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Court on Crimes in Former Yugoslavia Hits Its Stride

By **MARLISE SIMONS**

THE HAGUE - It happens discreetly, unnoticed by other passengers. The traveler, usually a middle-aged man, gets off the plane at a Dutch airport where plainclothes officials politely receive him. He is escorted to a vehicle and, before long, he disappears behind the walls of a high-security jail near The Hague.

Thus, another war crimes suspect is checked in at the compound where the United Nations has its own cellblock.

This apparently simple routine, repeated more than 20 times this year, still causes a frisson here because the newcomers include senior commanders of the Serbian and Bosnian Serb military and police, central players in the 1990's Balkan wars.

They include men charged with chilling atrocities, including the mass killings of civilians in Sarajevo and Srebrenica, cities whose names have become synonymous with latter-day European barbarity.

At the quarters of the United Nations war crimes tribunal, officials are quietly elated. "Many of the senior suspects are now here," said Jean-Daniel Ruch, an adviser to Carla Del Ponte, the chief prosecutor. "Instead of pulling and pushing to get detainees, our work has moved more fully into the courtrooms, which is where it belongs."

Confounding many critics who have long called the war crime tribunal an excessively cumbersome, even dubious experiment in international justice, the court dealing with atrocities of the former Yugoslavia is at the peak of its activity. Six trials are going on daily, alternating in the three courtrooms. Given the many newcomers, court hours now often run from 8 a.m. to 7 p.m.

Three mornings a week, courtroom No. 1 is booked for the most notorious trial, that of Slobodan Milosevic, the former Serbian leader and the first president to face war crimes charges, including genocide. In its third year, the process is often delayed by the former strongman's health problems. Some say it also suffers from its sheer scope; charges span a decade and the four wars that took more than 200,000 lives and tore up the former Communist country of Yugoslavia.

But other trials of Serbs, Croats and Bosnian Muslims are moving faster or are set to begin.

"There's quite a scramble for court time now," said Jim Landale, a spokesman. "This is the busiest we've ever been." He offered a copy of the tribunal's latest "wanted" poster. Long looking like a dense mosaic, it is now reduced to 10 faces.

The court's cellblock is filled to capacity, with 60 people. Another 18 suspects have been allowed to return home until their trials start.

Obtaining a temporary release has become easier since defense lawyers complained forcefully about long waiting times, sometimes more than two years. Judges have refused such release to some well-known suspects on the grounds that they may threaten witnesses or not return for trial.

But last year, human rights groups protested when the former leader of Serbia's notorious state security forces, Jovica Stanisic, and his deputy,

Franko Simatovic, were allowed to return to Serbia to await trial. The two ran the secret police and a brutal militia of paid volunteers in the war.

"The court was either naïve or woefully ignorant of the role the state security services played," said Judith Armatta of the Coalition for International Justice. Most intriguing perhaps, the judges said the court had taken into account the positive letters from the United States and French governments, who said the men had been cooperative in the past. Spokesmen in Washington and in Paris declined to comment.

Although the Milosevic trial has caught much of the limelight, 128 people have appeared before the tribunal since its first trial opened in 1995. Of these, 56 have received judgments. Among them are people including camp guards or platoon commanders, the kind of low-level actors in the war who court officials concede would not be sent to The Hague today. But during its early years, the court had few senior indictees. That has changed.

Several factors explain the shift.

The United Nations Security Council, which created the court in the middle of the Yugoslav wars in 1993, recently made demands, ordering the prosecutor to focus on the top leaders and to cease all investigations by the end of 2004. It also said that trials should be completed by 2008 and appeals by 2010.

That meant the tribunal needed to be handed the most senior suspects. But Serbia, after delivering Mr. Milosevic, refused to cooperate. In recent months, the West has increased pressure on Belgrade. The Bush administration suspended aid to Serbia for 2005, and the European Union has twisted Belgrade's arm, saying that any negotiations for union membership, which Belgrade covets, cannot seriously start until all indicted war crime suspects have been sent to The Hague.

As a result, Serbia, with its economy shattered, has talked more than a

dozen military and police commanders into surrendering in recent months, threatening some with arrest and negotiating deals with others, including promises of financial help for their families.

Among the tribunal's 10 fugitives today are two famous men who have been seen in Serbia, the Bosnian Serb leader Radovan Karadzic and his military commander, Ratko Mladic, both indicted on genocide charges. But the government insists it does not know where they are.

The prosecution is particularly pleased about the recent arrival of Momcilo Perisic, the Yugoslav Army chief of staff during the wars in Croatia and Bosnia. His trial may rank among the most significant. General Perisic's indictment says that from Belgrade, he secretly ran the surrogate Serbian forces fighting in Croatia and Bosnia, providing the Serb-run troops with personnel, equipment, provisions and payment. His case could directly link Belgrade, and Mr. Milosevic, with military actions and atrocities outside Serbia.

At the tribunal prison, the newcomers include former top officials from Macedonia and Kosovo, two other Balkan regions that need approval and money from the West. Croatia been told its bid to join the European Union will be delayed until it delivers its main fugitive, Gen. Ante Gotovina. "This is the first time political pressure has been applied on such a scale, and we see that it works," said Mirko Klarin, director of Sense, a news agency that has monitored the war crimes court. With so many new suspects, the tribunal can schedule several group trials to speed proceedings. But court officials say privately that even without getting its 10 fugitives, the tribunal cannot meet the Security Council deadline of 2008. Discussions are under way to transfer at least a dozen low-level suspects held here to be tried in their home region.

Mr. Klarin said that despite the growing workload and the hectic pace: "Right now, things are looking good for the tribunal. It's so busy, I'm almost nostalgic for the days I could actually keep up with events."

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