

Seselj, regional Balkan court, KLA.

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By IWPR staff in The Hague (TU No 490, 23-Feb-07)

The judges are Iain Bonomy from Great Britain, Patrick Robinson from Jamaica and Jean-Claude Antonetti from France.

One of the conditions Seselj made while on his four-week hunger strike which ended December 8 was the removal of the judges led by Presiding Judge Alphons Orié.

He claimed they were biased and were not protecting his rights.

However, tribunal spokesman Refik Hodzic refuted allegations that the new judges were the result of Seselj's motion to dismiss the trial chamber and said the changes were made as the result of "a scheduling matter".

While Seselj was recovering, his previous judges were given another case - that of the former leader of Kosovo Liberation Army, KLA, Ramus Haradinaj, which should start on March 5.

Seselj's trial began in November last year, but it was soon brought to a halt due to his hunger strike and deterioration in health.

Bosnian judges and prosecutors recently launched an initiative to establish a regional Balkan court to succeed the Hague tribunal when it closes in 2010.

The president of the Court of Bosnia and Herzegovina, Medzida Kreso, told the Sarajevo-based daily Avaz that she supports this initiative and sees it as a way to bridge a gap which could occur when the tribunal completes its work.

She said the Balkan court could be based in Zagreb, Sarajevo or Belgrade and work in accordance with standards currently applied at The Hague.

"Judges could be from Croatia, Bosnia and Serbia, and why not even from Macedonia?" she was quoted as saying.

Kreso added that such a court would enable proceedings against war crimes fugitives who may evade the arrest while the Hague tribunal is still open.

The regional court with its international character would also help solve a problem of extradition, she says. The countries of the former Yugoslavia claim it's against their constitution to hand over their citizens to other countries for trial, and have only agreed to extradite them to The Hague.

Tribunal judges have agreed to allow prosecutors in the case against three former Kosovo Liberation Army, KLA, officials to keep all 37 counts in the indictment against them.

In a decision issued this week, the judges said they accepted the prosecution argument that cutting the indictment would "severely jeopardise" their ability to present the overall case.

The indictment against former Kosovo prime minister Ramus Haradinaj and his two co-accused, Idriz Balaj and Lahi Brahimaj, currently contains 37 counts relating to 18 incidents.

They are charged with crimes committed in Kosovo through a joint criminal enterprise lasting seven months and affecting 65 victims of mixed ethnicity who were perceived as opponents of the KLA.

On February 6, the judges asked prosecutors to maintain a selection of representative charges against the three men, but to reduce the overall scope of the indictment in order to expedite proceedings.

Prosecutors argued that any cuts would lead to streamlined charges which do not represent the prosecution's case. They also claimed that narrowing the indictment would make it challenging to prove the KLA carried out widespread systematic attacks against the Serb population and would "cut to the very heart of the prosecution's case".

The trial will start on March 5.

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