

## **Krajisnik Trial Takes Break**

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Proceedings against former Bosnian Serb parliamentary speaker on hold while defence prepares for accused's mammoth testimony.

Trial proceedings against the former Bosnian Serb parliamentary speaker Momcilo Krajisnik were put on hold this week to give defence lawyers a chance to prepare their client to take the witness stand later this month.

Krajisnik's testimony is expected to last for several weeks and should form a major part of his defence against war crimes charges including genocide.

It was expected to start when his defence case got under way in August but has since been repeatedly delayed. With the defence expected to finish calling evidence in June, this may be Krajisnik's last chance to appear.

The last two days of the case prior to the break this week were mostly spent hearing evidence from a defence witness who appeared under stringent protective measures, with the public banned from hearing any of the testimony.

Presiding Judge Alphons Orie said the chamber believed the individual in question could face "physical, psychological or economic harm" if his or her identity were made public.

Open to the public were discussions of how the trial will proceed during Krajisnik's testimony and in the period that follows, when the judges may call witnesses of their own.

Defence lawyer Nicholas Stewart sought further clarification of the access that he will have to his client in the weeks that Krajisnik is testifying in court. To limit the risk of foul play in the trial process, there are ordinarily strict restrictions on contact between lawyers and witnesses once they start testifying.

But the defence's examination of Krajisnik is expected to take about a month, after which the prosecution and judges will have a chance to question him. And Stewart was keen to remind the court that throughout this period, as well as being a witness, Krajisnik remains his client.

Judge Orie ruled that the issue will be handled in line with an earlier agreement, according to which Stewart will be able to speak with Krajisnik outside the courtroom only after seeking clearance from the prosecution or the trial chamber.

Judge Orie also promised to put a system in place to allow the accused to inform the court when he wishes to speak with his lawyers.

The parties also spent time this week discussing how things will be organised if the judges decide to call witnesses of their own. Two weeks have been pencilled in for this process, though Judge Orie stressed that this was merely an estimate and that it was even possible the chamber would decide against hearing any

further testimony.

One of the central issues debated in court was the question of who would carry out preparations for the witness to appear in court. The judges had proposed that a legal officer working for the chamber should be responsible for tasks such as conducting preliminary interviews with the witnesses and compiling statements.

Pointing out that after the witnesses have been called, such legal officers could later be expected to take part in crucial processes such as drafting a judgement in the case, the defence objected that this kind of involvement at this stage could prove prejudicial.

After talking to the other judges in private, Judge Orié announced that it had been decided that the role of carrying out preparations for witnesses' testimony would remain with a legal officer of the chamber.

Another topic of discussion was a letter that Krajisnik has written directly to the chamber, apparently circumventing his own defence team. The exact content of the message remained unclear, with only oblique references to it made in court.

Judge Orié said the chamber had not read the letter but had been informed by legal officers that it was not the kind of correspondence that an accused would ordinarily be expected to address to the judges hearing his or her case.

Stewart, for his part, underlined his opposition to initiatives of this sort by Krajisnik, who failed in a bid last year to drop his defence team and manage the case himself. Stewart complained that, since it had been decided that Krajisnik would continue to be represented by defence counsel, it was important to keep their respective roles clearly defined. Otherwise, he said, "nobody really knows quite where they are".

Despite the fact that Krajisnik's body language in court made it quite clear that he disagreed with Stewart on the matter, Judge Orié denied the accused a chance to offer his own views at this stage.

He said the chamber would take such direct correspondence from Krajisnik seriously only if he had first made a real effort to deal with the issues in question through his lawyers and had found that this was impossible.

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