

PAUL WILLIAMS*

TRYING THE BUTCHER OF OMARSKA

Reviewing:

Michael Scharf, *Balkan Justice*, Chapel Hill, North Carolina: Carolina Academic Press, 1997, 340 pp.

In 1992, genocide returned to Europe. That summer, the world learned of the existence of Serb-run concentration camps in Bosnia, with conditions reminiscent of the Nazi-run camps of the Second World War. During that bloody summer, a quarter of a million Muslim civilians were killed, two million were driven from their homes, and some 20,000 Muslim women were raped as part of the Serb tactic known euphemistically as “ethnic cleansing.” Six years later, many of the architects of ethnic cleansing and their henchmen are now standing trial before the first international criminal tribunal since the Second World War. The story of the establishment of this tribunal and the prosecution of its first case is the subject of Michael Scharf’s Pulitzer Prize-nominated book, *Balkan Justice*.

This is a book that Scharf was uniquely qualified to write. The pages are filled with behind-the-scenes information gleaned from the author’s days as the State Department official responsible for United States proposals to the United Nations to resolve the Balkan crisis. The author supplements this information with quotations gathered from hundreds of hours of interviews with his former colleagues, United Nations officials, and members of the prosecution and defence teams. Although non-fiction, *Balkan Justice* reads like a novel. Written in the style of Jonathan Haar’s recent best seller, *A Civil Action*, this true-life legal thriller is hard to put down. From its first words – “This is not a tale for the faint of heart” – the reader is hooked.

The book begins with a gripping prologue, describing in horrific detail crimes committed at a Serb-run concentration camp in 1992 by a former pub owner (and Dustin Hoffman look-alike) named Dusko Tadic, whose creative brutality earned him the nickname “The Butcher of Omarska.” Subsequent chapters detail the history of the Balkan conflict, provide an insider’s account of how the Yugoslavia War Crimes Tribunal barely survived attempts by various countries to block the collection of evidence,

* Assistant Professor of Law and International Relations, American University.



delay the selection of a prosecutor, starve the tribunal of funding, and prevent the capture of the indicted war criminals. The book also discusses the obstacles to creating a modern day Nuremberg tribunal and conducting the first international war crimes prosecution in over fifty years, and grapples with the question of why the international community failed to stop the atrocities in the former Yugoslavia.

Scharf tells the story behind Secretary of State Lawrence Eagleburger's infamous "naming names" speech in December 1992, in which he first suggested the creation of the tribunal and identified President Slobodan Milosevic as a suspected war criminal who should be brought to trial. He recounts how the chair of the investigative commission, Depaul University Law Professor Cherif Bassiouni, circumvented the opposition of the United Nations Office of Legal Affairs and established the Commission's documentation centre without a penny from the United Nations. He explains the compromises that went into drafting the statute for the Tribunal and the unique process for its creation. Scharf tells how the Dayton accords came perilously close to containing a provision granting Serb leaders amnesty in exchange for peace, and how the war crimes Prosecutor Richard Goldstone navigated the minefields of the United Nations bureaucracy to obtain resources for the fledgling tribunal.

In the second part of his book, Scharf provides a compelling account of the historic trial of Dusko Tadic – a trial marked by shocking testimony, controversial judicial rulings, recanting star witnesses, and numerous prosecution and defence miscalculations. The Tadic trial rivalled the O.J. Simpson case in terms of bizarre twists and surprises. The author, who attended the trial at The Hague, describes the shock that went through the courtroom when the Prosecutor's key witness to the castration incident told the judges he did not in fact see Tadic at the Omarska camp that day. The Prosecution's case suffered another blow when its key witness to a rape incident involving Tadic admitted that he made the whole story up at the direction of Muslim authorities in Sarajevo. The defence team was similarly caught off guard when its most important witness, the defendant's wife, gave what the author describes as a "Marlene Dietrich-like performance" which all but sealed her husband's fate. Then, the defendant took the stand and "masterly took advantage of the same ploy that Herman Goering had used at Nuremberg in 1946." Unknown to the judges, Tadic had gained a grasp of the English language during the seven-month trial, but the questions were still being translated into Serbo-Croatian, giving him additional time to improvise his increasingly inventive answers. As described in *Balkan Justice*, the tension-filled confrontation between the

prosecution and Tadic on cross-examination was a legal tango worthy of the first international trial in half a century.

Scharf explains the reasoning behind the Yugoslav Tribunal's decision to try such a relatively minor player for its first case, when the Nuremberg and Tokyo Tribunals had begun by trying the key Nazi and Japanese leaders. *Balkan Justice* suggests that the international tribunal itself may not have been fully prepared to try the big fish. The *Tadic* case should be seen as a warm up to the trial of former Bosnian Serb leader Radovan Karadzic, the chief architect of ethnic cleansing, whose arrest appears increasingly imminent. The *Tadic* trial provided a judicial laboratory where the Tribunal's judges could work out the kinks in their innovative procedures before turning to more important and more difficult cases.

Through his account of the trial, Scharf attempts to answer the larger question that looms over the Balkan tragedy: How could the masses of people in Bosnia - a country whose rate of inter-faith marriages was second only to that of the United States - be incited to turn on their neighbours in such a bloodthirsty way? Witness after witness explained how provocation, incitement, and propaganda created such hatred and fear that ordinary people like Dusko Tadic were turned into savages. To put it in perspective, one witness asked the court to imagine what would happen in the United States if Ku Klux Klan leader David Duke were to seize all of the nation's newspapers, television and radio stations and barrage the American people, twenty four hours a day, for several months with a racist manifesto.

What emerges is a disturbing, true-life story that reminds us that there is a thin line between civilization and barbarism - not just in Bosnia, but throughout the world. "What is most shocking about the Balkan conflict," Scharf writes in the conclusion of the book, "is not that atrocities were committed, but that the rest of the world once again did so little to prevent them or bring them to an end." In this way, *Balkan Justice* is a clarion call to action to bring the genocidal perpetrators of the Balkan conflict to justice. Whatever you may think about United States involvement in the Balkans, this is a book you should read.

