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REGISTRY
GREFFE

CC/PIO/162-E
The Hague, 28 February 1997

BLAŠKIĆ CASE:
THE DEFENCE REQUESTS ISSUANCE OF
A SUBPOENA TO THE "REPUBLIC OF BOSNIA AND HERZEGOVINA"
COMPELLING THE PRODUCTION OF DOCUMENTS
"BELIEVED EXCULPATORY"

In a motion filed on 28 February 1997, the Counsel for Defendant BLAŠKIĆ requested that the Tribunal issues a *subpoena duces tecum* compelling the production "by the Republic of Bosnia and Herzegovina (BiH) of certain documents believed exculpatory (...) that are not otherwise available to the Defence". According to the latter, "[t]hese documents are believed to be material, relevant and exculpatory to the accused, and therefore crucial for the Defence's adequate preparation for trial".

The request of the Defence is based on the two following arguments:

First the Defence "is concerned that the BiH is in a position to provide the Prosecution with only allegedly incriminating evidence, and to withhold exculpatory evidence. Such a situation would inherently threaten the accused's right to a fair trial."

Second, as the Prosecutor's request to issue a *subpoena* compelling the BiH and the Republic of Croatia to turn over to the Prosecutor evidence was granted, the Defence is of the opinion that "to afford the Defence equal opportunity to obtain evidence in accordance with Article 21(4), and thereby obtain a fair trial", the Tribunal should also issue a subpoena requested by the Defence.

The documentary evidence requested concerns:

- documents relating to cease-fire agreements and request made by HVO representatives for investigations into alleged wrongful acts committed in the course of the conflict;
- evidence of the activities and whereabouts of the Army of BiH (ABiH) forces in the Lasva Valley between May 1992 and April 1994 (mobilization, deployment, existence of military installations and fortifications, location of ABiH military facilities, lack of use of uniforms);
- documents revealing military plans or strategies to exert control over any territory or villages in the Lasva Valley or to attack the HVO forces or Croats;
- documents reflecting any temporary or net territorial gains made by the ABiH in the Lasva Valley between May 1992 and April 1994;
- documents reporting on the number and nature of ABiH casualties;
- documents relating to a cease fire agreed to by the Accused on 16 April 1993 and any subsequent violation of it by the ABiH;
- documents concerning meetings or activities of any joint commissions of HVO and ABiH personnel.

The Defense also requests a hearing on this Motion on 12 March.

The full text of the Motion is available from the Press Office upon request