

Trying Tyrants

Slobodan Milosevic, former strongman of Serbia, has **died** in a prison cell in The Hague, four years into his trial for war crimes and crimes against humanity.

He died of a heart attack after the Court denied him permission to travel to Russia for medical treatment. By putting up a spirited and intelligent defence, he had had considerable success in manoeuvring himself into the role of victim, and international justice into the role of oppressor. To his supporters and sympathisers, his death under these circumstances will lock that psychological victory in place.

For comparison (procedurally only, there being no comparison between the defendants) the trial of Adolf Eichmann lasted only four months. It is hard to see why it was necessary for Milosevic's to take twelve times as long with no end in sight. In any case, there can seldom, if ever, be a justification for putting people on trial whose guilt takes over four years to prove beyond reasonable doubt – for a policy of doing so will necessarily waste over four years of the lives of defendants who are eventually acquitted, which is surely oppressive.

In 1923, the Nazis under Adolf Hitler tried to overthrow the German government by force. They failed and he was tried for treason. But the judges allowed him to use his trial as a political soapbox and so turned it into not only a mockery of justice but a potent means of building support for the next attempt, which succeeded without a shot being fired.

Saddam is less smart than Milosevic and guilty of far worse crimes. He and his defence team have been trying silly tactics to gain political advantage from his trial. For instance, his lawyers walk out and then **claim** that the court is depriving Saddam of the right to lawyers of his choice. Or Saddam stands up and starts making speeches. The new presiding judge has been refusing to allow these tactics, and he is quite right. In this trial, the defendants' political theories are totally irrelevant. They could not possibly supply any excuse for the defendants' alleged actions or evidence that they did not commit them. So the judge should not tolerate such tactics even when the defendants are in the witness box.

Update: See [Mark Steyn's take](#) on the conduct of the Milosevic

trial and its relevance to Saddam's.

Sat, 03/11/2006 - 12:50 | [digg](#) | [del.icio.us](#) | [permalink](#)

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You have previously argued that it is acceptable to lock people up indefinitely without any trial at all if the crime they are accused of involves "Organised political violence using lethal force". Now you say a far lesser action, simply taking four years over an actual trial, is oppressive. Surely a contradiction?

by a reader on Thu, 03/16/2006 - 12:19 | [reply](#)

link please

where did the world argue that exactly?

-- Elliot Temple

[Now Blogging Again](#)

by [Elliot Temple](#) on Fri, 03/17/2006 - 00:10 | [reply](#)

Re: Organised political violence using lethal force

That was our working definition of war [here](#). Not crime, war.

by [Editor](#) on Fri, 03/17/2006 - 00:28 | [reply](#)

Surely Milosovich's actions c

Surely Milosovich's actions count as acts of war. So is it oppressive to lock people up indefinitely or not? And if not how are the actions taken against Milosovich oppressive?

by a reader on Fri, 03/17/2006 - 13:52 | [reply](#)

Milosevic

Yes indeed, it is beyond reasonable doubt that Milosevic waged war. Had he been captured during that war, and were there a serious danger that he would wage war again if he were released, it would have been justified to hold him indefinitely, without trial, as a prisoner of war. Once the war, and that danger, can reasonably be deemed to be over, then all that could be justified would be to give him a prompt and not excessively long trial, and then imprison him only if he is found guilty beyond reasonable doubt of a criminal offence. Waging war is not criminal, so the mere fact that he did that would not be reason enough to imprison him, but waging it in

certain ways is.

by **Editor** on Fri, 03/17/2006 - 14:13 | [reply](#)

The war is still going on, in

The war is still going on, in the sense that there is still plenty of politically motivated lethal violence in the Balkans between Serbs and other ethnicities. Had Milosovich been released he would certainly have rejoined that war at least in a political or propaganda roll. So do you accept that he could have been held as a prisoner of war?

It seems to me your formulation above is appropriate only to conventional wars, not to inter-ethnic wars like those in the Balkans or global political wars like that between Islamists and the west. These wars may go on for generations, and are unlikely to last less than decades, so someone suspected of involvement can be imprisoned for the rest of their life without trial. A policy which will necessarily waste the lives of those wrongly suspected of involvement, which is oppressive.

by a reader on Fri, 03/17/2006 - 15:51 | [reply](#)

Chris Tame

Just FYI, and not connected to this post at all:

<http://mutualist.blogspot.com/2006/03/chris-r-tame-rip.html>

Sad news. But you probably know already.

by Solan on Tue, 03/21/2006 - 13:53 | [reply](#)