

Joint Press Release

The Office of the High Representative, the United Nations Office of the High Commissioner for Human Rights and the Organisation for Security and Cooperation in Europe express serious concerns as to the fairness of the trial and the judgement issued on 6 October 1998 by the Sarajevo Cantonal Court in the case of Ibrahim Djedovic. In spite of partially acquitting Mr. Djedovic of war crimes against prisoners of war, the Court convicted him on charges of war crimes against the civilian population. In this highly politicised trial the Court failed to meet minimum standards for fair trial.

The parties to this statement have closely followed Mr. Djedovic's case and expressed significant concerns throughout the pre-trial and trial phases. International observers explicitly objected to the fundamental violations of Mr. Djedovic's right to legal counsel during the pre-trial period. In spite of repeated interventions by the international community, Mr. Djedovic's two lawyers were prevented from meeting privately with their client and were forbidden from discussing substantive issues related to Mr. Djedovic's case with him for five months following his arrest. These restrictions constitute a violation of the right to legal assistance of his own choosing and to have adequate time and facilities for his defence, as secured by Article 6 (3) (b) and (c) of the European Convention on Human Rights which is directly applicable under Bosnian law.

Proceedings in the main trial were also fundamentally flawed. The Defence's motions regarding the hearing of witnesses were consistently denied by the Court as being irrelevant and in one of the last hearings, over thirty proposed defence witnesses were summarily rejected by the Court, constituting a violation of Article 6 (3) (d) of the ECHR. The Prosecutor substantially amended the indictment and submitted it to Mr. Djedovic on the afternoon before closing speeches were due to

be heard by the Court. The amendment was made without any further indication as to a change in the factual situation or legal assessment of the case. This failure to adhere to basic fair trial standards set forth in the ECHR seriously calls into question the impartiality of the Court.

Furthermore, the international organisations monitoring the trial have expressed serious concerns that the evidentiary basis for the conviction falls far short of establishing guilt beyond a reasonable doubt.

The parties also note that the proceedings against Mr. Djedovic began illegally, with his arrest in the Federation Parliament on 7 May 1997, in violation of provisions of the Federation Constitution on immunity of Members of Parliament.

The international community calls upon the Federation Supreme Court to thoroughly review the proceedings in this case, and to specifically address the violations and concerns noted above. Respect for the right of Mr. Djedovic to a fair and unbiased hearing would further contribute to building confidence in the integrity of the Federation judicial system.