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Why do we need trials for war crimes?

I came of age three months ago. My parents were surprised when I told them that, instead of a present, I would like their permission to go to a festival of electronic music with my friends. It seemed there would be no problem with their granting my wish, but they were both concerned and confused when I said it was a “Love Fest” and it was taking place in Vrnjačka Banja in Serbia. I understood them; they were concerned for my safety among tens of thousands of young people, especially as I come from Sarajevo in Bosnia.

So, on the threshold of adulthood, like the whole of my generation, I came up against the heavy burden of a war that ended before I was born. The war was over long ago, but the fear lives on. Of course, I know about the horrible crimes that took place. What makes them even more serious, sadly, is that the military and political leaders who were most responsible for these crimes are still seen as heroes by a large section of their fellow citizens. While waiting to see if my parents would let me go, I was confronted with the legacy of wars conducted in the territory of what once was a single state and this brought me to the subject of the Hague war crimes tribunal.

I think that everyone who now lives in the territories where bloody wars were fought some twenty years ago has a reason to believe that justice is slow but (un)attainable. The Hague Tribunal was – and still is – the only hope for some. I have a big problem with the Tribunal.

On the one hand, I totally understand and to a large extent share the disappointment in the Tribunal felt by those who expected that at least those who were most responsible for the most serious crimes would be punished. Unfortunately, that did not happen, and this is something on which people in Belgrade, as well as Sarajevo, Zagreb and Priština agree. Trials took way too long and they were too complicated for both the victims and the witnesses to the crimes. Some of the accused died in prison before a verdict was reached, and some have awaited the verdict in freedom. Many sentences are insultingly light: perhaps they can be justified by the Rules of the Tribunal, but it is hard for the brain to accept that there are cases in which mass murderers have been sentenced to only a few months in prison for each of their victims. Nor can I understand why the judges in some trials have allowed the accused to spread hatred, laugh about the crimes, insult the victims and mock justice... and all this before TV cameras in courtrooms that have been turned into a stage for the accused, who, of course, were “only defending their own people”.

It is especially painful to follow the testimonies of people who managed to survive the crimes, often only by chance circumstances, but who lost their nearest and dearest. I will never forget the plea that a mother from Srebrenica made to an officer during a hearing at The Hague. Choking back her tears, she apologised and explained that soldiers had pulled her under-aged son away from her and she had never seen him again, but she still believed he was alive because she often saw him in her dreams. I cried watching that video recording with my parents, hiding my tears and feeling that they were crying too. I saw tears on the faces of the members of the Chamber, but I think it was hardest of all for the accused. It is precisely because of this huge discomfort that people feel that the Tribunal makes sense to me. I do not believe that there is anyone who, after watching this scene, could oppose efforts to establish responsibility for mass war crimes. Fortunately, this mother was not subjected by the accused to the mockery and insults that other witnesses endured when they testified. I find it incomprehensible that the judges allowed victims to be humiliated in this way. It was

equally painful to learn that one of the competent persons in The Hague decided to destroy material evidence of the most serious crime committed in Bosnia and Herzegovina. Personal documents, clothing, footwear, photographs, keys, key rings... which often were the sole evidence that these victims had existed, vanished because of a cold-blooded, bureaucratic decision.

On the other hand, despite the serious nature of the objections, I think that the Hague Tribunal is the most important international instrument in the painstaking renewal of the shattered trust among the peoples of the former Yugoslavia. The most important achievement of the Hague Tribunal is the individualisation of guilt and responsibility for war crimes. The fact that it is not the Serbian, Croatian, Albanian or Bosniak people who are on trial before the Tribunal, but only individuals who disgraced themselves and their nations in the eyes of history and the world, is of immense importance. As much as I am critical of the Tribunal, I accept that I am a little unfair: what stopped all these states where the crimes were committed from instituting proceedings themselves and convicting the criminals in their own courts? It is easy to attack The Hague, but which authorities over here were prepared to look for those responsible in their own ranks, and not just in neighbouring states or nations? It is especially hypocritical to criticise the Hague Tribunal and point only to occasional truly strange decisions affecting victims who belong to the same nation as the critics. Why is it so impossible to find an example in which an accused member of one's own nation was given a lighter sentence than he deserved, or an accused member of another nation was given an undeservedly harsh sentence? Does that not say more about us than about The Hague?

If it were not for the Tribunal in The Hague, many of the accused war criminals would now be exemplary and powerful leaders in their own countries. They would continue freely to poison young people in all parts of our region with their hatred, including perhaps thousands of those who came from everywhere to attend the "Love Fest" this year. My parents listened open-mouthed to how nothing unpleasant had happened to Tarik, Vedad, Adi and me in Vrnjačka Banja. In fact, I lied to them: we had a problem spending all the drink tokens with which *Grobari* and *Delije* from Vrnjačka Banja, Belgrade, Kragujevac and Niš treated their "Bosnian brothers".

This is why I think the Hague Tribunal is important and I know that I will not have to beg my parents to let me attend the next "Love Fest".