

## **Celebici Trial**

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The evidence in question is a huge pile of miscellaneous documents, which according to the prosecutor are relevant to the Celebici case, as well as more than 100 video cassettes. Nothing has been said in public about the contents of the cassettes.

The prosecutor also tried to include in the material evidence the statements of the accused Mucic, given in two interviews immediately after his arrest on March 18, 1996 in Vienna; the first interview was with the Austrian police, the second with OTP investigators.

For the moment, the prosecutor has failed in both attempts. Although both the Austrian policemen and the OTP investigators testified that during the interviews, Mucic had been informed about his rights and that he had refused all offers to engage a lawyer for him, the defence was able to prove that the rights of the accused had been violated, among other things because the Austrian policemen had followed Austrian law during their interrogation, and not the rules of the Tribunal.

According to Austrian law, an arrested suspect has the right to a lawyer only after an investigating judge has taken over the case, and not while the suspect is still being questioned by the police.

The problem with the material evidence seized during the searches of Mucic's and Delalic's homes and business premises was of a different nature. It turned out, first of all, that the Austrian police who testified last week were not present at the moment when the documents and video tapes were seized.

The defence view, which the judges seem to share, is that this material evidence could be introduced into the trial only by witnesses who had themselves participated in the search and seizure. Another problem is that the Austrian police had not made a detailed inventory of the material seized, that is, they failed to examine all the video tapes and describe their contents in writing immediately after seizing them.

This gave the defence an opportunity to ask how they could prove that the video tapes they are seeking to submit as evidence are the very same ones taken during the search if they had not looked to see what was on the tapes after they were seized.

The arguments about introducing this material evidence will continue this week. The prosecutor has announced that two Austrian policemen who did take part in person in the search and seizure of documents and video tapes will be called as witnesses.

**Focus:** [International Criminal Tribunal for the former Yugoslavia](#)

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