

Comment: Milosevic and the Al Capone Dimension

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By Chris Stephen in The Hague (TU 308, 7-11 April 2003)

As estimates for the time needed to finish the Slobodan Milosevic trial stretch into infinity, the name of this Chicago mobster is forever on people's lips.

Capone is famous to most people as a gangster. But to lawyers, he is famous for another reason: When the courts failed to find witnesses willing to testify to his killings, they instead got him for tax evasion.

Now the same argument is being used about Milosevic - why go through the whole trial, when he can probably be jailed for life for just a part of it?

The former president is charged with an avalanche of war crimes spread over three separate wars.

If even a fraction of these charges, in just one of the wars, are proved, Milosevic, now 62, will spend the rest of his life in prison.

So why, critics ask, insist on prosecuting him for all three wars?

This problem has become acute because Milosevic is sick. His sickness, moreover, is for high blood pressure, partly induced by the strain of defending himself.

The more the trial goes on, the greater the strain, the more days are lost, and the longer the trial goes on.

Critics of the prosecutors say they should cut and run: The Kosovo evidence is already done. Assuming he is found guilty, that should be enough.

The alternative is the present situation. The prosecution evidence for all three wars is expected to carry on at least until July - 18 months of court time since his trial began.

Mr Milosevic then has the right to the same amount of time for his defence case - so proceedings are likely to continue until the end of 2005.

For prosecutors, the nightmare is that Milosevic's constitution won't stand it. Either he will die from the strain, or else be ruled too sick for the trial to continue.

If this happens, many will wish he had been jailed sooner, for less.

But prosecutors insist the trial is about more than just putting a man away.

The Security Council created this court to ensure peace and security. This means exposing the full extent of the crimes that Milosevic is accused of.

It also means providing justice not just for the guilty, but also for the victims – with the victims in Bosnia and Croatia also given a chance to hear the full horror of what happened in their countries.

Prosecutors have chalked up some big successes – persuading witnesses from inside the Milosevic machine to give high grade evidence. This has not been easy.

They will also be fortified by former tribunal president Antonio Cassese, who in the early days of the court urged the UN to bear in mind the suffering of the victims, and the duty to support a court that could hopefully circumvent the need for revenge.

For the prosecutors, there is little choice than to take part in what amounts to a gamble.

The gamble is that they can get through all the evidence, in all the wars, to show the full extent of subversion, corruption and tyranny they claim Milosevic engaged in.

If they fail – if Milosevic becomes too sick to continue – the result could be a feeling of anticlimax that would overshadow the history of this court.

But success would see the tribunal vindicated. It might also show that the world has turned a corner – and that even the greatest of the great are no longer free to commit war crimes with impunity.

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Location: Kosovo
Croatia
Bosnia and
Herzegovina

Focus: International Criminal Tribunal for the former
Yugoslavia

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