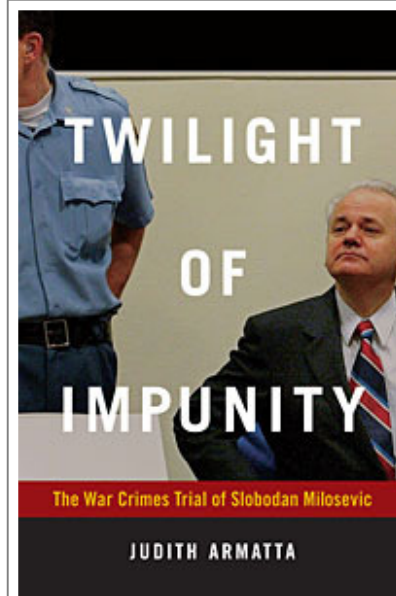


## An Eyewitness' Reflections on the Trial of Slobodan Milosevic



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[Twilight of Impunity](#)

[The War Crimes Trial of Slobodan Milosevic](#)

By **Judith Armatta**

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*Judith Armatta is a lawyer, journalist, and human-rights advocate who monitored the trial of Slobodan Milosevic on behalf of the Coalition for International Justice. Joining efforts to promote the rule of law, Armatta worked for the American Bar Association's Central and East European Law Initiative, opening offices in Serbia and Montenegro. During the Kosova War, she headed a War Crimes Documentation Project among Kosovar Albanian refugees in Macedonia.*

The trial of Slobodan Milosevic, who is described variously as the Butcher of the Balkans or the Martyr of a New World Order, before an international war crimes tribunal was touted as "The Trial of the Century." As it stumbled into its fifth year amid heavy criticism over its length and management, Milosevic was found dead in his cell. There would be no judgment in this problematic trial.

As the first indictment of a head of state for 66 counts of war crimes, crimes against humanity and genocide in an international tribunal committed over a decade during three wars, the trial was destined to be epic. A defiant Milosevic heightened the drama as he appeared in court denouncing the International Criminal Tribunal for the Former Yugoslavia as illegitimate and a tool of NATO and the United States, refusing counsel and insisting on using the trial to accuse his accusers. *Twilight of Impunity* examines whether justice is possible where an accused sets out to destroy the institution that seeks to hold him accountable - by using its legal process against it.

My purpose in writing *Twilight of Impunity* was three-fold: 1) to increase knowledge of the trial by providing accurate factual information and legal explanation, 2) to inform further discussion by assessing its achievements and failures, and 3) to strengthen the investment of policy and opinion makers and the educated public in war crimes trials as a significant element of peace-building in war-torn countries.

*Twilight of Impunity* makes the four-year-plus trial accessible to professionals and an educated public by extracting highlights and analyzing their importance for establishing guilt or their failure to do so and by explaining developing international law in plain language. Through specific examples of events that occurred during the trial, it corrects misconceptions about the trial and the growing revisionist history of the Balkan wars.

The book brings the players in this courtroom drama to life: the crotchety, but compassionate presiding judge, Richard May, from Great Britain; the elegant former diplomat, Jamaican Patrick Robinson; the calm, keen-minded O-Gon Kwon from South Korea; Geoffrey Nice, the gentlemanly Brit who led the prosecution team. General Wesley Clark, head of NATO command during the Kosovo war, and William Walker, former U.S. diplomat and European envoy, who Serbia declared *persona non grata* when he told the news media about the Racak massacre, put in appearances, as did current and former Balkan leaders, including Ante Markovic, the last prime minister of Yugoslavia, in his first public appearance since he left office more than a decade before.

At least as interesting are the little-known figures: paramilitary Chetniks and Tigers, spooks and spies, former army officers and soldiers, KLA commanders and human rights activists, journalists, and, not least, the victims and survivors. Milosevic brings aging former communists and opponents of communism, a number of whom wrote the ideological manifesto for the war, pro-Serb journalists, UN personnel, members of the Committee to Defend Slobodan Milosevic, other alleged members of the joint criminal enterprise of which he stood accused, and his loyal servants in the police and military. Through his amateur defense efforts, he gives the prosecution the opportunity to show a shocking video of Serb paramilitaries executing six Bosnian Muslims from Srebrenica, graphically contradicting his denial of Serbia's involvement in the genocide.

*Twilight of Impunity* presents illiterate peasants who survived the killing of their families and friends standing up to the derision of their former all-powerful president, as he dismisses their testimonies: "*There was no massacre!*" he booms at one witness. He blames another for the death of his wife, shot by a Serbian sniper, when he could not get her to hospital through a firefight. Yet other survivors best him. When frail, elderly Ismet Haxhiavdija cries out in a strong, clear voice in the utter silence of a Hague courtroom, "*Mr. Milosevic, how could you kill women and children? Don't you have any feelings?*" he sounds like the voice of God.

The characters and their testimonies play out against a background of legal procedure and current events. Assassination of the Serbian prime minister leads Milosevic to reshuffle his defense team, causing a break in the trial. The sudden death of the presiding judge, following the close of the prosecution's case, raises the question of whether the trial will continue at all. Serbia and Montenegro's intransigence in turning over documents hinders the prosecution in the timely presentation of evidence. Threats against witnesses close the trial from public view, and even deny the court access to important testimony. Through the submission of fraudulent documents, scripting of witnesses, misrepresentation of evidence, and suborning perjury, Milosevic sought to undermine and discredit the trial. That he was not successful credits the legitimacy of the proceeding and the dedication of the lawyers and judges to replace the rule of power with the rule of law.

*Twilight of Impunity* examines all this for what it means to the trial's fairness and the development of international justice to reach its final conclusion about the trial's success in aiding the end of impunity.