

Courtside: Sarajevo Trial

Author: [IWPR](#)

By Vjera Bogati in The Hague (TU 299, 03-07 February 2003)

Professor Kosta Cavoski, appearing as a defence witness in the trial General Galic - who is accused of besieging Sarajevo and terrorising its civilians - said, "That was the casus belli."

He rejected the possibility of the Bosnian Serb SDS party being responsible for the conflict. "Serbian people have never had intention to start a war. The only thing they wanted is to defend their survival in [the former state of Yugoslavia, which Bosnia left in April 1992]," he said.

Cavoski, when invited by Galic's defence team to present his legal expertise on the genesis of Bosnian conflict, put the blame for what happened there on the main Muslim SDA party. "The moment when SDA decided they wanted the whole of Sarajevo the war could not be avoided," he claimed.

He explained that a division of the city could have been adopted instead - with Muslims having the control of the centre and the Serbs the surrounding areas where they had a majority.

Two key moments leading to the conflict, according to Cavoski, were the declaration of "the so-called independence" of Bosnia-Herzegovina in late 1991, and the republic's former president Alija Izetbegovic's refusal of the Cutiliero plan, which advocated the creation of autonomous regions for Serbs.

"Having all the Serbs living in the same state would have been a better solution," he said.

However, the prosecution said that Cavoski had left out certain important developments that had preceded the declaration of independence - primarily, the association of the SDS controlled municipalities in Bosnia-Herzegovina.

When told about Bosnian Serb leader Radovan Karadzic's 1991 threat that Muslims would disappear if they continue asking for independence, Cavoski said that "he could not remember all the details".

The prosecution then openly accused the witness of being biased. His political connections with Bosnian Serb leadership were cited, as well as the views he expressed in his books. In one, called *The Hague Against Justice*, he outlined a possible defence for Karadzic and referred to the tribunal "in very negative" terms, the prosecution said.

But Cavoski said he was only critically analysing the international court, just as other legal experts did worldwide. He did not comment on allegations that he has, in the past, called for Yugoslavia to stop cooperating with The Hague.

The judges ruled that Cavoski's credibility as a legal expert should not be undermined by his anti-tribunal views. "Everyone has the right to have an opinion," presiding judge Alphonsus Orie said.

In a separate development, Galic's defence motion for withdrawal of Judge Orie from the Sarajevo case has

been dismissed.

What the defence found problematic was the fact that, last year, Orić confirmed an amended indictment against the fugitive Ratko Mladić, which contains certain allegations that are disputed in Galić case.

The presiding judge in trial chamber I, Liu Daqun, found that "to suggest that Judge Orić may confuse the facts alleged in the indictment against Mladić with the facts established during the Galić trial is to insinuate that he is incapable of performing his duties in a professional manner. That appears to be wholly unfounded".

Vjera Bogati is an IWPR correspondent in The Hague and a journalist with SENSE news agency.

Location: Bosnia and
Herzegovina

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