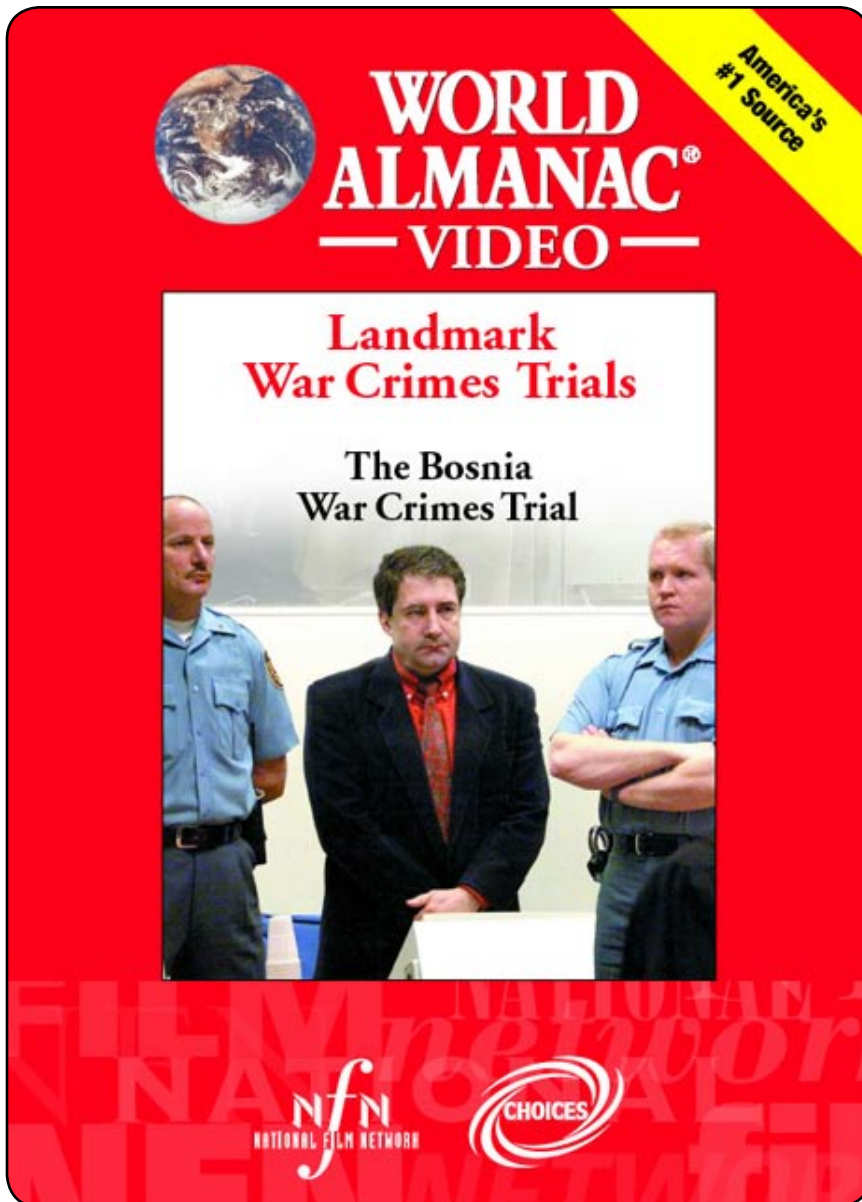


# Discussion Guide



As devastating as wars have been over the course of centuries, some actions have been so heinous that even the reality of war cannot excuse them. Such actions have often called for the pursuit of justice across existing national boundaries. LANDMARK WAR CRIMES TRIALS examines four such trials and describes the notorious events leading up to them as well as the testimony which brought these war criminals to final justice.



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# INTRODUCTION

War crimes are not just events that we read about in history. As recent occurrences have shown, their horrors can surface today. One of the most frightful examples is what happened in the Balkan region of Bosnia in the early 1990s. Atrocities that people thought had disappeared with World War II were suddenly front-page news-death camps, mass executions, deportations, and the chilling term "ethnic cleansing." Once again, international law had to be invoked to bring the criminals to justice.

## A Nation Disintegrates

When the Soviet Union broke apart and then finally dissolved in 1991, many of its one-time allies began to discard the Communist system and several of its constituent republics became independent states. In many places, this transition was achieved peacefully, but in others the rejection of Communism and the course of nation building were accompanied by discord and even violence. Nowhere was the process bloodier than in Yugoslavia, where freedom brought the release of long-suppressed ethnic rivalries. The nation, which consisted of the six republics of Serbia, Montenegro, Bosnia-Herzegovina, Croatia, Slovenia, and Macedonia, had only been created in 1918 in the wake of World War I, and it was home to diverse cultures and three major religions - Roman Catholicism, Orthodox Christianity, and Islam. Separatist movements had become active even before the fall of Communism, but they erupted with full force after an ardent Serbian nationalist, Slobodan Milosevic, was re-elected as Serbia's president in 1990. Four of the six republics eventually declared independence, leaving only Serbia and Montenegro as "Yugoslavia." Yet these declarations of independence by no means settled the boundaries of the new states, which were contested in battles largely provoked by Serbian aggression. Milosevic was champion of what he called "greater Serbia," by which he meant the incorporation of Serb populations living in other regions. Bosnia, with its diverse population, where Muslims and Christians lived side by side, was just such a region, and Milosevic introduced a policy that became known as "ethnic cleansing" - an effort to rid the region of Muslims and establish a pure Serbian population that could then become part of "greater Serbia." The stage was set for the greatest conflict-and the most frightening atrocities-seen in Europe since World War II.

## Vocabulary

**Ethnic cleansing** - A deliberate attempt to remove, through either displacement or murder, all members of a particular ethnic group from territories occupied by other ethnic groups. A term first employed to describe the events in Bosnia in 1992.

**SDS** - Serbian nationalist party joined by Dusko Tadic and his wife in 1990.

## Laws, Cases, and Legal Terms

**International Criminal Tribunal for the Former Yugoslavia (ICTY)** - The court established by the United Nations in 1993 to try cases arising from the upheaval in the former Yugoslavia.

**Crimes Against Humanity** - One of the three charges developed by the Allies after World War II as a basis for prosecuting Nazi officials at the Nuremberg Trials (the others were "Crimes Against Peace" and "War Crimes"). Crimes Against Humanity were defined to include murder, enslavement, deportation, and extermination. One of the charges made against Tadic by the ICTY.

## Important People

**Goldstone, Richard** - Chief prosecutor in the Tadic trial.

**Greve, Hanne** - Norwegian judge who investigated war crimes in Yugoslavia and then testifies at the Tadic trial.

**Hollis, Brenda** - Prosecutor in the Tadic trial.

**Karadzic, Radovan** - Leader of the Bosnian Serbs who is indicted as a war criminal but never apprehended.

**Kay, Steven** - Defense attorney in the Tadic trial.

**Keegan, Michael** - Prosecutor in the Tadic trial.

**McDonald, Gabrielle Kirk** - President of the International Criminal Tribunal for the Former Yugoslavia.

**Milosevic, Slobodan** - President of the Republic of Serbia, 1989-2000.

**Mladic, Ratko** - Radovan Karadzic's top general. He too is indicted but not brought to trial.

**Niemann, Grant** - Prosecutor in the Tadic trial.

**Tadic, Dusko** - Serbian nationalist tried for war crimes committed in Bosnia and convicted in 1997.

**Tadic, Mira** - Dusko Tadic's wife; she testifies on his behalf in Tadic's trial.

**Tadic, Sofia** - Dusko Tadic's former sister-in-law; she contradicts several of his statements during the trial.

**Tieger, Alan** - Prosecutor in the Tadic trial.

**Vulliamy, Edward** - Journalist whose reports on the Omarska concentration camp are instrumental in getting it shut down.

**Wladimiroff, Michail** - Leader of Tadic's defense team.

Note..

# Timeline

## Events of the Bosnia War Crimes Trial

- 1990** - Dusko Tadic and his wife, Mira, join the SDS, the Serbian nationalist party.
- February 22, 1993** - After sending investigators to Yugoslavia the previous year, the United Nations creates the International Criminal Tribunal for the Former Yugoslavia.
- February 13, 1994** - Tadic is arrested in Munich, Germany.
- April 26, 1995** - Tadic makes his first appearance before the tribunal and pleads not guilty to all counts.
- May 7, 1997** - Tadic is convicted of war crimes and crimes against humanity. He is the first person found guilty by the tribunal after a full trial.
- April 19-21, 1999** - Tadic's appeal is heard.
- November 11, 1999** - After losing his appeal, Tadic is sentenced to 25 years in prison.
- January 14, 2000** - The tribunal's Appeals Chamber hears defense appeals against Tadic's sentencing judgement.
- January 26, 2000** - Tadic is sentenced to a maximum of 20 years in prison.

## Other Events

- November 20, 1945** - The world's first international trial for crimes against peace and humanity begins in Nuremberg, Germany. This trial of Nazi war criminals sets the precedent used for the Bosnia War Crimes Trial.
- 1987** - Slobodan Milosevic takes over Serbia's ruling League of Communists.
- December 1990** - Milosevic is reelected president of Serbia, having first been elected to the position in 1989.
- June 25, 1991** - Croatia and Slovenia declare independence, and Yugoslavia begins to break up.
- June 1991** - Milosevic initiates military operations against Slovenia but his forces are defeated after ten days.
- September 1991** - Serbian forces attack Croatia; the war ends months later with a cease-fire. Macedonia declares independence.
- March 1992** - Bosnia-Herzegovina declares independence; Serbs begin military operations there.
- May, 1992** - The atrocities reach their peak in Bosnia and the UN imposes economic sanctions on Yugoslavia, which now consists of just two republics, Serbia and Montenegro.
- May 24, 1992** - Serbs attack the town of Kozarac. Three days later, the town's Muslims are marched off to concentration camps.
- August 1992** - Foreign journalists film the concentration camp at Omarska.
- December 1995** - A Bosnian peace accord is signed in Dayton, Ohio.
- 1998** - Atrocities committed by Serbs against ethnic Albanians are reported in the Yugoslavian region of Kosovo. An estimated 1 million people are eventually driven from their homes.
- March 1999** - NATO begins bombing Serbia. Three months later, Milosevic withdraws his forces from Kosovo.
- October 2000** - Milosevic is overthrown by a combination of forces: his electoral defeat and massive street protests against him by the Serbian people. Vojislav Kostunica replaces him as Yugoslavian president.

# Note..

# THINGS TO THINK ABOUT / THOUGHT PROVOKING QUESTIONS

- *Some critics of the war-crimes tribunal contend that Tadic was tried as a "stand-in."*  
Do you think that the court should have limited its prosecution to persons ranked higher in the Serbian hierarchy? Or were Tadic's actions sufficient reason to try him whether or not his superiors were arrested?
- *Many supporters of the ICTY argue that it can lead to a permanent international criminal court.*  
Do you think that such a court would be a good idea or would it interfere with the independence of individual nations to try crimes according to their own laws?
- *The prosecution argued that it had the right to try Tadic because the war in Bosnia qualified as an international conflict.*  
Do you agree?  
Or was this an internal civil war in which the international community did not have the right to intervene?



# OTHER RESOURCES

## For students:

Isaac, John: **Bosnia : Civil War in Europe (Children in Crisis)**; Blackbirch Marketing, 1997.

Ricciardi, Sherry: **Bosnia : The Struggle for Peace**; Millbrook Press, 1996.

Waterlow, Julia: **A Family from Bosnia**; Raintree/Steck Vaughn, 1998.

Yancey, Diane: **Life in War-Torn Bosnia**; Lucent Books, 1996.

## For adults:

Bennett, Christopher: **Yugoslavia's Bloody Collapse: Causes, Course and Consequences**; New York Univ. Press, 1996.

Glenny, Misha: **The Fall of Yugoslavia : The Third Balkan War**; Penguin, 1996.

Maass, Peter: **Love Thy Neighbor : A Story of War**; Vintage Books, 1997.

Malcolm, Noel: **Bosnia : A Short History**; New York Univ. Press, 1996.

O'Shea, Brendan and Fisk, Robert: **Crisis at Bihac: Bosnia's Bloody Battlefield**; Sutton, 1998.

Rohde, David: **The Betrayal and Fall of Srebrenica, Europe's Worst Massacre Since World War II**; Westview Press, 1998.

Michael A. Sells: **The Bridge Betrayed: Religion and Genocide in Bosnia**; Univ. of California Press, 1996.

Silber, Laura: **Yugoslavia : Death of a Nation**; Penguin, 1997.

Sudetic, Chuck: **Blood and Vengeance : One Family's Story of the War in Bosnia**; Penguin, 1999.

Woodward, Susan L: **Balkan Tragedy : Chaos and Dissolution After the Cold War**; Brookings Institute, 1995.

A film on Bosnia entitled: **Calling The Ghosts: A Story About Rape, War and Women** first aired on television in March 1997. Information on the film is available at <http://www.peacenet.org/balkans/mandy.html>.

## Internet

<http://www.un.org/icty/>

The official Web site of the International Criminal Tribunal for the Former Yugoslavia. Has a list of indictments, proceedings, and judgements, as well as a Bulletin and current news.

<http://www.un.org/icty/glance/tadic.htm>

From the preceding Web site, an excellent "Trial Information Sheet" specifically on the Tadic trial.

<http://www.un.org/icty/tadic/appeal/judgement/>

A very thorough UN report on the appeal of the judgement in The Tadic Judgement."

<http://www.ejil.org/journal/Vol8/No1/sr1.html>

From the European Journal of International Law, a survey of the proceedings of ICTY.

<http://web.amnesty.org/>

The Web site of Amnesty International, which can be searched specifically for material relating to Bosnia.

[http://pict-pcti.org/news/archive/November/MISC.](http://pict-pcti.org/news/archive/November/MISC.UN.11.08.Press.html)

[UN.11.08.Press.html](http://pict-pcti.org/news/archive/November/MISC.UN.11.08.Press.html)

A press briefing given by Gabrielle McDonald when she stepped down from her post in 1999.

<http://www.bosnet.org/>

A Web site devoted to news from Bosnia (in English) that has many articles on war crimes and the trials.

<http://www.courttv.com/casefiles/warcrimes/>

From Court TV, a page called "The Bosnia War Crimes Tribunal."

<http://www.cco.caltech.edu/~bosnia/bosnia.html>

The Bosnia homepage at Cal Tech has many links to other sites and articles.

## Note..