

## **Karadzic Asks for Acquittal**

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Suspect denies Sarajevo was under siege and tells judges no one informed him of Srebrenica killings.

In a bid for a complete acquittal this week, wartime Bosnian Serb president Radovan Karadzic said that prosecutors had failed to prove any of the 11 counts in their indictment against him.

The prosecution rested its case against Karadzic in May. According to Hague tribunal rules, if there is no evidence capable of supporting a conviction, judges can acquit Karadzic of one or more counts of the indictment.

At the June 11 hearing, Karadzic told the court that there was no evidence to support the case against him.

"First of all, I'd like to pay tribute to our learned colleagues from the prosecution, because they made a huge effort to make some kind of indictment out of nothing," Karadzic, who represents himself, said. "There wasn't material to make this indictment look better."

The bench will deliver its decision on the acquittal request on June 28, presiding Judge O-Gon Kwon told the court.

Prosecutors allege that Karadzic, the president of Bosnia's self-declared Serbian entity Republika Srpska from 1992 to 1996, is responsible for crimes of genocide, persecution, extermination, murder, forcible transfer and unlawful attacks on civilians, among other crimes. He is charged with being part of a joint criminal enterprise with other Serb political and military leaders, the objective of which was "the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory."

He is also accused of planning and overseeing the 44-month siege of Sarajevo that left nearly 12,000 people dead, as well as the massacre of more than 7,000 men and boys at Srebrenica in July 1995.

Karadzic was arrested in Belgrade in July 2008 after 13 years on the run. Witness testimony in his trial began in April 2010, and his defence case is slated to begin in October 2012.

During his arguments this week, the accused said the prosecution had not proved that he and his forces wanted to permanently remove non-Serbs from seized areas.

"The prosecution did not prove a basic part of this allegation - that we lastingly wanted to remove them," Karadzic told the court.

Where civilians were removed, this was done to protect them from the fighting, he said.

"The prosecution is aware that temporary removal of jeopardised civilians is both desirable and indispensable. These civilians had to be removed from combat areas," he said. "Like in other countries, if there is a natural disaster, if there is a hurricane on the US coast, there has to be evacuation. No one says that they are not going to go back."

Between April and September 1992, Karadzic and his leadership signed "five or six agreements that define how the population would be evacuated... how this would be done in a lawful, regulated manner, accompanied by the police. And of course, the right to return was included," he said.

Karadzic then turned to a count in the indictment alleging persecutory acts against Bosnian Muslim and Croat civilians; this includes allegations of arbitrary arrest and detention, harassment, torture, rape, killing and the destruction of houses, cultural monuments and sacred sites.

Referring to this count, Karadzic said the prosecution had not proved that "any events happened at our initiative".

Discussing charges related to the detention camps where the indictment says civilians were tortured, raped and killed, Karadzic said the prosecution had not proved "that people were detained on the basis of their ethnic or religious affiliation".

These camps, he said, were "investigation centres" set up to identify "persons who were suspected of taking part in armed rebellion".

Any crimes that occurred were committed by individuals who "did things when their superiors were absent", he said.

Discussing the Omarska camp in northwest Bosnia, Karadzic said Muslim witnesses had testified that “certain psychopaths among the guards mistreated detainees as soon as the investigators would leave”.

Omarska has featured in several other trials at the Hague tribunal, and prisoners were found to have been beaten, tortured, raped and killed there.

The accused is charged with command responsibility and the prosecution alleges that he “knew or had reason to know” about crimes being committed by his subordinates on the ground, and that he failed to take necessary or reasonable measures to prevent such acts or punish the perpetrators.

Karadzic told the court this week that he had not been in a position to know about what was unfolding on the ground.

“It’s an absurd allegation that I failed to notify government organs about misdeeds in the field. The president does not have investigative agencies of his own... how can the president know what happens on the ground?” he asked.

“There are no fingerprints of mine on any misdeeds. [When I intervened] it was on behalf of humanity and lessening the suffering of all civilians, irrespective of ethnic background.”

Karadzic also said the allegations of extermination and murder contained in the indictment were groundless.

“The prosecution is trying to gloss over the fact that there is no evidence,” he said.

The same was true, he said, of the counts of deportation and inhumane acts committed against the non-Serb population. The Serbs, he added, became embroiled in the war unwillingly.

“The Serb side did not need a war. The Serb side did not want a government they did not accept imposed in [Bosnian] territory. It was absolutely unnecessary to resort to violence to achieve [our] objectives,” he said. “It was the Muslims who declared war on Serbs.”

Discussing the counts of terror and unlawful attacks on Sarajevo, and the allegations that Bosnian Serb forces purposely targeted civilians in a campaign of sniping and shelling, Karadzic contended that “there was no siege”.

“If it had been there, it would have been legitimate; but there was no siege. What would have been the motive for us to terrorise Sarajevo?” he asked.

He also contended that none of the sniping incidents in the indictment had been proven.

As for the charges relating to Srebrenica, Karadzic said the prosecution had been influenced by the propaganda of “Muslim extremists”.

“There is not a shred of evidence I was even informed of the killings or the deportation,” he said.

Furthermore, he said, witness testimony proved that any killings that did occur at Srebrenica were “opportunistic” and “driven by personal motivations such as revenge”.

Karadzic’s legal advisor, Peter Robinson, presented the court with technical submissions on the charge of taking United Nations peacekeepers hostage, as well as the count of genocide relating to seven Bosnian municipalities excluding Srebrenica.

For someone to be convicted of genocide, it has to be proved that they had the intent to destroy – in totally or in part – a national, ethnic or religious group.

Robinson argued that no other trial chamber at the tribunal has found that genocide occurred outside Srebrenica, even in cases involving close associates of Karadzic.

“The prosecution has not brought anything new that would cause you to depart from [this] overwhelming jurisprudence. There is simply no evidence that genocide was committed in municipalities in Bosnia in 1992,” he said.

Responding to Karadzic’s arguments, prosecution lawyer Alan Tieger said there was ample evidence that Karadzic had sought to create an “ethnically pure state, or at least as ethnically pure as he could make it”.

Tieger cited the testimony of former United States ambassador Herbert Okun, who served as special adviser and deputy to the personal envoy of the United Nations secretary general from 1991 to 1997 in the former Yugoslavia, and who attended several meetings with Karadzic during the war.

“As Ambassador Okun noted, there was no way to separate the people except by force. That’s exactly what Bosnian Serb forces set about doing,” Tieger told the court.

Tieger noted that another witness, UN official David Harland, had testified that Karadzic “openly said that the war aim was to redistribute the population”.

Harland was a civil affairs officer and political adviser to the commander of the UN Protection Force in Bosnia from 1993 to 1995.

The prosecutor rejected Karadzic’s claim that civilians were evacuated.

“The accused somehow tried to analogise or assert that if there was a hurricane on the US coast, there has to be an evacuation; and he tried to suggest that was the nature of this evacuation,” Tieger said. “That gives rise to any number of follow-up questions – why was there an active destruction of virtually all religious sites in those territories? After a natural disaster it doesn’t typically happen that the names of towns and municipalities are changed to reflect Serbian domination.”

Nor, he went on, would one expect to see efforts to prevent inhabitants from returning home after a natural disaster – but the evidence showed that this was what happened in Bosnia.

Tieger said multiple witnesses had given testimony on the siege of Sarajevo.

“We saw witness after witness who had the opportunity to observe the shelling and sniping over many months, and who concluded that the campaign was intended to inflict terror on the population,” he said.

He went on to address the question of Karadzic’s command responsibility during the conflict. The accused, he said, was “supreme commander” of both Bosnian Serb government and army, a fact that was clear from witness testimony and transcripts of wartime parliamentary sessions.

“The evidence shows that the accused was clearly in overall control of this campaign [in Sarajevo], ratcheting the terror up and down as suited his aims,” Tieger said.

The lawyer also cited testimony given by General Sir Michael Rose, who commanded UN forces in Bosnia in 1994. As Tieger reminded the court, General Rose stated that it was clear that Karadzic and Bosnian Serb army commander Ratko Mladic “were at the peak of the pyramid of control of Bosnian Serb forces”.

“The accused attempted to suggest that there was no motive to terrorise Sarajevo.... [but] the evidence in this case provided a powerful answer – terrorising the city gave the Bosnian Serbs political leverage they otherwise could not have had,” Tieger said.

Turning to the Srebrenica massacre, Tieger said that Karadzic “ordered the operation” to recapture the town, a strategically important enclave, and that this was the “culmination of his efforts to cleanse eastern Bosnia”.

“[Karadzic] was informed of progress of the operation by various means, including from General Mladic himself”, as well as from police, army and security reports, Tieger said.

Tieger said evidence showed that Karadzic knew men were being killed, and also that he “covered up the expulsions and killings, and continues to do so until this day”.

**Rachel Irwin is an IWPR senior reporter in The Hague.**

**Location:** Bosnia and Herzegovina

**Focus:** ICTY - Radovan Karadžić Trial

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**Source URL:** <https://iwpr.net/global-voices/karadzic-asks-acquittal>