

The Hague Tribunal

SOME LESSONS TO BE DRAWN FROM THE RECEPTION OF THE ICTY IN SERBIA AND CROATIA



THE HAGUE AND PUBLIC

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When the international community was faced with crimes against humanity and war crimes committed in the territory of the former Yugoslavia and Rwanda, very limited experience had existed with situations in countries where the national judiciary has collapsed and was unable or unwilling to prosecute perpetrators of most serious international crimes. This had certainly been the reason for the establishment of the international military tribunals in Nuremberg and Tokyo. Subsequent situations of that nature have led to the creation of international and internationalised tribunals in Sierra Leone, Cambodia and other countries and have resulted in the establishment of the first permanent international criminal judicial institution, the International Criminal Court (ICC).

The merits and demerits of international criminal tribunals have been extensively discussed by lawyers. Issues like the legitimacy and legality of the ad hoc international criminal tribunals have been dealt with in many books and articles. The majority opinion appears to be that the tribunals created by the UN Security Council were established on the basis of the UN Charter and that the Security Council had the right under Chapter VII of the Charter to establish the Yugoslavia and Rwanda tribunals. Another type of controversial issues was related to the procedure before such tribunals, and especially the powers of the judges to draft and amend their rules of evidence and procedure. These and many other debates treated international criminal tribunals more or less as just another type of courts, which operate in friendly or neutral environments. In national courts main problems arise in relation to the legal effects of their decisions and the conformity of their activity with the general rules of due process and protection of human rights of the accused and the victims.

The purpose of this paper is to look at the activities of international criminal tribunals from another angle. Namely, the recognised purpose of modern criminal justice is to deter possible future wrongdoers by widely communicating the message that those who violate international criminal law will not remain unpunished. It has to be determined whether this message has been satisfactorily conveyed and whether it has been understood and accepted by the relevant part of the public. This will be done principally on the basis of data from Serbia and Croatia, taken into account that the majority of persons indicted before the ICTY have come from these two countries.

The impression that international criminal tribunals have created in the public in the national states where the crimes have been committed and where most defendants come from can be summed up by quoting those who complain that "their" co-nationals are being prosecuted by foreigners and tried by alien judges. Even the perception that those sitting in judgment represent victors in wars that "we" have lost has persisted since Nuremberg, where the accused were German and the judges came from the United States, United Kingdom, France and the USSR, although the newest ad hoc international criminal tribunals have been composed of judges coming from a much wider range of states.

International criminal tribunals thus face a challenge normally not met by national courts. In other, simpler words, they have a public relations problem, unknown to many national judges (and the latter, with their specific experience, usually sit as international judges) and which is not in their competence to solve.

The purpose of criminal justice referred to above is called general prevention in the civil law tradition. An essential part of the effort to convince the audience that the work of criminal courts contributes to the public interest, national and international, can be expressed by the common law dictum that justice must be done and be seen to be done.

It appears that in Serbia, where several consecutive public opinion surveys have been conducted in recent years, the effort to convince the citizens that the ICTY is a just institution and that it serves the general interest has so far not been successful. There is a widespread belief that the ICTY is the institution representing "the greatest danger to the security in Serbia", much greater than the European Union, Organisation for Security and Co-operation in Europe, United Nations Security Council, and even NATO which conducted active military operations against Serbia (then part of the Federal Republic of Yugoslavia) for eleven weeks in 1999. There has been a consistent level of lack of confidence in the ICTY which has steadfastly



remained close to 70 %.

The percentage of those who have firmly and unconditionally rejected the cooperation of Serbia and Montenegro with the ICTY has grown from 14 % in 2003 to 25% in 2004 and returned to 19 % in 2005. On the other hand, most of those who support some sort of state cooperation with the Tribunal are not motivated by the interests of justice, truth or reconciliation – but quote pragmatic reasons. In 2003 and 2004, the lofty and "desirable" grounds for supporting cooperation were shared only by 15% of the interviewees; it slightly rose in 2005 (17%). Those who support cooperation for non-idealistic and practical reasons have probably been inspired by the attitude of the present government of Serbia, installed in early 2004 (and composed of many politicians who had formerly been very much against the ICTY), that non-cooperation would have adverse effects, economic and otherwise. They have feared that the refusal to cooperate would invite possible retaliation by the international community, which has repeatedly warned Serbian authorities that without full cooperation with the ICTY the reintegration of Serbia into international organisations and the international community - especially its admission to the European Union, would be impossible. Related to the belief that the ICTY is unjust and does not serve the cause of justice are the prevailing assumption of the motives of indicted Serbs who pleaded guilty. It is believed by 73% of the population that the latter have entered such pleas in expectation of a milder sentence rather than because they were contrite and felt genuine remorse.

The public in Serbia has consistently perceived the ICTY as biased and hostile towards Serbia (in 2003, 2004 and 2005, 69% of the interviewees consistently expected that accused Serbs will not be tried "impartially and on the basis of established facts"). This opinion has been based on the impression that a greater number of Serbs was indicted (between 48 and 55%) and that they held higher ranks than the indictees belonging to other nations (between 12 and 16%) and that the trials of Serbs are less impartial (between 8 and 12%). It is believed in Serbia that Serbs are in the least favourable position before the ICTY (82%) compared to Bosniaks, Croats and Albanians (all of them running only a 1% risk of extremely unfavourable treatment). A similar attitude has been expressed towards the reliability of the witnesses who have testified before the ICTY. In 2003 their testimony was seen as unreliable by 70%, and as reliable by only 2%, with the different shades between these extreme opinions. The majority of the population would be very reluctant to testify before the ICTY (only 33%, compared to 53% willing to appear before national courts). The prevailing attitude has been that the purpose of the ICTY is not to show that war crimes cannot go unpunished and thus promote the idea of peace and tolerance among nations (only 22%), whereas 74% interpret the purpose of the ICTY in accordance with their versions of conspiracy theory: to blame the Serbs for war sufferings and thus make Serbia dependent on international community, to exculpate NATO for its 1999 aggression against Yugoslavia or to establish a New World Order with the United States as its leader.

It must be noted that most of the objections addressed to the ICTY have not been directed against the corps of judges but mostly against the Prosecutor, who has allegedly accused too many Serbs and innocent people, whose timing was bad, who has sent wrong political messages, etc.

No corresponding surveys have been conducted in Croatia. The absence of such empirical data can probably be compensated by other indicators of the attitudes towards the ICTY prevailing in the given period. I propose to do it by quoting a selection of hostile statements by Croatian political and intellectual opinion leaders, fully aware of the methodological risks of comparing the incomparable.

Vice Vukojević, a leading member of the then ruling HDZ (Croatian Democratic Community), repeatedly expressed his suspicions towards the Tribunal as a tool of hostile aliens:

According to the Statute of the Hague Tribunal it can happen that some Sharia judge decides that the arm or the foot of Blaškić and Kordić be amputated.

In the Hague they apply some kind of Anglo-Saxon law and recognise plea bargaining. This is nothing else but a deal between the sheriff and the bandit who accuses others to save his own skin.

Maja Freundlich, vice-president of HDZ, repeatedly referred to the anti-Croat bias of the ICTY:

Is Croatian freedom being tried in the Hague? A bitter joke circulates in Croatia, saying that everyone is innocent in the Hague until it is proven that he is a Croat.

In the Hague court everyone is guilty, if they are Croatian.

Dr. Zvonimir Šeparović, professor of law and former minister of foreign affairs and justice in the government of Croatia, opposed the surrender of indicted Croats from Herzegovina (which is not a part of Croatia) to the ICTY saying that this would be tantamount to relinquishing the sovereignty of Croatia. He has consistently denied that ICTY has jurisdiction over Croat citizens because the operations of the Croatian army were allegedly internal affairs of Croatia. According to Šeparović, Deputy ICTY Prosecutor Graham Blewitt was "one of the Croat eaters (hrvatožder) in the Hague" and the ICTY was "a massive wound on Croatia's body".

Dr. Franjo Gregorić, former prime minister of Croatia, perceived the ICTY as a danger for Croatian statehood:

If, for instance, the Hague suspects general Stipetić, then I as a neutral citizen without too much information can conclude that the Croatian army is also suspected and, if the Croatian army is suspected, and the army was instrumental in the creation of the Croatian state, this means that the Croatian state is a suspect too.

Dr. Zdravko Tomac, who served as a deputy speaker of the Croatian Parliament and has been considered to be closer to the Social Democratic Party, which ruled Croatia after HDZ until 2004, has shared with his

Serbian opposite numbers the belief that the ICTY is a Moloch in need of haphazardly selected Croat victims. In his capacity as Deputy Speaker of the Croatian Parliament Tomac said in 2000: Croats have committed no crimes in the war. They have not responded in the same kind to what happened to them. Vukovar is the right place to tell the gentlemen of the Hague court that what they are doing to us is enough. They cannot endlessly issue indictments. Our soldiers and our glorious Croatian army cannot be put in doubt.

In 2002, Tomac alluded to the partiality of the ICTY:

Had members at the wedding in Afghanistan being killed by Croat soldier he would have been already brought to the court in the Hague.

Tomac is in good Serb company when he opposes the command responsibility of the highly placed individuals:

It is impermissible to try someone only because he was in a high position of power when individual and group crimes have occurred.

Both in Serbia and in Croatia, prominent opponents of the ICTY come from the top of the academic community. Says Josip Pečarić, member of the Croatian Academy of Science and Arts and author of *The Shameful Court in the Hague* (Sramni sud u Haagu).

We should always bear in mind that our best people are in the Hague.

As in Serbia, members of the Croatian cultural elite who view their role as protectors of the sublime interests of the nation have been highly represented among the opponents of the ICTY. An appeal to the Government of Croatia, dated on Christmas, 25 December 2002, not to surrender General Ante Gotovina, one of the principal Croatian military leaders accused before the Tribunal, was signed by fourteen members of the Croatian Academy of Science and Arts and by 44 university professors. They claimed that the indictment was politically motivated.

Some conclusions relating to the ICTY can now be made and some lessons for the future drawn. Admittedly, hostility and rejection towards the Tribunal have been generated by massive propaganda and by statements of leading politicians and intellectuals. The former is especially true for Serbia, where the attitude of the government, led by Slobodan Milošević, and the media controlled by the former, has been extremely negative from the very establishment of the Tribunal until the fall of the Milošević regime in October 2000. However, most of the media have remained highly critical toward the ICTY for reasons of wounded national pride (e.g. "two former presidents of Serbia and two former heads of the general staff of the Yugoslav Army were indicted", etc). The attitudes of the new political leaders have been similar. For instance, the present prime minister of Serbia (who was President of the Federal Republic of Yugoslavia from 2000 to 2003) became famous by statements indicating that cooperation with the ICTY was very low on his agenda (borrowing from the Serb folklore the expression "the ninth hole on the flute" to denote a useless or irrelevant object, and even expressing his visceral disgust towards the ICTY as giving him a "pain in [his] stomach"). The increased number of indicted personalities from Serbia and Republika Srpska who since early 2004 have been cajoled or otherwise convinced to voluntarily surrender to the Tribunal has not been an expression of a genuine change of the attitude of the government of Serbia and the political parties belonging to the ruling coalition. This was rather an expression of the belief that cooperation is still fundamentally unjust but must be followed for pragmatic reasons, as a result of a series of wars lost by Serbia and the blackmails of the "international community", which in Serbia tends to be a codeword for the West. However, the causes of hostility and rejection should be analysed more carefully and an effort must be made to distinguish systematic efforts by governments and nationalist political parties to undermine the confidence in the ICTY from possible causes attributable to the Office of the Prosecution, the Tribunal itself and other accompanying ICTY services. There must be something that has not been properly done by the ICTY and its constituent parts, that, at least in a small degree, has contributed to the failure of this ad hoc tribunal to convey the desired message in the area where its influence should have been felt the most.

In other words, for the cause of justice it is not only important to win the case in the eyes of the judges but also to convince the public opinion and the elites in affected national states that international criminal justice is here to stay and that perpetrators of war crimes and crimes against humanity can expect to be tried and punished according to objective, independently existing rules and criteria. This means that international courts should, in addition to the staff and services they already have and which resemble those of high national courts, be staffed by experts who will handle the courts' international image in sensitive areas so that the messages sent by their judgments can be successfully internalised in societies that have the traumatic experience of massive criminal behaviour.

It is conspicuous that the public opinion surveys in Serbia have shown that the persons interviewed – who, as indicated, generally harbour negative feelings towards the ICTY – at the same time admit that they are not quite familiar with the activities of the Tribunal. In 2003, 33% ranked their familiarity as “very little”; the figure for 2004 was 30% and in 2005 it mounted to 43%. The sum of those who responded that they were personally familiar with the work of the ICTY “a little” and “very little” was 68% in 2003, 57% in 2004 and 72% in 2005. This leads to the conclusion that the opinions about the ICTY were mediated and received from others and that the very experience of watching trials broadcast on television or reading extensive reports in the press would not contribute anything towards a better standing of the Tribunal.



On the other hand, one may ask what the Tribunal and the office of the Prosecutor have done to improve this image and to counter propagandistic claims against the ICTY. There is a strong impression that those in charge have done very little, especially in the first years of the Tribunal’s activity. It appears again that the Tribunal is run as a national court and that the persons responsible act as quintessential lawyers. They concentrate on the technical elements of the crimes and the procedure and are concerned only with claims that some legal rules may be violated in the procedure. It appears that anything else has been regarded as “political”. Unfortunately, the negative image of the ICTY has been shaped by the tendency of the domestic audiences to regard the ICTY and its moves, especially those of the Prosecutor, as supremely political and deserving a reaction which is predominantly ethical or moral, not legal.

The efforts of the Tribunal to communicate directly with audiences in relevant countries have started relatively late. The outreach section of the Tribunal was created only towards the end of 1999. Before that, the ICTY had a small press office. For a long while the bulletins printed by this office were only available in English and French. Furthermore, the first indictments and the judgements waited for a long while before being translated into Serbian or Croatian. Even now the outreach section is not proactive but appears to be available only to specialists, mostly jurists. The first video presentation of the work of the Tribunal was produced only in 2001. In Serbia, the first translations of the ICTY Statute and commentaries thereto were results of private efforts. Expert meetings were also organised by local NGOs which were critical of the Milošević regime and its military adventures and therefore exposed to even harsher propaganda attacks than the ICTY itself.

There is some evidence that there was an attempt in the ICTY structure to address the question of its inadequate reception. According to some reports, an “internal audit” was commissioned from William Stuebner, formerly working at the ICTY and later the deputy head of the OSCE Mission to Bosnia and Herzegovina. The results of the audit have never been published but Stuebner has recently consented to give an interview to two members of the Scholars’ Initiative dealing with historical aspects of the dissolution of Yugoslavia. There are some hints in that interview that efforts were made to dispel the impression that the Prosecution is mostly concentrating on Serbs as potential indictees.

As noted at the very beginning, the problem of international courts is that they are perceived in relevant countries as unfair and controlled by outside powers. An effort should be made to alleviate this impression as much as possible. For that reason, the hermeneutic aspects of the activities of an international court are as important as the true, actual policy of that institution. An example from the activity of the ICTY can be given in that direction. Most trials before the ICTY receive very little publicity. The media are either not interested (unedited transmissions and video reports of trials tend to be tedious), or face the problem of translation. Therefore the general impression is derived from the most conspicuous and cases, such as the trial of Slobodan Milošević, which has been closely followed by the Belgrade TV station B92. At the very beginning, the number of viewers was very high but it has decreased thereafter and the impression is now that the remaining faithful TV followers of this trial are mostly staunch supporters of Milošević and his Socialist Party of Serbia and of Vojislav Šešelj, his one-time partner in government, and his Serb Radical Party. They are generally watching the trial to see how Milošević and Šešelj are “giving them hell”.

An indicative fact is that general popularity of Milošević, which after the collapse of his regime in October 2000 reached its nadir, increased after his trial started to be regularly aired on television.

The effects described above can partly be explained by Milošević’s strategy, now emulated by Šešelj. Milošević refused to recognise the ICTY as a court at all, declined to retain counsel and has conducted his defence in person. He has consistently ignored the official titles of the judges and the prosecutors, calling them simply Mr. X or Mr. Y. Milošević’s oral defence, including the statements by the witnesses he called, has never been a discourse of law but of political and historical argumentation, not addressed to the Court, but to the audiences in Serbia.

Milošević’s refusal to receive professional legal defence turned out to be his advantage. The Trial Chamber allowed him to represent himself with the help of three legal assistants of his own choosing, although it also appointed three experts in various fields of law as amici curiae, whose task was to monitor, as officers of the court, the impartiality and fairness of the trial and to defend the interests of

the accused to a certain extent. As the presentation of the prosecution's evidence in the Milošević case was interrupted a number of times due to the poor health of the accused and the beginning of the defence case was postponed after the resignation and subsequent death of the presiding judge, the Chamber subsequently decided to assign defence counsel to Milošević, reasoning that his weak health would most probably cause further interruptions of the trial. The Tribunal's Registrar assigned two of the amici curiae to be Milošević's defence counsel, while one remained as the sole amicus curiae. The decision on the appointment of defence counsel sparked a lot of controversy in the Serbian public and attracted criticism by some legal experts.

The appointed counsel were faced with obstruction by defence witnesses, who refused to appear before the Tribunal because Milošević had been deprived of his right to self-representation. Thereupon the counsel themselves appealed the decision on their own assignment to the ICTY Appeals Chamber. The Appeals Chamber did not reverse the Trial Chamber's decision as to the assignment of counsel as such - Milošević is still represented by counsel appointed contrary to his wishes, though it has changed the modalities of representation. The Appeals Chamber found that the Trial Chamber had discretion with regard to the management of the proceedings, that it had not abused its powers, and that it had been guided by its duty to complete the trial within reasonable time.

Another manifestation of the inability of the prosecution to effectively address the audiences in Serbia was probably attributable to Realpolitik. Namely, Milošević was not indicted for his alleged role in the commission of crimes in Croatia and Bosnia - Herzegovina, although some of the massacres, such as those near Vukovar (1991) and in Srebrenica (1995), became notorious soon after they had taken place. His indictment was made public only in 1999, during the NATO intervention and bombing of the Federal Republic of Yugoslavia, and it encompassed solely the crimes committed in Kosovo in 1998 and 1999. It was subsequently broadened to include events in Croatia and Bosnia and Herzegovina but the order maintained at the trial remained non - chronological. The first witnesses to appear were Kosovo Albanians and the charges regarding events in Croatia and Bosnia came later. This can be explained by the lack of cooperation of western intelligence services that declined to provide evidence to the Prosecutor before mid-1999. The timing of the indictment and the priority of the charges helped to generate the impression in Serbia that Milošević's indictment was politically motivated and that it was a part of the general war effort against Serbia.

At the very beginning of the Milošević trial, it became apparent that the prosecution relied heavily on foreign expertise but was not familiar with the attitudes and the mentality of the population in Serbia, including the perception of recent political events. The first witness who was not an ordinary Albanian inhabitant of Kosovo was an important former communist official who played a major role in running Kosovo as an autonomous unit of Yugoslavia in the times of Tito and the League of Communists of Yugoslavia. His image was that of a prominent member of the Communist nomenklatura. His assertions at the trial that the ethnic Albanians of Kosovo had always longed for independence and had suffered under the Serb and Yugoslav yoke rang hollow compared to the claim of his Communist Party that all ethnic nations in the Yugoslav federation enjoyed equal rights. Other witnesses, mostly simple ethnic Albanians from Kosovo, showed signs of fear of retaliation by the Kosovo Liberation Army and were reluctant to refer to NATO military action in 1999, pretending that it had never happened. Similarly, a prosecutor better advised in matters of recent Serbian political history would have never produced as a witness a minor politician of doubtful repute who had walked through several political parties and has been accused by them of having connections with security services. The reputation of these two witnesses might have been ill-deserved or not corroborated by facts, but the opinion of them was firmly held by the better educated part of the population in Serbia and should have been considered by the prosecution as a part of the problem of their credibility. Such mistakes are perceived as lack of competence, to the joy of ICTY detractors and to the sorrow of its few outspoken supporters in Serbia. In the later development of the Milošević trial, as well as in parallel trials of other accused Serbs, it became obvious that the witnesses from Bosnia and Herzegovina were much more convincing. Bosnian witnesses, albeit mostly Moslem, spoke the same language as their Serbian audiences and, what is even more important, Milošević's propaganda has not entirely succeeded in convincing the public that Bosnian Moslems were aggressors, supported by foreign powers, whereas similar allegations against Croats and Albanians still have a wide following in Serbia. This again is not a factual matter but a part of the perception, which plays an important role in politics and, for that matter, in creating attitudes towards a trial before an international criminal court. To repeat: the population of the country unavoidably sees trials before an international criminal court as a political exercise.

Other remarks regarding the "public relations" problems of the ICTY may look trivial but have to be seriously considered.

One of them is the problem of language, which was already referred to above. As said, there has been a strong impression that an international criminal tribunal, such as the ICTY, is an outfit run by aliens who are, in the best case, neutral and indifferent or, in the worst case (as illustrated by anti-ICTY propaganda in Serbia), represent the enemies of "our" nation. In the ICTY courtrooms, all judges, all persons representing the prosecution and most witnesses for the prosecution speak languages not understood by relevant local audiences. As indicated before, this goes for most publications of the ICTY.



There is an intriguing aspect of the language problem related to the individuals acting as a part of the publicity effort of the ICTY. Persons representing the ICTY in its local offices in Serbia and Montenegro and in other ex-Yugoslav countries, as well as some spokespersons posted in the Hague, do speak the local language but are not native speakers. Their Serbian or Croatian or Bosnian is generally fluent but accented. Paradoxically and against their best intentions, their effort to speak the local language has not been viewed as a genuine desire to promote the Tribunal but as a condescending gesture constantly reminding the audience that these speakers come from abroad. My remarks are not by any means meant as a criticism of ICTY representatives and their sincere efforts to improve the image of the ICTY in relevant countries but to show the nature of difficulties that are facing international criminal courts in performing their mission as defined in their statutes and expected by the international community.

Another apparently insoluble problem relates to the media. In the case of the ICTY, they have tended to be hostile towards the Tribunal even without any prompting from the authorities. This became quite visible in Serbia after the changes of October 2000. The ICTY has since then received bad press even from papers that have been remembered as opposed to the regime of Slobodan Milošević. To be sure, their anti-ICTY stands was visible in the times of Milošević, which means that the opposition to ICTY has not been considered as a matter of the state policy but as a matter of the preservation of the ethnic nation and its interests and dignity. Bearing in mind that the trials themselves and their written records are not attractive for the media without serious editing and adapting, the task before international tribunals is huge and requires a great deal of inventiveness.

The Belgrade TV station B92, which has broadcast the original Milošević trial, occasionally interspersed with comments by legal experts, has had to face the unwelcome effects described above. B92, then only a radio station, was mercilessly harassed by the Milošević regime. It was on several occasions closed or otherwise prevented from broadcasting. State propagandists branded its editors and journalist as traitors. This broadcasting enterprise, a symbol of resistance against the regime and its wars, crimes and violations of human rights, thought that it should be a model of fair reporting and believed that the audiences in Serbia, after deposing Milošević, were able to make their judgment independently, on the basis of the full material, impartially presented. So it is this TV station which has consistently directly broadcast the Milošević trial in full, as well as important segments of other trials. Some critics have suggested that Milošević's and Šešelj's strategy not to recognise the Tribunal as a court but to make use of the broadcast trials to attacks their opponents and encourage their followers in Serbia has been facilitated by B92, their erstwhile quintessential media critic!

The public relations of international criminal tribunals and the problems related to their sending the proper message of international criminal justice are a novel area which deserves special consideration and determined efforts. Many concerns expressed above do not imply some failings of the ICTY as a judicial institution. In very few instances one can blame the judges, the prosecutor or any other component of the Tribunal. Sometimes the states, including those who have purported to be advocates of the ICTY, can be held responsible (1), but the impression remains that an international court cannot be set up as a copy of a superior national court. The task of a president of a national court, of its judges, of the state prosecution is not to constantly popularise their institution, to win the public for its legitimacy, independence and fairness. Neither is it the task of corresponding officials of international criminal courts and tribunals. However, the latter face challenges unknown to national courts. This means that international criminal courts should be equipped with special services and divisions to cultivate the image of their institution and of international criminal justice.

The lecture delivered by Prof. Vojin Dimitrijevic at the International Conference entitled "The Achievements of the Hague Tribunal", held on September 23-24 in Ljubljana

(1) This concern increased in the late August and early September 2005, when Vojislav Šešelj appeared at the Milošević trial as defence witness. His "testimony" before the Tribunal (which he otherwise ridicules), consisted of long political speeches, including propaganda of war and hate speech, which have become too offensive for most politicians in post-2000 Serbia. Šešelj is still president of the ultra-right

and ultra-nationalist Serb Radical Party (SRS), the strongest single political party in Serbia. His appearance before the bewildered ICTY judges is believed to be part of SRS electoral campaign. See Radivoj Cvetičanin, "Mein Kampf", Danas (Belgrade), 3-4 September 2005, p. I and the reaction to Cvetičanin's suggestions that the gavel to gavel broadcast of the Milošević trial might have been counterproductive by Ljiljana Smajlović, who holds opposite views: "Proces TV", Danas, 12 September 2005, p. 8. Another question actualised by Šešelj's testimony is his use of obscene language, which would not be tolerated in any court. The Trial Chamber has at its disposal powers to penalize contempt of court but Šešelj was invited by the prosecution to read excerpts of his writing, among which the letters to the ICTY Registrar, which contained obscene insults against the latter and his staff (testimony of 6 September 2005). See Stuebner, op. cit. and the column of Ambassador William Montgomery, "Mladić, Karadžić i Gotovina pogrešni lakmus testovi", Danas, 3-4 September 2005, p. V.