

Courtside: Seselj Indictment

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By Mirko Klarin in The Hague (TU 300, (10-15 February 2003))

The two men with the biggest question marks over their heads were Zeljko "Arkan" Raznjatovic and Vojislav Seselj.

Both men led armed bands in Croatia and Bosnia, which were the subject of repeated allegations of involvement in wartime atrocities.

A sealed indictment against Arkan was compiled in September 1997, and its existence was made public in the spring of 1999 during the NATO bombing campaign against Serbia. Arkan himself was assassinated in Belgrade in January 2000.

An indictment against Seselj was signed by chief prosecutor Carla Del Ponte in January this year, and was confirmed on February 14.

The former leader of the Serbian Radical Party is indicted on 14 counts for crimes against humanity and violations of laws and customs of war, allegedly committed between August 1991 and September 1993 in Croatia, Bosnia and the Serbian province of Vojvodina.

Seselj is charged for individual, not so-called command responsibility. This means that prosecution is not holding him responsible for failure to prevent crimes committed by his units.

Instead, he is accused of knowingly taking part in a joint criminal enterprise towards the violent and permanent removal of non-Serbs from parts of Croatia, Bosnia and Vojvodina.

According to the indictment, Seselj's contributions to the criminal enterprise were multiple. First, it claims that he recruited, armed and directed Serb volunteer units, sometimes nicknamed "Seseljians".

It alleges that he took part in the "planning and preparation" of a take-over in villages in eastern and western Slavonija in Croatia in 1991. He is also accused of the same offence in Bosanski Samac and Zvornik in Bosnia and the expulsion of their non-Serbs.

The third alleged contribution to the joint criminal enterprise was what the indictment calls his "extreme ethnic rhetoric" and "war propaganda".

According to the indictment, Seselj's provocative speeches inspired his followers to commit war crimes including murders, rapes, torture, looting, devastation and expulsions.

It alleges that, that on May 6, 1992, Seselj made an inflammatory speech in Hrtkovci in which he called for expulsion of Croats and read out a list of Croatian villagers who should leave the village.

A campaign of attacks and terror allegedly followed this speech, with local Croats given death threats if they refused to leave. Over the next three months, the Croats left the village, and their houses were looted and occupied.

All these crimes, claims the indictment, might be described as "natural and foreseeable consequences" of Seselj's propaganda.

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Location: Serbia
Croatia
Bosnia and
Herzegovina

Focus: International Criminal Tribunal for the former
Yugoslavia

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