

# The Karadzic Trial

By Alexander Mezyaev

The prosecutors have closed their case in the trial of former Bosnian Republic leader Radovan Karadzic on May 4. It has lasted two and a half years. 190 court witnesses have given their testimony on eleven charges. Now the trial procedures are suspended for five months. In October the R.Karadzic defense will start presenting its evidence.

What evidence has been provided by the prosecution? Has it really succeeded in proving “*beyond reasonable doubts*” that R. Karadzic was guilty of genocide, killings, extermination, deportation, crimes against humanity, unlawful attacks on civilians, terror among the civil population and taking of hostages?

First, precisely a third of evidence was given by secret witnesses. In 56 cases we have not seen their faces and don't know their names, and we don't even know what they said. Of course, it's done on purpose. There is always a chance to say the guilt of Karadzic is proven by the evidence given by these witnesses.

Those witnesses, who gave their evidence openly, could be divided into four major groups: the crime victims, foreign military servicemen and politicians, experts and insiders (Bosnian leaders and military).

The first were to prove that these and that crimes have really been committed, the second – that the Bosnian Serb army servicemen have been involved, the third – separate crimes have been part of general policy conducted by the leadership of Republika Srpska. But all this doesn't prove the guilt of R. Karadzic. That's why the insiders were assigned the main role to play, their mission was to establish links between the crimes committed and the accused. It was necessary to prove that it was Karadzic who gave orders to commit crimes. Though, in some cases the prosecutors understood they had no such evidence to go upon. Then say called in “side” witnesses, for instance the journalists who were repeating like mantra “Karadzic controlled everything”, “No decision was taken without Karadzic” and so on. The goal of the prosecution was to convict Karadzic no matter if there was evidence of orders given by him.

A separate category of witnesses were Western journalists and employees of “non-government” organizations. Their testimony is of no importance but it's needed to create and support the image of enemy. For instance, the witness called **T. Ibrahimfendic** testified that the Srebrenica genocide victims went through heavy psychological suffering. In the understanding of the International Criminal Tribunal for the Former Yugoslavia (ICTY) the victims are Bosnians only, not Serbs, so it was only about the Bosnians' sufferings the witness told about. One more important detail – out of two hundred witnesses only the first seven faced the court for the first time. The others – “professional witnesses” of the Hague tribunal had testified here up to seventeen times at other trials!

One of expert witnesses worth mentioning was **Evu Tabo** who was to give evidence if genocide took place in Bosnia in general terms. Having done it, she introduced the “innovative” tactics, that is comparing percentage of dwellers belonging to different nationalities who resided in these and that municipalities of Bosnia before and after the war. According to this method of estimations if there were 90% of Bosnians in Bratunac before the war and the number dwindled to 10% after the war, there is an evidence the fact of genocide did take place. Crisscross examination proved the witness to cheat. She included into the numbers refugees, like immigrant workers, that were so numerous in Yugoslavia those days. Moreover the witness pretended she didn't know how the notion “before and after the war” matches the Dayton accords that envisage the partition of Bosnia along ethnic lines and resettlement of nationalities moving them to other municipalities. To conceal the cheating the witness analyzed the statistics of some municipalities. Other municipalities

including those where the Serb population before the war constituted 99% and not a single person after (!), like Grahovo and Drvara, for instance, were simply “excluded” from the “analysis”.

Of course, the **insiders** were the most important, first of all **Momir Nikolic** (the former Assistant Commander for Security and Intelligence of the Bratunac. Brigade of the Bosnian Serb Army), already convicted by the International Criminal Tribunal for the former Yugoslavia and serving twenty year sentence in Finland. His evidence was not related to the orders given by R. Karadzic but rather to the orders of another person, accused by the ICTY, - Colonel L. Beara. Besides the reliability of his evidence is equal to zero.

The matter is that being accused of genocide he was exculpated in exchange for giving evidence against the other accused of the same crime. It's made possible and even encouraged by the Hague tribunal. Two major insider-witnesses of the Karadzic's prosecution have never faced the court. They are: Miroslav Deronjic, one of Bosnian Serbs leaders in Batunac, and Biljana Plavšić, the former president of Republika Srpska. The evidence given by the first laid a basis for conviction of a dozen of other accused. M. Deronjic maintained he personally heard Karadzic giving orders to kill prisoners in Srebrenica. But what a bad luck! The only witness died in jail serving his ten year prison sentence in Sweden. He also admitted his guilt in exchange for freeing him of a genocide accusation. B. Plavšić is up and coming, she has already served her prison term and – what a coincidence – she admitted her guilt in exchange for lifting an accusation of genocide and a receiving a shorter term sentence.

At last one more inside-witness was **Dražen Erdemović**. He was the only ICTY witness who took part in shooting 1200 prisoners, taking personally the lives of about 100. His evidence “proves” it was the Bosnian Serbs leadership who gave an order to shoot the imprisoned Bosnians of Srebrenica. But Erdemović also admitted his guilt without holding a trial in exchange for lifting the accusations of genocide and even...murder (!!!). He was handed down a five year sentence and served only three and a half in reality. It all became clear when Erdemović started to appear before one court after another accusing others of genocide. For instance, he did it at the trials of General Krstić, General Perišić, General Tolimir and even during the process of Slododan Milocevic. He appeared twice at the Karadzic trial: in 1996 and 2012. It was his testimony the decision to issue international warrants to arrest Karadzic and Mladic was based on. It's worth to note that he received his surprisingly mild sentence being already accused by the ICTY after he gave his testimony at the Karadzic and Mladic trials. Those days Erdemović could say whatever he wanted to, neither Karadzic nor Mladic were present at the trials. It was much harder by the end of February 2012 when he had to undergo a crisscross examination by Karadzic who knew for sure Erdemović was lying. As a result it's not only that the Erdemović's evidence didn't hold water, it was fully destroyed.

Thus the first results of the prosecutors' case being wrapped up are not comforting, there has been no proof “*beyond reasonable doubts*” presented of the Karadzic's guilt. It doesn't mean the witnesses haven't testified against him. There has been a lot of such evidence. But no witness could have made it through the purgatory of crisscross examination: every one of them was caught either juggling with expertise, or making contradictory statements, or saying a blatant lie. The main thing is that a lie here is not a “collateral product”, but an element of a scheme well organized by the prosecutors office.

No matter there have been massive attempts to “sanctify” the history falsification by the courts authority for twenty years, the Hague tribunal has finally failed to conduct a single trial where the guilt of a top political or military Serb leader of committing crimes on the territory of former Yugoslavia would be proven.

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