

ABOUT SLOBODAN MILOŠEVIĆ TRIAL

Tamara Šmidling

The «great trial» to Slobodan Milošević, ex-president of Serbia and Yugoslavia, has started on February 12th 2002, almost eleven years since the beginning of the wars in the region of former SFRY, wars whose consequences are still present for all the people from this region. In all the countries which were formed after the disintegration of Yugoslavia, the attention of the public was focused on the beginning of this trial, but with rather different expectations.

For people who work on peace building, this trial, just like any other trial for war crimes is a chance for dealing with crimes committed in the name of their own nation, in the name of millions of Serbs, Croats, Bosniaks and Albanians (either inside or outside of war activities) in the name of unclear mythical ideas and values, rarely re-examined, and too often used to mobilize "US" against "THEM". More than any other recent trial in the Hague Tribunal, this one is perceived as a possible key factor for creating an atmosphere in which it is truly possible to talk about responsibility and guilt, to deal with one's own responsibility and awake the need to create durable and sustainable peace in this region.

Without concrete information about the crimes and personalizing the people who either committed or gave orders for those crimes, big words like "guilt", "responsibility" or "reconciliation" echo hollowly and make no sense in the situation where attention is drawn almost exclusively to the crimes committed by the "other side".

This is a chance for the citizens of Serbia and Yugoslavia, to find out about the crimes committed by Serbian army, police and paramilitary forces in Croatia, Bosnia and Herzegovina and Kosovo, firsthand through witnesses' testimonies, and to release from the pressure that the whole Serbian nation is being on trial in the Hague Tribunal.

The trial is an opportunity for the citizens of Croatia, Bosnia and Herzegovina and Kosovo to open many painful issues and start a dialogue with those they were once in war with, about victims, refugees, returnees, minorities and majorities. There is a potential for creating space to re-examine "war activities" of one's own armed forces.

In the context of peace and trust building, there is an important expectation (demand) to have fair trials, not only fair to the accused, but also fair to thousands of people of all nations who watch these trials on TV in their homes. With respect to the Slobodan Milošević trial, having a fair trial means avoiding to make him a martyr and a hero. Therefore, The Tribunal would establish credibility for the future trials, which is now rather questionable.

After a month since the trial to Slobodan Milosevic has begun, one gets the impression few of these expectations are fulfilled. There are many reasons for this and they are quite complicated, so in my opinion one should stay away from speculations and assumptions while giving an evaluation of the whole trial. Judging from what we have seen at the beginning of this trial, The Tribunal being a legal institution is unable to distance itself from the policy of the countries that like to call themselves "the international community". Little is done by the officials/spokespersons of the Hague Tribunal to distance themselves from the actors of "antiterrorism" and the mission of the trial which is supposed to process ALL the crimes committed in the region of former Yugoslavia. Unwillingness to re-examine the NATO policy and its role in the spiral of violence in this region (and elsewhere), which continues for years, is now taking its toll. Slobodan Milošević has based his defence on criticism of NATO countries' policy and justifying of his own crimes with the crimes committed by the "other side". This does not come as a surprise and certainly doesn't amnest him. It is surprising however, that the prosecution hasn't find a right way to respond to such an approach. It seems like Milošević is the one to determine the course of the trial with his attempts to present himself as the uncompromising fighter against both terrorism and "new word order" at the same time, and with his cynical attitude towards the victims of crimes committed while he was in power.

This way, there's plenty of political speeches and philosophising, while the crimes - what this trial should be all about somehow remain in the background. It is important to remark that none of the witnesses so far were able to testify how Milošević directly took part in giving orders to commit crimes, since none of his associates or accomplices appeared on the trial.

But, hopefully there's time for that, especially since we've heard that the trial may last for two years.

Relevant witnesses and solid evidence against the accused will ensure that this trial fulfils its purpose - that people deal with the crimes ordered by those who were once called "fathers of the nation". It might also be the chance to put evidence back where it supposedly belongs, in a judicial system of democratic society, which was not always the case after the September 11th , 2001.

The absence of the factors mentioned above, in Slobodan Milošević trial leaves people on all sides, unsatisfied - average citizen of Yugoslavia thinks that the process is not prepared thoroughly enough and weak, while the non-Serbian citizen of Bosnia and Herzegovina may get the impression there is not a bit of respect for the victims of crimes committed by Serbian forces. This kind of "balance of dissatisfaction" established after the four weeks of trial, adds up to already tense atmosphere of the political and social life in the region. Thus, passing a law on Hague cooperation in FRY, becomes a key political problem which may cause serious government crisis and instability of the whole region.

From the standpoint of someone who works on peacebuilding, this situation is dangerous because it leaves no space for prevailing national solidarity to be replaced with common human solidarity, when the human suffering, no matter what nation or religion people belong to, determines the reaction to the crime. Until we have this empathy, each word of criticism will be judged by the name of the one who's expressing it, and by their presumed ethnic origin. Even if the conditions were absolutely perfect this trial could not create such an atmosphere, but could start the big wheel who all of us are responsible to keep turning.

Responsibility refers also to insisting on punishing all the individuals and institutions who took part in committing crimes, but one should not forget to re-examine and criticize institution that organize these trials. Critique of The Hague Tribunal should not be equal to denial of crimes, but should aim towards establishing conditions within society to enable trials like this to be organized in the countries of former Yugoslavia.

In Sarajevo, March 2002