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TADIĆ CASE: REPUBLIKA SRPSKA ORDERED TO ASSIST THE DEFENCE LAWYERS

On Monday 2 February 1998, an Order to Republika Srpska was issued by the Appeals Chamber considering the TADIĆ case (consisting of Judge Shahabuddeen, presiding, Judge Cassese, Judge Wang, Judge Nieto Navia and Judge Mumba).

This Order follows a request by Counsel for the Accused whose application for leave *"to present additional evidence"* was discussed during the public hearing held on 22 January and is currently under consideration by the Appeals Chamber.

The Defence submitted a list of potential witnesses and of documents it needs to have access to. Republika Srpska is ordered to *"by 2 March 1998, inform Defence Counsel of the precise whereabouts"* of the potential witnesses and to facilitate their being interviewed *"without any restriction or interference"* during the period from 2 March to 2 April 1998. In addition, Republika Srpska is ordered by 2 March 1998 to allow Defence Counsel *"access to and where requested provide them with copies"* of the documents sought.

ČELEBIĆI CASE: MINOR BREACHES OF NATIONAL RULES IN THE SEIZURE OF EVIDENCE DO NOT MAKE IT INADMISSIBLE BEFORE THE INTERNATIONAL TRIBUNAL

In a Decision rendered on 9 February 1998, Trial Chamber II *quater*, consisting of Judge Karibi-Whyte, presiding, Judges Odio Benito and Jan, admitted into evidence several documents tendered by the Prosecution. The documents tendered, among them two passports issued in the accused Mucić's name and a Military ID Card from the HVO bearing his name, were seized by Austrian police agents in Mucić's apartment in Vienna. Counsel for the defendant had objected to the admission into evidence of these documents on the grounds that *"it had been clearly established that there were a number of irregularities in the search of Mr. Mucić's apartment and that actions were taken which were unlawful according to Austrian law"*.

The Trial Chamber held that *"the Rules have provided a liberal and less technical rule relating to the admissibility of evidence. They uphold the principle that evidence admitted must not only remain within the accepted norms and permissible ambit of the administration of justice but must also ensure that its admission is not antithetical to, and would not seriously damage, the integrity of the proceedings (see Rule 95)"*.

Applying this general finding to the case at hand, the Trial Chamber stated that it was *"of the opinion that it would constitute a dangerous obstacle to the administration of justice if evidence which is relevant and of probative value could not be admitted merely because of a minor breach of procedural rules which the Trial Chamber is not bound to apply"*.

The full texts of the Order and Decision are available upon request
from the Press and Information Office

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Press and Information Office/ Bureau de presse et d'information:
Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
Churchillplein 1, 2517 JW La Haye. B.P. 13888, 2501 La Haye. Pays-Bas
Tel.: +31 (70) 416-5343 ; 416-5356 **Fax:** +31 (70) 416-5355

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