

Yugoslavia War Crimes Tribunal Abandons Use of Sealed Indictments to Capture Suspects

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BY: WILLIAM C. MANN

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The tribunal established by the United Nations to try suspected war criminals from Yugoslavia's ethnic wars has abandoned the use of sealed indictments as a tool for capturing fugitives, the court's deputy prosecutor said Friday.

The indictments have resulted in major arrests, including Gen. Momir Talic, a founder of the Bosnian Serb army, who was caught unawares as he attended a conference in Austria.

"We do not have any further sealed indictments," David Tolbert, the deputy prosecutor, told an audience of international legal specialists.

He said only seven fugitives remain of 161 people indicted. Those include, however, Gen. Ratko Mladic, the Bosnian Serb army commander; the Bosnian Serb civilian leader, Radovan Karadzic; and other top former suspects from the round of ethnic-based civil wars in the early 1990s that followed the breakup of Yugoslavia.

Tolbert did not say why the practice was abandoned, although it has been criticized by some as unfair because secret charge sheets remove the possibility that an indicted suspect might surrender.

"I never gave that argument much credence because it was clear they never would have been made available," Tolbert said. After Austrian police seized Talic in 1999, a top legislator from the autonomous Serb region of Bosnia, Dragutin Ilic, described the arrest as "completely immoral."

Tolbert said sealed indictments came into use partly because of the failure of so-called Rule 61 hearings to bring fugitives to justice. Those hearings amounted to public presentation of evidence against fugitives, but not prosecution, because trials in absentia were banned by rules that set up the tribunal.

"The idea was to shame the states hiding them, and also perhaps shame the fugitives to some degree, but that really was an overstatement considering the type of individuals involved," Tolbert said at the conference on international criminal law at the American University's Washington Law College.

Talic's arrest was a special success for sealed indictments, Tolbert said. He said he saw film of the arrest, and "I'll never forget a very surprised Gen. Talic."

Talic and Mladic were credited with formation of the Bosnian Serb army. Talic went on trial with co-defendant Radoslav Brdjanin on 12 war crimes counts in January 2002 but was sent home from The Hague, Netherlands, the following September because he had cancer. He died in May 2003.

Brdjanin was convicted on eight of the charges and sentenced to 32 years imprisonment.

Other major suspects whose indictments had been sealed include Vinko Pandurevic, charged with responsibility for the massacre of more than 7,000 boys and men at Srebrenica in 1995; Ramush Haradinaj, Kosovo's former prime minister, charged with participating in abuses against Serbs, Albanians and gypsies in the province's 1998-99 war against Serbia; and retired Gen. Milan Gvero, a top Mladic aide, also implicated in the Srebrenica killings.

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