

Milosevic Exasperated Judges to the End ^[1]

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The ex-president's defence case made little sense until you considered what it was he hoped to achieve by it.

Seated at the defendant's desk in the recently refurbished Hague courtroom, Slobodan Milosevic gazed through the glass wall into the near-empty press gallery. During a break in the proceedings, he shared a joke with his United Nations security guards.

These hearings, in what would turn out to be the final week of Milosevic's case, were practically indistinguishable from countless others that had passed before.

The former president called yet another international witness who spoke about NATO's iniquity and confirmed that he, more than anyone else, had striven to hold Yugoslavia together amid the political turmoil of the Nineties.

He kept up the now standard clashes with judges over his determination to elicit evidence about such seemingly unrelated matters as the role of Kosovo Albanian rebels in drugs trafficking and "white slave trading".

And, as usual, he continued to demonstrate more interest in vindicating his political career and moulding his place in history than in countering the reams of documentary evidence and witness testimony suggesting his culpability for war crimes.

Right up to the end, the Milosevic seen in court was the same old accomplished self-publicist, determined to use the Hague tribunal as his final soapbox.

He made no secret of his scorn for the "illegal" UN court. Throughout his trial, the prosecutors were "the other side" and the charge sheets against him were "these so-called indictments".

During the prosecution stage of the proceedings, he showed little respect even for the tribunal's sacrosanct rules governing protective measures for witnesses, sometimes offering apparently intentional public hints about the identity of those who were supposed to be testifying against him confidentially.

On occasion, his resentment of the individuals who dared to face him in court became even more explicit. He once asked an amputee who was testifying on behalf of the prosecution if he'd ever heard the Serbian phrase, "People who lie have short legs".

In Milosevic's own eyes, he was a virtuous victim, caught up in a web of convoluted historical processes and underhand machinations that went far beyond the scope of the judiciously selected and maliciously twisted facts laid out in the indictments against him.

Arriving in court, day in, day out, always in suit and tie, he would earn routine admonishments from the exasperated judges as he combined evidence relevant to his case with interminable forays into Ottoman

history, Balkans ethnology, World War Two Croatian fascism and the alleged western plot to destroy Yugoslavia and pin the blame on the Serbs.

His examination of defence witnesses - many of whom still referred to him as "Mr President" - was often so leading as to make it seem that it was in fact Milosevic himself who was in the stand.

After one particular slew of leading questions in September, Judge Iain Bonomy declared himself "just exhausted" with trying to make the defendant see that this particular aspect of his approach would only serve to make the testimony it elicited practically worthless.

"There's a limit to how much you can do to try to persuade someone conducting his own case to try to do it with a modicum of common sense," Judge Bonomy complained at the time.

Milosevic's questioning of witnesses often took infinitely longer than expected, and the other parties in court were left constantly complaining that he failed to organise his case properly or provide sufficient information about where it was headed.

British prosecutor Geoffrey Nice also expressed vexation about the difficulty he faced in prising wartime records from Serbia, when Milosevic and his witnesses appeared to have no trouble getting their hands on them.

But to the extent that he found it useful, Milosevic showed himself willing to play along with the court's demands. He took part in the daily grind of the trial, rising when the judges entered and left. And he appeared to reach some kind of understanding with the British defence lawyers imposed on him, who provided legal arguments on his behalf in court and made formal written submissions to the judges.

In the last weeks of his life, he even deigned to enter into written communication with the tribunal himself, apparently putting his name to a set of personal undertakings which were to govern his behaviour in the event of a trip to Moscow for medical treatment.

By the time he died, at which point there was very little of his defence case still to go, Milosevic had barely begun to address the vast majority of the charges against him, including the allegations of genocide in Bosnia. Disregarding warnings from judges that he was frittering his time away and doing nothing to persuade them that he deserved more, he appeared stubbornly convinced that his case would be extended.

But, regardless of the strengths and weaknesses of Milosevic's defence, it was always clear that his priorities lay elsewhere, beyond the walls of the courtroom and the judges who were to decide his fate.

A dedicated band of followers assiduously monitored the trial proceedings, triumphantly plastering passionate and often drastically distorted accounts of any evidence that emerged in his favour over websites and discussion forums.

Late last August, Milosevic also succeeded in briefly reviving public interest in the trial in the Balkans - where it generally received short shrift - by calling another larger-than-life personality to the witness stand, the hard-line Serb nationalist politician Vojislav Seselj.

And it was at points during Seselj's sensationalist testimony that he appeared most at ease. By the time the witness had proudly insulted Nice and testified about – and lewdly mimed – the “feminine curves” of a particular BBC journalist who interviewed him in the Nineties, Milosevic had sunk back into his big blue swivel chair and was chuckling cheerfully.

The trial chamber was less impressed and, after more than five weeks of testimony, eventually terminated Seselj's time in court. But not before a comment by the accused had made it quite clear that he felt he was reaching his target audience, and that the judges were not it.

Having been prevented from asking a question about the tribunal's putative failure to deal properly with crimes against Serbs in Croatia, Milosevic declared, “Not everyone listening to this is an idiot.”

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