

## **VIEW FROM THE HAGUE**

### **SERBIAN MEDIA EVEN CRITICISED THE INDICTMENT AGAINST NORAC**

When the International Criminal Tribunal indicts individuals who are Serbian, it is commonplace for some politicians and some media outlets in Serbia and Montenegro to react vehemently, alleging that the Tribunal has an anti-Serb bias. However, when the Tribunal issues an indictment for crimes committed against Serbs few politicians and the media acknowledge the Tribunal's dedication to justice for all victims. Indeed, they look for other ways in which to criticise the Tribunal.

Most recently, the Tribunal indicted Croatian Army officer Mirko Norac for crimes committed against Serbian civilians in the Medak Pocket region of Croatia in September 1993. Instead of reporting on the importance of this indictment, which addresses numerous very serious crimes against Serbian civilians, the media have focused on the fact that the case may be transferred to Croatia for trial.

First, it must be made clear that the case against Norac has not yet been transferred. The Tribunal's Prosecutor has announced that she is not opposed to its transfer for trial in Croatia, but this does not mean that it will be transferred. Under the Tribunal's rules, only the Tribunal's judges have the authority to transfer a case that is under indictment to local courts.

Before doing so, in this case, as in any others, the judges will want to satisfy themselves that the local courts are able to try war crimes cases in accordance with the highest international standards. This means vigorously pursuing evidence of crimes and giving victims the opportunity to have their stories heard, providing adequate protection for witnesses, fully respecting the rights of the accused to a fair trial and bringing judgments based on law and not political pressure.

The Tribunal is aware that the Croatian judiciary, like that in Serbia, faces a number of challenges in meeting the highest international standards. Nevertheless, it must be said that the Croatian judiciary has tried several hundred cases of war crimes, while in Serbia there have been just eight.

It also must be said that the Croatian judiciary has demonstrated that it is able to handle sensitive cases involving individuals who planned and ordered the commission of crimes. As *Outreach* explained in its column last week, the Croatian judiciary has already tried Mirko Norac for ordering crimes committed against Serb civilians in Gospić in 1991 and convicted him in the first instance. In Serbia, there has not been a single case which involves an accused who is not a direct perpetrator.

Second, although Norac was promoted to Major General in 1995, at the time the Tribunal alleges he perpetrated the crimes in the Medak Pocket, he was the Commander of the 9<sup>th</sup> Guards Motorised Brigade. The Security Council has mandated that the Tribunal focus its investigations and trials on the highest-level political, police and military perpetrators, and a brigade commander does not fall within this category. Indeed, the very fact that the Tribunal issued the indictment against Norac despite his lower-level rank demonstrates the Tribunal's determination to see to it that very serious crimes such as were committed in the Medak Pocket are brought to court.

However, in this discussion on whether or not the case may be transferred for trial in Croatia, the most important point is completely lost. The indictment charges Mirko Norac with grave crimes. It alleges that Croatian army and police forces attacked the Serbian population in the Medak Pocket, which at the time numbered approximately 400 people.

The Tribunal indictment alleges that these forces killed, terrorized, beat and mistreated Serbian civilians and destroyed and plundered their property. It spells out that they cruelly and inhumanely treated Serb civilians and captured and/or wounded soldiers by shooting, stabbing, severely beating, and mutilating them, cutting their fingers and burning them with cigarettes.

It also alleges that they terrorized the Serbian population by publicly killing a woman called Boja Vujnović by burning her alive whilst mocking her, and mutilating and desecrating the body of Boja Pjevać, as well as threatening to kill all civilians. It further alleges that Croatian forces systematically destroyed up to 164 homes and about 148 other buildings, and plundered the Serb inhabitants' personal property.

As a result of the attack and these acts, the indictment states that the Medak Pocket became uninhabitable: Croatian forces completely destroyed the villages in the Medak Pocket, thereby depriving the civilian population of their homes and livelihood.

Whether these very serious crimes are judged in The Hague or in Croatia, the Tribunal will ensure that they are tried in accordance with the highest international judicial standards. The Tribunal is determined that the Serb victims in this case will see justice done.

**Outreach Programme**

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