

Blaskic case: Federation Defence Minister ordered to appear before Judge McDonald on 28 February at 10 a.m.

**Press Release - Communiqué de presse
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CC/PIO/160-E

The Hague, 25 February 1997

BLASKIC CASE: FEDERATION DEFENCE MINISTER ORDERED TO APPEAR BEFORE JUDGE McDONALD ON 28 FEBRUARY AT 10 A.M.

In an Order issued on 24 February 1997 addressed to Bosnia and Herzegovina and Mr. Ante Jelavic, the Defence Minister of the Federation of Bosnia and Herzegovina, Judge McDonald directed Mr. Jelavic or a representative familiar with the documents requested to appear before her on **Friday 28 February at 10 a.m.** and requested Bosnia and Herzegovina to secure his or his representative's attendance.

At the hearing, Mr. Jelavic or his representative will be expected to describe in detail what steps have been taken to comply with a Subpoena *duces tecum* issued by the Judge on 15 January 1997 and addressed to Bosnia and Herzegovina and to the Minister.

A meeting in Zagreb between the Prosecutor and representatives of the Republic of Croatia has been scheduled for **Friday 28 February at 10 a.m.**

At this meeting the two parties will discuss informally the handing over by Croatia to the Prosecutor of evidence relating to the Blaskic Case.

This meeting arises out of a hearing before Judge McDonald on 19 February 1997, during which Croatia protested the issuance by the Judge at the request of the Prosecutor of a Subpoena *duces tecum* and a subsequent Order directing it to hand over 13 specified groups of evidence to the Prosecutor. However, it indicated that it was prepared to cooperate informally with the Prosecutor to resolve the matter. (For background, see PR156 and 158.)

The Order to Bosnia and Herzegovina and Mr. Ante Jelavic

In her order of 24 February, Judge McDonald noted that Mr. Jelavic, *"as the successor of the Custodian of the Records of the Central Archive of what was formerly the Ministry of Defence of the Croatia Community of Herceg Bosna, has not co-operated with the Tribunal by failing to comply with the production of documents described in the subpoena duces tecum which was issued on 15 January 1997"*.

Further, that Mr. Jelavic had *"wilfully failed to appear before me at the public hearing on 24 February 1997 to answer questions relevant to the production of subpoenaed documents or, in lieu of personally appearing, wilfully failed to designate a representative who is familiar with the location and contents of the Central Archive who can describe in detail what steps have been taken to comply with the subpoena duces tecum to appear before me"*.

She found, however, *"that Bosnia and Herzegovina has co-operated with the Tribunal in taking steps which are necessary for the production of documents described in the subpoena duces tecum"*.

In fact, the Prime Minister of the Federation of Bosnia and Herzegovina wrote to Mr. Jelavic on 21 February 1997 asking him to appear before Judge McDonald at the 24 February hearing or to send a knowledgeable representative in his stead, in compliance with the Order of 20 February.

Despite this, neither Mr. Jelavic nor his representative appeared, nor were any documents submitted to the Prosecutor.

However, in her Order of 24 February, Judge McDonald noted that the Registrar received a fax from Mr. Jelavic on Sunday 23 February 1997 at 10.54 p.m. in the Bosnian language, in which he

indicated that he had designated Ms. Jadranka Slokovic-Glumac, attorney-at-law, to appear as his representative but that she was unable to appear due to a "*technical problem*".

A copy of this fax and an English translation were only provided to Judge McDonald after the conclusion of the hearing of 24 February 1997.