# Oric

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Defence opens its case and hopes appeal court will grant it more witnesses and time.

The defence team for Srebrenica wartime commander Naser Oric somewhat reluctantly began presenting their case this week, after judges dismissed their calls for the trial to be suspended until an appeal court verdict on the decision to cut the number of witnesses and time allotted to them.

Oric's lawyers intended to bring 73 witnesses over a period of eight months in order to support their case, but last week the trial chamber announced that only 19 defence witnesses would be allowed to testify and that the defence case should not exceed nine weeks.

According to the judges, such a drastic cut was related to the fact that they had already heard enough on many of the issues raised in the indictment and that hearing the same evidence again would be a waste of time.

But after strong protests by Oric's defence counsels Vasvija Vidovic and John Jones last week and their threats to call off the case altogether, the chamber increased the number of potential witnesses to 30, but the time frame remains the same – only nine weeks. This week was taken up by the testimony of the first two.

The first witness to take stand, coordinator of Oric's investigation team Edina Becirevic, made a very short appearance in court on July 4, to testify about the authenticity of some 400 new documents submitted by the defence at this stage of the trial.

The second witness, Bosnian Muslim official Izet Redzic – who was based in Tuzla during the war – spoke in detail about the lack of a proper military structure in Srebrenica at the time relevant to Oric's indictment. He confirmed one of the defence main arguments that the armed forces in the besieged town were "poorly organised groups of armed men led by various local commanders" who refused to be put under central command.

Redzic told the judges these local commanders "spent more time fighting among themselves for power than organising the defence lines to protect the civilians".

Oric has been charged on the basis of command responsibility for crimes allegedly committed by troops under his command in 1992 and 1993. He faced six charges including plunder, looting and wanton destruction of Serb property in a number of villages around Srebrenica, and murder and abuse of Serb detainees in the town's prison in the same period.

But on June 8 this year – when the prosecution ended their case – the judges unanimously acquitted him of two of the six charges, namely those of plunder of public and private property.

At a very tense pre-defence conference held on July 1, the trial chamber, led by Presiding Judge Carmel Agius of Malta, gave more details of their decision to reduce the number of defence witnesses, stating, "The judges have heard enough evidence already ... which go to your client's favour."

The judges specified eight issues which “the defence doesn’t have to address”, including political and military background and “the large number of attacks by Bosnian Serb forces on Bosnian Muslim villages” in the area.

Further, they didn’t have to deal with “the killing and inhumane treatment of Bosnian Muslims ...by Bosnian Serbs”, the whole “policy of ‘ethnic cleansing’ by Bosnian Serb political or military authorities” and “the genocide against Bosnian Muslims in Srebrenica in 1995”.

The judges also said no further evidence was required to prove some of the aspects of the situation inside the town: “the positive treatment of Serbs in hospitals in Srebrenica at that time”; how Srebrenica was “under constant siege and suffered from air and artillery bombardment”, and “the critical conditions under which the population had to live ...including food and medical...electricity and telecommunications shortages”.

The last two issues not to be addressed include the “military superiority of the Serbs” and “the urgent necessity” of the Muslim attacks on the Serb villages around Srebrenica to secure food weapons and medicine for survival.

Defence lawyers expressed their concern that the judges’ decision was a result of the pressure put on the tribunal to comply with the court’s completion strategy, which calls for all the trials to wind down by 2008 – a charge strongly contested by the chamber.

Oric’s defence counsels also warned that excluding the eight areas from the defence case was “not [a] proper legal finding”, and it could still leave a lot of manoeuvring space for the prosecution if they wanted to re-open any of these areas during the cross-examination.

That the judges were much more generous with the prosecutors – who were allowed to bring 50 witnesses over full eight months – has also raised concerns about the fairness of the trial among some observers.

“What troubles me the most is that the prosecution was allowed to present an imperfect case, whereas the defence is being asked to present a perfect one,” said a liaison officer from the Coalition for International Justice, Edgar Chen.

Some observers watching last week’s pre-defence conference said the judges’ decision to severely shorten the defence case and give them only 25 per cent of the time allotted to the prosecution was actually a hint to the defence that the prosecution case was so bad that they don’t have to worry about challenging it.

While Chen agrees that is a possibility, he cautions against jumping to conclusions, “The prosecution brought fifty witnesses, and if thirty of them gave irrelevant or exculpatory evidence, they could still secure a conviction based on testimonies of twenty strong witnesses.”

That seems to be the prime concern for Oric’s defence who have appealed against the judges’ decision to drastically cut their case.

The defence asked for the trial to be suspended until the appeals chamber ruling, but that was dismissed, and Oric’s lawyers somewhat reluctantly began presenting their case, which is scheduled to continue next week.

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**Topic:** Courtside
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