

Herceg-Bosna Trial Tensions

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UN-imposed time limits provoke concerns over fairness of trial.

With the start of one of the biggest war crimes trial to be heard at the tribunal just a month away, the pre-trial judge Jean-Claude Antonetti has spoken of the need to finish the case by the end of 2008, in the line with the court's UN-ordered completion strategy.

Six high-ranking Bosnian Croats are to go on trial at the end of April, accused of committing war crimes against Muslims. The defendants - former leaders of the self-proclaimed wartime Croat statelet in Bosnia, Herceg Bosnia - surrendered voluntarily in the April 2004 and were granted provisional release until the start of their case.

The six are former premier and defence minister of Herzeg Bosna, Jadranko Prlić and Bruno Stojić respectively; commander of the Croatian Defence Council, HVO, military police Valentin Čorić; HVO commanders General Slobodan Praljak and General Milivoj Petković and the chief of the commission for prisoner exchanges Berislav Pušić.

They are facing 27 counts of terrorising Bosnian Muslims during the Croatian-Muslim conflict in Bosnia during 1993-1994 with goal of expelling from the region.

But with the trial weeks away, Judge Antonetti has raised concerns over the possible length of this huge trial, anxious in particular about the volume of evidence and numbers of witnesses proposed by the prosecution in their pre-trial brief.

Last year, prosecutor Kenneth Scott set out his plan to call around 400 witnesses and present 400 documents. But Judge Antonetti suggested that the evidence should be more streamlined and bear a closer connection with the counts in the indictment, given the limited amount of time left for the tribunal.

At a status conference this week, Judge Antonetti warned that this "mega case" could go on for 18 years, unless the prosecution and defence were more cooperative in the preparation of the trial.

But the judge was also critical of the chief prosecutor Carla del Ponte, inviting her to present the final status conference next month and explain how she imagines the trial to end by 2008 "when her prosecutor in the case wants something else", a reference to the large number of witnesses and the "sea of 10,000" documents. Although, the judge did acknowledge that Scott was working hard to refine his case.

If the court sticks to the Security Council schedule, the prosecution will be given a year to set out their case and the defence team for the six accused a year in total.

Petković's defence lawyer Vesna Alaburić protested that the time allocation favoured the prosecution and warned it would leave her unable to properly defend her client.

The defence proposed reducing the prosecution indictment or separating the cases - the latter already

rejected by the court because the accused face the same charges.

Scott, in turn, countered that cutting the charge sheet was neither in the interest of a fair trial, the international community nor the victims. He accused the defence of wanting the trial to be “complicated and long” and not working in an “efficient way”.

The judge urged the defence and prosecution to “calm down” and wait until the next status conference on April 12 when a final decision on the duration of the trial will be made. “Carla del Ponte will say how long this case should last. One year, two, three or 18 years,” said the judge.

A precise date for the start of the trial will be made at the status conference.

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