

Karadzic: Sever First Genocide Count

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Former Bosnian Serb leader says including count one would delay his trial.

Wartime Bosnian Serb president Radovan Karadzic this week asked that the first count of genocide be severed from the other ten counts of his indictment.

The request comes after the genocide count, pertaining to seven municipalities in Bosnia excluding Srebrenica, was reinstated in his indictment last week after appeal judges overturned a decision to acquit him on that charge. (For more on this, see **Genocide Count Reinstated in Case Against Karadzic**.)

Karadzic was acquitted of the first count of genocide during a process known as 98 bis, which occurs at the conclusion of the prosecution's case. According to this rule, if there is no evidence capable of supporting a conviction, judges can acquit a defendant of one or more counts in the indictment before the defence case begins.

Karadzic was acquitted on the genocide count in June 2012 and began his defence case the following October. Because the defence case proceeded for nearly nine months without the first count of genocide in the indictment, he did not present witnesses to refute this charge.

Now that the count has been reinstated in the indictment, Karadzic claims it is necessary to sever Count 1 of genocide "because the proceedings under Count 1 may be long and complex and could delay the ongoing trial".

He estimates that he would need an additional six or seven months to present his defence case in relation to Count 1.

"Given the unlikely prospects for conviction on count one at the end of the case, and the seriousness of the remaining charges, Dr Karadzic contends that it is in the interests of justice to sever Count 1 and complete the trial on the remaining counts," the July 16 written filing states.

"If severance is granted the defence case can proceed uninterrupted to its conclusion later this year," he continues. "The prosecution can then determine if it wishes to proceed on count one after the judgement on the remaining counts is delivered."

A hearing will be held on July 23 to further discuss the matter.

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