

## **Comment: Milosevic Trial Breakthrough**

**Author:** [Chris Stephen](#)

Have tribunal prosecutors finally found their smoking gun?

The phrase “smoking gun” has become almost an obsession with observers of the Milosevic trial in The Hague.

It nicely summed up the dilemma thrown up by this trial.

Legally, the case has been going well. Prosecutors have made a good job of proving both that atrocities were committed in a systematic fashion in Kosovo, Bosnia and Croatia - and in proving Milosevic controlled the troops carrying them out.

For a guilty verdict, this can be sufficient: as the head of a joint criminal enterprise, Milosevic was responsible for the actions of his underlings, even if he himself did not order war crimes.

But many of the wider public, this was not enough.

For many people, the whole concept of the UN holding a war crimes trial is open to question.

Many - especially many Serbs - say that it is not enough to provide guilt by association.

Some officials in The Hague said privately that what they needed, to silence critics, was direct evidence that Milosevic ordered the crimes he was accused of.

This “smoking gun” debate infuriates some prosecutors, who argue that it obscures the fact that Milosevic, as commander of forces, must be held responsible for their actions.

Nevertheless, the pressure to produce such evidence has been growing.

Now, at last, and in unlikely circumstances, it seems this may have happened.

In evidence given over two days this week, a casino manager claimed to have overheard Milosevic supervising a secret meeting dealing with ethnic cleansing (see accompanying story).

How important this evidence will be will depend on whether it is believed - Milosevic has denied being at the meeting, or even in the same city. For the moment, it is one man’s word against another.

But if the evidence can be substantiated, and Milosevic can be directly connected to ordering war crimes, then that smoking gun may finally have been produced - after a mere 15 months of trying.

Chris Stephen is IWPR's outgoing project manager in The Hague.

**Location:** Kosovo  
Croatia  
Bosnia and  
Herzegovina

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