

Blaskic case/update 1 : Detention conditions of defendant remain nearly unchanged.

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BLASKIC CASE/UPDATE I: DETENTION CONDITIONS OF DEFENDANT REMAIN NEARLY UNCHANGED

Having considered the motion filed on 1 April 1996 by the Defence, Judge Antonio Cassese, President of the International Tribunal, has ordered today that the detention conditions of General Blaskic would only be slightly modified.

General Blaskic will be transferred as soon as practicable from the Detention Unit to a residence designated by the Dutch authorities where he shall serve his detention until the completion of the proceedings under the most strict conditions: He shall not leave the Netherlands nor his residence; meetings and visits will only take place in the ICTY's Detention Unit; he shall support the costs related to his housing and security; he shall have no contact with the press; he shall not make or receive phone calls; all correspondence to or from him shall be addressed to the Detention Unit.

The Grounds of the Decision

President Cassese has taken into consideration the "procedural behaviour" of General Blaskic's who has "surrendered himself voluntarily".

President Cassese writes that "it would be injudicious and contrary to widely accepted principles of criminal law not to take account of General Blaskic's aforementioned procedural behaviour"

He also emphasises that "General Blaskic's surrendering leaves unaffected the fact that Croatia's failure to enact implementing legislation [with regard to the Tribunal] is a blatant breach of its international legal obligations".

What has Been Ruled Out

President Cassese has ruled out the following other options:

- provisional release, as it can only be considered by a Trial Chamber, as well as any other "form of restricted liberty".
- compulsory residence, as "it is not a form of detention (...) but rather a precautionary measure (...) destined to ensure that an indictee shall not abscond before the initiation of trial, thereby evading justice".
- house arrest, as the presence of General Blaskic on Dutch territory "is likely to pose a danger to public order and peace" and as "it must be noted that the accused is not ill or aged".