

## **Denial of Basic Trial Rights to Djedovic Calls into Question Capability of Federation Courts**

The Human Rights Coordination Centre (HRCC) Steering Board is gravely concerned over the Sarajevo Cantonal Court's failure to meet minimum fair trial standards in the case of Ibrahim Djedovic. To date, the proceedings against Mr. Djedovic have been fundamentally flawed and do not accord to basic standards set forth in the European Convention on Human Rights. The Steering Board emphasises that the European Convention is directly incorporated into the law of this country by the Constitution of Bosnia and Herzegovina, so that this denial of Mr. Djedovic's rights violates both Bosnian law and international standards.

To date, Mr. Djedovic's right to legal counsel has been grossly violated. While Mr. Djedovic has selected two lawyers to represent him, neither lawyer has been permitted to perform that function. During the entire pretrial phase, Mr. Djedovic's lawyers were not allowed to meet with their client privately and were forbidden from discussing the case with him. These restrictions eviscerate the right to counsel, leaving Mr. Djedovic virtually without legal representation, a clear violation of Article 6(3)(b) and (c) of the European Convention.

In addition, a preliminary review of the pretrial proceedings has revealed a disturbing tendency towards according collective guilt rather than addressing the individual responsibility of Mr. Djedovic for the crimes at issue. The Steering Board also notes that the Cantonal Prosecutor's decision to press an indictment against Mr. Djedovic was published in the local press before the Court received the indictment and had an opportunity to examine it, and even before Mr. Djedovic or his lawyers were aware of the indictment. This maneuver raises questions as to the independence and impartiality of the prosecution of Mr. Djedovic, and concerns over whether this case will be tried in the press rather than in the Court.

The capability and credibility of the Federation court system is at stake. The legal process against Mr. Djedovic to date has been fatally flawed and must be discarded. This remedy will only be effective, however, if the approach by the prosecution and Court in this case is fundamentally altered so that Mr. Djedovic's right to effective legal representation and to a fair trial are fully respected from this date forward.

The Human Rights Coordination Centre is a joint cooperative effort of organisations involved in implementation of the human rights provisions of the Peace Agreement, including OHR, Council of Europe, European Commission, ECMM, OSCE, UNHCR, UN High Commissioner for Human Rights, UNMIBH and SFOR.