

# U.N. Court Faces Fairness Issue at Milosevic Trial

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THE HAGUE, Oct. 31 - Judges trying [Slobodan Milosevic](#) are facing a new test of the credibility of the international court: either they allow the former Yugoslav strongman to overhaul his defense schedule, or they risk accusations of an unfair trial.

More than three years into the trial, the judges have warned that Mr. Milosevic has now used up close to 75 percent of his allotted time and that he will get no extension.

But the former Yugoslav president, who acts as his own defense lawyer, has barely addressed one-third of the charges against him and has demanded more time to do so. After presenting his first 40 witnesses, he has given the court a list of 199 more witnesses, "the absolute minimum" he said he needed to lay out the rest of his case. The list, he told the judges, had been pared down from 1,630 names.

Some lawyers at the United Nations tribunal say that the judges may have little choice but to give Mr. Milosevic more time. The trial, which began in February 2002, has already set a record for longevity in international law. In keeping with the present schedule, it is expected to conclude in March 2006. But under Mr. Milosevic's new plan, it could go on for another year or more.

Mr. Milosevic has focused thus far only on the 1999 war in Kosovo, the Serbian province, for which he faces charges of war crimes and crimes against humanity. But he also faces a long list of charges of killing and torture in [Croatia](#) and two counts of genocide in [Bosnia](#).

"Kosovo is the most important part for Mr. Milosevic, that's why he spent more than half his time on it," said Zdenko Tomanovic, one of his legal aides. Mr. Milosevic was president of [Serbia](#) at the time of the conflict, which means he can be held directly accountable for any proven atrocities by Serbian forces.

"But there were three parties in the conflict," Mr. Tomanovic went on, citing the separatist Kosovo Liberation Army, the Serbian forces and NATO troops. "The NATO bombing campaign of Serbia was an illegal aggression, a violation of the United Nations charter. That also needs to be addressed."

Lawyers at the court said the trial would not convey the impression of fairness if the charges in Bosnia and Croatia met with little evidence from the defense.

In late October, the three judges ruled that it was "premature" to grant more time and told Mr. Milosevic to make better use of the time and the resources available to him. They said that, like the prosecution, he should make use of his right to present evidence in writing.

They also reminded him of the resources he had been given. Of the 130 accused who have appeared at the court, Mr. Milosevic is the only one to act as his own lawyer. In prison, he has an office with a telephone and a fax and the tribunal pays for a special liaison officer and two appointed counsels who he has said cannot represent him. But, at the judges' request, they often act on his behalf.

This team and its support staff receive \$650,000 per year for salaries, rent and other expenses, according to the court registry. Mr. Milosevic pays for his own team of legal aides from Belgrade.

In the past, judges have looked for ways to speed up the trial, by cutting the number of prosecution witnesses, by trying in vain to break up the indictment into smaller portions, by assigning lawyers to Mr. Milosevic and by repeatedly instructing him to stop wasting time with repetitive and irrelevant questions. But these attempts have largely failed.

Mr. Tomanovic said in an interview that the prosecution must bear part of the blame for the trial's length. Prosecutors have changed and expanded their case, he said. "The prosecution case began with 200,000 pages," he said. "Now we have received 870,000 pages."

Mr. Milosevic's poor health poses additional problems. He has taken more than 60 sick days, and court sessions are kept to three days a week on his doctors' orders. His health is worsening, said Mr. Tomanovic, suggesting that even the current work pace may prove to be too intense. He said that Mr. Milosevic suffers not only hypertension and back problems, but that new health problems have appeared, requiring the urgent attention of specialists.