

Stop the Murder of Vojislav Šešelj!

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The trial of Vojislav Šešelj in the International Criminal Tribunal for the former Yugoslavia (ICTY) is entering a new phase which promises to be the riskiest one for the Serbian Radical Party's leader since his imprisonment eight years ago. Bluntly speaking, the secret operation aimed at killing Šešelj is already nearing completion.

The complexity of the situation stems from the fact that the trial became a quagmire but – due to entirely political regards – acquitting Šešelj will never even be considered. It is an open secret how the Hague Tribunal resolved a similar problem in the case of S. Milosevic, but at the moment the situation around the trial of Šešelj seems even more embarrassing for the prosecution as 13 of its witnesses stated right at the trial that they had testified under ITCY pressure. The witnesses reported being blackmailed into slandering Šešelj by hints that otherwise indictments against them would follow and by threats against their families. They also told about psychological pressure and sleep deprivation during interviews as well as about the prosecution's offers of identity change and relocation to various Western countries in exchange for testimony. On September 19 I heard personally the accounts of the above presented by the witnesses at a Belgrade international conference on the trial of Šešelj.

The official reaction of the Hague Tribunal to the revelations materialized in the form of the June 29, 2010 court order which greenlighted an investigation into the complaints that the witnesses had been forced to testify against Šešelj. The seemingly commendable step does appear alarming in several respects.

First, the impression that it is the the prosecution that is going to be investigated is misleading. The judicial chamber actually ruled to appoint an amicus prosecutor authorized to decide whether there are sufficient grounds to initiate a proceeding against certain members of the prosecution. Secondly, it would be wrong to assume that proceedings could be initiated against Carla Del Ponte, Hildegard Uertz-Retzlaff, and Daniel Saxon. As prosecutors, not members of the prosecution mentioned in the ruling, they are not going to face investigation. What could the purpose of such games be ? Thirdly, the judicial chamber delegated the total authority to decide on the sufficiency of grounds to the amicus prosecutor. The question arising in the context is: shouldn't it be the court's responsibility to make the conclusion? Or is the court thus trying to avoid responsibility for the predictable conclusion that no sufficient grounds for initiating a proceeding against members of the prosecution exist? Fourthly, the judicial chamber left it to the registrar to designate the amicus prosecutor, which kills any hope for an unbiased inquiry. The registrar is no less sinister a figure than the rest of the ICTY top brass. Acting illegally and oftentimes immorally, especially in the cases of Milosevic and Šešelj, the registrar somehow managed to remain out of the spotlight. He banned the inmates' meetings with visitors including their family members, appointed defenders who were clearly locked in conflicts of interests in the pertinent cases, and recently made the decision to cut off payments to Šešelj's defense. Fifthly, the amicus prosecutor was supposed to be given a term of six months since his appointment date for the probe but still has not been appointed three months after the witnesses admitted to giving testimonies under pressure.

The explanation behind the suspicious formulation of the June 29 order is that the tribunal neither wants the investigation to be carried out nor is interested in completing the trial of Šešelj. The ICTY is showcasing the judges' fairness by having them issue an order potentially

exposing the prosecution, but careful scrutiny reveals that the step taken by the tribunal is being sold as something much more serious than what it actually amounts to. That in itself is alarming considering that even the NATO aggression against Yugoslavia – a crime of much greater proportions than exerting pressure on the tribunal's witnesses – was a subject of investigation which was eventually suspended. The Hague Tribunal needs to demonstrate its readiness to take Šešelj's interests into account, but this is exactly the background against which a shattering blow to him – or even the murder of Šešelj – can be expected.

It became known at the September 21 trial session that Šešelj suddenly began to suffer from heart trouble necessitating surgery. The ECG test showed extreme cardiac dysrhythmia and tachycardia, and the anomalies are too serious to postpone involved medical aid. Šešelj needs urgent screening and treatment by a panel of independent doctors, importantly – by those he personally trusts. Moreover, the panel must include a Russian specialist. Otherwise, the diagnosis will be no more profound than it had been in the case of Milosevic. Throughout the last six months of his life, Milosevic was hearing noises, had really bad headaches, and suffered a partial loss of hearing and eyesight. The description of the aid he received from NATO's medical luminaries is shocking. M.D. Aarts opined that sclerosis was a normal phenomenon for a patient of Milosevic's age. M.D. De Laat said the cause of hearing loss was unclear, did tentatively attribute it to cardiovascular problems, but mockingly suggested using a hearing aid appliance instead of earphones. M.D. Spoelstra's recipe was to better adjust the earphones volume. M.D. Falke said a discussion of the above three doctors' report with an otolaryngologist from the Bonovo hospital led him to conclude that the problem was owed to the patient's age and could not be addressed.

Doctor Paulus Falke still holds the post of the ICTY jail doctor and the public across the world should be aware of his role in the murder of Milosevic. He and Timothy McFadden, the prison governor responsible for Milosevic, manipulated the blood tests of the latter and concealed the results from Milosevic and from the court for months. Falke is also guilty of various other tricks such as maintaining parallel dispensing records containing different data on the medications issued to Milosevic.

Are those who are indicted by the ICTY entitled to medical care? Normally they should be, as prescribed by the international human rights norms and the treaties on inmate rights. Are those who are indicted by the ICTY entitled to medical care of their own choice, that is, the medical care provided by the doctors they personally designate? They also should be, as recognized, by the way, in Article 31 of the tribunal's detention regulations. The norm automatically stems from the presumption of innocence: the indicted person's guilt not being proven, no limitations can be imposed on his human rights.

Currently the task is to prevent the ICTY from resorting to the delaying tactic disguised as an attempt to appoint the tribunal's own doctors and not to let it in any way contest Šešelj's right to independently decide which doctors are to diagnose and treat him. There is a chance that an independent panel will find that Šešelj's heart trouble is being deliberately provoked, and, consequently, any delays in admitting such panel should be regarded as efforts aimed at concealing the actual causes of the health condition of the inmate. The view should be to a maximal extent broadcast by the media and the world should be warned that the plan to kill Šešelj is nearing the final phase. Any available resources must be put to work to save the man.