

Ojdanic Obeyed International Law

Author: [Marije van](#)

Serb general's defence try to show that he was not responsible for crimes committed by his men in Kosovo.

A witness called by lawyers acting for a top Serb general accused of war crimes during the Kosovo campaign this week insisted Dragoljub Ojdanic ordered his forces to obey international law.

Ojdanic is charged by the Hague tribunal with responsibility for the crimes committed by troops in Kosovo at the time he was the chief of staff of the Yugoslav Army, VJ, from November 1998 to February 2000.

By having a witness testify that Ojdanic was determined to hold his men accountable for violations of international humanitarian law, his defence tried to show the general was not responsible for crimes committed by the men under his command.

But Radomir Gojovic, former chief of the general staff's legal department, admitted under cross-examination that only a small number of individuals had been tried by Yugoslav military courts for war crimes. No one had been convicted for murder, and only one of the defendants had been an officer.

Ojdanic stands trial together with five other high-ranking Serbian officials - Nebojsa Pavkovic, Milan Milutinovic, Nikola Sainovic, Sreten Lukic and Vladimir Lazarevic. They are accused of responsibility for war crimes in Kosovo during 1998 and 1999, including the killing of hundreds of Kosovo Albanians and the forcible expulsion of an estimated 800,000 people.

The witness explained that during the war in Kosovo a total of 20 military courts and an equal number of prosecutors' offices were established to deal with crimes committed by servicemen. These military courts replaced the peacetime courts and prosecutor's offices.

He said the courts had initially suffered from a lack of skilled personnel but became fully operational after he appointed more judges and better lawyers.

Only the court in Pristina, the capital of Kosovo, struggled to operate because of "intensive fighting and the danger of terrorists", he said, referring to the attacks on Serb forces by Kosovo-Albanian separatists.

He admitted that not a single case was concluded in the military courts because they ceased to operate at the end of the war. Furthermore, over 2,300 investigations into war crimes were closed during the conflict, because the prosecutor decided not to indict the individuals.

However, he defended the courts' performance, saying it was difficult to try individuals for war crimes because the cases were complex and difficult to detect.

"People tried to cover up and evidence was being eliminated," he said.

He could not remember the figures for the number of convictions or punishments given after the war. He also could not tell who had been investigated for what crimes. The prosecutor produced a report showing that after the war the remaining cases were transferred to civilian courts where 39 individuals were convicted. The report showed there were no convictions for murders, only for crimes against civilians. The maximum sentence given was 14 years.

On the second day of his testimony, the prosecutor asked what army commanders' exact responsibilities were. At this point, Gojovic seemed to contradict his previous statements by saying the army bore no responsibility for civilians during the war. According to him, this responsibility lay with the ministry of the interior.

The next defence witness was Branko Krga, former chief of the intelligence administration of the general staff of the Yugoslav army, who spent his first day in court insisting the government had always wanted a peaceful solution to the conflict in Kosovo.

"The primary aim of the army was to prevent NATO intervention," he said.

Krga said he had been present at a number of phone calls between Ojdanic and General Wesley Clark, the then secretary general of NATO.

According to the witness, these phone calls started out friendly enough but soon the tone changed with Clark saying that "if there were a conflict, the [Serb] army would be destroyed".

During the first half of 1999, Krga regularly attended meetings in Ojdanic's office, where he was responsible for gathering intelligence information for the Yugoslav army on the threats posed by KLA and NATO forces.

Ojdanic is expected to take the witness stand himself after a one week break.

Marije van der Werff is an IWPR reporter in The Hague.

Location: Kosovo

Topic: Courtside

Source URL: <https://iwpr.net/global-voices/ojdanic-obeyed-international-law>