

## **Article by the High Representative, Wolfgang Petritsch: "Justice in The Hague Can Clear the Air in Bosnia"**

The Serbian government's decision to send Slobodan Milosevic to The Hague has been greeted with near universal satisfaction. The extradition contributes to a new political environment in which energies can be focused on economic reform and development throughout former Yugoslavia.

The positive impact of Mr. Milosevic's arraignment before the International Criminal Tribunal will be particularly evident in Bosnia, where the Serbian leader's nationalist agenda found its most sustained and destructive expression.

The fear and cynicism that have permeated postwar recovery can now be dispelled – ideally with the same speed and efficiency that accompanied Mr. Milosevic's transfer from Belgrade, via Tuzla in Bosnia, to The Hague last Thursday night.

The extradition sets the stage for the arrest and transfer to The Hague of the remaining individuals indicted by the tribunal. The first head of state ever to face trial before an international tribunal is in custody at the Scheveningen detention center. There are now no practical or political arguments to explain away the continuing liberty of other war crimes suspects. In 1998 and 1999, as the European Union's special envoy for Kosovo, I engaged in protracted negotiations with Mr. Milosevic. Two things became increasingly clear to me in the course of those meetings. One was that he was driven by a will to keep power and had mastered the techniques necessary to convince his people that he was their natural leader.

The other was that the agenda of ethnic exclusion that had brought military defeat and economic penury in the course of a decade remained at the heart of his overall thinking. In the end, he backed away from the Rambouillet agreement, which would have secured fair and peaceful cohabitation for Albanians and Serbs living in Kosovo. Instead he opted for an absurd and disastrous military confrontation with NATO that led within weeks to yet another costly defeat for his country and further pointless loss of life.

Until now, Mr. Milosevic and some of his closest lieutenants have escaped responsibility for the events that accompanied the breakup of Yugoslavia. His extradition changes that. He may deny responsibility for the atrocities committed by paramilitaries armed and trained by forces under his control. What he certainly cannot deny is that ethnic cleansing was the instrument used by his proxies to implement his nationalist program in Bosnia. For more than five years, Bosnia has been struggling to distance itself from the dreadful heritage of war. Patiently and positively, the country's people have gone about the task of rebuilding houses and schools and roads and hospitals and reconstructing their society. The specter casting a disabling pall over this good work has been the apparent immunity from arrest and prosecution enjoyed by too many of those responsible for the horror.

It is as if someone had stolen all your belongings and burned down your house and then gone to ground in the same neighborhood. You rebuild, you replace your belongings, you make things as they were – but you know the bad guy is still out there. The Bosnian foreign minister, Zlatko Lagumdžija, remarked soon after hearing news of the Milosevic extradition: "The shark has gone, but there are still some piranhas in the water."

The extradition demolishes many of the spurious reasons that have been advanced to argue against the immediate arrest of Radovan Karadzic, Ratko Mladic and others accused of crimes against humanity in Bosnia.

Since I took up my post two years ago as the international community's high representative in Bosnia, I have consistently urged government, police and judicial authorities to apprehend indicted war criminals known to be living in their jurisdictions. The authorities in Belgrade are now cooperating with The Hague, but the administration in the Republika Srpska is not. I have called on the president, the prime minister and the Parliament of this part of Bosnia finally to take decisive action. The Serbian part of Bosnia is the only region in former Yugoslavia where cooperation with the tribunal is thoroughly inadequate. This is a disgrace. Those indicted by the tribunal must be arrested and sent for trial.

The object of the tribunal is to identify and punish individuals. It is important to remember this, since the failure to

bring to justice those responsible for ethnic cleansing has encouraged a tendency to attribute collective guilt.

When the culprits are brought to justice, decent citizens who wanted nothing to do with ethnic cleansing or the rabid nationalism that underpinned it can be freed from an unjust burden of wrongly attributed responsibility. The authorities in Belgrade are breaking with the discredited nationalism that brought their country to ruin. They must now begin the long task of reconstruction – political, economic and social – in partnership with neighbors and the international community as a whole. I have the task of supervising implementation of the civilian aspects of the Dayton agreement, which ended the war in Bosnia. This task will be made easier when those responsible for orchestrating atrocities during that war are brought before the tribunal. When that happens, the process of reconstruction and reconciliation can pick up speed, because there will no longer be a widespread sense that some people were able to get away with their crimes.

Justice may be slow, but it comes. This is a matter of particular satisfaction in Bosnia, the principal casualty of Mr. Milosevic's lethal brand of nationalism.

*The writer, the international community's High Representative for Bosnia, was the European Union's special envoy for Kosovo and the EU's chief negotiator at the Rambouillet-Paris peace talks. He contributed this comment to the International Herald Tribune.*