

Milosevic Insiders to Testify

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Will the appearance at The Hague of Milosevic confidantes weaken the Serbian public's opposition to the tribunal?

Public hostility in Serbia to The Hague war crimes tribunal has softened during the course of the trial of Slobodan Milosevic. But opposition remains strong, nevertheless, evinced in the public's persistent refusal to acknowledge the legal and factual reality of the trial unfolding in The Hague.

Next week's testimony by former Milosevic regime insiders may well become a new target for distorted interpretations, as trial observers focus on what they will argue is a make or break moment for the prosecution.

A discrepancy between developments in the courtroom and perceptions in Belgrade has marked the Milosevic trial from the start.

After the prosecutor's opening remarks, Milosevic's statement and the first cross-examinations, both nationalists and moderates in Serbia tended to conclude that the Albanian witnesses lacked credibility. They felt the prosecutor was making a case against Serbia's recent history and politics, rather than against any specific acts committed by the accused.

In fact, some Kosovo Albanians who testified appeared unconvincing when they denied all knowledge of Kosovo Liberation Army, KLA, activities in their areas.

Yet most of what they said about killings, beatings, expulsions, pillage and other crimes with which Milosevic is charged was consistent and so vividly recalled that no one can seriously doubt these events took place.

Since mid-April, witnesses have become a little franker in response to questions about the KLA. Yet the media and talking heads in Belgrade have failed to acknowledge any change.

In the first months of the trial, observers in Belgrade also dismissed the Kosovo Albanian testimonies as second-hand accounts. In fact, almost all the witnesses had something to say about crimes they had personally observed, be it the confiscation of personal documents at a border crossing, the destruction of a house, or an actual killing.

Several survivors of massacres also testified, alongside others who saw their relatives killed. The critics of "second-hand testimonies" have still to acknowledge this fact openly.

The Serbian media glossed over powerful testimonies of two survivors of the killings in the village of Racak in January 1999. These accounts, along with descriptions of those events by international observers who visited the site after the killings, all supported the case that most victims at Racak were civilians killed in cold blood. But in Serbia the myth that the killings were a hoax staged by Albanians has proved too strong to abandon in spite of the facts presented at the trial.

Unable to dismiss the actual testimonies, Serbian reporters in The Hague and their media colleagues at home have joined Milosevic in searching for minor inconsistencies.

When two survivors testified about the March 1999 killings of 105 Kosovo Albanians in Mala Krusa, one Serbian reporter - just like Milosevic - focused on the seeming discrepancy between one of the witnesses who said the police fired from a doorway and the other who said the fire came from a window.

The first witness also called the building where the killings took place a cowshed, while the second said it was a house.

The Serbian reporter who homed in on this ignored the fact that the second witness went on to describe this house as uninhabited, saying it had no furniture and was filled with hay and "things for cows".

The second witness also recalled that his description of events was based on the room he had been in at the time, adding that he could not tell anything about the direction the gunfire came from in the other room.

Another popular charge in Serbia against the trial is that it is political. While a lot of history and politics was undoubtedly heard in the opening days, the case has since unfolded as a standard criminal trial, focusing on details related to specific crimes. It is these crimes that Milosevic is on trial for, not Serbia's history and political development.

Next week's coverage of the insider testimonies is likely to be characterised by much the same kind of distortion and misinformation that's already taken place.

Each time either an insider, politician from Kosovo or high-profile foreigner has been scheduled to testify, the media in Belgrade portrays him as the prosecution's "the key witness".

When the witness duly fails to produce Milosevic's "smoking gun", these same observers regularly trumpet the conclusion that the testimony was another flop for the prosecution. What is invariably overlooked is the fact that the domestic media, not the prosecutor, had promoted the witness as the trump card in the first place.

The media in Belgrade have failed to grasp the crux of these testimonies. While the public was interested chiefly in the exchanges that the witnesses had with Milosevic on politics and history, the most legally relevant parts have supported the prosecution theory that the defendant bore command responsibility for atrocities committed by Serbian forces.

This command responsibility requires three elements for a guilt verdict to be brought: knowledge of the offences, control of the forces responsible and failure to take necessary and reasonable measures to prevent the acts or punish the perpetrators.

Like other high-profile witnesses, next week's insiders will probably provide evidence that they informed Milosevic of atrocities in Kosovo and that he controlled the troops responsible. They may also testify that the defendant did not try to intervene to stop the crimes nor bring troops implicated in them to justice.

The testimonies of the insiders next week will not change perspectives in Belgrade overnight. But they may just dislodge a brick in the once solid wall of prejudice and misunderstanding that the Serbs have built up

over the tribunal and the Milosevic trial.

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