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DOCUMENT

FROM THE CLOSING ARGUMENT OF THE SPECIAL PROSECUTOR'S OFFICE IN THE "STAMBOLIC" AND "BUDVA ASSASSINATION" CASE

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Honorable Court,

Everything set forth below is just a repetition of the allegations of the indictment and in the explanation of the indictment. During this year and a half during which the trial has lasted nothing has changed in those allegations. For a year and a half we have been listening to the attempts of the defense to refute all the presented evidence. In other words, the thesis of the defense, that from June 15, 2000, through August 25, 2000, until today, hundreds of people: witnesses, police officers, prosecutors, judges, expert witnesses of different professions all acted in bad faith, and all with the final goal to fix the evidence and portray these defendants as perpetrators of grave criminal offenses. Such thesis of the defense is simply not possible.

In this proceeding, on trial in front of this Court and in front of the citizens of this country are not only these defendants. On trial here is the former regime of Slobodan Milosevic itself. Namely, as the only representative of the national interests, nation's power of attorney Slobodan Milosevic had legally unlimited power from which resulted completely unlimited and highly personalized domination.

In this concept of ruling every form of institutionalization of the politics disappeared and in its place came the privatized state domination.

The regime established several structural levels: the so-called court intellectuals, economic mafia, secret and other type of police, army, ruling parties, and all that with Slobodan Milosevic and his wife Mirjana Markovic as the center of this network and as the personification of this system.

But what in this indictment has to be noted, and which in front of this Court has to be stated, is that the former regime based its power on the depiction of a nation which is highly moral, but whose honor and dignity have been injured in the past, and needed to be restored, hence, based on a concept whose logic assumed the right to violence, in the environment of such national consciousness, the violence and killing appeared as necessary means to establish national identity.

Thus, a powerful and diversified apparatus was created which used all the instruments of oppression for the purpose of complete control of all economic and political spheres of life. In that control violence and murders were used, various ideological manipulations were made and distorted combination of populist support and fear were created.

Or to put it more simply:

This is not an ordinary criminal case and this indictment is not just an indictment against the criminality, we all know, and the broadest public knows, that this is a case against the former top of the state regime. And this signifies the importance of this case.

The true nature of ruling and understanding of power was explained by this indictment, and it was especially proven that such power - personified in its most important representatives - was ready and actually did solve its political interests by murdering political opponents. And therefore the shots fired at Ivan Stambolic and Vuk Draskovic were the shots at the right to think differently, at everyone who did think differently. Who gave them the right to decide who is to live and who is not?

The legal consequences of the way in which this regime made use of its power are felt by the whole population of Serbia; and it is not just the legal consequences, but also all the others that reflect on the everyday life of a citizen.

This had to be said in the closing argument.

This is not a political position.

This indictment is not a political indictment. The fact that it is against Slobodan Milosevic, Pavkovic and other does not give it a political treatment, but it is, I repeat, a proven indictment against the very top of the previous state regime.

All this, the whole criminal proceeding and the judgment that will be brought, have legal historical significance, so that in this country there will never again be an opportunity for people like those here indicted to occupy the positions of power that run one country.

This indictment and the whole criminal proceeding clearly show that, despite obstructions, this Prosecutor's Office and this Court are capable of performing their duty in an efficient manner, and to prosecute the perpetrators of criminal offenses.

There is no a worse crime than this crime, when a person who is in charge of protecting the nation and the state decides on the life and death of a citizen.

Instead of staying in power through elections, the government decided to stay in power through liquidations.

The citizens of Serbia surely did not deserve such government. Neither did this nation deserve that the representatives of the government kidnap the former president during his peaceful walk and beastly liquidate him and that such bestiality be seen by the whole world at the turn of the centuries.

It is the worst and the most uncivilized way to govern a state.

The choice of the leading establishment of such a regime is not accidental.

Of course that the ultimate organizer was Slobodan Milosevic, but here on trial is that part of the organization that is intended for murders, the organizer of the group for murders. It is not a coincidence that in such a position a graduated student of a Music High School was appointed, whose hobby was fixing automobiles, who, after breaking into a store escaped abroad and after two years of wondering around, ended up in the Foreign Legion. You can only be successful there if nothing can touch you. The murder is not a crime there. The murder is only performance of your duties.

The defense will surely contend that he would not have surrendered if he were guilty. But when the tower of cards begins to stumble, when they are forced against the wall, the threat existed that the members of the said organized criminal activity will start speaking and tumble down everything, then one has to take charge and lead the offensive. But this is not the African desert.

Neither is it a coincidence that a man who never before spent a second in the said Service was appointed the Head of the State Security Agency. Now, at the end of this proceeding, after seeing what type of man he is, it is completely understandable why he, the defendant Radomir Markovic, accepted this appointment.

Because they did not live up to the position they were occupying, it was easy to manipulate them. It is easy then to give out orders whatever they may have been. The defendants represent themselves as brave, as protectors of the Serbs, the guardians of the weak, so where was this courage when one had to stand up to such a regime.

That would have been courageous, and it is not brave to kidnap a peaceful passerby, handcuff him, place him in a van, wrap a tape around him, hold him for five minutes next to the grave you are digging and shoot him from behind at the back of his head, and all that just to please the leader. No courage whatsoever was there to be seen.

Such conduct in the system of values cannot be characterized as courageous, nor could it ever hold the value of chivalry.

Therefore, the purpose of this proceeding is not only to punish the perpetrators of the crime, but also to restore faith in justice and the values of civilization.

This proceeding has been followed with great attention by people living in Serbia, tens of thousands of young people who left Serbia because of this regime and they live in hope that the truth will be revealed and that justice will prevail in this country, that they will not be ashamed to say where they are from. The outcome of this proceeding will be a moral and a message for all.

These words are the ones that should be a substitute for a dull legal text about general prevention. I doubt the possibility of an individual prevention, although if any of the defendants decided to relinquish himself from the feeling of guilt, now is the chance. It is a human, ethical category. This is something that after all Kant has told us. The stars are in the sky, and morality is within us. This is our guidance, if there was not that morality, then you are in company of Nero, Lady Macbeth and Goering.

We are trying an organization for murders, i.e. a squad of State Security intended for liquidations, but what about the organization, or parts of it who were, or still are present in the area of economics, judiciary, police, media, politics and who, in fear of being discovered, give support to these types of defenses of the defendants and maintain their delusion that everything will be solved favorably for them. Nothing will be solved favorably for them. On the contrary, they and the members of their families will be marked forever. Once again, I repeat, this is the defendants' chance to resolve the complexity of this problem on in their own behalf and for their families. Let them tell us what happened and what did they do. It is better than executing your tasks without questions, better than preserving the power from the people, better than creating the atmosphere that they will rule forever. If they fail to do so, only the maximum punishment is appropriate for such arrogance, untouchability, cruelty, pretentiousness, immorality, dishonesty and persistency.

And let me repeat once again, those on trial are not heroes, because heroes do not kill from behind those who are tied up, alone and helpless. They are only strong when in group, and individually, individually they are afraid of losing their property, their privileges and their benefits.

At this moment there is no other institution in this country that is defending the country as much as this court is doing. Your responsibility it therefore bigger, but that responsibility is not something one has to fear. On the contrary, history has recorded an evil, history expects the answer. The answer of this court should be such as not to be condemned by history. Everything that is not an appropriate answer to the evil of the regime of Slobodan Milosevic history will condemn.

And at the end please allow me to read part of the justification of the Court in Jerusalem during the sentencing of Eichmann:

Let us assume, for the sake of argument, that it was only the bad luck that made you a voluntarily instrument of organizing the killings. But the fact still remains that you were executing, hence actively supporting, the politics of killings. Because politics is not a children's game, in politics obedience and support are the same. Just as you supported and executed the politics of rejecting to share the world with the Jewish people and the people of other nations, as if you and your superiors had any right to decide who may or may not live in this world, we believe that nobody, no member of the human race, can want to share the world with you. Therefore, and only because of it, you have to be....."

Of course, the death penalty has been abolished. But even the penalty of forty years grants the defendants the right to live. That right was taken away from Ivan Stambolic.