicing at the Tribunal. In anticipation, the next Judges' Plenary Session, scheduled to take place on 11 and 12 July, will discuss a reform of the Defence Counsels' Code of Conduct relating among others to the explicit prohibition of fee-splitting between the accused and any assigned member of their defence team.

Defence counsels play a crucial role in the proper administration of justice and they have thus far made a paramount contribution to the fairness of the process. This is to maintain the highest standards of professional ethics and the integrity of the invaluable legal aid system that the Registrar decided without hesitation to address the abuses revealed in the instant case.

The full text of the Registrar's Decision is available upon request at the Public Information Services. It is also being released on the Internet site of the Tribunal.