

Prosecutors Demand Life for Krajisnik

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Marathon trial ends with prosecuting insisting defendant was key figure in Bosnian Serb ethnic cleansing campaign.

As the trial of a high-ranking Bosnian Serb politician charged with genocide, Momcilo Krajisnik, finally drew to a close this week - 30 months after it started - the prosecution said the only appropriate sentence would be life imprisonment, while the defence called for acquittal.

“It’s our submission that Mr Krajisnik should be sentenced to prison for life,” said prosecutor Alan Tieger in his closing arguments on August 29.

Krajisnik has been accused of participating in a joint criminal enterprise in which he and other Serb leaders allegedly “planned, instigated and ordered” persecutions of Bosnian Muslims and Croats in the Serb-held territories at the beginning of the 1992-1995 Bosnian war, with the aim of creating an “ethnically-clean” Serb state within Bosnia.

According to the prosecution, this was to be achieved through “forcible elimination” of non-Serbs from large parts of the country, including “widespread killings”, which they say amounted to genocide.

Summing up the prosecution case this week, Tieger said Krajisnik was at the “apex” of the Bosnian Serb political structure and is “one of the principle persons responsible” for this plan.

“Each count of the individual indictment, if found to be true, merits the highest possible sentence,” said Tieger in his closing arguments.

Krajisnik, one of the founders of the Serbian Democratic Party, SDS in Bosnia and speaker of the Bosnian Serb parliament at the time relevant to the indictment, was arrested on April 3, 2000 and three days later pleaded not guilty to all charges against him.

He was a very close associate of the former Bosnian Serb president Radovan Karadzic - also indicted for genocide and on the run since 1995 - and was considered to be one of the most influential political figures among Bosnian Serbs during the war.

Since the beginning of the trial in February 2004, the prosecutors have tried to prove that Krajisnik and Karadzic were a driving force behind a plan to expel thousands of Bosnian Muslims and Croats from the Serb-held territories in order to create a Serb state in Bosnia, which would be free of other ethnic groups.

The prosecutors claim that by the end of 1992, the plan had been implemented, and “most of these people were gone”.

Tieger dismissed the defence’s allegations that the actions of the Bosnian Serb army at this time were “reactive and defensive” to aggression by Muslims and Croats. To suggest this was the case would be “to turn the world on its head”, he said.

Another important defence argument during this trial was that Krajisnik was not aware of the crimes he was charged with, because during the war he spent most of his time in a remote ski resort of Pale, far away from the places where the crimes were being committed.

But prosecutor Mark Harmon scoffed at the notion that it was difficult to discern the truth during a war.

This claim was correct, he said, only “if your ears are closed and your eyes are closed”.

Harmon added that any person living in Bosnia at the time was aware of what was happening there.

The prosecution undermined Krajisnik’s claims of ignorance further by drawing attention to the evidence submitted during the trial - including intercepted phone calls - to suggest that Krajisnik had received reports about the ethnic cleansing allegedly taking place at that time.

But when it was the defence’s turn to present their closing arguments, Krajisnik’s lawyer Nicholas Stewart gave quite a different account of his client’s role in the events in question.

While admitting that it would be futile to suggest that Krajisnik was not a Bosnian Serb leader at the time relevant to the indictment, he attempted to distance the accused from his colleagues at the time.

He also insisted that in the run-up to the conflict, the defendant had shown a “genuine and energetic” commitment to peace.

In an attempt to show weaknesses in the prosecution case, Stewart claimed there were witnesses who were “clearly hostile” to Krajisnik. He particularly pointed out ex-Bosnian Serb president Biljana Plavsic, the wartime political ally of Krajisnik, who has been serving an 11-year prison term since 2003, after securing a deal in which she pleaded guilty to persecuting Muslims and Croats in the Serb-held territories during the war.

Plavsic testified in July this year that Krajisnik was an influential figure who “dominated over Karadzic sometimes”.

But the defence dismissed her evidence as “worthless rubbish” claiming that in the hostility she displayed to Krajisnik, she was “in a league of her own”.

The defence also denied there was sufficient evidence proving that the accused was implicated in ethnic cleansing of non-Serbs.

“There’s not the slightest indication that Mr Krajisnik wanted anybody to be killed because they were what they were, or because they were who they were,” insisted Stewart.

Stewart also criticised the prosecution's call for a life sentence the day before.

He pointed out that if Krajisnik were convicted on any of the charges, a subsequent decision to impose a life sentence would be to "wipe out" the rest of the life of this 61-year-old man.

Stewart wrapped up his closing arguments by warning that if the accused was convicted without the evidence needed to prove all charges beyond reasonable doubt, this would be contributing to the "undoubted tragedy" of the Bosnian war.

"If we add that injustice, then we are all lost," he said.

The judges were warned by the defence not to fear the inevitable public outcry an acquittal of Krajisnik would bring, reassuring them that it would mean they would be "heroes of justice and heroes of history in the longer run".

A judgment is expected on or before September 29 this year.

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Location: Bosnia and Herzegovina

Topic: Courtside

Focus: International Criminal Tribunal for the former Yugoslavia

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