

Comment: What Price Justice?

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Eight-year sentence for self-confessed murderer suggests that shortcuts don't make for justice.

The Hague tribunal made a number of gains when it jailed a Bosnian Serb prison guard for eight years after he confessed to five savage murders last week. Many people think justice was not among them.

By getting Predrag Banovic to admit to the murders, plus the beating of 27 more inmates at the notorious Keraterm prison camp, the court saved having to hold a full-blown trial.

Banovic made a plea agreement with the prosecutors, pleading guilty in return for having them recommend a lesser sentence, in this case eight years. The sentence was agreed by the prosecution and defence before it was handed down.

His confession saved both time and money. The tribunal is choked with work, and there are too many cases and not enough courtrooms. Tribunal bosses are nervously wondering whether the court can meet its self-imposed deadline of 2010 to complete its work – and how to explain it to the United Nations if they need more time. Meanwhile, costs are spiralling as the court struggles to cope with the number of trials.

Banovic's crimes stand out for their brutality - he beat his five victims to death. And this took place in one of the Bosnian Serb prison camps whose discovery in 1992 led to the establishment of the Hague war crimes court.

It is hard to imagine that a national court in any democracy would hand down less than a 20 year term for such killings. In America, he might face execution. But Banovic, 34, will serve just six years of his sentence with good behaviour, and with 700 days' detention behind him, will be free in just over four years.

As judges, prosecution and defence agreed the sentence, there was one voice missing – that of the victims. No survivor was asked to speak.

It is perhaps timely to recall the words of the court's first president, Italian judge Antonio Cassese, who ten years ago found himself desperate for more money to make the new tribunal work.

In 1994, he used the normally dry UN annual report to make a passionate appeal for support. "How could a woman, who had been raped... or a civilian whose parents or children had been killed in cold blood quell their desire for vengeance if they knew that the authors of these crimes were left unpunished and allowed to move around freely?" he wrote. "The only civilised alternative to this desire for revenge is to render justice."

Survivors of the Keraterm camp and the relatives of victims are furious that Banovic was sentenced to less than a year and a half for each murder.

Last week, IWPR spoke to Edin Ramulic, whose father and three nephews were beaten to death in the same camp where Banovic worked. He labeled the Banovic murders "a crime of enormous proportions".

Adding to his anger is the fact that the sentence appears to fly in the face of previous sentencing policy. The Hague has previously jailed a Bosnian camp commander, Hazim Delic, to 20 years for inflicting horrors on Serb prisoners at the Celebici camp. Not so long ago, long sentences were the norm – Dusko Tadic, a sadistic Bosnian Serb camp guard, was jailed for 20 years.

Meanwhile, some observers fear that the substantial reduction in sentences given to those who admit their crimes could encourage some indictees to simply plead guilty even if they consider themselves innocent.

A guilty plea also means there is no trial, and no public airing of the crimes committed.

Some Hague officials say the lack of a trial spares the victims the ordeal of having to re-live their experiences in court. Yet Bosnian victims associations have told IWPR that many people want to recount their stories – hoping that this, at least, means their suffering was not totally in vain.

In such cases, it is vital that the judges make clear whether worries about money and court time play any part in their judgement.

And second, the victims must be allowed to have a voice. In the Banovic case, it would not have been difficult to invite just one relative or victim to address the court for half an hour.

With a record number of plea bargains coming up, there is a risk that the court will forget what it is there for.

Yes, rising costs are important, and the pressures on court time are acute. But these are difficulties that need to be faced – not problems that obscure the central mission.

It needs to be remembered just what this central mission is - justice. Only when justice is done will the victims feel satisfied, offering hope that the cycle of revenge can be broken. And only then will future warlords in future wars be deterred from committing similar crimes.

The Hague tribunal has pioneered war crimes justice for the Balkans, setting an example for similar courts around the world. It must not allow bureaucratic expediency to wreck its reputation just when its teeth have started to bite.

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