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Background article about The International Criminal tribunal for the Former Yugoslavia in the Hague – one year before the store in THE WOLF IN BANJA LUKA

The Criminal Accounts

A 60 year-old Serbian and former school teacher is held responsible, while Slobodan Milosevic seems to steer clear of a court case. Yet, despite massive media coverage of the attempts to have Milosevic extradited, another man casts his shadow on the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague: his name is Radovan Karadzic.

By Jens Henrik Jensen

This minute is one of the very last before time starts to go backwards.

This hour starts at 9.30 am.

It is the hour of reckoning, and it will last for several years.

This day is the third in Milorad Krnojelac's week.

It is the week where, every single morning under intense surveillance, his personal accounts of crime will be scrutinized by the International Criminal Tribunal in The Hague.

The 60 year-old former school teacher keeps a straight face as he takes his place wearing what is probably his best suit – a dark suit that has become several sizes too big. Two huge UN Officers take their places on each side of him, a third stands behind him with his muscular arms crossed, while a fourth Officer sits on a chair by the wall. Milorad Krnojalac puts on his glasses, takes them off and puts them on again, while adjusting the headphones that will provide him with a live translation of every word spoken in Court Room 1. He never takes a glance at the audience seated a few yards away on the other side of the glass partition. Instead, the little, coarse man looks at his papers, rubs his hands back and forth on the armrest of his chair – and waits.

Chief Judge Hunt, flanked by Judge Mumba and Judge Liu, begins the proceedings by accepting a request from the Prosecution and instructing microphones and cameras in the court room to be turned off as a special consideration to the first witness. Shortly after, the two TV screens in the audience go black, and the scene behind the sound-proof glass partition suddenly assumes the form of a pantomime.

As the Prosecution continues with their second witness, the transmission starts again with sound and close-ups of the Prosecutor, the Counsel for the defense and the Judge. The witness, standing behind a curtain invisible to the audience, has a retouched face on the TV screen and a distorted voice.

Milorad Krnojelac does not get any close-ups, as he does not say a word. He declared himself not guilty a long time ago. As time is turned back, he sits comfortably in his chair. The past has caught up with the aging Bosnian Serb. A past that lies nine years back. From April, 1992 to August, 1993, as a Captain in the Yugoslav Republic Army, he was in charge of the Kazneno-Popravni Dom prison in Foca in eastern Bosnia-Herzegovina, where mainly civilian Muslims were placed after the Serbs occupied the area.

On this third day of the trial, he listens carefully to voices from the past. The prosecution witnesses who saw and heard what happened in the prison back then. Witnesses to substantiate the charge: that Milorad Krnojelac is responsible for, among other things, persecution, torture and manslaughter. The case may be over in two years. By then, he will have waited for more than four years since his arrest in June, 1998. If found guilty, up to 20 years in prison awaits, and he will be included as a debtor in the criminal accounts that are administered by the Tribunal in The Hague on behalf of the international society.

Milorad Krnojelac is just one of 35 accused of war crimes committed during the Balkan wars before the Dayton Treaty was signed in November, 1995. They all stay in a huge prison area in Scheveningen, which is just outside of The Hague and holds Holland's most prominent and popular beaches.

- We call it custody rather than prison. We have our own wing, our own staff and our own rules. The conditions are nice and very open, e.g. with cable TV allowing the prisoners to follow news from their home countries. After all, they are innocent until proven otherwise, says Jim Landale, spokesman of the Tribunal.

The accounts of The Hague currently show the following statistics: 35 people in custody, 4 temporarily released, 5 cases have resulted in convictions, 4 appeal cases are being tried and 5 cases are currently running. The biggest catch or rather prize to date is Biljana Plavsic. The

former President of Republika Srpska, which is the Serb-controlled part of Bosnia-Herzegovina, came forward to the Tribunal voluntarily on January 10 after learning that she was on the secret list of people accused of war crimes.

The Tribunal is trying to tie the Plavsic case to the case of number two on the list of big names: Momcilo Krajisnik – former leader of the Bosnian-Serb assembly and, for a while, one of three Presidents in the leadership of Bosnia-Herzegovina. He was arrested in the middle of the night on April 3, 2000, and was led away bare-foot and still wearing his pajamas by French SFOR soldiers. Both Plavsic and Krajisnik were members of Karadzic's presidential council and, as such, the accusations against them are similar.

Of the accused persons known to the public, 27 are still free. Apart from these, an unknown number of persons are wanted on so-called "sealed charges". Even though the work of the Tribunal and its 1000 employees is progressing slowly, the attention of the world is focused constantly on the three names that the Tribunal have failed to bring to The Hague: Former President of Yugoslavia, Slobodan Milosevic, former leader of the Bosnian Serbs, Radovan Karadzic and his Commander-in-Chief, Ratko Mladic.

The Swiss Chief Prosecutor of the Tribunal, Carla del Ponte, recently had a stormy meeting with the present President of Yugoslavia, Vojislav Kostunica in Belgrade. The outcome: a clear no to extraditing Milosevic. According to Kostunica, it would be against the constitution, and furthermore, an extradition would be a shock to a democracy that has yet to be consolidated. This was evident when the Chief Prosecutor was met by protesters, who showered her car with eggs shouting "You'll never get Sloba!"

Nevertheless, there is cautious optimism in The Hague, because the Tribunal has been allowed to reopen the office in Belgrade:

- Kostunica said a long time ago that he has more important things than Milosevic to deal with. However, an office in Belgrade does improve the work of the Prosecution in many ways. There are other cases than Milosevic to work on, too. For instance, substantial rumors have it that Mladic is currently staying in Belgrade, says Tribunal spokesman Jim Landale.

The Tribunal was started in The Hague in 1993, however, it took four years before the arrests really started coming in after then Chief Prosecutor, Louise Arbor, introduced secret warrants.

- In the summer of 1997, SFOR troops carried out the first arrest on "sealed charges". In simple terms, it means that the wanted persons are not expecting an arrest. Therefore, they are not armed and are easier to catch. In principle, it works like it does with any police force in the world - they don't publish the names of the people they wish to arrest either, says Jim Landale.

Yet, even though the recent success of the Tribunal has silenced the critics – and even though an eventual extradition of Milosevic would be a gigantic boost, the shadow of Radovan Karadzic looms over the enormous building in The Hague.

Along with Osama Bin Laden, Karadzic is the world's most wanted criminal with a reward of several million dollars on his head. In spite of this, the man has not been caught.

- Karadzic has been free for way too long now. He was charged by the Tribunal in 1995. The world has known for five years and to be honest we find it immensely annoying that he is still out there, says Jim Landale. Nevertheless, he disagrees that only the arrest of Karadzic will be enough to constitute success for the Tribunal.

- One should be careful about call attention to one person at the expense of others, but clearly.... Karadzic was President of the Bosnian-Serb Republic, he is charged with genocide, which is the most serious charge of the Tribunal. He is held responsible for the massacre of more than 7000 boys and men in Srebrenica and for ethnic cleansing all over Bosnia, manslaughter, rape, persecution.... That is why I would like to see him here in The Hague.

However, despite the fact that Radovan Karadzic may still frequent an area with 35.000 SFOR troops, the former psychiatrist has never even been close to being captured.

-I can only say that we are just as astonished as the rest of the world. In an ideal world, the authorities in his country would live up to their responsibility and arrest him. However, they haven't, so we must turn to others to help us put him to justice. Republika Srpska has failed, and as a consequence, NATO troops have made several arrests. We hope that one day they will get Radovan Karadzic, says Jim Landale.

Karadzic has long since become a mythical figure. Now he is here, now he is there – and then he is gone. The latest rumors in the international press date back to last summer. According to the Sarajevo newspaper Dnevni Avaz, Radovan Karadzic was hiding near the Vucevo Mountain, 70 kilometers southeast of Sarajevo in the mountainous area close to the Montenegro border from where Karadzic descends. The paper wrote that “Karadzic is travelling in a luxury vehicle followed by a truck carrying 15 guards”. Yet, other stories like this have been circulating. The world's most wanted criminal is big news.

Based on information from American military sources in Sarajevo, British newspaper The Times wrote last fall that President Clinton would do anything to catch Karadzic before his presidency came to an end – but Karadzic survived Clinton, too.

During the election in Republika Srpska in November last year, the ultra-nationalist Serbian Democratic Party, founded by Karadzic himself, won. Mirko Sarovic, the new President, is not precisely a man of reform and his victory does not increase hope that Karadzic will be arrested soon.

-No matter who is elected they will be reminded of their obligation, but we have yet to see any progress in Republika Srpska. It is a question of accepting us as keepers of the peace. It is a question of removing the public feeling of guilt so that people stop accusing everybody – only individuals, according to Jim Landale.

This Tribunal was never intended to solve every single crime committed. That would be impossible, because we simply don't have the resources for that. Therefore, we concentrate on the highly-placed individuals - the architects behind ethnic cleansing. Our hope is that democracy will be established – in Bosnia for instance – so that those countries can deal with other criminals themselves. The smaller fish are certainly not less important, as they are the ones with blood on their hands, the ones who pulled the trigger, says Jim Landale.

In the meantime, the world awaits to see if the 55 year-old Radovan Karadzic will also survive George W. Bush...and his successor...and his....

