

## **Bumpy Start for Macedonian Trial**

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Some observers wonder whether this case should have been brought to the tribunal in the first place. The case against Macedonia's former interior minister and his ex-bodyguard began in The Hague this week amid claims that the tribunal is prosecuting only one side of this controversial and complex conflict between government forces and ethnic Albanian rebels

Ljube Boskoski and Johan Tarculovski are accused of "murder, wanton destruction of cities, towns or villages and cruel treatment" during an attack on the predominately ethnic Albanian community of Ljuboten in August 2001.

They were the last two men to be indicted by the tribunal over war crimes committed in the former Yugoslavia and this is the only case from the Macedonian conflict before the tribunal.

Four other Macedonian cases investigated by prosecutors - all involving crimes allegedly committed by Albanians - were sent back to Macedonia to be tried in national courts.

Jordan Apostolski, case manager for the Tarculovski team, told IWPR in an interview this week that that was a "huge distortion of justice" that has led to a mistrust of the tribunal in Macedonia.

"The mission of the Hague tribunal is to try all suspected crimes against humanity committed in the former Yugoslavia," he said. "That this is the only case being tried here has created the impression in Macedonia that the tribunal isn't serving the ideals of international justice but has some other hidden agenda."

A spokesperson for the Office of the Prosecutor, OTP, said the tribunal's mandate is to focus on those most responsible for crimes in the former Yugoslavia, and only the case against Boskoski and Tarculovski fit that criteria. Olga Kavran also cited the tribunal's UN-ordered completion strategy which says all trials must be finished by 2008 and all appeals by 2010.

"It's the best we can do within the mandate we were given," said Kavran, adding it is important for this case to be before the court because the two men are indicted for serious crimes.

Tribunal observers told IWPR that the Boskoski/Tarculovski trial is a landmark case in several ways.

Of particular significance, they said, is the fact it is the only case before the tribunal in which a high-ranking government official is charged with one act that took place at a specific location and time.

In other high profile tribunal cases - such as the trial of former Yugoslav president Slobodan Milosevic - the indictments were broader and more complex, and the prosecution was charged with proving a whole range of allegations. The Milosevic trial lasted for years because prosecutors had to prove a campaign against another political entity and the intent to commit genocide.

In the Boskoski/Tarculovski case, however, the indictment is rather straightforward. Boskoski is accused of knowing about the attack on Ljuboten and, as a superior, failing to make the appropriate response and punish the perpetrators.

Tarculovski is charged with leading the attack on the village, which ended with the murder of seven Albanian men, the destruction of at least 14 houses and the abuse of more than 100 villagers.

The attack on Ljuboten seems to have been in response to a landmine explosion that killed eight Macedonian soldiers the day before.

It came at a time when Macedonia was embroiled in a near civil war, pitting ethnic Macedonians against the ethnic Albanian minority, who constitute approximately one-third of the country's two million people.

Although Macedonia avoided the bloody conflict that consumed the rest of the Balkans following the break-up of Yugoslavia in the Nineties, fighting began in early 2001 when ethnic Albanian rebels seized control of villages in the north and demanded greater rights for the ethnic Albanian minority.

The conflict, which lasted approximately six months, came to an end with a negotiated peace agreement led by the international community that gave ethnic Albanians greater local autonomy.

Proving that at the time of the attack on Ljuboten Macedonia was in a state of armed conflict will form the backbone of the prosecution case, with prosecutor Daniel Saxon claiming in his opening remarks this week that there was sufficient organisation and structure on both sides to allow for military operations.

He also said the intensity of the fighting led to a violation of international law.

The defence argues there was no war in Macedonia at the time, so war crimes charges are not legitimate.

Slagana Dimiskova, Skopje correspondent for Radio Free Europe/Radio Liberty, told IWPR that because there was never a formal declaration of war in Macedonia debate about what actually happened still continues.

"We [in Macedonia] don't know what happened in 2001," she said. "Some people say it was a bloody war, and others say it was nothing serious. It's a problem in Macedonia, because we didn't talk about it. Now it's up to the courts to decide."

In the past, she said some Macedonians felt it was best not to look back and preferred not to discuss what happened. That has changed since the beginning of the trial with the public reacting strongly to what they have seen reported about the case.

"People feel the case is against Macedonia, not just against Boskoski," said Dimiskova. "The longer it goes on in The Hague, the more people are becoming aware of what happened, and they are angry that there is only this one proceeding at The Hague. They see this as a political trial."

Balkans expert Spyros Economides from the London School of Economics agrees the case will be carefully watched within Macedonia.

“You can be guaranteed there is an audience in Macedonia that is following this trial very closely,” said Economides. “It remains to be seen what the reaction will be, but [whatever the outcome], it will resonate within the country.”

The case has now been adjourned until May 7 when the prosecution will present its first witnesses. Prosecutors estimate they will need about 11 weeks to present their arguments.

Sara Goodman is an IWPR reporter in The Hague.

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