

Tadic Defence Lawyer in Contempt

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The appeals court has fined Tadic's Belgrade lawyer for attempting to introduce false evidence damaging to his client.

Milan Vujin, defence counsel for Dusan Tadic between September 1997 and April 1998, was convicted of contempt of court on Monday (January 31). Vujin, a lawyer from Belgrade, had been assigned by Tadic to act as his counsel during his appeal against the judgement issued against him on May 7, 1997 and the subsequent sentence handed down on July 14, 1997. The ICTY paid Vujin's fees.

Concluding that Vujin's conduct "strikes at very heart of the criminal justice", the Appeals Chamber ordered him to pay a fine of 15,000 Dutch guilders (around 6,800 US dollars) to the Registry of the Tribunal. The Chamber's decision was unanimous.

Allegations that Vujin was acting against the best interest of his client were first brought to the attention of the Appeals Chamber in late 1998 by Tadic's new defence counsels, William Clegg and John Livingston (see Tribunal Update No. 110).

On February 10, 1999 the appeals chamber issued a scheduling order calling on Vujin to answer charges that he had knowingly and willfully intended to interfere with the administration of justice in the Tadic case.

The ensuing contempt hearing lasted from March to November 1999 and a total of 12 witnesses were summoned by the Appeals Chamber to testify, including Tadic (see Tribunal Update No. 123) and his assigned counsel during the trial, Dutch lawyer Michail Wladimiroff (see Tribunal Update No. 142). Milan Vujin called a total of eight defence witnesses and testified himself at the close of his case. Much of the evidence was heard in closed session to protect certain witnesses who feared retaliation against themselves or their families.

The Appeals Chamber concluded that in two instances Vujin had tried to plant evidence he knew to be false and in addition had manipulated the content of witness testimony.

The false evidence Vujin was convicted of planting concerned statements presented as additional evidence to the Tadic appeal hearing. Among those materials were two statements from Mladjo Radic, who is named on a separate ("Omarska") indictment. The first statement, Vujin claimed, had been made to him in person shortly before Radic was arrested by SFOR. The second statement confirmed the first. It was established to the satisfaction of the Appeals Chamber, however, that Radic made the first statement while in the UN detention unit and that Vujin was not present at the time. The Appeals Chamber was also satisfied that Vujin knew the true circumstances surrounding the taking of the statement and he had put forward a case in relation to that statement that he knew to be false in material respects.

Furthermore in his submission of additional evidence, Vujin had emphasised that one defence witnesses at trial had testified that one Goran Borovnica (now thought to be dead) had killed two police officers and not Tadic. The Appeals Chamber was satisfied that Vujin was aware that this witness had repudiated his story as to the person responsible for these killings and that, in connection with the Tadic appeal proceedings, that witness now asserted that the killer was a different person. Vujin was found again to have "put forward a case in relation to the statement of that witness that he knew to be false in material respects."

Although it was established that Vujin had paid one witness 100 German marks (equivalent to a month's wages) the Appeals Chamber ruled unproven allegations that Vujin was bribing a witness to lie or withhold evidence.

The chamber also ruled as proven charges that Vujin had manipulated witnesses by seeking to prevent the naming of certain individuals in statements and testimony. But allegations that he had instructed witnesses on how to answer questions via head signals were dismissed.

Milovan Brkic, a somewhat controversial journalist from Belgrade, had levelled the most serious accusations against Vujin during the hearing. Brkic claimed Vujin and other lawyers from the Federal Republic of Yugoslavia (FRY), assigned to defend Serbs before the Tribunal, were selected by the Yugoslav secret service. These lawyers, he claimed, were placed at The Hague to influence ICTY proceedings, intimidate indictees and even to incite them to commit suicide (see Tribunal Update No. 141).

In an article published some four years ago, Brkic had named Vujin as one of the lawyers working on behalf of "the regime". Brkic claimed these lawyers worked to ensure that persons accused before the Tribunal - regardless of the needs of their own defence - did not expose persons connected to the Yugoslav leadership to any risk of prosecution.

During his testimony at the Vujin hearing, however, Brkic made clear he had no independent knowledge of such conduct on the part of Vujin. He said that he had obtained his information from persons within the Yugoslav state security service. He claimed these sources had shown him documents in proof of the allegations. His main source, he said, occupied a "senior position". Brkic said he trusted this person and that information he had previously obtained from this source had turned out to be true.

Although Brkic claimed in his statement to have "concrete proof" that Vujin had undermined Tadic's defence, he told the court that since writing the statement circumstances had changed and that, if he were now to reveal the sources of his information, he would be "signing their death warrants."

Vujin's defence counsel seriously challenged Brkic's credibility and presented a long examination of the complex litigation involving Brkic and his newspaper, including a case brought by Vujin.

The Appeals Chamber, however, dismissed the need to consider the issues raised by Vujin's defence counsel, ruling that Brkic's testimony amounted to "hearsay upon hearsay". The very existence of Brkic's source was in question and his refusal to disclose the identity of the source, for whatever reason, meant the court had to rely entirely on Brkic's word in accepting his allegations.

The court did, however, rule that "other evidence in the present case...would prevent those allegations by Brkic being completely disregarded as having no weight at all." But the judges concluded that "such is the seriousness of the allegations now being investigated that the Appeals Chamber is not prepared to take evidence of such little weight into account in this case."

The maximum penalty prescribed at the time when Vujin committed the offence was a term of imprisonment not exceeding six months and/or a fine of 20,000 Dutch guilders. The maximum sentences for contempt have since been increased to seven years imprisonment and/or a fine of 200,000 Dutch guilders.

The chamber ruled in this case - to the obvious disappointment of Dusan Tadic - that a custodial sentence "would not be appropriate." Instead the chamber opted to impose a "substantial" fine of 15,000 Dutch guilders. In addition the Tribunal Registrar was instructed to consider striking Vujin's name from the list of assigned counsel at the Tribunal and to report his serious professional misconduct to the professional body to which he belongs (The Lawyers' Bar of Serbia). Incidentally Vujin was president of the Serbian bar until recently.

Vujin can appeal the sentence, even though it is not clear at this point at which level any such appeal would be heard.

Now that Vujin stands convicted of having worked against the best interests of his client, Dusan Tadic's defence team could request a review of the sentence meted out to him. Tadic's request for a review could refer to the judgement with which the Appeals Chamber reduced his sentence from 25 to 20 years, last month.

Location: Serbia

Focus: International Criminal Tribunal for the former Yugoslavia

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