

## **Lukic Lawyer Slams Court Over Bribery Claims**

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Defence counsel for Milan Lukic says prosecution's investigation into bribery claims has prejudiced his case.

The defence lawyer for war crimes suspect Milan Lukic this week unleashed a tirade against the Hague tribunal over prosecution allegations that his team attempted to bribe a witness.

"The separate entities of this respected tribunal have acted in concert to deprive my client of his right to fair due process and [an] effective preparation for trial," Jason Alarid told the court, claiming that the prosecutor had conducted "a secret ...campaign waged to smear and slander the reputation of [his] defence team".

According to Alarid, a confidential contempt of court investigation began in August this year, and was linked to an alleged attempt to bribe prosecution witness Hamdija Vilic.

Vilic testified before the International Criminal Tribunal for Former Yugoslavia, ICTY, in November, telling judges that the defendant's legal representatives had offered him 100,000 euro if he signed a prepared statement providing an alibi for Milan Lukic for a day on which he is accused of burning Bosniak civilians to death.

The prosecution then alleged on November 18 that Lukic may have intimidated the family of a prosecution witness by telephone from prison in The Hague. The registry cut off Lukic's communication from the detention unit for a period of two weeks, at prosecutor Dermot Groome's request, prompting the defendant, according to his lawyers, to embark on a hunger strike.

However, this week, Alarid called for the release of the defendant's telephone transcripts from The Hague prison "so the world can see that Milan Lukic was not intimidating any prosecution witness".

According to Alarid, his client was just trying to locate a witness to testify in his defence.

Lukic is on trial alongside his cousin, Sredoje Lukic, and charged with war crimes allegedly carried out in the eastern Bosnian town of Visegrad between 1992 and 1994. Among the charges it is alleged that the two men are responsible for burning to death up to 140 Bosniak civilians in separate house fires in June 1992.

Although Lukic's defence team was scheduled to start its case this week, Alarid explained that due to the prosecution's investigation into the bribery claims, his team was operating "under a cloud of criminal contempt investigations" which had prejudiced his case.

Alarid also claimed that defence witnesses were being intimidated and had received threatening telephone messages from unknown individuals, preventing him from bringing witnesses to The Hague.

He suggested that the authorities in Bosnia and Serbia may be involved.

"We can tell you [that we have information...] that the Bosnian secret police as well as elements of Republika Srpska and Serbia have an interest in our proceedings," alleged Alarid.

Alarid also alleged that the Bosnian secret police "have an interest in bringing about the conviction of Milan Lukic" and suggested the prosecution was working with them to this end.

To support his claim, he alluded to confidential Office of the Prosecutor, OTP, filings from August 13 and 29.

"We don't know what they are but they must relate to the joint efforts of the OTP and the Bosnian secret police," he said.

He claimed witnesses who had arranged to sign sworn statements in defence of Lukic had had their homes raided before losing contact with the defence team.

Alarid acknowledged that he did not know all the details, but said it appeared "this was the birth of a plot to blacklist the defence".

He also alleged that the OTP had revealed the names of protected witnesses to the Bosnian authorities.

"You cannot say that the stigma of this ongoing investigation has not impacted the credibility of the entire defence presentation," said Alarid.

"The legal ramifications must be explored before we proceed."

Alarid condemned the way the contempt investigation had been carried out, saying it had prejudiced his client's defence. He said that he was unable to give a timely response to certain allegations, because details had not been disclosed to him. He also criticised the fact that the same judges and prosecutors had worked on both the contempt investigation and the main trial.

"The sheer number of filings and their very sensitive nature being presented to, and read by, the trial chamber for so long without the defence having notice of or the ability to respond and refute [them is] grossly prejudicial to the defence and how it is viewed by the trial chamber," said Alarid.

"We believe the tactics of the prosecution were in reckless disregard of the potential to contaminate [the defence] process."

He said the judges, including tribunal President Patrick Robinson, may have to stand down.

“We will be exploring... the potential disqualification of the presiding judge or trial chamber based on the co-mingling of this internal criminal investigation and its impact on the nature of fair trial,” Alarid told the court.

According to Alarid, the tribunal’s vice president, Judge O-Gon Kwon, has already made a confidential ruling that the investigation had hindered defence preparations.

“We have an ethical and professional obligation to uncover the truth of these accusations and stigma that the prosecution has chosen to utilise to impact the ability of the defence,” he said.

The defence lawyer mentioned a number of confidential filings made by the prosecution requesting the court to provide it with information about the Lukic defence team, including information on Alarid’s co-counsel, Dragan Ivetic.

He called for the prosecution’s remaining confidential filings to be made public. He said he assumed they also related to the interference with and intimidation of witnesses.

Judge Christine Van Den Wyngaert, who was presiding over proceedings in the absence of Judge Robinson this week, explained that the contempt investigations have now been dropped. She also said they would not influence the judges’ handling of the case.

“What I want to emphasise is that the [confidential] contempt proceedings ultimately led to a dismissal of the [prosecution’s motion relating to accusations of contempt] and that the trial chamber has very clearly indicated that we were not going to draw any adversary inferences from that,” she told Alarid.

Lukic’s defence team has been under pressure from judges to start its case, which was scheduled to begin on December 3 after it had already been given additional time to prepare. Amid his volley of allegations this week, Alarid also made a number of pleas for additional time to call witnesses.

“It is with great dismay, sadness, and some trepidation that I inform the chamber that I will not be giving any opening statement or presenting evidence this week or next,” he said, blaming what he described as unrealistic expectations put in place by the court and the lack of resources provided by the registry to mount his defence case.

While the prosecution made no formal oral response to Alarid’s allegations this week, it accepted the judges’ invitation to file a written response. Alarid was also asked to submit his requests to judges in writing, while Groome took the opportunity to deny all allegations.

“Mr Alarid has made dozens of serious allegations,” Groome said. “I will demonstrate the fallacy of all of these.”

“I deny vehemently all applications and misrepresentations made.”

The parties will reconvene next week. However, as suggested by Alarid, it seems unlikely that the defence

will be ready to present witnesses.

Simon Jennings is an IWPR reporter in the Hague.

**Location:** Balkans  
Serbia  
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**Topic:** Courtside

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