

Milosevic Procces Beropsstukkken A 1

Milošević wond zich op over een opmerking van een van de aanklagers. Die had gezegd dat Kosovo aan Servië grensde. Dat was onzin, zei Milošević. „Kosovo is Servië. Je zegt toch ook niet dat Den Haag grenst aan Nederland?”

International Criminal Tribunal  
for the former Yugoslavia



Tribunal Pénal International  
pour l'ex Yougoslavie

Page 542

1 Tuesday, 19 February 2002

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.00 a.m.

6 JUDGE MAY: Mr. Milosevic, it's now for you to cross-examine the

7 witness if you wish to. Since this is the first witness and since you're

8 representing yourself, you should be told about the purpose and

9 limitations of cross-examination.

10 The purpose of cross-examination is to ask questions, to test the

11 witness's evidence and credibility, that is, whether he or she should be

12 believed or not. According to the Tribunal's Rules, it is limited to the

13 subject matter of the evidence in chief, that is the evidence given in

14 answer to questions from the Prosecution and to questions as to

15 credibility. It is also the opportunity to ask questions relating to your

16 case, that is the case which you wish to put forward in your defence.

17 The Trial Chamber may permit questions on other matters.

18 Cross-examination is subject to the control of the Trial Chamber in order

19 to make it effective for the ascertainment of the truth and avoid the

20 needless consumption of time. It is restricted to matters relevant to the

21 issues in the trial and must not be used as a way of harassing or

22 intimidating witnesses. Any questions which may reveal the identity of

23 protected witnesses must be asked in closed session.

24 This statement will be put into writing and given to the accused.

25 Now, Mr. Milosevic, do you have any questions for the witness?

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1 THE ACCUSED: [Interpretation] As far as I was able to understand,

2 Mr. Bakalli is a protected witness.

3 JUDGE MAY: Let me see. We've had that translated.

4 He's not a protected witness; he's Mr. Bakalli. So you can ask  
5 anything about his identity if you wish.

6 THE ACCUSED: [Interpretation] I read in the papers that he was a  
7 protected witness. And then they published that it was -- they were  
8 referring to Bakalli, speaking of that protected witness, but thank you  
9 for the information you've just given me.

10 If you ensure that the witness gives me yes and no answers, then I  
11 shall be, of course, brief.

12 WITNESS: MAHMUT BAKALLI [Resumed]

13 [Witness answered through interpreter]

14 Cross-examined by Mr. Milosevic:

15 Q. [Interpretation] You said, Mr. Bakalli, that Kosovo private  
16 parallel schools were set up because of apartheid. Yes or no? Could you  
17 give me a yes or no answer, please?

18 A. Yes, but they weren't private, but they were public schools. They  
19 were not state schools of Serbia.

20 Q. And to which state did those schools belong?

21 A. There were elementary schools, secondary schools, university.

22 They were all under the Serbian Ministry of Education, financed from  
23 Serbia, with Serb curricula which you organised.

24 Q. I'm speaking about the parallel schools. You said -- you  
25 mentioned parallel private schools because of apartheid. You mentioned

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1 that you organised parallel schools because of apartheid. Now, I would  
2 like your answer, yes or no, please. Did you or didn't you?

3 A. Yes, except we didn't call them private schools, and they were not  
4 private schools. They were public schools, where the people collected  
5 money, the population, as far as they could.

6 JUDGE MAY: Mr. Bakalli, just keep the answers as short as you  
7 can.

8 MR. MILOSEVIC: [Interpretation]

9 Q. You said you were a professor of sociology at the university in  
10 Pristina?

11 A. Yes.

12 Q. Do you consider that every student of sociology, each one of your  
13 students, should be able to explain what apartheid is?

14 A. Yes.

15 Q. Could you explain to us what apartheid means? What is apartheid?

16 A. Apartheid with yes or no, or do you want the opinion of a  
17 professor?

18 JUDGE MAY: A short --

19 MR. MILOSEVIC: [Interpretation]

20 Q. I'm asking you to explain to us what apartheid is.

21 JUDGE MAY: A short explanation, Mr. Bakalli, please.

22 A. Okay. If collectivity, a group, a national group or a racial  
23 group, is put by the state into a position outside of the government,  
24 outside of the economy, thrown out of education and cultural affairs, that  
25 is apartheid.

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1 MR. MILOSEVIC: [Interpretation]

2 Q. The school curriculum for Kosovo, was it different from the school  
3 curriculum for children all over Serbia?

4 A. Yes.

5 JUDGE MAY: Just give us an example.

6 A. For example, history of the Albanian people, which was foreseen  
7 under the autonomy system, was eliminated under the Serbian curricula  
8 later, and there are other examples of this.

9 MR. MILOSEVIC: [Interpretation]

10 Q. I don't think you understand me. Obviously you haven't. I didn't  
11 ask you what the curriculum and programme was in your private schools.  
12 What I'm asking you is about the programme, the curriculum, of state  
13 schools throughout the territory of Serbia, which was the same for all  
14 schools and all children in Serbia. It was a universal curriculum. Now,

15 according to that state Serb curriculum, was the programme different for  
16 Albanian children? According to the Serb curriculum for state schools  
17 throughout the territory, did Albanian children have a different  
18 programme, different from all the other children in Serbia? That's what  
19 I'm asking.

20 A. As far as I know, there was no difference, or difference in the  
21 curricula for Albanian language education. It was a unified programme for  
22 all of Serbia, for the Albanians and for the Serbs in Kosovo.

23 Q. That means that all children in Serbia followed the same school  
24 programme, the same curriculum?

25 A. Yes.

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1 Q. In state schools for the Albanian children, was tuition in the  
2 Albanian language?

3 A. It could have been, but they did not accept such schools, to go to  
4 such schools, because you imposed the curricula. You people imposed the  
5 leaders, the principals of the schools, and the heads of the faculties.

6 Q. Just a moment, please. A moment ago you agreed with me that the  
7 school programme, the curriculum, was the same for all the children of  
8 Serbia, in Serbia, and now you -- I'm asking you whether, for the Albanian  
9 children, tuition is Albanian, and you said yes, it was, for those who  
10 went to state schools, but that they didn't want to go to state schools  
11 because we imposed a programme on them. Now, I claim that for all  
12 Albanian children, tuition was in the Albanian language. Is that correct  
13 or is it not? I'm talking about state schools.

14 A. They were not in Albanian, or there were not Albanian schools in  
15 Albanian language in Kosovo, because the education system was radically  
16 changed and the Albanian population refused to take part in it.

17 Q. Do you claim that the Albanian children didn't go to state schools  
18 at all?

19 A. I would say that almost no one went to them. Perhaps there were a  
20 few minor exceptions. I don't know of any students who did go to such

¶

21 schools.

22 Q. How many exceptions were there, Albanians who went to state  
23 schools? Give us an example. Roughly how many Albanians going to state  
24 schools?

25 A. I don't know. I don't really think there were any exceptions, but

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1 it could be that there were. I don't know.

2 Q. Well, you say you don't know how many of them there were. Was  
3 tuition in Albanian for them, for those?

4 A. I don't know. I don't really know of any student or pupil who  
5 went to the school, into that school system, once it was put under  
6 apartheid.

7 Q. So what you're saying is the following: You're saying something  
8 that in fact you now say you don't know.

9 A. No. I said that I knew that Albanians had taken part in the  
10 Serbian educational system. What I don't know is if there were Albanians  
11 taking part in your education system. That I don't know. I don't think  
12 so, but I am not sure. There could have been.

13 Q. Why do you say "our" education system? You used the word "our."  
14 Did you consider that the Albanians were citizens of Serbia or not?

15 A. From the moment that the parliament of Kosova approved the  
16 Constitution of Kosova, they did not feel themselves that they were any  
17 longer citizens of Serbia.

18 Q. We'll come to that later, but a moment ago you used the word  
19 "apartheid" again. I should suggest that you read the United Nations  
20 definition of "apartheid" before you do so again.

21 What about the Hungarian children? Did the Hungarian children  
22 follow the same curriculum as all the other children in Serbia?

23 A. That had been regulated earlier with school curricula under the  
24 autonomy status in Vojvodina. This was also for the Hungarian students.

25 What happened later, once you came to power, I don't know what

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1 happened to the Hungarians in the Vojvodina.

2 Q. You said yourself that you were an intellectual who always wrote  
3 since 1981 to the present day, and you say you don't know what was going  
4 on in your own country. Yes or no?

5 A. You don't have the right, because I have observed events, but I  
6 can't tell you in detail of what happened to school curricula, the school  
7 curricula of the Albanian state who -- of the Serb state. I can't tell  
8 you if the Hungarians in the Vojvodina accepted them or not.

9 Q. We have taken note of the fact that throughout Serbia all the  
10 children had the same school programme, the same curriculum. And then I  
11 went on to ask you, because you say you don't know how many Albanian  
12 children attended tuition in the Albanian language, I asked you whether  
13 you know whether the Hungarian children had tuition in Hungarian, the  
14 Bulgarian children in Bulgarian, and so on and so forth. Do you know  
15 anything about that either? You don't seem to. You don't know that  
16 either. Just say yes or no. You don't have to go into any lengthy  
17 explanations. You don't know, I see.

18 A. No, I don't.

19 Q. So you don't know whether in Serbia the members of the Bulgarian  
20 minority attended tuition in Bulgarian. You don't know that either?

21 A. No, I don't know.

22 Q. Do you consider that the school programme which was in force for  
23 all children in Serbia should not be enforced for Albanian children?

24 A. It's good for school programmes to be universal for everyone but  
25 with concrete, specific elements, in particular, for national elements,

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1 for national specific elements. And from the year 1974 onwards, we had  
2 school curricula which were approved by the parliament of Kosova, and they  
3 had no relations -- Serbia had no right of interference under the  
4 Constitution in such school curricula.

5 Q. As we are not challenging the fact that national minorities in  
6 Serbia and national -- that national minorities in Serbia are able to

7 attend tuition in their own languages, and as the Albanian children were  
8 taught and had tuition in Albanian and were taught the Albanian literature  
9 and all other subjects were taught in the Albanian language, do you  
10 consider that there is a special Albanian mathematics, physics, biology,  
11 chemistry, without going into the exact natural sciences. Philosophy, for  
12 example. Was there a separate Albanian Plato, Aristotle, John Moore or  
13 anybody like that? Giordano Bruno, perhaps? Galileo Galilei, and so on  
14 and so forth?

15 In your opinion, apart from the element of language - and the  
16 language element was guaranteed to one and all - why would you think that  
17 the school curriculum for Albanian children should be different than for  
18 all the other children in Yugoslavia?

19 A. Not only for Albanian children but for the children of all the  
20 nationalities of Yugoslavia. Which -- with the exception of mathematics.  
21 Giordano Bruno, of course, was common to all the nationalities, but each  
22 one did have its own curricula. Not for natural sciences but for history  
23 and for culture and for language.

24 Q. Well, I don't suppose you're challenging as far as culture and  
25 language is concerned and overall tuition that every national minority was

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1 able to be taught in their own language in all state schools.

2 Was the Albanian language -- was Albanian the official language in  
3 Kosovo up until this war?

4 A. Yes, on the basis of the Constitution of 1974.

5 Q. And you say that it wasn't on the basis of the change in the  
6 Constitution, that it wasn't an official language. Is that what you're  
7 saying? You are under a solemn declaration here, Mr. Bakalli.

8 A. You needn't remind me of that. The language of the administration  
9 under Milosevic was -- you could use Albanian for some documents.

10 Q. For what documents couldn't the Albanian language be used?

11 A. I'm sorry. That is a subject for which I'm not an expert, legal  
12 questions. I am not in a position to reply to that, Your Honours.

13 Q. All right. If an Albanian is taken to court, was it considered  
14 that he could address the court only in Albanian?

15 A. Yes. Many of the prisoners whom you took under your reign  
16 could -- formally were given the right to reply in Albanian, yes.

17 Q. What do you mean when you say "formally"? Does it mean that that  
18 right was not accorded to them on a regular basis; yes or no?

19 A. They were not banned from using their language in court. The  
20 question is rather: Why were they in court?

21 JUDGE MAY: For the moment, the question is: What language were  
22 they allowed to use? And the answer is: They were allowed to use  
23 Albanian. Thank you.

24 A. Yes.

25 MR. MILOSEVIC: [Interpretation]

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1 Q. You also said that the Serbian government didn't want to implement  
2 the agreement on the education system.

3 A. Yes.

4 Q. The three-plus-three-plus-three group, is that something that is  
5 known to you? I'm talking about the group on behalf of the government of  
6 Serbia was led by Minister Vlatomir Vico; on behalf of the Albanian side,  
7 it was Professor Fehmi Agani; and on behalf of Centar Ucredi, it was Dom  
8 Vincenzo Pajla. Do you know about this group? Have you heard about it?  
9 Yes or no?

10 A. I know about it because I've worked for it. I brought the  
11 documents which you yourself signed. But I did not work in it precisely.

12 Q. You spoke about the subject, and therefore, I assume that if you  
13 talk about a subject, you know something about that subject. You said  
14 that no results were achieved. You said that nothing had been done,  
15 nothing implemented.

16 A. Yes.

17 Q. Do you remember -- do you remember -- and give me a yes or no  
18 answer, please -- that up until September, the month of September that

19 year, the Albanian side took over the technical faculty, 20.000 square  
20 metres in all, and the faculty of economics and faculty of law, which  
21 amounted to 16.000 square metres? Do you remember that; yes or no?

22 A. Yes. A process began, sort of, but it was sabotaged, and there  
23 was no success. It was never realised under the -- according to the  
24 document.

25 Q. How do you consider that it was sabotaged if the Albanian side, in

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1 material terms, took over the buildings, which amounted to 20.000 square  
2 metres, 16.000 square metres? How, then, do you say that this was  
3 sabotage? It took possession of those buildings in order to organise its  
4 tuition at the faculties, at the university. Do you consider that to be  
5 sabotage; yes or no?

6 A. I'm convinced, yes, that from what I heard from Fehmi Agani, and  
7 Fehmi Agani told you at that meeting, in May, that they were totally  
8 unsatisfied with the reaction of the Serbian side and with the contacts  
9 between the Albanian and Serbian sides, under the aegis of San Edjidio.

10 Q. Leave aside May and everything you've just said about that  
11 meeting. Let's leave that aside for the moment. We'll go into that later  
12 on. What I'm asking you now is the following: In your opinion, is it  
13 possible to describe a sabotage, the implementation of a programme, when  
14 the material fact is that at the university, they took over buildings  
15 which were 20.000 square metres large and 16.000 square metres large; yes  
16 or no?

17 A. I don't think that was a realisation or implementation of any  
18 kind. I don't think that was the realisation of the agreement.

19 Q. For our listeners, let me add that this was the peak, the top. As  
20 for secondary and primary schools, everything had already been solved; yes  
21 or no?

22 A. This did not apply to the elementary or the high school all the  
23 time. They have worked in the cellars in private homes.

24 Q. You claim, therefore, that the Albanians did not go to primary and

25 secondary schools, state ones?

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1 A. Yes.

2 Q. So you said that the only possibility for schooling Albanians was  
3 the parallel system of schools?

4 A. Yes, that's right.

5 Q. Were the rights of Albanian children to attend classes in Albanian  
6 language denied to them?

7 A. Yes, because they were denied of having their own programme.

8 Q. And what is the body that approves the curriculum in any country?

9 A. In our country, it was the Minister of Education, to all children  
10 in Serbia. Thus, in Kosova, we had the Pedagogical Council of Kosova, as  
11 a body of the parliament of Kosova, under the Constitution of 1974.

12 Q. We'll get to that Constitution later on. My question referred to  
13 whether somebody denied the right to Albanian children to attend classes  
14 in Albanian. Please reply with yes or no.

15 A. Yes.

16 Q. So you are claiming that Albanian children were not able to attend  
17 classes in Albanian?

18 A. Only under the illegal system, only in the cellars. In the state  
19 schools, no.

20 Q. So you are claiming that in state schools, Albanian children did  
21 not attend classes in Albanian language. In state schools, Albanian  
22 children could not attend classes in Albanian language; is that what  
23 you're claiming? Yes or no?

24 THE INTERPRETER: The witness replied: "Excellent."

25 MR. MILOSEVIC: [Interpretation]

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1 Q. You also said yesterday that my speech in Gazimestan directly led  
2 to changes in the Constitution; yes or no?

3 A. It is not exactly so. I said that after that, we had the  
4 amendments to the Constitution, but your speech in Gazimestan was a

5 speech, in my view, that was a programme of war.

6 Q. Okay. We'll, let's leave that aside for the time being. So you  
7 said, and then you repeated again today, that after my speech in  
8 Gazimestan, the Constitution was changed. All right. Do you remember the  
9 date of the Kosovo battle? Do you know that that took place on the 28th  
10 of June, 1389?

11 A. Yes, I do.

12 Q. Do you know that 600 years was celebrated on the same day in 1989,  
13 on the 20th of June?

14 A. Yes, I do.

15 Q. All right. Is it true that the Serbian Assembly proclaimed  
16 changes or amendments to the Constitution on the 28th of March, 1989,  
17 which means three months prior to the speech to which you ascribe the fact  
18 that it led to changes in the Constitution? You just said a moment ago  
19 that after my speech, there were changes in the Constitution, and now I'm  
20 giving you the dates that were actually formally recorded as being the  
21 28th of March, 1989. This is three months before the date after which you  
22 claim the Constitution had been changed. So what is going on here,  
23 Mr. Bakalli?

24 JUDGE MAY: Let the witness answer.

25 Yes, the point is made that the changes were three months before

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1 the speech. Now, Mr. Bakalli, what's your answer to that?

2 A. The initiative was taken earlier, but it does not relate to what  
3 I'm saying. Yesterday I did not at all say that his address -- that they  
4 immediately led to the constitutional changes. I referred to it before  
5 Your Honours because I thought that it was kind of a call for war, a  
6 programme for war, and the initiative, the legal initiative to make the  
7 constitutional amendment was taken a couple of months ago. But, as I said  
8 yesterday, the Constitution was changed in an unlawful way through use of  
9 force. I do not relate his speech to the changes of the Constitution, as  
10 something that happened right away, as he's claiming.

11 MR. MILOSEVIC: [Interpretation]

12 Q. Mr. Bakalli, just a while ago, two minutes ago, you said that the  
13 changes in the Constitution took place after my speech in Gazimestan. Yes  
14 or no, please. At any rate, everyone was able to hear that.

15 A. I think that the essence of the constitutional changes is related  
16 to your speech in Gazimestan.

17 Q. Even after that?

18 A. After your speech, the changes occurred.

19 Q. Could you please quote what you're saying from my speech?

20 A. What really impressed me, but I don't have the document with me  
21 here, what I -- it really impressed me at that time was the -- your way of  
22 addressing it more or less, so that we in Yugoslavia today are waging a  
23 political struggle, a struggle waged may assume proportions of an armed  
24 war. All what I got from your speech in Gazimestan was the impression  
25 that you unfurled a programme of military action or crisis in Yugoslavia.

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1 This is what I had the impression then. This is what I wrote about, and  
2 this is what I'm telling this Honourable Court today.

3 Q. Okay. I didn't say what you just said, but you did say what we  
4 heard from the Prosecution, and this is something that I disputed here  
5 when I gave my opening speech.

6 Are you able to provide to me what you wrote at the time? I would  
7 be able to give you my speech and newspapers from 1989 containing my  
8 speech. Are you able to give me the other papers? You indicated here  
9 time, struggle, and you indicated here newspapers Vreme and some other of  
10 our newspapers. So would you be able to show me these articles of yours  
11 that were published in these papers?

12 A. No, because at that moment I did not write in Nasa Borba and  
13 Vreme, but I did write in Albanian-language papers, in a letter I sent to  
14 Eagleburger which I published in Vjesnik in Zagreb and in Albanian paper  
15 in Pristina. But I don't have them with me now so that I can cite them.

16 Q. All right. But you would be able to provide that for us in

17 Albanian, in Serbian, in Croatian, the articles that were published in the  
18 Vjesnik paper. So you would be able to do that? Yes or no? And we would  
19 be able to see from those papers how you explained that I in fact issued a  
20 call for war in Gazimestan. Is this what you're claiming, that this is  
21 what it says in your text?

22 A. I've written there that there you made public a militant --  
23 unfurled, I'm saying, a militant programme. I didn't say you declared war  
24 but that you have unfurled, as I'm saying, a militant, a military  
25 programme, militant programme.

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1 Q. You said what you've said. Everything's been recorded in the  
2 transcript, so we'll be able to compare and see whether what you said here  
3 was in fact printed somewhere or you lied under oath. But let's leave  
4 that aside for the time being.

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5 Is it true -- is it true that the Assembly of the Autonomous  
6 Province of Kosovo -- I apologise. Let me ask you something else that has  
7 to do with what you mentioned.

8 When I said the 28th of March, you said, "Well, yes, some  
9 initiatives were launched." On the 28th of March, initiatives were not  
10 launched. On the 28th of March, there was a final act that took place.  
11 So on the 28th of March, 1989, there was a final proclamation of  
12 the Constitution at the session of the Serbian Assembly. So there were no  
13 initiatives. That had started much earlier. A final act took place on  
14 the 28th of March.

15 JUDGE MAY: Mr. Milosevic, we must move on to a question. What's  
16 the question?

17 MR. MILOSEVIC: [Interpretation]

18 Q. On the 28th of March, which is in fact three months prior to the  
19 28th of June, that was the day when the final act of proclamation of the  
20 Constitution of Serbia took place. Yes or no?

21 A. I don't know remember the dates exactly. I cannot pronounce my  
22 views on that.

23 Q. The reply is very important, because yesterday you said, and then  
24 once again repeated here, that the changes took place after the speech in  
25 Gazimestan.

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1 JUDGE MAY: Mr. Milosevic, I think we've dealt with this point.  
2 You've made your point. The witness says he doesn't remember the date.  
3 We've got the evidence, and we'll have to consider it in due course.  
4 If you'd like to move on.

5 MR. MILOSEVIC: [Interpretation]

6 Q. Is it true that the Assembly of Kosovo accepted constitutional  
7 changes prior to the 28th of March? Yes or no?

8 A. I say no. This is the argument, please, that the parliament of  
9 Kosovo was surrounded by police and tanks. I have personal information --

10 JUDGE MAY: Don't let us continue this argument. We've continued  
11 long enough on the 28th of March. Let's move on to another topic,  
12 Mr. Milosevic.

13 THE ACCUSED: [Interpretation] This is not the same topic,  
14 Judge May, because there are some other issues that are linked to this  
15 which are very important. As we're talking about the Constitution --

16 JUDGE MAY: Let's have another question.

17 MR. MILOSEVIC: [Interpretation]

18 Q. Is it true that the Assembly of Serbia, pursuant to the  
19 Constitution then in force, would be unable to implement these changes  
20 without a previous approval of the Kosovo Assembly? Thank you. Now, did  
21 the Kosovo Assembly approve this decision on adopting the constitutional  
22 amendments? Yes or no?

23 A. It is not a matter of saying yes or no. I can say yes, but it was  
24 under the pressure of tanks which were outside the parliament building.

25 JUDGE MAY: [Previous translation continues] ...

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1 MR. MILOSEVIC: [Interpretation]

2 Q. You were the only one who saw those tanks. What I'm asking you is

3 this: Did the Constitution -- did the Assembly pass this decision on  
4 adopting constitutional amendments? Yes or no?

5 A. Yes, with force, use of force.

6 Q. Is it true that at the session of the Kosovo Assembly only 14  
7 deputies voted against this proposal?

8 A. Some were braver and said, "Irrespective of violence, I don't  
9 agree with the changes."

10 Q. What I asked is whether it is true that only 14 deputies in the  
11 Kosovo Assembly voted against this proposal. Yes or no?

12 A. Yes.

13 Q. Please try to focus on the answer. Is it true that a member of  
14 the Constitutional Commission of Serbia was from Kosovo, and his name was  
15 Professor Surija Popovci. He was also an Albanian, which perhaps is not  
16 immediately obvious to everybody here. Is it true that a member of the  
17 Constitutional Commission of Serbia was an Albanian and was from Kosovo?  
18 Is it true that Professor Popovci appeared on television prior to the  
19 session of the Assembly and supported the amendments?

20 A. Yes, but, please ask me a question why he appeared on television.

21 Please ask me.

22 THE INTERPRETER: The interpreters are kindly asking the speakers

23 to pause between question and answer. Thank you.

24 JUDGE MAY: The interpreters have a request, first of all, that

25 there should be a pause, both of you, between question and answer, so

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1 could you keep that in mind.

2 Yes. Mr. Bakalli, after you've been cross-examined, the

3 Prosecution will have a chance to re-examine you, which means that if

4 there are any matters, relevant matters, which they want to ask about or

5 you want to give explanations about, you can do it then. Meanwhile, just

6 concentrate, if you would, on answering the questions.

7 Yes.

8 MR. MILOSEVIC: [Interpretation]

9 Q. Do you know who Sinan Hasani is?

10 A. Yes.

11 Q. At the time constitutional changes were implemented, was Sinan

12 Hasani President of the Presidency of Yugoslavia?

13 A. Yes. He was Chairman of the Presidency of Yugoslavia, and he was

14 on our side.

15 Q. Sinan Hasani is an Albanian, and he was President of the

16 Presidency of Yugoslavia. He attended the session of the Serbian Assembly

17 during which the Constitution was promulgated on the 28th of March. Is

18 that true?

19 A. Yes.

20 Q. Is it true that also all other high officials on the federal and

21 republic level of Albanian nationality were present as well? Yes or no?

22 A. That is not true. Sinan, yes.

23 Q. Are you claiming that only Sinan Hasani was present from the

24 Albanian side?

25 A. Probably there has been someone else. I don't remember.

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1 Q. At that time, who held the position of the Chairman of the

2 Province Party Board at the time? Was that position held by an Albanian

3 or a Serb?

4 A. An Albanian whom you have appointed. You brought him.

5 Q. My question was: Was that person an Albanian or a Serb?

6 A. An Albanian.

7 Q. Were other Albanians who were present there, did they come because

8 I appointed them?

9 A. Gentlemen, please. When you deprive a society of its

10 constitutional position, don't believe that they are happy to come to a

11 meeting when you have deprived them, stripped them of their constitutional

12 rights. Hasani was there, but you have to ask him why he was there.

13 Q. Who appointed Sinan Hasani to the Presidency of the -- of

14 Yugoslavia, to be the President of the Presidency?

15 A. To say it bluntly, you, because Albania was under the influence  
16 and tutelage of Serbia.

17 Q. Sinan Hasani was elected by the Kosovo Assembly as a member of the  
18 Yugoslav Presidency much prior to that. Why don't you carefully consider  
19 this? Perhaps you made a mistake.

20 A. No, no. I'm not wrong. You are wrong. Sinan Hasani came to the  
21 Presidency of Yugoslavia after you were elected Chairman of Serbia.

22 Q. So you claim that I was the one who appointed Sinan Hasani to the  
23 Presidency of Yugoslavia. Is that what you're claiming? Yes or no,  
24 please?

25 A. Yes.

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1 Q. Excellent.

2 THE INTERPRETER: The witness replied: "You're welcome."

3 MR. MILOSEVIC: [Interpretation]

4 Q. Did any of the Albanian deputies who had attended the session of  
5 the Serbian Assembly which promulgated the Constitution dispute this  
6 Constitution? Yes or no?

7 A. I don't -- you mean in the Serb parliament?

8 Q. It was not a Serb Assembly. It was an Assembly of the Republic of  
9 Serbia.

10 A. I don't remember.

11 Q. Do you know who Muharrem Ismaili is?

12 A. Yes.

13 Q. Is he a friend of yours and also a director of a bank in Kosovo,  
14 also an Albanian?

15 A. He's a Kosovar Albanian. He was the director of Kosova Bank. He  
16 is no longer there. And he's a friend of mine. I don't know why you're  
17 asking me.

18 Q. Because I want to put another question to you. Did you ask him to  
19 come and talk to me?

20 A. Never. That's not true. I have never talked with him that I

21 wanted to talk with you. Never. I've never done that.

22 Q. So you are saying that you did not ask, through Muharrem Ismaili,  
23 to come and see me?

24 A. I say in my full responsibility, no.

25 Q. Yesterday you told us how the local security chief, Gajic, under

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1 inverted commas, told you about the "Scorched Earth Plan," the so-called

2 "Scorched Earth Plan." Wasn't it logical for you to bring up this issue

3 while talking to me; yes or no?

4 A. Yes, I could have done that, but I did not. I didn't want to

5 become -- to convey the views of others. Maybe I should have done that.

6 I should have done that.

7 Q. Thank you. This is enough material for us to give us an idea of

8 how seriously you assessed this matter. You told us yourself that you

9 were involved in scheduling a meeting with -- headed by Mr. Rugova in

10 order to find a political solution; yes or no?

11 A. Yes.

12 Q. You also said that the delegation of the Serbian government,

13 headed by Deputy Prime Minister Ratko Markovic, came only once and held

14 only one meeting with your representatives in Kosovo.

15 A. Yes.

16 Q. Is it true that two meetings between the Serbian delegation and

17 the Albanian side produced joint communiques and that there are joint

18 communiques from two meetings, whereas you said that there wasn't a

19 communique from that single meeting? So is it true that there were, in

20 fact, two meetings; yes or no?

21 A. We had only one meeting between the two delegations, and we issued

22 two separate communiques. We didn't have two meetings.

23 Q. Is it true that the delegation of the government of Serbia, headed

24 by the deputy prime minister, Professor Ratko Markovic, came to Pristina

25 11 times to attend previously scheduled meetings which were not attended

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1 by the Albanian representatives. We were able to see this on television  
2 every time, Mr. Bakalli. You don't need to be specifically informed of  
3 this. Is it true that this delegation went to Pristina 11 times and the  
4 Albanian side failed to show up? Mr. Bakalli, yesterday --

5 JUDGE MAY: Mr. Milosevic, let him answer.

6 A. It may be that the delegation headed by Professor Markovic has  
7 come. We have often seen delegations from Serbia coming to Pristina. I  
8 went to receive the Albanian side, but these meetings were the result of  
9 an arrogance dictated by them as being the HOS.

10 JUDGE MAY: Let's try and get to the bottom of it. What's being  
11 put is that there was not simply one meeting, but there were occasions at  
12 which the Serbian delegation came to Kosovo to meet, but the Albanian  
13 representatives, as I understand it, didn't come. Now, is that the case  
14 or not?

15 A. Yes, but these meetings were not planned beforehand. Yes, there  
16 are some cases.

17 MR. MILOSEVIC: [Interpretation]

18 Q. There were 11 such cases; yes or no, Mr. Bakalli?

19 A. I have not kept track of them. I don't know.

20 Q. Do you know that they were not scheduled; yes or no?

21 A. Yes.

22 Q. So you know that these cases, of whose existence you are not  
23 aware, were not scheduled previously?

24 A. Yes. As I said, they were unscheduled before, as such, to conduct  
25 genuine negotiations.

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1 Q. When asked by the Prosecutor yesterday, you replied that there was  
2 no will to conduct negotiations on the Serbian side. This is the reply  
3 you gave. You can check this. You, in fact, said that the Serbian side  
4 was not willing to discuss political settlement. And now here, we can see  
5 that they, in fact, travelled to Pristina 11 times and, in fact, your side  
6 was not willing to negotiate; yes or no?

7 A. It is not true. It is not true that the Serb side was  
8 particularly interested in discussing the status and political issues  
9 related to Kosovo position. It was the Albanian side that was interested  
10 in such issues. Your delegations came more to deliver lectures against  
11 terrorism, to calm down the situation, to calm down the citizens so that  
12 it would be easier for you to rule over us, but not to resolve the  
13 question of the status of Kosova under the expression of the will of the  
14 Albanian people.

15 Q. Let's leave aside the expressions you used, such as the expression  
16 of "the will of the Albanian people." That's not what I asked you. What  
17 I asked you was: Is it true that the delegation, after a meeting between  
18 me and Rugova, at which you yourself were present, came to Pristina 11  
19 times to continue those negotiations and that communiques were issued from  
20 only two meetings, whereas the other attempts were blocked by you and that  
21 you now claim that it was the Serbian side which came to Pristina on 11  
22 occasions, did not have the goodwill to negotiate? Is that what you're  
23 saying; yes or no?

24 A. It is not true. Mr. Milosevic, you have confused, I think -- you  
25 are confusing some issues. After the first and last meeting between the

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1 two delegations - and I was a member of the Albanian delegation - we did  
2 not receive any offer or did not have any other meetings as such.

3 Q. You therefore claim that what I have just asked you, and  
4 whether -- I asked you whether that is correct or not. Your answer is  
5 that it is not correct. Am I reading you correctly? Is it correct that  
6 the federal premier, an American otherwise - his name is Milan Panic -  
7 sometime in 1993, together with Vance and Owen, went to Kosovo and that  
8 then too nobody wished to talk to them?

9 A. As far as I know, no, because the prime minister of Yugoslavia did  
10 meet with Ibrahim Rugova, if you remember. They were taken in a picture  
11 with both hands up. But I don't think it has much bearing to this issue  
12 we are discussing.

13 JUDGE MAY: It doesn't matter about that. The answer is you don't  
14 know; is that right?  
15 A. No, I don't remember.  
16 MR. MILOSEVIC: [Interpretation]  
17 Q. Mr. Bakalli, you were an advisor to Demaci; is that correct?  
18 A. Yes, for a couple of months before the beginning of the conference  
19 of Rambouillet.  
20 Q. Thank you. So you were an advisor of Adem Demaci and you have  
21 just confirmed that. Now, as far as I remember - and this is my next  
22 question - as far as I remember, you said yesterday that you had nothing  
23 to do with the KLA. Now, if I'm not remembering this correctly, or  
24 perhaps I didn't hear it correctly, I'm asking you now: Did you have any  
25 connections with the KLA?

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IE PRECIS?

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1 A. With the troops of the National Liberation Army of Kosova and with  
2 the staff, the General Staff, I had no connections. As I said, I did have  
3 contacts as an advisor - orientations, political and diplomatic advice for  
4 the KLA, which was coming up publicly and legally - and in Pristina,  
5 contacts with Demaci, a few months, two or three months before the  
6 Rambouillet conference. And there was a disagreement between me and  
7 Mr. Demaci, so I insisted that the KLA take part in the conference at  
8 Rambouillet, irrespective of the initial policies and platforms of the  
9 Rambouillet conference. They didn't take into consideration all the  
10 aspirations of the Albanian people, but Rambouillet was an important  
11 international factor for solving the Kosovo issue in a peaceful and  
12 political manner, and at the same time, it helped to affirm the  
13 international presence of the KLA. So I insisted that the KLA take part  
14 in the Rambouillet conference.  
15 Q. As you have finished with giving us an explanation which I didn't  
16 ask you for, I have to go back to my question. You confirmed a moment ago  
17 that you were an advisor to Demaci, and you also confirmed a moment ago  
18 that you had nothing to do with the KLA.

19 A. With the troops, no.

20 Q. Yesterday your answer was that you had nothing to do with the KLA,  
21 and it is common knowledge that Demaci is the head of the political wing  
22 of the KLA. You are now trying to bypass the truth, if I can put it that  
23 way, because you say you had no contacts with the troops. I didn't ask  
24 you about which soldier or terrorist you contacted with. My question  
25 was: Did you have any connection or links with the KLA? Adem Demaci was

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1 the head of the political wing of the KLA and you were his advisor; is  
2 that correct?

3 A. I'd like to alter my answer slightly. I had contacts with the  
4 KLA, in the form of suggestions, advice, political advice. But I don't  
5 want to hide anything; in fact, I'm proud of this.

6 Q. I did not ask you whether you shot or placed bombs or anything  
7 else. I just asked you whether you had any connections with the KLA.

8 JUDGE MAY: Just a moment. Mr. Milosevic, he's given an  
9 explanation of what he says his connection with the KLA was, so we've  
10 heard that. Now, can we go on to the next point?

11 MR. MILOSEVIC: [Interpretation] Yes, we can, we can.

12 Q. Mr. Bakalli, you are a deputy in the Assembly of Kosovo, and you  
13 are in the Alliance for the Future of Kosovo; yes or no?

14 A. Yes.

15 Q. Yesterday you said that you were an independent intellectual, a  
16 deputy, and not that you were a deputy of the Alliance for the Future of  
17 Kosovo; yes or no?

18 A. You changed the question and asked me now I should say yes or no.  
19 Just give me a moment to explain. I was a deputy on the list of the  
20 Alliance for the Future of Kosovo, because the elections took place on a  
21 proportional system and the parties have closed lists. I was asked, as an  
22 independent intellectual, to put my name on their list, and I still -- but  
23 I still remain independent as such. I like the alliance, I like the  
24 people who are in it, so I accepted to have my name put on the list. They

Demaci?

25 called me, and so I did it. As such, I am an independent deputy in the

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1 parliament of Kosova, from the list of the alliance, and am a member of  
2 the parliamentary group of the Alliance for the Future of Kosova. I don't  
3 see what is contradictory here. But I am not a member of any party and I  
4 have never been a member, and today I am not a member of the Alliance  
5 Party.

6 Q. You are a deputy of the alliance. That is what you have confirmed  
7 yourself and that is common knowledge. Everybody knows that who knows  
8 what parliamentary elections are. You are on their list, a deputy on  
9 their list, a deputy of the alliance; yes or no?

10 A. Yes, I'm on the list of the alliance.

11 Q. Is the president of the Alliance for the Future of Kosovo Ramus  
12 Aradinai?

13 A. Yes.

14 Q. Are you an advisor of Ramus Aradinai now, at present?

15 A. Should he need my advice, I give it to him.

16 Q. Do you know, in connection with your president, the president of  
17 the alliance, that as he wrote, as Elefteros Tipos wrote, according to  
18 reports of the British service, where he is called the Mafia Ramus, that  
19 Aradinai, is head of the Albanian underground and he engages in  
20 trafficking and dirty work in the Balkans and the whole of Europe? Do you  
21 know that?

22 A. I do not know that, and that is exactly the opposite of my  
23 opinion. I have a very high consideration of Ramus Aradinai.

24 Q. All I'm asking you is whether you know what Elefteros wrote about  
25 him, and I quoted what he said. It is a newspaper.

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1 A. What is Elefteros Tipos anyway?

2 Q. Do you know that there is a Mafia in Djakovica for smuggling  
3 tobacco, armaments, and this is Ramus Aradinai who is in charge of that,  
4 your President? Are you aware of that?

5 A. No, I don't know that. I know that he was a good -- he's a good  
6 person. He was a very good commander. He was a very skilful commander,  
7 and is a good, young politician.

8 Q. 1986, he did his military service in the JNA, the Yugoslav  
9 People's Army, and after that, for a number of years, he was in the French  
10 Foreign Legion. Do you know that?

11 A. The one I know and the other I didn't know. I have never asked  
12 him, so he never told me.

13 Q. Do you know that he was the organiser of armed activities by  
14 Albanian terrorists in Macedonia and in Southern Serbia in recent months?  
15 Do you know about that?

16 A. No. On the contrary. But I know on the contrary, from  
17 conversations, that we had to exert our influence in the Presevo Valley  
18 and Macedonia to calm the situation and get rid of the violence there.

19 Q. Do you know that Aradinai is accused of having committed the  
20 murders of a number of Albanians and Serbs?

21 A. No. And I don't think that there could ever be any possible  
22 evidence for such accusations. I haven't heard of any anyway.

23 Q. Is it true that Aradinai was wounded when he threw bombs at a  
24 house, the house of a Sadik Musai, a fellow Albanian from the party?

25 A. The information you're bringing here you've got -- you were very

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1 badly informed. I would ask you to be more careful with the information  
2 you present.

3 JUDGE MAY: Don't spend any more time. Now, Mr. Milosevic, I  
4 think we're getting some way from the detail of this witness's evidence.  
5 We've had the questions which you've put in relation to his credibility.  
6 So if you can move to another topic.

7 THE ACCUSED: [Interpretation] Very well.

8 MR. MILOSEVIC: [Interpretation]

9 Q. You spoke of the killing of Jashari yesterday in Donja Prekaz. Do  
10 you know that the police surrounded the house to arrest them and that they

11 did not want to surrender themselves to the police and that they shot at  
12 the policeman?

13 A. That's your -- what you're saying. I don't know any details.

14 Q. You said yesterday that the police gave them two hours to  
15 surrender. So you know the details. Did you say yesterday that the  
16 police gave them a two-hour time span to surrender when they surrounded  
17 them?

18 JUDGE MAY: No. What he said was -- just a moment. Just a  
19 moment. What he said was that you, Mr. Milosevic, said that to him. That  
20 was his evidence yesterday, that you said it to him.

21 THE ACCUSED: [Interpretation] That I told him that they had two  
22 hours to surrender.

23 MR. MILOSEVIC: [Interpretation]

24 Q. Do you know that Jashari -- let me say before that, do you know  
25 that for those two hours -- during those two hours it was the women and

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1 children that came out of the house mostly?

2 A. I don't know, but I know that women and children were murdered in  
3 the house and around the house.

4 Q. The ones that came out of the house certainly weren't killed, but  
5 do you know that Jashari killed even his own uncle at the time because his  
6 uncle wanted to go out and surrender? I don't know whether it was his  
7 mother's or his father's brother, but an uncle anyway. The uncle wanted  
8 to go out and surrender, but Jashari shot him. This is contained in the  
9 court reports pertaining to the investigation of the event that took  
10 place.

11 A. I don't know, and I don't believe it.

12 Q. Do you consider that a two-hour time period is insufficient for  
13 terrorists to decide whether they're going to give themselves up or not  
14 and that once those two hours had expired they once again opened fire at  
15 the policemen and that those who thought -- who wanted to leave the house  
16 left? Do you consider that any other police force anywhere in the world

17 would have fled when somebody was shooting at it from a barricaded house  
18 behind whose walls there were killers? Is that your opinion?  
19 A. I have nothing to do with police operations, so I can't answer  
20 your question. But what I know is that you killed civilians, children.  
21 Twelve -- twelve thousand civilians, including old people, women,  
22 children, pregnant women, saying all the time that you were fighting  
23 terrorism. That I know.  
24 And in the case of the Jasharis, after them you killed -- around  
25 them you killed women and children.

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1 Q. Do you know about the experience the police force had in that same  
2 place, Donji Prekaz, on the 13th of May, 1981, when in following  
3 barricaded criminals four policemen lost their lives, and the fifth  
4 policeman died later on, succumbing to his serious wounds? Because  
5 ethnicity is essential. There were three Serbs and one Muslim and one  
6 Albanian. They were policemen who were killed in the conflict with those  
7 criminals. I assume that you think that five policemen should have been  
8 killed once again by Jashari whom, as you know, killed Serbs and Albanians  
9 in order to loot them and pilfer them. He killed them for money. He  
10 wasn't very -- he didn't mind killing an Albanian or slitting his throat  
11 if an Albanian happened to have some money on him.

12 JUDGE MAY: [Previous translation continues] ... question.

13 THE INTERPRETER: Microphone, please. Could the speaker switch on  
14 his microphone, please? Microphone, please.

15 A. No.

16 THE INTERPRETER: The interpreters did not hear the question. The  
17 microphone was off.

18 JUDGE MAY: Mr. Bakalli, I think we've dealt fully with this, and  
19 you've given your evidence.

20 THE ACCUSED: [Interpretation] May I continue?

21 MR. MILOSEVIC: [Interpretation]

22 Q. [No translation]

*Interview it*

23 JUDGE MAY: We're not getting any interpretation.

24 MR. MILOSEVIC: [Interpretation]

25 Q. You said yesterday that people were put into prison for political

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1 reasons in my day, but nobody could have been imprisoned --

2 JUDGE MAY: Yes. Go on.

3 MR. MILOSEVIC: [Interpretation]

4 Q. -- for political reasons.

5 Let me repeat the question. You said that yesterday in my day

6 there were people who were put in prison, arrested, for political reasons,

7 and I say that nobody was allowed to be imprisoned for political reasons

8 and arrested.

9 If what you said is true, if what you said is true, that in prison

10 there was an Albanian, for political reasons, an Albanian had been put in

11 prison for political reasons, did you do anything about it, and did you

12 raise the issue in any of the Western embassies where you said you went to

13 attend receptions? Did you raise that question and issue with Amnesty

14 International, perhaps, or Helsinki Watch or the Yugoslav authorities?

15 How come you did nothing about it? You did not raise this issue because

16 you know that if you had to it would have at least become public knowledge

17 that there was a man, some poor sufferer, who had been arrested by the

18 authorities. Did you raise those issues at all?

19 A. I raised them in -- to the organs of civil rights in Serbia and

20 all the states in Europe and America, the organs of the United Nations

21 too. Everywhere we said, we told them that you are imprisoning people for

22 political reasons. And as a total, you were keeping 2.000 Albanians in

23 prisons for -- imprisoned for political reasons. You know how they were

24 taken, how they were imprisoned.

25 In Djakove, for instance, they just took people out of their

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1 houses, in the streets, and sent them off to prison in

2 Serbia. There was even -- there was some sort of formal sentence that was

3 passed on them without a normal legal procedure being carried out, and  
4 they were sentenced to Draconic sentences and were taken off to prison. I  
5 know that I'd like to make another accusation here.

6 Q. And what were the sentences? How long were the sentences?

7 JUDGE MAY: Let us wait for the next question. Yes. The next  
8 question.

9 MR. MILOSEVIC: [Interpretation]

10 Q. Apart from that propaganda about the so-called arrest of people,  
11 did you ever state the names of the people who had been arrested  
12 allegedly? Yes or no? Who did you give the names to of those arrested  
13 people, people who were arrested for political reasons?

14 A. Please, Honoured Court, you should be aware that there are many  
15 humanitarian societies, even in Serbia, who know the names better than I  
16 do. Pressure was exerted against them from the state. They themselves  
17 wanted the prisoners to be liberated, the Albanian prisoners who were in  
18 Serb prisons. I'm not talking about normal prisoners, normal convicts.  
19 I'm talking about political prisoners under the reign of Milosevic.

20 JUDGE MAY: You were asked who you gave the names -- you were  
21 asked who you gave the names to.

22 A. There are two or three Serb councils there -- which are  
23 maintaining a very positive attitude. Mrs. Biznarko knows. Another  
24 distinguished lady - I don't remember the name now - knows about them.  
25 Then all -- all the international institutions engaged in human rights

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1 protection know them, as well as the Kosova Council for the Protection of  
2 Human Rights and Freedoms. They all know the exact names, and they have  
3 sent these names to the relevant bodies, whereas the prosecutors, many  
4 prosecutors, always go to the Minister of Justice of Serbia and present  
5 him the names. So the Serbian authorities know. They know whom am I  
6 talking about, who the political prisoners are.

7 MR. MILOSEVIC: [Interpretation]

8 Q. I'm asking you for the names of the victims, the alleged victims

9 that you are speaking about and not the name of the lady, as you say, that  
10 you contacted. Do you have the names of those victims?

11 A. We have the names of the political prisoners as well as the  
12 victims. For the moment, I don't have them with me. I might tell that --  
13 I might tell you only that I remember -- I told you the name of Ukshin  
14 Hoti, the way he was taken out of prison and disappeared without leaving  
15 any trace. Then I -- many other names I may give you at any other moment  
16 as pieces of the evidence or through witnesses to The Hague Tribunal.

17 Q. Therefore, to clarify things, you say that there were political  
18 prisoners who were condemned for political reasons, for verbal offences.  
19 Do you know that we have abolished verbal offence as such from the  
20 Criminal Code?

21 THE INTERPRETER: The witness said, "Yes," earlier.

22 A. Yes, but they changed it later. For example, the accusations made  
23 against a large number of youths who are sent to prison was that you have  
24 invited NATO to come here and that you are the rear front of KLA. They  
25 didn't have any arms, any uniforms on them. They were taken to prison

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1 right from the street or from the homes.

2 MR. MILOSEVIC: [Interpretation]

3 Q. You're talking about the KLA terrorists who were arrested? Is  
4 that who you're talking about?

5 A. No, I'm not talking about them. I'm talking about ordinary  
6 citizens who were taken away from their homes in Djakove, for example.  
7 They did not have anything to do with KLA. But you accused them in order  
8 to fill the Serbian prisons with them. And I think that those 2.000  
9 people who are detained in prison, in Serb prison, were not only -- were  
10 not political prisoners.

11 Q. Let's leave to one side the time of war. I'm talking about the  
12 time prior to the war and throughout the last 12 years. Were there any  
13 political prisoners in the prisons themselves before the terrorists?

14 A. Yes.

15 Q. There were? Is that what you're saying? Do you know who they  
16 were?

17 A. Ukshin Hoti is one example. He was tried eight years ago.

18 JUDGE MAY: Yes. Mr. Milosevic, it's now half past ten, and we're  
19 going to adjourn for 20 minutes.

20 How much longer do you think you're going to be with this  
21 witness?

22 THE ACCUSED: [Interpretation] It depends on his answers. I have  
23 questions and subquestions, Mr. May. I will probably need about one or  
24 two hours. Who knows? It all -- my questions have to do with what the  
25 witness said yesterday. So many lies. That many lies demands a lot of

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1 questions, and that is why the Court is here.

2 JUDGE MAY: We're not -- we're not going to listen to any comments  
3 now, but we should aim, if possible, to finish this witness today.

4 Has the amicus got any questions?

5 MR. WLADIMIROFF: No, Your Honour.

6 JUDGE MAY: Thank you.

7 --- Recess taken at 10.30 a.m.

8 --- On resuming at 10.55 a.m.

9 JUDGE MAY: Yes, Mr. Milosevic.

10 MR. MILOSEVIC: [Interpretation]

11 Q. You said yesterday that Albanians were dismissed from work en  
12 masse, although you know full well that there was a directive issued by  
13 Albanian separatist parties to boycott going to work. Do you know this  
14 word, "boycott," and the concept that I just described? Is it familiar to  
15 you?

16 A. As far as I know, the independent labour union of Kosova did  
17 indeed use the word "boycott" in order so that the workers of Kosova would  
18 not sign the declaration of loyalty towards the Serb state.

19 Q. That's another issue. But since you've just opened it up, I have  
20 to digress myself. What declaration on loyalty to the Serbian state are

21 you talking about? Was there a declaration on loyalty to the Serbian  
22 state; yes or no?

23 A. Yes, there was a declaration of loyalty towards the Serb state in  
24 Kosova.

25 Q. Who wrote this declaration?

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1 A. The responsible organs of the Serb state in Kosova.

2 Q. Since this is the first time that I've heard about some  
3 declaration of loyalty, could you please give us the text of this  
4 declaration? Could you provide it for us, this declaration of loyalty to  
5 the Serbian state that allegedly Albanians were required to sign?

6 A. Yes. I can bring it to Court as soon as I return to Pristina and  
7 get it.

8 Q. Are you aware that nobody in Serbia knows or has heard of this  
9 declaration, starting from me?

10 A. No, I did not know that.

11 Q. But as I understand it, you are familiar with the word "boycott"  
12 when referring to work obligations proclaimed by the so-called Independent  
13 Trade Union of Kosovo?

14 A. Yes, because the trade unions were under pressure from the  
15 membership as to what to do if people would be asked -- forced to sign  
16 such a declaration.

17 Q. So you claim that they were required to sign a declaration in  
18 order to be able to work?

19 A. Yes.

20 Q. Can you provide us with one of those signed statements or  
21 declarations?

22 A. Yes. I'm sorry, I don't have it with me at the moment.

23 Q. Do you make a distinction between a person who is dismissed and a  
24 person who boycotts going to work?

25 A. In this specific case, there is no distinction, because Albanian

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1 workers were collectively put in an intolerable position, collectively and  
2 personally, each one, to be forced upon their knees. They were forced on  
3 their knees, and for this reason, it's the same as being thrown out of  
4 your job.

5 Q. And through what means were they thrown to their knees?

6 A. By the fact that they were being forced to show loyalty to the  
7 Serb state.

8 Q. Since that is not true, can you perhaps tell us what document  
9 issued by the government of Serbia asked for this declaration of loyalty  
10 by Albanian residents?

11 A. I'm sorry, I don't have one of these forms with me, but,  
12 Honourable Judges, I am sure I can send it from Pristina.

13 Q. All right. Since we're talking about this now, since we are  
14 mentioning the power structure in Serbia, which body was responsible for  
15 issuing this declaration? Was it the government? Was it the parliament?  
16 Was it me, as the president of the Republic? Was it some ministry? So  
17 which body within the power structure, according to you, issued this  
18 phantom-like declaration that had to be signed?

19 A. I cannot answer the question concretely.

20 Q. Is it possible that something that is being carried out en masse,  
21 and publicly, can in fact be issued in secret and then distributed; yes or  
22 no?

23 A. I have no comment to your question.

24 Q. I'm asking you, yes or no. You are not giving an interview to the  
25 newspapers here. You are under oath.

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1 A. I realise that I am before Court. I'm telling you, the accused,  
2 that I do not wish to reply.

3 JUDGE ROBINSON: Mr. Bakalli --

4 THE WITNESS: Yes.

5 JUDGE ROBINSON: You have seen this document?

6 THE WITNESS: [Interpretation] Yes.

6

7 JUDGE ROBINSON: And you know who issued it, where it came from?

8 THE WITNESS: [Interpretation] This document came from the

9 directorates of the authorities which were imposed by Belgrade upon the

10 companies in question.

11 JUDGE ROBINSON: [Previous translation continues] ... the document

12 itself?

13 MR. MILOSEVIC: [Interpretation]

14 Q. Does that mean --

15 JUDGE MAY: [Previous translation continues] ... question.

16 THE WITNESS: [Interpretation] The document was distributed and was

17 imposed by the authorities forced upon Kosova companies from Serbia, by

18 Serbia.

19 JUDGE ROBINSON: Continue, Mr. Milosevic.

20 MR. MILOSEVIC: [Interpretation]

21 Q. So this story about the declaration is becoming a bit more clear

22 to me. So as I understand it, you are claiming that the administrative

23 bodies, or administrative organs of the Kosova enterprises were appointed

24 by the authorities in Belgrade and that these organs of enterprises asked

25 their employees to sign some declarations.

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13 and English transcripts. Pages 582 to 592.

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1 A. Yes.

2 Q. And based on that, you conclude that this task was assigned to  
3 them by the government of Serbia?

4 A. Yes.

5 Q. And this is something that you saw happen?

6 A. Yes.

7 Q. And an enterprise. Which enterprise?

8 A. In Trepca, the thermoelectric centre in Obilic. Those two cases I  
9 know of.

10 Q. So in two enterprises you know that somebody asked Albanian  
11 employees to give this loyalty declaration?

12 A. Yes.

13 Q. And what was this supposed to mean, this loyalty declaration?

14 They were citizens of Serbia. What loyalty are we talking about here?

15 A. The meaning was that Albanians in Kosova, they did not feel that  
16 they were citizens of Serbia, and they declared in a referendum that they  
17 were for the Republic of Kosova.

18 Q. And what is stated in that declaration that they had to sign in

19 the Trepca and Obilic enterprises?

20 A. A free interpretation would be: I am loyal to the Serb state, to  
21 the Serb government, and to the leadership of Serbia and the leadership of  
22 the enterprise.

23 Q. Do you mean the leadership of the enterprise or the leadership of  
24 Serbia?

25 A. Leadership of the enterprise.

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1 Q. Does that mean that the employees were supposed to give a  
2 confidence vote to the leadership of their enterprises?

3 A. No. They had to give their loyalty -- or to vote on their loyalty  
4 about the Constitution, the constitutional change in Serbia, under which  
5 the autonomy of Kosova was annulled.

6 Q. You are saying that the constitutional changes, in fact, abolished  
7 the autonomy of Kosova; is that what you're saying? We will get to that  
8 question later on.

9 A. Yes. It could be called autonomy today, yesterday, or under your  
10 reign, but the contents of the autonomy, that's what you destroyed.

11 Q. So to my question concerning whether you made a distinction  
12 between a person who was dismissed and a person who boycotts going to work  
13 implied that there was no difference between them. Did I understand you  
14 well?

15 A. In this case.

16 Q. Yes. And you explained that you supported that with a political  
17 view, political position of those who wanted an independent Kosovo.

18 A. Yes.

19 Q. Is the political position concerning the status of some territory  
20 from the constitutional, legal point of view have anything to do with the  
21 right to employment and work that somebody has at any enterprise? Yes or  
22 no?

23 A. Yes, it has a connection.

24 Q. That means that those who want Kosovo to be a republic can boycott

25 going to work to Trepca and Obilic for legitimate reasons? Yes or no?

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1 A. Yes, because the enterprises were -- had been transformed into  
2 state enterprises of Serbia, and their leadership were appointed from  
3 Serbia.

4 Q. The power company was -- in Serbia was always a state-owned  
5 company.

6 A. The electric company was always a big Serb company as a state  
7 organisation and -- but had no connection with other similar enterprises  
8 in Kosova such as ElektroKosova. ElektroKosova was never under --  
9 subjected to the Serb electric company. It was only when Milosevic  
10 arrived and the changes, the constitutional changes, took place.

11 Q. Since you know yourself that that is not true because the  
12 electrical power system is something that is of a comprehensive nature and  
13 has to be linked between its various components, so the electrical power  
14 of Kosovo could be as independent as the one in Vojvodina and other areas,  
15 and you know that the electric power system is one unit.

16 A. Yes, from a technical point of view and from technical questions,  
17 of course. But they were completely -- the two enterprises were  
18 completely independent of one another. They had no links.

19 Q. Let's leave your opinion aside. You've just explained to us that  
20 the workers in Kosovo had every reason to boycott going to work because of  
21 political reasons, because they wanted Kosovo to be an independent  
22 republic. Yes or no?

23 A. Yes.

24 Q. Which means that they boycotted going to work for political  
25 reasons, not because they were dismissed. This is the very reason I asked

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1 you whether you made a distinction between somebody who boycotted going to  
2 work and somebody who was dismissed. There is no country in this world  
3 where somebody can refuse going to work for political reasons and then  
4 claim to have been dismissed. Nowhere in the world can you see an example

5 of this. You said so, I think. Everything is clear now. We can go on.

6 A. It is clear.

7 Q. You said that Albanians did not attend the celebrations in

8 Gazimestan, the celebrations of the battle.

9 A. They did not.

10 Q. Are you sure that out of 2 million people in Gazimestan there was

11 not a single Albanian?

12 A. I can be -- if I'm sure that there was any Albanian there, there

13 might be one, but I know that the Albanians did boycott your speech in

14 Gazimestan.

15 Q. Are you aware that the entire Presidency of Yugoslavia, including

16 representatives of all Yugoslav republics, were present at Gazimestan?

17 Yes or no?

18 A. No. Exactly the opposite. None of the members of the

19 leadership -- some of the members of the leadership, under your

20 insistence, were there. The Slovenes arrived but not the others. There

21 were not even diplomatic representatives there, then no Albanians.

22 You tried to raise a mass atmosphere there for your own political

23 purposes.

24 Q. Mr. Bakalli, do you know that there is film footage and TV footage

25 showing that, without exception, representatives of all republics attended

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1 the event at Gazimestan, including the Presidency of Yugoslavia? And with

2 the exception of one or two members of the Diplomatic Corps, all members

3 were present. Do you know this?

4 A. I don't know that, and I don't believe it. Well, there may have

5 been, but not the way you say it was.

6 Q. So you are saying that this is not how it was. Excellent.

7 A. Yes.

8 Q. Based on what do you believe that none of the Albanians should

9 have attended the celebrations in Gazimestan?

10 A. I didn't say they ought not to attend. I said that they did not

11 attend, the Albanians, because they felt themselves -- I understood the  
12 motives of Milosevic and why he held that big celebration. They were only  
13 nationalists. There were nationalist reasons. There were 2 million Serbs  
14 from all southern Serbia who arrived in Kosova. They knew what type of  
15 speeches would be held there, and when the -- the speeches were heard,  
16 they realised it was true.

17 JUDGE MAY: We will get on more quickly if you keep your answers  
18 fairly short, please.

19 Mr. Milosevic, we have, I think, exhausted this topic now.

20 MR. MILOSEVIC: [Interpretation]

21 Q. You said that based on the 1974 Constitution everything was fine.

22 This Constitution was amended in 1989; is that so?

23 A. Yes.

24 Q. And you do know, don't you, how many demonstrations there were  
25 prior to 1989? So between 1974 until 1989 when, according to you,

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1 everything was perfect, do you know how many destructive demonstrations  
2 with the same requirement for a Kosovo republic were there? Do you know  
3 about these demonstrations?

4 A. Yes, I know about the demonstrations, but didn't say that the  
5 Constitution of 1974 was the best possible solution. The Constitution of  
6 1974 was a compromise between the will of the Albanian people, which  
7 didn't want any -- to have anything in common with the Serb government and  
8 with Serb rule and wanted to be an independent republic and the situation,  
9 the balance of forces at the time in Yugoslavia in which -- under which  
10 it -- full autonomy had been given to them within the federation within --  
11 but within the framework of Serbia. There were, even after the  
12 Constitution was approved and later, and in 1981 and after 1981, there  
13 were many, because the objective of the Albanians was to have that Kosova  
14 be a republic, not like -- like Croatia, like Slovenia.

15 Q. These demonstrations in 1981, were they justified?

16 A. The demonstrations of 1981, in fact, expressed precisely this

17 objective of the Albanian people who wanted to bring about such changes to  
18 ensure that Kosova became a republic. Since I was chairman of the  
19 regional committee, I say then and I say now that they were not  
20 reasonable. I did not solidarise with them. I did not solidarise,  
21 however, with the assessments made by Serbia and by Yugoslavia, namely  
22 that these demonstrations are a counter-revolution. In the communist  
23 vocabulary, it means use of violence, unlimited violence against the  
24 people. That is why I had a conflict with the party that I belonged up to  
25 that moment.

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1 Q. With the constitutional changes in 1989, were the Albanians --  
2 were any human rights or civil rights or minority rights abolished with  
3 those changes of the Constitution?

4 A. Yes.

5 Q. And we knew -- you know what I mean by human rights, civilian  
6 rights, minority rights. With the 1989 constitutional changes, were the  
7 Albanians stripped of any of these rights, human rights, civil rights, and  
8 minority rights?

9 A. Following the changes you made to the Constitution in 1989, some  
10 individual rights, civic rights, and national rights of Albanians have  
11 been impaired.

12 Q. Which rights were abolished? It is easy to say. You have the  
13 1974 Constitution, and you have the amendments in 1989. Now, tell us,  
14 please, which were the human, civil, and national rights that the  
15 Albanians were stripped of that had existed in the 1974 -- under the 1974  
16 Constitution? What did the changes, the amendments abolish? Tell us,  
17 please. Enumerate just one of them, just one.

18 A. The right to organise themselves, to have their own  
19 self-governance.

20 THE INTERPRETER: "Self [inaudible]", says the witness.

21 A. And to promote, culture, science, all the functions which they had  
22 before under the autonomy granted by the Constitution of 1974. All had

23 been taken away.

24 Isn't it a violation of the collective civil and human rights?

25 MR. MILOSEVIC: [Interpretation]

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1 Q. Mr. Bakalli, I am asking you whether the constitutional changes  
2 took away any of the rights of the Albanians, civil rights, civic rights,  
3 human rights?

4 A. I say substantially yes.

5 Q. You will have to compare the 1974 Constitution and the 1989  
6 amendments and tell us: Which right was abolished by which constitutional  
7 amendment? Are you able to do that?

8 A. I'm trying to do that now orally. You have taken away the  
9 elementary right of self-governance, which we used to do in an autonomous  
10 way. You took away our right to have our own police. You took away our  
11 right to make our own political forecasts. You took away our right to  
12 have our own education and prepare our own curricula. But excuse me, I  
13 can later, if Your Honours are interested, I can bring you further details  
14 explaining to you where our elementary rights have been violated as  
15 citizens and as a nation, these constitutional amendments that were  
16 dictated to us by Milosevic.

17 JUDGE MAY: I have no doubt that in due course, these documents  
18 will be put in front of us and we will be able to make our own minds up  
19 about them.

20 Yes, Mr. Milosevic.

21 MR. MILOSEVIC: [Interpretation]

22 Q. Mr. Bakalli, do the Albanians have their own national state? Yes  
23 or no, please.

24 A. Yes.

25 Q. What is the name of that state?

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1 A. Republic of Albania.

2 Q. Republic of Albania, you say. Is Kosovo part of Albania?

*Bias*

3 A. No, it is not. Kosovo is not part of the -- sorry. Yugoslav.

4 You said Serb. Sorry. It's not part of the Albanian state.

5 Q. Is Kosovo an autonomous province within Serbia?

6 A. It used to be, and that was a compromise solution reached at given

7 moments of our history, but --

8 Q. What moment of history are you talking about?

9 A. I'm talking about the Constitution after the Second World War, and

10 we have always had the status of autonomy in the context of Serbia.

11 That's a fact. But the objective, the aspiration of the Albanian people,

12 as of 1912, has always been that this was the wrong solution for them, to

13 have Kosova under the Serb state, and this has been always the case with

14 the Albanian people, thinking that Kosova does not like to be under the

15 rule of Serbia. Therefore, the Albanian people of Kosova have declared

16 their will to set up their own independent Republic of Kosova, outside the

17 jurisdiction and rule of Serbia.

18 Q. Is Kosovo and Metohija -- were they an autonomous province, both

19 according to the constitutional changes of 1989?

20 A. Formally, yes. By name, yes, but not in the content, in essence,

21 because nothing was decided by the Kosova institutions.

22 Q. Do you give those explanations from the aspects of an independent

23 Kosovo?

24 A. I didn't understand the question. Please repeat it.

25 Q. Are you giving us those explanations from the standpoint of an

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1 independent Kosovo?

2 A. I am giving this assessment in terms of the autonomy Kosova

3 enjoyed before you came to power and before you amended the constitutional

4 position of Kosova. With respect to the people of Kosova, they are not in

5 favour of your Constitution and not in favour of our Constitution of

6 1974. That is, they are determined to have their own Republic of Kosova,

7 where all citizens are equal - Turks, Bosnians, Romas - to have

8 interethnic tolerance, which at this moment does not exist, but we are

1 independent Kosovo?

2 A. I am giving this assessment in terms of the autonomy Kosova  
3 enjoyed before you came to power and before you amended the constitutional  
4 position of Kosova. With respect to the people of Kosova, they are not in  
5 favour of your Constitution and not in favour of our Constitution of  
6 1974. That is, they are determined to have their own Republic of Kosova,  
7 where all citizens are equal - Turks, Bosnians, Romas - to have  
8 interethnic tolerance, which at this moment does not exist, but we are  
9 going to build it, establish good relations, neighbourly relations with  
10 Serbia and its people, as well as Montenegro, Macedonia, and Albania.  
11 This is our objective, to have independent Kosova.

12 Q. So you are now striving, in fact, for an independent Kosovo. Do  
13 you know that the conditions under which the war was stopped, and in the  
14 name of Chernomyrdin and Ahtisaari brought in, are such that they  
15 guarantee the sovereignty and territorial integrity of Yugoslavia, and  
16 that it is on the basis of conditions accepted in this way that the 1244  
17 resolution of the United Nations Security Council was brought in, in which  
18 all this was reiterated, repeated, guaranteeing the sovereignty and  
19 territorial integrity of the Federal Republic of Yugoslavia, and that this  
20 enabled and guaranteed the protection of all the citizens of Kosovo, the  
21 population of Kosovo, and a political solution to the issue? By what you  
22 are now saying, are you yourself, therefore, against showing respect for  
23 the conditions under which the war was stopped and are against respect of  
24 the United Nations Resolution 1244, UN Security Council Resolution 1244,  
25 which sets this out and establishes that?

1 A. No. I said that what the objective and aspiration of the Albanian  
2 people of Kosovo is, but we all respect and abide by Resolution 1244,  
3 endorsed by the Security Council, and we think that there is still a long  
4 way to go before we will need the international administration of Kosova  
5 for quite some time, before we start the process of starting to build our  
6 democratic, political, and state institutions in Kosova, and then, from

7 that, we can start negotiations on determining the final status of  
8 Kosova. But even when that time comes, I want to tell you what the  
9 orientation, the inclination, and determination of the Albanian people of  
10 Kosova is. This does not run counter in any way to Resolution 1244. We  
11 have never sought to make changes of the existing borders; that is, we do  
12 not want to impair in any way the territorial integrity of Yugoslavia. We  
13 want to respect it. Regarding the sovereignty of Yugoslavia and Serbia in  
14 Kosova, it is not existent for three years now, and the new reality is  
15 such that they do not have any sovereignty there.

16 JUDGE MAY: Mr. Bakalli, I think we're now moving some way from  
17 the subject matter of this trial.

18 Mr. Milosevic, can we go on to another topic now?

19 MR. MILOSEVIC: [Interpretation] Yes, we can, but I just have to  
20 indicate the fact that this rhetoric on the alleged respect of the  
21 conditions under which the war was stopped and Resolution 1244 is in  
22 complete contradiction with the answer given previously, when asked  
23 whether he strove for an independent Kosovo. But I will move on.

24 Q. You said that the people of Kosovo, at a referendum, decided for a  
25 Kosovo republic, that they opted for that. What about the Serb people in

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1 Kosovo? Did they opt for a Kosovo republic as well?

2 A. No, or not yet. I hope that tomorrow, sometime in the future, the  
3 Serb people of Kosova, as citizens of Kosova, will share their fate with  
4 the bulk of the Kosovars who are Albanians and will reconcile to the fact  
5 that they are no longer citizens of Serbia but are citizens of Kosova, who  
6 have full rights and are guaranteed -- their life is guaranteed in the  
7 Republic of Kosova.

8 Q. Mr. Bakalli, I understand your need to use all this rhetoric and  
9 to utter all these things, in view of your newly established political  
10 positions, but I should like you to answer my questions with a yes or no,  
11 because they have all been put in such a way that a yes-or-no answer is  
12 possible. So what I have just asked you is whether the Serb people in  
13 Kosovo opted for a Kosovo republic.

14 A. Not yet, I said.

15 Q. Not yet, you say. What about the Turks? Did they come out in  
16 favour of a Kosovo republic, the Turks in Kosovo? Or to make it shorter,  
17 without asking you one by one, the Goranis, the Muslims, did they too opt  
18 for Kosovo republic? And whether your uni-national referendum for a  
19 Kosovo republic, a territory which is part of Serbia and where seven  
20 ethnic groups live, do you identify the Albanians with the Albanian  
21 nation, with the Albanian people, and part of the territory of a sovereign  
22 state with the status of a right to secession, whereas a moment ago you  
23 said that the Albanians have a national state of their own and that the  
24 name of that national state is the Republic of Albania? Do you therefore  
25 consider that the Albanians should have two states and the Serbs not have

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1 a single state?

2 JUDGE MAY: Just a moment, Mr. Milosevic. Mr. Milosevic, we're  
3 getting away from the original question. The original question -- just,  
4 Mr. Bakalli, listen. The original question was: Did the Turks - and one  
5 or two other nationalities were referred to - did they support the  
6 referendum or not? Did they favour a Kosovo republic or not? Perhaps you  
7 can answer that shortly.

8 THE WITNESS: [Interpretation] Under the will and the election  
9 programmes of the political parties of Bosnians, Romas, Turks, they are  
10 all -- they have stated they are all for declaring Kosovo an independent  
11 republic. The Serbs, no.

12 JUDGE MAY: Very well.

13 THE WITNESS: [Interpretation] Not yet.

14 JUDGE MAY: Very well. That is the answer.

15 Yes, Mr. Milosevic.

16 MR. MILOSEVIC: [Interpretation]

17 Q. Do you know of a single state, a single country, in which a  
18 national minority proclaimed its own state while killing and evicting all  
19 the other inhabitants and citizens? Do you know of a single example in  
20 the world? Can you quote a single example? Let me repeat --

21 A. I'm clear. I can't cite here world examples, but please, don't  
22 forget that when we are talking about Kosova, we are talking about 90 per  
23 cent of its population being Albanian, and their rights can be granted  
24 only if they have their independence from Serbia. But by establishing the  
25 Republic of Kosova, we are not saying that they are establishing the

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1 Albanian Republic of Kosova. We will establish the Republic of Kosova,  
2 composed of all the nationalities, all the ethnic groups, who have equal  
3 rights. It would be absurd to say that there are two national states.  
4 The Republic of Albania is an Albanian state, Kosova is state of Kosovars,  
5 where 90 per cent are Albanians.

6 JUDGE MAY: Next question, please.

7 MR. MILOSEVIC: [Interpretation]

8 Q. I asked for an answer to my question, and I didn't ask for a  
9 speech about Albanian separatism. What I asked was very specific. I  
10 asked: Do you know of a single country in which the national minority  
11 proclaimed its state and killed and evicted all the other citizens with  
12 the state proper agreeing to that and allowing that to happen? Do you  
13 know of any such example or not?

14 A. Albanians are not a national minority in Kosovo.

INTERFERENCE

15 JUDGE MAY: We've taken this as far as we can. Mr. Milosevic,  
16 move on, please.

17 MR. MILOSEVIC: [Interpretation]

18 Q. In view of the fact that a moment ago you stated that you did not  
19 agree -- you expressed your disagreement from earlier days and you failed  
20 to answer my question of why demonstrations existed from 1974 until 1989  
21 when everything was fine, I would like to remind you of certain events,  
22 and I should like to ask you to answer some of my questions in that  
23 regard.

24 Why were there demonstrations in 1981, for example, when the  
25 Constitution was changed 18 years later in 1989 or, rather, eight years

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1 later in 1989? Why were demonstrations held then in 1981?

2 A. I think I answered this question, but I will, however, say that  
3 these demonstrations wanted the acceleration of the process for the  
4 building of Kosova outside any state links with Serbia, that is, for the  
5 republic of Kosova say that those demonstrations called for a  
6 development -- do you remember that you yourself were President of the  
7 Committee of National Defence and Social Self-protection at the time the  
8 demonstrations were being held in Kosovo?

10 A. Yes.

11 Q. Do you remember that you personally, Mahmut Bakalli, in your  
12 capacity as President of the Committee for Total and National Defence, or  
13 All People's Defence, on the 2nd of April, at a meeting asked for the  
14 Yugoslav People's Army to bring tanks out onto the streets?

15 THE INTERPRETER:

16 A. [Indiscernible], says the witness.

17 MR. MILOSEVIC: [Interpretation]

18 Q. There are transcripts and reports about that, Mr. Bakalli.

19 A. This is not at all true. When the state Yugoslav leadership -- I  
20 don't remember the date.

21 Q. Very well. Your answer is no, then, is it?

22 A. No. Then I said this is not right to use the army.

23 JUDGE MAY: Both of you, one moment.

24 Now, you may make a short explanation, Mr. Bakalli.

25 THE WITNESS: [Interpretation] I have always thought that we should

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1 not dramatise demonstrations of 1981, should not involve in them the  
2 army. The Yugoslav leadership, the state, not the party, the state  
3 leadership - they were eight persons - they have decided without my  
4 presence - I was in Pristina then - to mobilise the army, the Yugoslav  
5 army in Kosova. I expressed my displeasure at that, and I felt really bad  
6 when I saw a commander, military commander, telling me that he had orders  
7 to bring the army troops in the streets, which I considered an erroneous  
8 act.

9 JUDGE MAY: Very well. Very well. You've given -- you have given  
10 the explanation. You have given the explanation.

11 Yes, Mr. Milosevic.

12 MR. MILOSEVIC: [Interpretation]

13 Q. It is not contestable that the army is led by the federal peaks of  
14 power. Therefore, it is not contested that the Presidency ordered that  
15 tanks go out onto the streets. But it is being contested -- what I asked  
16 you is being contested, that they ordered that at your request, at your  
17 demand. You called upon the JNA to bring out the tanks on that 2nd of  
18 April. Yes or no?

19 A. No.

20 Q. The next question. On that same day at 1700 hours, you called for  
21 the aeroplanes to be taken out as well. Yes or no?

22 A. No.

23 Q. Do you remember that on the 17th of April, 1981, that is to say  
24 several days later when the situation had calmed down, you held a press  
25 conference with foreign journalists?

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1 A. Yes.

2 Q. Do you remember, furthermore, that you told the foreign  
3 journalists, and I quote you, Mr. Bakalli, from the newspapers, you said  
4 the following: "The demonstrations, for us, were not a surprise, but the  
5 brutality of the enemy was." Do you remember having said that?

6 A. Yes, I have said -- I may have said even worse things.

7 Q. What did you say?

8 A. It is possible. I may have used even harsher terms. I was not in  
9 solidarity with those demonstrations, but I was not also for them being  
10 called anti-revolutionary, counter-revolutionary.

11 Q. Do you remember having said on the occasion, and I'm going to  
12 quote you literally again, I'm not going to recount but to quote: "The  
13 Albanian nationalists are the aiders and abettors of the occupiers against  
14 the true interests of the Albanian people"?

15 A. I have nothing against that. I agree with you there.

16 Q. But did you say that on that occasion?

17 A. I said that and I say now that I have my reservations against  
18 Albanian nationalism. It is possible that I said that.

19 Q. So you confirm that you did.

20 A. Yes.

21 Q. Asked by a foreign journalist that you were not too hardcore  
22 toward the demonstrators, that you said, and I quote you again: "We're  
23 not dealing with our hardcore qualities. Their requests are not only  
24 political but are of a hostile nature in comparison with our  
25 Constitution." Correct?

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1 A. You have collected all my statements in the press. I personally  
2 have forgotten those times. But it is possible, Mr. Milosevic. I was  
3 then and I am now, I think, of the opinion that the demonstrations of 1981  
4 were not necessary. But they wanted, as I said, to have a republic for  
5 Kosova. But Constitutions cannot be amended through demonstrations staged  
6 in the streets. I think that they should be changed in the manner through  
7 normal democratic procedures which should be provided by the Constitution  
8 too.

9 Q. Mr. Bakalli, will you please give me a yes or no answer? I quoted  
10 your statement. Was it yours or not?

11 Say -- I didn't collect any information, because I didn't know  
12 that you would be a witness. I do not receive any mail. I read in the  
13 newspapers that you would be a witness, and I read your denial where you  
14 say you wouldn't be a witness. So until yesterday, I didn't know whether  
15 you were actually going to be a witness or not, and I'm just taking into  
16 account what you said yesterday.

17 JUDGE MAY: Mr. Milosevic, what's the question?

18 Mr. Bakalli, I think you were being asked about your statements in  
19 1981, and your answer appears to be that you don't remember, but it's  
20 possible that you did say those things. Is that right?

21 THE WITNESS: [Interpretation] Yes. Yes, it is possible that I  
22 said that. But this does have nothing to do with the process of

23 Milosevic, the trial of Milosevic. I don't see the relation.

24 JUDGE MAY: Well, we'll be the judges of that.

25 Yes, Mr. Milosevic, next question.

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1 MR. MILOSEVIC: [Interpretation] I agree that this has nothing to  
2 do with my trial nor is this a trial, but let me continue.

3 Q. Was your assessment, and I quote again at the time: "Albanian  
4 nationalism and irredentism was the basic form of enemy hostile  
5 demonstrations. The ultimate goal was clear and that was an attachment of  
6 Kosovo to Albania"? End of quotation.

7 I agree with you once again that it was true that that was the  
8 goal, but was that your position at the time? Yes or no?

9 A. No. I doubt that I said anywhere about Kosova's annexation to  
10 Albania.

11 Q. Yes. You've answered my question. I don't expect anything from  
12 you, just to say yes or no to my questions.

13 You said yesterday that according to the 1974 Constitution, Kosovo  
14 had the same rights as the other republics. Those were your words which I  
15 jotted down. Now, was Kosovo a republic according to that Constitution?

16 A. Yes. In the normative part of the Constitution, it was identical  
17 to all the other republics, including the Republic of Serbia.

18 Q. I'm asking you, Mr. Bakalli, in view of the fact that you've said  
19 that Kosovo, by virtue of the 1974 Constitution, had the same rights as  
20 the other republics, so it is on that quotation of yours that I base my  
21 question. Was Kosovo a republic according to the 1974 Constitution? Yes  
22 or no?

23 A. No, it was not a republic, but it enjoyed more a substantive  
24 autonomy.

25 Q. Thank you. And you claim that a -- the Autonomous Province of

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1 Kosovo was abolished in 1989 and that since 1989, the Autonomous Province  
2 of Kosovo and Metohija does not exist, no longer exists?

3 A. Not according to the Constitution of 1974, perhaps with some

4 formal name.

5 Q. Thank you very much. Who exerted pressure for the exodus of the  
6 population, the Serbs or the Albanian extremists from 1981 onwards? Do  
7 you know that under pressure, up until 1988, another 40.000 Serbs left  
8 Kosovo, moved out of the Kosovo? Yes or no?

9 A. I have heard about this figure also in another occasion. Allow  
10 me, since this is a sensitive issue, to say that of 40.000 Serbs were  
11 given out of Kosova during 1981 -- left Kosova during 1981, 1989, you  
12 should know that they were not forced to leave out of the pressure of the  
13 Albanians, because in fact the power was being taken over gradually by the  
14 Serbs and the Serbian army forces.

15 JUDGE ROBINSON: Mr. Bakalli, what was the total number of the  
16 Serb population in Kosovo at that time?

17 THE WITNESS: [Interpretation] At that time, let's say 8 per cent.  
18 About 8 per cent. About 150.000 to 200.000. But it is interesting to  
19 note while they have left Kosova when Serbia started to rule Kosova --

20 JUDGE ROBINSON: Never mind. Never mind that. I just wanted to  
21 get the total number of the Serb population at that time, and you said it  
22 was between a 150.000 to 200.000.

23 THE WITNESS: [Interpretation] Yes, about 200.000.

24 JUDGE ROBINSON: Thank you. Mr. Milosevic, continue.

25 THE ACCUSED: [Interpretation] That figure is incorrect but there

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1 will be plenty of time to provide the right figures.

2 MR. MILOSEVIC: [Interpretation]

3 Q. You said yesterday that you wrote articles from 1981 and that you  
4 have gone on doing so to the present day.

5 A. Not since 1981, no.

6 Q. All this time, then -- and you were critical in those articles you  
7 wrote. You were critical towards the political leadership, you say. You  
8 were critical towards me and so on and so forth. That's what you said.  
9 Now I'm asking you whether you had any repercussions or  
10 unpleasantness due to this.

11 A. Personally, no, but my friends, yes.

12 JUDGE MAY: You were asked about yourself.

13 A. No.

14 MR. MILOSEVIC: [Interpretation]

15 Q. In my day, the times you're talking about, and you refer to them

16 as "in my day," were you in any kind -- ever under any kind of house

17 arrest? Because you mentioned --

18 A. Previously.

19 Q. I see. Previously. So you weren't, were you?

20 A. No. No.

21 Q. You said yesterday, in the midst of giving some explanations, and

22 then you happened to remember just a little while later that allegedly in

23 a talk with me you told me, when the two of us had a meeting, that the

24 police was committing crimes and that I should take care, that the balance

25 of forces would not always be what it was then. And is it true that you

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1 threatened me on that occasion and that you used the term "crimes"? Yes  
2 or no?

3 A. And I also used the phrase that there is a clergy man above every  
4 clergy man.

5 Q. Yes. I heard you say that.

6 Now, as you were speaking about apartheid, why didn't you mention  
7 apartheid to me at all when you met with me ten years ago and when you  
8 wrote about it, as you say, ten years ago?

9 JUDGE MAY: You have asked all that, and he has answered. He  
10 said -- he said earlier, in answer to a question, that he should have  
11 done.

12 There's no need to answer, Mr. Bakalli.

13 MR. MILOSEVIC: [Interpretation]

14 Q. Were you in active service while I was President of Serbia and  
15 Yugoslavia? Were you in any kind of active service? What do you mean  
16 "active service"?

17 A. No. I didn't have any active service after 1981.

18 Q. Within the frameworks of rights and the law and all standards  
19 above all European and world standards, was there an Albanian Academy of  
20 Sciences until the boycott began? Is that true? Was there an academy of  
21 sciences of Kosovo? Did it exist? An Albanian one, of course. Yes or  
22 no, please.

23 A. The academy of science of Kosovo has existed and it exists, but it  
24 is not called the Albanian Academy of Sciences.

25 Q. Yes. It's called -- it was called the Kosovo one.

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1 Now, do you know the example -- can you quote the example of any  
2 other country in the world where national minorities had the same rights  
3 that the Albanians had? Can you quote another example in the world, of  
4 any country in the world where this existed?

5 A. I don't know about what kind of Yugoslavia you are talking about.  
6 If you are talking about your own Yugoslavia, I think that the example is  
7 quite obvious for everyone, that there couldn't be any worse position than  
8 that of the Albanians anywhere else in the world, I think. You should not  
9 forget that you have committed not only crimes against Albanians, but you  
10 wanted to evict them. How can you ask me now if there is any other  
11 country --

12 JUDGE MAY: You're being asked about the academy, yes.

13 Yes, Mr. Milosevic. Next question.

14 MR. MILOSEVIC: [Interpretation]

15 Q. Do you know the violence exerted by Albanian extremists over Serbs  
16 during the time that you were in power in Kosovo?

17 A. Violence in Kosova, even when I was in power, existed, of course,  
18 but there was no pressure against the Serbs. If there has been some  
19 conflicts between Albanians and Serbs, under our severe laws, we have  
20 condemned them. I just want to remind you of the case of murder of an  
21 Albanian -- a case of a Serb, committed by an Albanian from Pec/Peja. He  
22 was sentenced to death and he was executed.

23 So I mean to say that both politically and juridically, we have  
24 been very severe against any kind of pressure or any interethnic

25 conflict. You should not forget that we used to follow a positive policy

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1 towards the Serbs of Kosova. They have had their jobs, they have been  
2 always in a higher position than the local inhabitants. Some of the Serbs  
3 have left Kosova for socioeconomic reasons. In my time, for example,  
4 375.000 Albanians left Kosovo and went to Western Europe, to America, New  
5 Zealand, Australia, because --

6 JUDGE MAY: Mr. Bakalli, that is enough in answer to the  
7 question.

8 MR. MILOSEVIC: [Interpretation]

9 Q. Therefore, as I see your reply to my question whether you knew  
10 about the violence of Albanian extremists against Serbs during the time  
11 you held power in Kosovo, the answer was yes.

12 A. No. There was no violence, at least not in the sense that you are  
13 trying to imply.

14 Q. Do you know that after 1980 --

15 A. After 1981 -- in the army, for instance, someone had killed a Serb  
16 in the army, and our judges, according to the laws, in accordance with the  
17 laws, sentenced him to execution, to death, and he was executed, according  
18 to law. I can't swear that the Albanians are angels and they don't know  
19 how to commit crimes. I'm not saying that. But in the essence, the  
20 Albanians were the subjects, and our organs were mobilised so that there  
21 would be no conflict between the Serbs and other nationalities.

22 Q. Among Serbs and other nationalities, there were no conflicts at  
23 all, Mr. Bakalli.

24 A. The translation was incorrect. I meant between Albanians and  
25 Serbs.

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1 Q. Mr. Bakalli, since you're mentioning Serbs and other  
2 nationalities, you should probably know that there are 27 ethnic groups  
3 living in Serbia. The legal, social, and civic status of the Albanian  
4 ethnic group, as far as the state is concerned, the legal system, and  
5 everything else that constitutes the status of an ethnic

6 group -- therefore, is the status of Albanians in any way different from  
7 the status of Hungarians, Slovaks, Bulgarians, and so on? I don't want to  
8 enumerate all of the ethnic groups. Is there anything that creates a  
9 distinction as far as the legal and constitutional framework, as far as  
10 the human and civic framework is concerned, within the whole system? Is  
11 there any difference in the status of these ethnic groups; yes or no?  
12 A. For instance -- yes. Serb nationalism, for the Serb nationalists,  
13 the Albanians were simply in the way. There are 2 million Albanians at  
14 the moment. You can't compare that to an occupation of, say, 20.000  
15 Bulgarians, 30.000 Romanians, and others. There are 2 million Albanians  
16 living on their own land.

17 Q. Mr. Bakalli, do you know that 70.000 Albanians live in Belgrade?  
18 Do you know of any case of discrimination against an Albanian?  
19 Furthermore, along the Boulevard of Revolution, which you walked many  
20 times probably, one can see numerous shops with the names of their  
21 Albanian owners. Was a window of any shop ever broken? Do you know of  
22 any case of violence against the 70.000 Albanians living in Belgrade; yes  
23 or no?

24 A. Yes, there were cases, both in Belgrade and in Serbia. The  
25 attitude with respect to Albanians living there is something that you

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1 simply do not wish to remember.

2 Q. Yes. I'd like to see some examples of that. Are you aware of  
3 murders and rapes and destruction of homes and arson of homes, fields, and  
4 so on? So all of these means were used by Albanian nationalists to expel  
5 Serbs, and under their pressure, that I've mentioned, 40.000 Serbs had to  
6 leave Kosovo. Do you know anything of this?

7 A. I think that that's exaggerated for Serb propaganda, and I don't  
8 accept it.

9 Q. So dead people constitute Serb propaganda as well?

10 A. For the dead --

11 JUDGE MAY: Mr. Bakalli, there is no need to answer. We'll hear  
12 further evidence in due course.

*About killing  
SERBS*

*INTERFERENCE*

13 Anything else, Mr. Milosevic?

14 MR. MILOSEVIC: [Interpretation] Certainly.

15 Q. Mr. Bakalli, how many newspapers in Albanian were published in the  
16 province up until the war, the 24th of March, 1999?

17 A. It depends on the period. Sometimes Rilindja was issued, and then  
18 it was forbidden by the Serb government. And then Bujku was issued, and  
19 then the Serb authorities had illegalised Bujku. And then another  
20 newspaper which was issued and then banned. And then Koha Ditore, which  
21 was subject to various types of pressure. And then Zeri was issued, and  
22 then Zeri Javore, Zeri Ditore. So what I mean is the medias did exist in  
23 Kosova. At this moment, there are a lot of media, but under Milosevic at  
24 the time, they were born and then they were killed. They were born and  
25 then banned, born and banned. Various types of pressures. That you know

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1 very well.

2 Q. It is my assertion, Mr. Bakalli, that none of the Albanian  
3 newspapers in Kosovo were banned. Is that true or no?

4 A. It's not true.

5 Q. Even foreign diplomats, including Americans, used to tell me,  
6 Mr. Bakalli, that they were able to buy all Albanian press, all Albanian  
7 Kosovo press, at every corner, and now you're claiming that there was no  
8 freedom of press for Albanians in Kosovo.

9 A. You were talking about freedom of the press. You asked: Were  
10 they issued? I said: Yes, they were issued and then banned, issued and  
11 banned, issued and banned. And the Americans, or the American you're  
12 talking about certainly did see newspapers. But the history of journalism  
13 in Kosova in the past would be quite a surprising history of births and of  
14 banning of various newspapers. That's a question of the government. It's  
15 not a financial problem.

16 Q. Mr. Bakalli, I'm not discussing internal problems of a newspaper.  
17 What I'm referring to is that none of the newspapers were banned. You are  
18 claiming that that's not true.

19 A. It's not true.

20 Q. You've mentioned Koha Ditore just a while ago. Have you read the  
21 Rambouillet agreement which was published by Koha Ditore in its entirety  
22 in the Albanian language? Yes or no, please.

23 A. I know that I read all the documents -- I heard about all the  
24 documents in Rambouillet. But remember, at the time I was in Switzerland  
25 and was working on a project, a Swiss/Kosova project at the time, and I

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1 I don't remember the exact text of Koha Ditore, but I do know the essence of  
2 the proposals of the Rambouillet documents, which you did not sign because  
3 that was not to your advantage to enter into negotiations. You didn't  
4 want to lose the opportunity to rule over Kosova.

5 JUDGE MAY: Just try and stick to the point, Mr. Bakalli, and  
6 we'll all get on more quickly.

7 Yes, Mr. Milosevic.

8 MR. MILOSEVIC: [Interpretation]

9 Q. Since you are saying that you worked on this Swiss project, as a  
10 result of which you were not in Pristina, do you know that the entire  
11 Rambouillet document was published in two parts by the Koha Ditore  
12 newspaper?

13 A. I don't know it, but I believe you that it was published, yes.

14 Q. You don't know about this?

15 A. I don't know it, but I do believe you that it was published, yes.

16 Q. Do you know that it was published even before the meeting in  
17 Rambouillet started?

18 A. I'm sorry, I don't really know. I wasn't in Kosova at the time.

19 Q. So you don't know about it. Do you know how many Albanians were  
20 killed by Albanian terrorists in 1998 and beginning of 1999? Do you know  
21 how many Albanians were killed by Albanian terrorists?

22 A. No, I do not know. When you use the word "terrorism," if you're  
23 talking about the KLA, I could tell you that they did not commit any  
24 criminal murders. If they did commit any criminal murders, they should be  
25 taken to court and tried, like every citizen of Kosova. No one is above

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*13-15  
will say  
negotiations  
in the presence!*

1 the law or outside the law, the competence of the law. But I don't know  
2 of any number. If you have arguments, okay, bring them to trial, in  
3 national trials, in the national courts of Kosova.

4 Q. Do you think that when somebody plants a bomb at the market, as a  
5 result of which a lot of people are killed, do you believe that to be an  
6 act of terrorism? Or do you believe when somebody opens fire at the cafe  
7 full of young people, that constitutes an act of terrorism?

8 A. Yes.

9 Q. Do you think that it's an act of terrorism when somebody  
10 intercepts a forest keeper who is an Albanian and kills him? Do you  
11 believe that to be an act of terrorism?

12 A. It's a crime. Murder is a crime and you have to be taken to  
13 court.

14 Q. But you don't believe this to be an act of terrorism. Is it an  
15 act of terrorism when --

16 A. Throwing a bomb is --

17 Q. Is it an act of terrorism when somebody comes to the door of a  
18 house of an Albanian physician, who is a good doctor and is employed at a  
19 state hospital as a decent man, and somebody comes and kills him at the  
20 doorstep of his own house? Isn't that an act of terrorism?

21 A. Yes. The KLA did not do that. I know that. And if someone did  
22 commit such crimes, it was an individual initiative. Excuse me, Your  
23 Honours. I did express my reserves about the declarations of the Ministry  
24 of Justice of Serbia, who, in the last -- over the last few months  
25 declared again and again that we should be sending people to The Hague.

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1 If you want people, then you have to look among the members of the KLA and  
2 see.

3 JUDGE MAY: Mr. Bakalli, we will not get on if we have these very  
4 long answers. It would be much better if you would just restrict yourself  
5 to the questions.

6 We'll adjourn now for 20 minutes.

7 --- Recess taken at 12.16 p.m.

8 --- On resuming at 12.35 p.m.

9 JUDGE MAY: We'll go on with the evidence until half past one. At  
10 half past one we've got to stop to deal with some procedural matters.

11 Mr. Milosevic, if you can -- if you would get through your  
12 cross-examination by then, we'd be grateful.

13 THE ACCUSED: [Interpretation] I shall try to do so.

14 THE INTERPRETER: Microphone for Mr. Milosevic, please.

15 JUDGE MAY: Microphone. Your microphone.

16 THE ACCUSED: [Interpretation] It turned off by itself.

17 MR. MILOSEVIC: [Interpretation]

18 Q. Therefore, when I asked you whether you knew how many Albanians  
19 were killed by Albanian terrorists in 1998 and 1999, and they killed and  
20 kidnapped hundreds of them, the way I understand your answer is that you  
21 didn't know about this. Did I understand you well?

22 A. No. I didn't know about that well. I know about a crime that was  
23 committed in 1988 to 1989 about a -- against a Serb in Kosova by someone  
24 of the Albanian side, by one of the KLA, of the UCK.

25 Q. You used the phrase "if somebody had committed a crime" then this

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1 is how it was. Since you are saying "if somebody had committed a crime,"  
2 I take it that you don't know whether somebody in fact did. My question  
3 pertained to Albanian policemen, forest keepers, physicians, mailmen, and  
4 so on. But let me get on with another question.

5 Do you know how many Albanians served in the police force of the  
6 Ministry of the Interior of Kosovo and Metohija during those same years,  
7 1998 and 1999?

8 A. Could you please repeat the question about the police force?

9 Q. Do you know how many Albanians served in the police force in  
10 Kosovo and Metohija?

11 A. In my time or do you mean in 1998, 1999?

12 Q. I mean in recent years, 1998, 1999?

13 A. As far as I know, you eliminated all the Albanians on the police  
14 force in Kosova when you reigned over Kosova. You eliminated them all,

15 and they formed their own trade union. And then you said they had been  
16 organising a trade union for obstructive reasons, to -- and put a lot of  
17 policemen in prison from Kosova. So I could say that there were no or  
18 very few Albanian policemen in the years 1988, 1989 -- rather, 1998,  
19 1999.

20 Q. So you are telling us that there were no police -- no Albanian  
21 policemen except for a few exceptions; is that right?

22 A. True.

23 Q. Do you know that during the summer and fall of 1988, in addition  
24 to these regular police forces -- this is a new question, therefore. So  
25 do you know that by the summer and fall of 1988, in the hundreds of

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1 Albanian villages, a local police was established? Have you heard of  
2 local police in Albanian villages?

3 A. No.

4 Q. You have not. Have you heard that in Albanian villages local  
5 policemen were elected by the village residents among themselves and that  
6 the state provided uniforms, weapons for them in order to maintain law and  
7 order in those villages? You don't know about this?

8 A. I know that many Serb citizens were given uniforms and were in  
9 Serb paramilitary units. That I know.

10 Q. When I asked you whether you knew of policemen who were local  
11 Albanian residents, you basically told me that you don't know of this. Is  
12 that right?

13 A. That's true. I don't really know anything about it.

14 Q. Do you know that a number of these local policemen, who were  
15 Albanians and were elected by the villagers themselves and who maintained  
16 law and order in villages, were killed by the KLA?

17 A. I don't know anything about this fact. Sincerely, I really don't  
18 know.

19 Q. Just a minute ago, you told us that there were Serb paramilitary  
20 forces there. Do you know that there was an order that applied to all  
21 units of army and police which said that in their zone of responsibility,

22 they should arrest and disarm any paramilitary group?

23 A. No. I don't know anything about a disarmament order, but I do  
24 know that a lot of crimes were committed against the Albanian people.

25 Q. Were a lot of crimes committed by Albanians against Albanian

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1 residents?

2 A. I wouldn't think so, but if there were any cases, evidence could  
3 be brought and people could be brought to trial.

4 Q. Were a lot of crimes committed by NATO against the Albanian  
5 population?

6 A. No. There was collateral damage which did take place. There was  
7 one case I know of. But NATO did make a declaration, a public  
8 declaration. But in essence, the people of Kosova were not afraid at all  
9 of the NATO bombing and wasn't afraid of the members of the KLA either,  
10 because the people were deported by force, by police, paramilitary, and  
11 army, to Albania and to Macedonia.

12 Q. That means that when NATO bombs hundreds of Albanian refugees in a  
13 convoy - and I have shown here photographs of carbonised corpses,  
14 children, and so on - you in fact are referring to this as collateral  
15 damage; is that right?

16 A. I know that there was no bombing, NATO bombing, or it was not the  
17 purpose of NATO bombing to hinder -- to do anything against the civil  
18 population. It was against the system.

19 Q. When a maternity home is being bombed, is that a demonstration to  
20 do no harm to the civilian population?

21 JUDGE MAY: That, Mr. Milosevic, is a matter of comment. It's not  
22 a -- it's not a question.

23 THE ACCUSED: [Interpretation] All right, then.

24 MR. MILOSEVIC: [Interpretation]

25 Q. Do you know how the provisional Executive Council of Kosova and

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1 Metohija in 1989 was composed?

2 A. It was appointed by the Serbian Assembly. I don't remember that,

3 but you should know that it was appointed by the Serb Assembly; second,  
4 the majority of the members were Serbs; and third, there were also some  
5 Albanians and some Gorani, or some other nationality, whom you have taken  
6 over to your side. That was a Serb government and not a government of the  
7 Kosova people.

8 Q. When you say "Kosovo people," you in fact mean only Albanians;  
9 right?

10 A. No. No. I mean the Albanians of Kosova -- Kosovar, sorry. It  
11 was appointed by the Serb government. It was not appointed by the Kosovar  
12 Albanians or by others in Kosova.

13 Q. It wasn't the government; it was the assembly.

14 A. Yes. The assembly, Serbian one.

15 Q. And you believe that Kosovo, in fact, is not Serbia?

16 JUDGE MAY: We've been -- you need not answer that. We've been  
17 through this argument.

18 MR. MILOSEVIC: [Interpretation]

19 Q. Very well. Do you know that this provisional Executive Council  
20 was composed of Serbs, Albanians, Turks, Muslim, Gorani, Romany, and so  
21 on, which means all of the ethnic groups that live in Kosovo? Do you know  
22 about this?

23 A. Yes, I do, but I also know that it was a tool, a blind tool, in  
24 the hands of the Serb parliament and government to rule over Kosova, and  
25 there have been some members in it of the nationalities that you

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1 mentioned, but Serbs were in greatest number, and they acted under the  
2 orders of the Serb parliament.

3 Q. Are you aware of the fact that in that temporary government of  
4 Kosovo, Serbs were a minority as compared to the others?

5 A. I don't remember, and I don't think so.

6 Q. Well, there are people that I can name to you. For example,  
7 Albanian Dzafer Djukiu, who was a minister for social affairs, his throat  
8 was slashed in Pec, shortly after the UN came to Kosovo, and a bomb was  
9 planted in the house of the police minister in order to expel him from

10 Kosovo. However, they managed to survive. My question was: Are you  
11 aware of the fact that Serbs constituted a minority in that Executive  
12 Council; yes or no?

13 JUDGE MAY: The witness has answered that. He says he doesn't  
14 remember and he doesn't think so.

15 MR. MILOSEVIC: [Interpretation]

16 Q. Are you aware of the fact that in the Serbian delegation in  
17 Rambouillet there were representatives from all ethnic groups from  
18 Kosovo?

19 A. Yes, formally they were, but in fact, they all were people who did  
20 not represent the will of the Kosovars. They were instruments in the  
21 hands of the Serb-Milosevic government and power, and as such they were  
22 elected.

23 Q. And who did the national delegation from Kosovo represent?

24 A. The delegation of Kosova was composed of the main political  
25 parties, legal parties of Kosova, plus the representatives of the KLA.

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1 Q. Do you know Hasim Thaci?

2 A. Yes, I do.

3 Q. Do you know his nickname?

4 A. No, I don't. No.

5 Q. You don't know that his nickname is "Viper," "Snake"?

6 A. I don't know of any pseudonyms.

7 Q. You don't know that he got the nickname because he poisoned his  
8 political adversaries?

9 A. I don't think that he might have done that, and I don't know.

10 Q. Was it logical for you that the head of the Albanian delegation in  
11 Rambouillet be Thaci rather than Rugova? Yes or no?

12 A. Yes.

13 Q. It was logical you say?

14 A. Yes, logical. Yes. At that moment, the real political forces  
15 should have come together and be prepared for dialogue and agreements with  
16 Yugoslavia and with the international community. The reality, the reality

17 that was created was such that the KLA had a dominant position. You might  
18 ask why it was so, because Mr. Milosevic did not agree to hold political  
19 negotiations in due course, and it was a forced solution under the new  
20 circumstances in Kosova.

21 Q. I don't wish to go back to those 11 times the delegation of the  
22 Serbian government went to Kosovo, but let me ask you this: Do you know  
23 how many Rugova associates, political activists of his party were killed  
24 by Thaci's terrorists?

25 A. No, I don't. I haven't followed these developments. I know that

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1 some murders have been committed in Kosova which in fact have not yet been  
2 elucidated, and we will do that in due course. We see who is behind  
3 them.

4 Q. Do you consider those killings to be political killings, to have  
5 been political killings because they were political personages that were  
6 involved?

7 A. For most of these murders there are statements issued by the  
8 respective political parties and UNMIK police that they cannot conclude  
9 that they were politically motivated murders. UNMIK.

10 Q. So when Rugova's president of the municipal board of his party  
11 dies in a particular place, loses his life, that is not in a political  
12 killing?

13 A. It may; it may not. We have not to prejudice, a priori pass  
14 judgement on any murder that has been committed before evidence is  
15 presented and ruling is made.

16 Q. Do you know how many Serbs, Montenegrins, Muslims, Croats,  
17 Goranis, Romanies, Egyptians and other non-Albanian inhabitants were  
18 expelled from Kosovo and Metohija after the arrival of KFOR by the  
19 Albanian extremists?

20 A. You mentioned the word -- where our state. I may say that  
21 unfortunately the number of national minorities who -- especially of Serbs  
22 was very great who, after the KFOR forces arrival, left Kosova,  
23 intimidated or afraid that some acts of revenge might be taken against

24 them, fearing the consequences of the tragic situation which was created  
25 in Kosova then.

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1 The political parties, Albanian political parties, and I believe  
2 the future parliament and government and UNMIK, have a plan in place to  
3 ensure their organised return in Kosova to their own lands and homes.

4 Q. What lands and homes of their own are you talking about when the  
5 terrorists, after the arrival of KFOR set fire to several tens of  
6 thousands of Serb houses and homes? Are you aware of that?

7 A. If there are such cases, then we will work to assist them to build  
8 their new homes which have been ruined.

9 Q. Is it possible that when we're talking about tens of thousands of  
10 houses you use the term "if," "if" that is possible, do you really have no  
11 knowledge or know nothing about what is going on in Kosovo?

12 A. I think you are interpreting me wrong. I said that,  
13 unfortunately, their people have left, Serbs, and other nationalities have  
14 left Kosova after the war. I didn't say if they have left Kosova. And I  
15 am certain that we will help them to return, because they, too, will  
16 become citizens of Kosova, equal to Albanian citizens, and will have  
17 assure life. We need some transitory period to do that probably.

18 Q. So you believe, and please give me a yes or no answer.

19 THE ACCUSED: [Interpretation] Because Mr. May, you have been  
20 cautioning me that I'm hurrying, but the answers took up too much time.  
21 They could be yes or no answers, but I'm not in a position to control  
22 them, you are.

23 MR. MILOSEVIC: [Interpretation]

24 Q. And my question: Do you believe that KFOR could not have  
25 protected the Serbs and other non-Albanian inhabitants that were expelled

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1 from Kosovo?

2 A. I said that most of them have left Kosova not under direct  
3 pressure but out of fear that prevailed as a result of the war. And as  
4 far as I know, the KFOR and the international police are actively helping

5 or are playing the role of security in Kosova for the Serbs that live  
6 there.

7 Q. Do you happen to know that of 2.500 kidnapped Serbs, the fate of  
8 1.300 is not known and that on such a small territory as Kosovo that you  
9 cannot establish that along with the presence of such a large force  
10 there? Yes or no?

11 A. I don't know about the exact figure of people who have lost,  
12 disappeared, or who were kidnapped, Serbs, but I know that there is some  
13 figure and that it should be clarified, just as the question of 3.800  
14 Albanians who have disappeared, whom nobody knows, should be clarified.  
15 JUDGE MAY: [Previous translation continues] ... point.

16 Yes, Mr. Milosevic.

17 MR. MILOSEVIC: [Interpretation]

18 Q. Do you consider that the fear was unjustified for people fleeing  
19 from Kosovo when you have a figure of 3.000 killed since the arrival of  
20 KFOR? Do you think the fear is unjustified?

21 A. I think that after the war, people are afraid and people move from  
22 their homes.

23 Q. The reasons, therefore, are not linked to the burning of tens of  
24 thousands of homes and the killing of thousands of people and the  
25 abduction of thousands of people but just some kind of abstract fear. Is

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1 that what you're saying? Is that your assessment? Yes or no?

2 A. You are drawing your conclusions very quickly. I think fear was a  
3 dominant factor, but it is possible that in concrete cases, families have  
4 been evicted after the houses were burned. We will investigate these  
5 issues and take the adequate legal measures.

6 Q. I quoted yesterday, not here but when I was given the floor, a  
7 speech by one of your leaders when he said, "We ensure that Kosovo will be  
8 only for the Albanians. We will secure Kosovo only for the Albanians."  
9 That was a quotation. It was published and broadcast over the radio and  
10 television. What do you think about statements of this kind made by this  
11 particular leader that "We will secure Kosovo solely for the Albanians"?

12 Do you support that? Do you support this kind of statement?

13 A. I don't support such statements, such a logic, and I think that  
14 there can be no one, not a wise man, politically or otherwise, that can  
15 say such a thing.

16 Q. That means that there are many Albanian leaders and Albanians  
17 themselves who do not support a statement of this kind.

18 A. Yes. I think that most of or all of them do not support such kind  
19 of statements, because we are building Kosova for the Kosovars and not  
20 only for the Albanians alone.

21 Q. Why do you keep making facial expressions, grimaces, as if you're  
22 not understanding the translation, when you studied in Belgrade and you  
23 understand every word I'm saying very well? Why do you keep making those  
24 grimaces?

25 JUDGE MAY: You do not need to answer that. I've had a note from

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1 the interpreters asking you both to wait until they've finished before you  
2 speak.

3 Mr. Milosevic, we will have to, in due course, make a decision, if  
4 it's relevant, about the matters that you're raising, but it seems you've  
5 dealt very thoroughly with these particular issues. And of course, we'll  
6 be able to hear any evidence which you put before us on this particular  
7 topic. But I think we've now exhausted it, and perhaps you could move on.

8 THE ACCUSED: [Interpretation] Very well.

9 MR. MILOSEVIC: [Interpretation]

10 Q. Mr. Rugova [sic], do you know when Greater Albania existed?

11 A. You should ask Rugova. Are you asking me or Mr. Rugova?

12 Q. I apologise. I meant to say you, Mr. Bakalli.

13 A. Can you repeat the question, please, to me, address it to me  
14 again?

15 Q. Do you know when Greater Albania existed, was in existence?

16 A. As far as I know, it has never existed, Greater Albania as such,  
17 neither today as a notion -- maybe the notion of Greater Albania exists in  
18 some political platforms of Albania in the Balkans, but neither in Tirana,

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19 nor in Tetova, Pristina. The notion of Greater Albania is a by-product of  
20 Serb political propaganda aiming at presenting the Albanians as people who  
21 struck fear among others.

22 Q. Mr. Bakalli, the question was: Do you know when Greater Albania  
23 existed? You say it did not exist. You don't have to go into an  
24 explanation as to why. But do you know who established a Greater  
25 Albania? Or rather, do you know that during World War II, Mussolini and

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1 Hitler established Greater Albania, and which parts of Kosovo at that time  
2 and which parts of Macedonia were included into this Greater Albania?  
3 These were historical facts, and you were a professor. Do you know about  
4 that historical fact?

5 A. I know very well, but it is considered a fascist and Nazi  
6 concoction about Albania, and not Greater Albania. The Albanians  
7 themselves, in Albania, Macedonia, and Kosova, with their anti-fascist  
8 war, by fighting against fascism and racism, Italian and German one, by  
9 taking an active part in the Second World War on the side of the alliance  
10 and as fighting as partisans, in fact, they have said that this is a  
11 fascist and Nazi concoction. So don't blame me and Albanians for that  
12 fascist creation, because we fought ourselves against it.

13 Q. I am not ascertaining guilt. All I am asking you is whether you  
14 have heard of that creation. You first said that you did not hear of it  
15 and now you say that it was a Nazi, fascist creation. So we've cleared  
16 that point up.

17 Is there a project for a Greater Albania present in Kosovo today?

18 A. In all the political parties of Kosova, Albanian political parties  
19 in Kosova, in Albania and in Macedonia, there is not any such project for  
20 the creation of some "Greater Albania," in inverted commas, but there is a  
21 project for freedom, peace, democracy, prosperity, and European  
22 integration, and the project for Kosova to become an independent state.

23 Q. Very well. You therefore claim that in Kosovo, there is no  
24 political force supporting the project for a Greater Albania?

25 A. That's right.

1 Q. Do you know about the terrorist attacks on the population and  
2 facilities in the south of Serbia by the KLA, effected by the KLA?

3 A. The KLA was the National Liberation Army of Medvegje, Presheva,  
4 Bujanovc, and it is not the doing of Kosova Liberation Army, KLA. Why it  
5 happened in Presevo, these conflicts, Mr. Milosevic knows that better than  
6 I do, because they occurred within -- in the southern part of Serbia. And  
7 then after the engagement of the international community, the issue was  
8 resolved, and I think things are moving in the right direction for a  
9 peaceful solution.

10 JUDGE MAY: Mr. Bakalli, do you know yourself anything about  
11 them?

12 THE WITNESS: [Interpretation] You mean about Presheva?

13 JUDGE MAY: Yes. That was the question. If you don't know, just  
14 say so.

15 THE WITNESS: [Interpretation] I know, but this is not -- has got  
16 nothing to do with Greater Albania. It has to do with the position of  
17 Albanians living there in Presheva.

18 JUDGE MAY: The only issue here is whether you know anything about  
19 it yourself. And if you don't know, just say so and we can go on to  
20 something else.

21 THE ACCUSED: [Interpretation] May we continue?

22 JUDGE MAY: Yes.

23 MR. MILOSEVIC: [Interpretation]

24 Q. Was the KLA disarmed upon the arrival of KFOR?

25 A. Yes, it was.

1 Q. What are they firing from, then?

2 A. You know that there is -- the arms can be sold and bought. This  
3 can happen in Serbia, in Macedonia, anywhere. So these are individual  
4 questions of arms possession. But the KLA no longer is armed.

5 Q. Except individually?

6 A. Individuals can possess arms, because in Kosovo now, we are

7 carrying out an action for people to surrender their arms, even on an  
8 individual basis.

9 Q. Does the KLA shoot in the south of Serbia and Macedonia? Is it  
10 shooting there?

11 JUDGE MAY: Mr. Milosevic, I'm going to stop you for one minute,  
12 because what I want you to explain is what the relevance is of what is  
13 happening today to the indictment with which we're concerned, the period  
14 of which is 1999. Now, I understand your argument about the KLA prior to  
15 that. And what is the relevance of what's happening now to this  
16 indictment? We're now dealing with events almost three years ago.

17 THE ACCUSED: [Interpretation] It can be relevant because, as I  
18 have maintained here over the past few days, that it is a protracted crime  
19 that we are dealing with, that the occupation forces in Kosovo and  
20 Metohija are doing together with the terrorist organisation of Kosovar  
21 Albanians, the KLA. This protracted crime, which was a pooling of crimes,  
22 an association and joinder of crimes - and I gave an explanation of this  
23 with respect to political, strategic, and historical reasons and  
24 conditions - is continuing, and that is why it is relevant and linked to  
25 what we're talking about

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1 MR. MILOSEVIC: [Interpretation]

2 Q. Furthermore, do you consider, Mr. Bakalli, that it is safe and  
3 secure in Kosovo and Metohija?

4 A. According to the estimates of UNMIK institutions, which are  
5 responsible for security in Kosovo at this moment, together with part of  
6 local police, I think that the situation in Kosovo is relatively calm and  
7 stable. I personally am not pleased with the current situation, because I  
8 think that we should do away with any manifestation of lack of -- of  
9 intolerance towards other nations and towards Serbs in particular, for  
10 which I think we need some more time. But generally speaking, the  
11 situation is, according to their estimation, safe and stable, as I said.

12 Q. You said a moment ago, half an hour ago, in fact, that no  
13 institutions have yet been built up, and that is why I asked you the

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14 question of whether you consider it to be safe and secure, because I  
15 didn't seem to feel that it was logical for it to be secure if no  
16 institutions had been built, according to what you yourself said. But you  
17 say that the situation is safe. Now, I ask you: Are you safe yourself,  
18 personally?

19 A. As you might well know, never in my life have I been escorted by  
20 some bodyguard or police. I have always felt, when I was a leader and  
21 today, safe, in that Kosova, as it is. Nothing has happened to me. I  
22 have never been threatened, never assaulted. But there are other people  
23 who complain of being threatened and assaulted. The institution that you  
24 are referring to, this has got to do with the parliament, the government.  
25 They don't have much to do with the government -- with the security,

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1 because, as I said, this is the duty, the task of the international  
2 forces, the KFOR, and the international police of UNMIK, together with  
3 some local police. The institutions are there, the institution of  
4 security.

5 Q. So for you personally it's safe, but you're not sure it's safe for  
6 others; is that right?

7 A. I think that everybody feels secure in Kosova.

8 Q. Except for the Serbs?

9 A. That is not true. I am in contact with the Serbs of Kosova, and  
10 the situation is not as tragic as you are trying to take it out here. It  
11 is not as good either. We are working to overcome it.

12 Q. As 360.000 have been expelled, then there are less of them now who  
13 seem to be a problem. You said that during Rambouillet, you were in  
14 Switzerland, and prior to Rambouillet. What were you doing in  
15 Switzerland?

16 A. You are changing your questions. I said I was there at the  
17 invitation of two Swiss institutions, for a project of theirs to build and  
18 to deal with -- to deal with the emergency situation in Kosova. I worked  
19 for that project. You are exaggerating the figures, I think. You are  
20 saying 360.000 Serbs.

21 Q. No. I did not say --

22 JUDGE MAY: Just one moment. If you could deal with the matters  
23 shortly, Mr. Bakalli, we'll all get on.

24 Now, is there any more questions about Rambouillet?

25 THE ACCUSED: [Interpretation] I will skip the others.

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1 MR. MILOSEVIC: [Interpretation]

2 Q. I have to correct you. I didn't say 360.000 Serbs. I said  
3 360.000 inhabitants of Kosovo, mostly Serbs, but Croats, Muslims, Goranis,  
4 Egyptians, Romany, and everyone else. This is a figure that I have. Do  
5 you know about the drug trafficking that is carried out through the  
6 territory of Kosovo and Metohija? Please respond with yes or no.

7 A. No.

8 Q. Do you know of arms trafficking?

9 A. No.

10 Q. You said just a while ago that anybody can buy weapons.

11 A. Well, weapons, yes.

12 Q. Well, that's what I'm talking about. I'm talking about weapons.

13 A. We are talking about organised, illicit trafficking in arms and  
14 drugs. Is that the question: Does it exist? As far as I know, it does  
15 not. But these are questions that have to be dealt with by the UNMIK  
16 institutions, and I am willing to trust their information and data about  
17 that.

18 Sometimes some arms are intercepted coming from the border. There  
19 is some sort of arms trade under way, but it can exist in Serbia and other  
20 states in the Balkans. It may be possible that such activity exists, but  
21 we are not talking here about organised trafficking in arms and drugs  
22 which has Kosova as one of its places, or Kosova is not one of its  
23 sources.

24 Q. So you are telling us that it isn't, although all other  
25 information indicates that it is. But we'll leave that for later.

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1 Is there a single party in Kosovo-Metohija that is not controlled

2 by the KLA?

3 A. Not a single party in Kosova is being controlled by KLA because  
4 KLA no longer exists as such, as a military organisation. Therefore, no  
5 party is under the influence of the KLA. The former members of the KLA  
6 are members involved or sympathisers of various political parties, but it  
7 is not true that one of these parties can proclaim to have monopoly in  
8 terms of the membership of the KLA because its former members have joined  
9 different parties, Democratic Party, the Alliance for Kosova Future, and  
10 Kosova Democratic League of Ibrahim Rugova, as there are also in other  
11 parties, in the Liberal Party, in -- and some other parties.

12 So the question -- in answer to your question, I may say no, there  
13 are no parties under the influence of the KLA because it has been  
14 transformed by now.

15 Q. You have said that the KLA did not exist any more. So in that  
16 case, who is the Kosovo Protection Corps composed of?

17 A. Most of them are former KLA members but not all, because the  
18 Kosovo Protection Corps includes also Serbs, Goranis, Turkish, and  
19 Romanies. But most of them are, in fact, former members of the KLA but  
20 not all. And it is quite another formation now. It is organised and  
21 accepted by the international community, and it has the support of the  
22 Kosova people.

23 Q. So you are telling us that within the Kosovo Protection Corps  
24 there are also representatives of Albanian residents, Serbian, Albanian,  
25 and Gorani residents?

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1 A. I'm sure of that.

2 Q. But you don't know who is doing the shooting in Macedonia and this  
3 other -- Serbia?

4 A. Southern Serbia, you mean? In southern Serbia, there was a  
5 conflict between the Liberation Army of Presevo.

6 JUDGE MAY: You were asked if you knew who was doing the  
7 shooting. If you don't, you don't know if there was any shooting, just  
8 say no, you don't know, and we'll get on more quickly.

9 Mr. Milosevic, I think we could move on from this topic to another  
10 one.

11 MR. MILOSEVIC: [Interpretation]

12 Q. Do you know about the links between Hasim Thaci and bin Laden?

13 A. I don't know of such links, and I am sure that there can be no  
14 such links between bin Laden and Hasim Thaci.

15 Q. Do you know about the creation of Mujahedin brigade Abu Bakir  
16 Sadik in Kosovo?

17 A. No. I've never known of its existence or whether it has operated  
18 anywhere.

19 Q. Where were you during NATO aggression?

20 A. I told you. I was in Switzerland, but my family was driven out of  
21 Pristina, was deported,, and my home in the university, the third floor,  
22 was completely demolished by the military troops. My family was deported  
23 to Skopje, to Macedonia. And right after NATO entered Kosova, two days  
24 later I arrived in Pristina, and I have not moved from there ever since.

25 Q. You were not present in Pristina when the downtown of Pristina was

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1 bombed?

2 JUDGE MAY: Just a moment --

3 A. The downtown was never bombarded.

4 JUDGE MAY: He said he was in Switzerland. Now, let's move on.

5 MR. MILOSEVIC: [Interpretation]

6 Q. You have mentioned deportation. Do you know about the false  
7 refugee camp called Stankovci at the border between Macedonia -- at the  
8 border of Macedonia which lasted for a single day and where several tens  
9 of thousands of Albanian refugees from Macedonia were put up?

10 A. I think you're making it up. It was a camp of the Albanians in  
11 Kosovo in Srgovs.

12 Q. Do you know Albanians who were killed during the air raids?

13 A. I've seen them on television, especially the case of the tractor  
14 on the road between Prizren and Krusa on the way to Djakova that was shot  
15 by mistake. It is public knowledge. I don't know of any other case.

16 Q. Did many Albanians die as a result of the bombing? Did you know  
17 the children who were killed as a result of bombing? Were the children  
18 killed as a result of bombing?

19 A. I think no. I don't know of any kids having been killed. I don't  
20 know. I don't have any information about that.

21 JUDGE MAY: Mr. Milosevic, it's now half past one. This -- the  
22 last part of your cross-examination went way beyond the evidence which the  
23 witness had given. There may be other witnesses that you could ask --  
24 there will be other witnesses that you can ask about this.  
25 You have now been cross-examining this witness for three and a

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1 half hours. Do you have further questions for him?

2 THE ACCUSED: [Interpretation] I do. If he responds with a yes or  
3 no, we can finish in two minutes.

4 JUDGE MAY: Very well.

5 MR. MILOSEVIC: [Interpretation]

6 Q. Did you approve of the NATO bombing in Yugoslavia?

7 A. I absolutely approved the NATO intervention.

8 JUDGE MAY: That's sufficient. Yes.

9 MR. MILOSEVIC: [Interpretation]

10 Q. Since Kosovo, in the economic sense, was much more advanced than  
11 Albania, was it a result of the exploitation of Albanians in Kosovo?

12 JUDGE MAY: If you can't say, just say so.

13 THE WITNESS: [Interpretation] I can't say. It's a hypothetical  
14 question.

15 JUDGE MAY: Very well.

16 MR. MILOSEVIC: [Interpretation]

17 Q. Were the enterprises from Serbia contributing to the economy of  
18 Kosovo?

19 A. Don't forget that Kosova development, economic development was  
20 funded by the federative fund for the development of undeveloped regions.  
21 The participation of Serbia to that fund was greater because Serbia had  
22 the greater income per head of its population.

*JUSTICE FISHKAL E*

23 Q. Could you please answer with a yes or no.

24 A. But I can't tell you that these enterprises provided assistance

25 because they had a brotherly attitude toward Kosova enterprises, but I can

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1 say that they were engaged. They were involved in the economy.

2 Q. Do you think that it was right or legal to issue an amnesty for

3 all the terrorists who killed children and women?

4 A. I don't know of any such case.

5 Q. You don't know of any such cases. And since the killing is

6 continuing now, are they killing because they have by now developed a

7 habit?

8 JUDGE MAY: That's not a question for the witness.

9 MR. MILOSEVIC: [Interpretation]

10 Q. You were -- you held a high office in the League of Communists of

11 Yugoslavia. When did you change your convictions?

12 A. Depends which convictions you mean.

13 Q. Well, perhaps your answer is that you have not changed convictions

14 in fact. Did you change them?

15 A. I did change one of my convictions, and I will reply in Serbian,

16 with your permission. And that is that you, Mr. Milosevic, destroyed

17 Yugoslavia, with pleasure, by war. You were --

18 JUDGE MAY: That is enough. That wasn't the question.

19 Mr. Milosevic, anything else?

20 MR. MILOSEVIC: [Interpretation]

21 Q. All right. I do have a question. Does that mean that you were

22 not a communist by conviction?

23 A. I don't want to answer this question. I don't want to answer --

24 to answer it. You are a communist younger than me. I was older than you,

25 and I have no more illusions about the Yugoslavia that you ruined. Not

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1 only ruined, but ruined every idea for such a Yugoslavia in the future.

2 JUDGE MAY: Again we're going away from the point. Anything else,

3 Mr. Milosevic, or is that it?

4 THE ACCUSED: [Interpretation] Can the witness answer this question  
5 of mine? I asked him does that mean he was not a communist by  
6 conviction?

7 MR. MILOSEVIC: [Interpretation]

8 Q. Yes or no?

9 A. I have been always a pragmatist communist for whom ideology was  
10 not the key activity, but I was interested more in practical aspects of  
11 politics. When I worked, I felt good. I tried to implement the policy of  
12 the party that I founded myself.

13 JUDGE MAY: Very well. I think you've answered that.

14 MR. MILOSEVIC: [Interpretation]

15 Q. How many Albanians from Albania are living now in Kosovo and  
16 Metohija, Albanians from Albania and from Macedonia?

17 A. And if there are, very few.

18 Q. So you don't know about this. Do you know anything about the  
19 destruction of Serbian churches? There were 107 of them. On Saturday,  
20 the church of St. Sava in Mitrovica was torched together with books and  
21 icons, and so on. Do you know anything about this?

22 A. I have heard something and I severely condemn it, but you should  
23 not forget that the Albanians do not have attack the main Serb monuments  
24 like the Peja patriarch and like the monastery of Gračanica and others.

25 JUDGE MAY: Mr. Bakalli, I am going to stop you because in the

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1 interest of time we've got to finish. We will no doubt hear much more  
2 evidence about this.

3 Is that it?

4 MR. MILOSEVIC: [Interpretation]

5 Q. Can somebody who is not an Albanian survive in Kosovo now? Yes or  
6 no?

7 A. Yes.

8 MR. MILOSEVIC: [Interpretation] Thank you. I don't have any  
9 further questions.

10 JUDGE MAY: Any re-examination?

11 MR. NICE: About five questions.

12 Re-examined by Mr. Nice:

13 Q. Can you assist me briefly with answers to these questions, please,

14 Mr. Bakalli? Dealing with the education problems that you've described,

15 were -- when the Albanian education system, the informal one was under

16 way, do you know if Albanian teachers were still being paid salaries by --

17 THE WITNESS: Excuse me. I have no translation. Please help me.

18 Translation in Albanian. [Interpretation] No. No.

19 JUDGE MAY: Can we --

20 THE WITNESS: Yes, I can hear you now.

21 MR. NICE:

22 Q. Right. The question was: During the informal education system by

23 Albanians that you've describe, were Albanian teachers still being paid

24 salaries by the state? Do you know is that? Don't guess if you don't.

25 A. No.

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1 Q. Thank you. You've been asked about the supplementary visits by  
2 the Serbian delegation to Kosovo after your first meeting that you  
3 described. Were you or your delegation ever invited to attend any of  
4 those, it is said, 11 other visits?

5 A. No. No. There was -- we were not invited. The television may  
6 have said that --

7 Q. Mr. Bakalli --

8 A. -- but we didn't receive an invitation.

9 Q. Thank you. The Jashari family, you've told us about that and been  
10 asked questions about it, but the one detail we haven't had is this: What  
11 were the gender and ages of the people killed in the Jashari compound?  
12 Can you recall, please?

13 A. I can tell you that there were children involved, old people, and  
14 women involved.

15 Q. Thank you very much. So far as your own family's deportation to  
16 Skopje is concerned, how many members of your family left for Skopje?

17 A. Six members.

18 Q. Your age or younger or what?

19 A. From my age down to the age of five or six. My little nephew.

20 [Trial Chamber confers]

21 MR. NICE: That's all I -- that's all I wanted to ask, Your

22 Honour, but there is one matter of record that I must deal with.

23 Mr. Milosevic said that he had no knowledge of this witness being

24 a witness, and the course, as the Court will know from the papers served

25 upon Mr. Milosevic, he was given notice of the attendance of this

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1 witness. The witness's summary was provided to him on the 26th of  
2 November, and the lengthy interview upon which the court summary was based  
3 was served on him on the 11th of January and then in B/C/S on the 1st of  
4 February, and he's been listed in the documents identifying order of  
5 witnesses from the very beginning of the generation of those lists.

6 JUDGE MAY: Thank you.

7 Judge Kwon.

8 Questioned by the Court:

9 JUDGE KWON: Mr. Bakalli --

10 JUDGE MAY: You can raise it later, Mr. Milosevic. Don't

11 interrupt for the moment.

12 JUDGE KWON: Just for clarification regarding the Jashari massacre  
13 in Prekaz. The accused stated that there was a firing attack from inside  
14 the house against the police, but you said you didn't know any details  
15 about that, but could you tell the Court whether it is correct or not,  
16 whether there was a firing from inside the house or not?

17 A. I don't know.

18 JUDGE KWON: Now, you are invited to meet the president of a  
19 nation, and you are going to tell of some massacre in front of him, and  
20 you are now saying that you don't know any details. I can't understand  
21 what you're saying. Is it you are saying that there was no fire from  
22 inside the house or you just don't know?

23 A. I simply don't know. I don't say that it wasn't the case. I

24 don't say that they didn't shoot. I don't know the details. I know, only

25 know the result, that the whole family was massacred and that the whole

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1 house was destroyed.

2 JUDGE KWON: Thank you.

3 JUDGE MAY: Mr. Bakalli, that concludes your evidence. Thank you

4 for coming to the International Tribunal to give it. You're free to go.

5 THE WITNESS: [Interpretation] Thank you. [In English] Thank you.

6 [Trial Chamber confers]

7 [The witness withdrew]

8 JUDGE MAY: We have, in fact, got another quarter of an hour

9 before the next case comes in. What was it you wanted to say,

10 Mr. Milosevic?

11 THE ACCUSED: [Interpretation] I wanted to say something with

12 respect to the comment made to the material sent to me. There is a room

13 full of papers and documents in the Detention Unit, and I don't want to

14 fetch them because I don't want to communicate with the opposite side. I

15 really didn't know who was the witness. I wasn't interested. I'm not

16 interested now. But I don't want what I said to be denied in this way.

17 That's what I wanted to say. Even if I did want to, I would probably need

18 two years to read through all the material in that room, a truckload of

19 paper and documents that they have so far sent to my address and which is

20 located in that room. And I don't have any intention of doing that,

21 because the whole indictment is false, and I have explained why it is

22 false.

23 JUDGE MAY: Now, let us deal with the other matters we have to

24 turn to. I remind everybody that Judge Robinson will be away tomorrow,

25 and it is our intention, Judge Kwon and I, to sit under Rule 15 bis, the

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1 two of us, for two days. But we should know what is proposed should be  
2 heard by the way of evidence.

3 MR. NICE: The first witness is Kevin Curtis, the lead

4 investigator. There's to be a discussion stimulated by the amici in

5 relation to the scope of his evidence, and so that discussion and the

6 evidence itself may take some time. He is to be followed by a further  
7 investigator giving evidence, called Spago, and once that witness is  
8 concluded, we're going to embark upon what are called crime-based  
9 witnesses. I'm obviously very hopeful that we'll reach those soon, but it  
10 may be, in the event, not until the day after tomorrow.

11 JUDGE MAY: It may be of assistance to say that we have had the  
12 chance of reading Mr. Curtis's summary, for which we're grateful. It  
13 would be even more helpful if it had page numbers on it.

14 MR. NICE: Your Honour, we, of course, don't provide you  
15 with -- I'm sorry it hasn't got page numbers, and that's an oversight. In  
16 this particular case, it may be helpful for you to be provided with the  
17 longer statement of which this is a summary, and I know that Mr. Kay of  
18 the amici is going to propose that. I'm only too happy to comply with any  
19 such suggestion or request. Of course, we normally don't supply  
20 statements, because it's not, at any event, at this stage, this Chamber's  
21 practice to receive them.

22 JUDGE MAY: Given the constraints of time, it may be more sensible  
23 to deal with this in the morning. But having looked at this statement,  
24 most of it seems to be hearsay, of a sort which we have, in previous  
25 cases, not found of any great assistance or any great probative value.

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1 But it may be that you want -- that, no doubt, is the point.

2 MR. KAY: That's the point. It seemed to us very important that  
3 the Trial Chamber should see the full content of the statement to know  
4 what it would be ruling upon. The summary is, by necessity, brief, but it  
5 would be much better to have the full statement there.

6 JUDGE MAY: We'll have the full statement overnight and we can  
7 consider it in the morning.

8 MR. KAY: Yes.

9 JUDGE MAY: We'll hear any arguments. Yes.

10 MR. KAY: The other witness proposed is also the subject of legal  
11 argument, very much in the same context, but it's to do mainly with  
12 exhibits as well that he produces that have a number of video newsreels

13 with commentary over them and assertions by the commentator which forms  
14 part of the tape that is to be introduced in evidence, and it seemed to us  
15 very important that there was a ruling about the quality of the evidence  
16 that was to be admitted by the Trial Chamber. There's an exhibit list  
17 that could be produced that would assist you in relation to that witness,  
18 and we would have no objection if you saw that witness's statement as  
19 well, to more properly rule upon the matter.

20 JUDGE MAY: Could we have those overnight, please?

21 MR. NICE: You can certainly have them. Indeed, I'm happy to say,  
22 as to the summary, that I happen to have with me now page-numbered  
23 summaries, so I'll make those available, and I have the original  
24 statements as well. Spago's statements will come via the usual channels,  
25 if it's not here.

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1 MR. RYNEVELD: They're here. I did them.

2 MR. NICE: Spago's summaries are here.

3 MR. RYNEVELD: Page-numbered and sourced.

4 MR. NICE: Page numbers for Spago.

5 MR. RYNEVELD: And sources for the statement, if you want the  
6 statement.

7 MR. NICE: The statement will have to come later.

8 JUDGE MAY: The other matter to deal with is the Prosecution  
9 motion concerning a provisional pre-trial brief for the Bosnia and Croatia  
10 indictments, and the position, as I said earlier, is that we have had a  
11 chance of considering a timetable. It's quite impossible to make a firm  
12 timetable, as we acknowledge, given the time which is being consumed, but  
13 it may be that things will go more quickly. But in any event, what we  
14 have in mind, as I said earlier, is to try and get through the evidence on  
15 this indictment by an early date in July so that we can then take two  
16 months to prepare for the remaining indictments.

17 MR. NICE: Your Honour, I know that the Prosecutor is herself  
18 today concerned to respond to the question that you asked of her in  
19 relation to that, and unless --

20 MS. DEL PONTE: [Interpretation] Yes, Your Honours. Allow me to  
21 speak French. As you know, we have given explanations as to the number of  
22 witnesses, the number of documents we have with regard to the Kosovo  
23 indictment, and you told us that you had in mind end of July for the  
24 presentation of our evidence in this respect, and then we had the joinder  
25 of indictments. Therefore, we thought that we had to speed up the

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1 process. We agree with that, save that it must be said: What we  
2 witnessed today leaves the door open as to the time when we would be in a  
3 position to finalise the Prosecution case, because it depends on the  
4 cross-examination. So when we start having witnesses for the crime base,  
5 and if we are to have cross-examination that are twice, thrice as long, it  
6 becomes very difficult to assess the exact time that we are going to need  
7 for the Prosecution case.

8 There is no doubt we're going to do our utmost to achieve our aim,  
9 but what I've heard these days -- of course, I won't be able to be in the  
10 courtroom every day. It may well be that we have to call other witnesses,  
11 even crime-based witnesses. It all depends, Your Honours, on the  
12 arguments provided by the accused during the hearings and the testimony.  
13 We have to adduce evidence of the crimes alleged in the indictment, and I  
14 hope that we will be treated by the Court in the same way as the accused,  
15 so that we can fulfil our obligations, our duty, as best as we can.  
16 Therefore, Your Honour, we try to act as swiftly as we can.

17 Still, you have to take into account the fact that this is an important  
18 mission that we have to carry out, and it will very much hinge on the  
19 arguments as provided by the accused when hearing witnesses. So I do have  
20 to make some reservations. I may have to produce other witnesses as the  
21 need may arise. Thank you, Your Honour.

22 JUDGE MAY: Well, we understand that, and of course there can't be  
23 any hard and fast rules as to time or, indeed, the number of witnesses,  
24 that it may change during the course of the case, but we would be grateful  
25 if you would aim for the beginning of July as near as possible.

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1 There is the matter of the provisional pre-trial brief which is  
2 being selected. I have to say that we are not very happy about that.  
3 Although it's right that it was ordered in another case, I don't think  
4 that necessarily was a very good precedent. There's no provision in the  
5 Rules for anything like this, and I think the better course would be to  
6 aim at producing a pre-trial brief. If it becomes necessary, because of  
7 pressures of time and the like, to add a supplement, then you can always  
8 apply to do so, but I think that might be a more practical way to go about  
9 it.

10 MS. DEL PONTE: [Interpretation] Yes, Your Honour, but if I  
11 remember properly, there was an amendment to one of the Rules, and in this  
12 way, this idea of a provisional pre-trial brief was introduced. I can't  
13 tell you which Rule is being applied, but there is this notion being  
14 introduced, and hence this idea, even if there's no hard and fast  
15 institution as a provisional pre-trial brief. You know, Your Honours,  
16 whether you call this a provisional pre-trial brief or a supplemental one,  
17 it doesn't really matter. The form is not relevant here.  
18 As you know very well, the problem we're faced with is this: If  
19 we say that by the 12th of April -- or 2nd of April we can have the list  
20 of witnesses and the list of exhibits, well, that's the 2nd of April.  
21 That's the day after tomorrow, basically. So we'll have to file a  
22 supplemental brief or a final one. Whatever you may call it, what is  
23 important for us is that we are under the very same obligation of carrying  
24 out our work as quickly as we can, but it's got to be done properly.  
25 JUDGE MAY: Very well. You've made the point, Madam Prosecutor.

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1 We have it in mind.

2 MS. DEL PONTE: Thank you.

3 JUDGE MAY: Unless there's anything else anybody wants to raise.

4 Yes.

5 MR. KAY: Just one issue. You've been given the third witness to  
6 be called, his statement, and I --

7 JUDGE MAY: I'm not sure that we have.

8 MR. KAY: If it assists the Court, if I liaise with Mr. Ryneveld,  
9 it can be sent back to you, what you need to examine the issue that is to  
10 be raised.

11 JUDGE MAY: Very well. If you would do that, please.

12 MR. KAY: Yes.

13 JUDGE MAY: Thank you. Half past 9.00, then, tomorrow morning.

14 Yes, Mr. Milosevic.

15 THE ACCUSED: [Interpretation] Just a technical matter, Mr. May. I  
16 have received the schedule and the times for our work and sitting, and it  
17 said that on Thursday you would be winding up by 1.00, so I planned a  
18 visit of my family. I got a piece of paper where I saw that we were  
19 working all Thursday afternoon. I think that you ought to be correct in  
20 this matter. I have very brief moments that I could make use of to have  
21 contacts with my family, so I don't think it's fair for you to change it  
22 from one day to the next.

23 JUDGE MAY: Well, I don't know how that occurred. There's  
24 obviously some confusion in the dates. But if you've made arrangements to  
25 see your family that afternoon, then we won't sit.

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1 Half past 9.00 tomorrow morning.

2 --- Whereupon the hearing adjourned at 1.58 p.m.,

3 to be reconvened on Wednesday, the 20th day of

4 February, 2002, at 9.30 a.m.

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# Het mannetje van de daden en de massa

Twee jaar gaat het proces duren tegen de vroegere Joegoslavische president Milošević. Op verzoek van deze krant wonen schrijvers een zittingsdag van het Joegoslavië-tribunaal bij. 'Het raadsel wordt niet alleen door het monster gevormd', schrijft Leon de Winter.

Leon de Winter

De rechtszaal is ingericht in een zaaltje dat doet denken aan de vergaderzaal van een verzekeringsmaatschappij. De binnenwand is weggeslagen. Crèmekleurige gordijnen houden het daglicht buiten, kogelvrije ruiten de journalisten. Je kijkt door met stalen plinten omkaderd glas, waardoor het tafereel voor de tafel van de drie rechters iets museaals krijgt. Gezien vanaf de perstribune (een te groot woord voor een met schotten afgebakend deel van een hal op de eerste verdieping) zitten rechts de aanklagers, onder leiding van de kokette Carla del Ponte; in het midden, met hun rug naar de buitenmuur, dus frontaal tegenover de pers, zitten drie rechters gekleed in modieuze toga's die met rode, zijden schouderstukken zijn afgezet; schuin tegenover hen, met hun rug naar de pers toe, de drie 'vrienden van het hof', die er niet alleen door hun plaats maar ook feitelijk voor spek en bonen bij zitten; en links zit het monster, geflankeerd door twee bewakers van Mike Tyson-achtige afmetingen. Een grote kijkdoos, een theaterstuk in opdracht van de Veiligheidsraad van de Verenigde Naties waarvan het laatste bedrijf, zoals bij elk drama, vooraf vaststaat.

Net als bij een première in een schouwburg hangt er voor het begin een lichte, vrolijke spanning. De aanklagers trippelen opgewonden rond de Bühne, de vrienden weten niet goed raad met hun houding, en de vele griffiers en assistenten geven zich ongegeneerd over aan wat iedereen hier fascineert: dat hier vandaag het wereldtoneel staat. Buiten wacht een rij schotelwagens die de beelden van de acteurs over de wereld zullen zenden. De journalisten die elkaar van andere grote processen en brandhaarden kennen, onder wie Christiane Armanpour, de eigen tv-babe van CNN, hebben geen last van premièreangst. De stemming zit er snel in, nog voor het monster opkomt, en zodra hij, onaangekondigd, bijna vanuit het niets, opens achter zijn tafel staat, turend door het glas of hij een bekende ziet – ja, een

knikje naar iemand die hij kent, een wanhopig glimlachje – is iedereen al voldaen. Maar *the show must go on*.

Carla beukt er meteen op los. Ze is koel en verwoestend, trekt alle registers open. Volkerenmoord, oorlogsmisdaden, misdaden tegen de menselijkheid. Hij, het monster, dat bleke, muizige mannetje, heeft zich laten leiden door blinde machtsdrift. Hij weet niet hoe hij moet kijken, trekt zich in zichzelf terug alsof hij op zondagmiddag bij de thee in slaap is gesukkeld, slaat dan weer zijn ogen op en minachting straalt uit zijn blik. Voor iedereen, behalve voor hem, is dit de kans om de carrière te vervolmaken of met een dreun te beëindigen. De klus van je leven. Het proces van de eeuw. Het monster voelt zich bekeken, naakt haast, en wil alleen maar verdwijnen. Ogen dicht. Hoofd gebogen. Dan weer woede en een alles trotserende blik naar de gieren van de pers. Hij draagt een donkergrijs pak, een lichtblauw hemd, een gestreepte das met blauwe en grijze tinten. Hij heeft een bijna babyachtig gelaat en een bovenmatig hoog voorhoofd. Als hij zijn mond gesloten houdt, bollen zijn wangen en wordt de afstand tussen neus en kin embryonaal klein, alsof hij tussen zijn kaken een slecht zittend kunstgebit klemt.

Del Ponte zegt dat dit proces niet gaat over de collectieve schuld van het Servische volk, dit proces gaat ook niet over staatsinstellingen en mag evenmin ontwaarden in een politiek proces waarin de politieke keuzes van het mannetje, zijn entourage en de buitenwereld besproken worden; dit is geen 'debating club' (zoals een journaliste opmerkte). Del Ponte wil dat schuld hier bijna klinisch vastgesteld gaat worden. Daar zit de man, dit zijn de feiten, en de komende jaren – men verwacht een proces dat twee jaar duurt – moeten nuchter de lijntjes tussen het een en het ander getrokken gaan worden.

Goffrey Nice, een Britse aanklager, neemt na Del Ponte het woord. Het eerste halfuur vertelt hij van verbijsterende gevallen van wreedheden. Vervolgens legt hij urenlang uit hoe de commandostructuren in het voormalige Joegoslavië en daarna in Servië functioneerden, maar directe bewijzen – een getekende opdracht, een direct bevel tot moord – verschijnen niet op tafel. Alles wat Nice aanvoert is 'circumstantial'. Het monster was als autoritair staatshoofd verantwoordelijk, als volksmenner stimuleerde hij stemmen en ideeën, en toch laten de ingewikkelde organogrammen die Nice toont – vele blokjes op een vel papier met een jungle van verbindende lijntjes – hoogstens zien dat de boel nagenoeg ongrijpbaar in elkaar steekt. Het monster was slim, zo verklaart Nice de onbegrijpelijkheid van de organogrammen, hij wilde elk spoor naar zichzelf verhullen.

Moreel is het monster verantwoordelijk, maar is hij dat ook in klinisch-juridische zin? Schuld moet worden vastgesteld, maar door de schuldvraag te verpersoonlijken en door het monster in het centrum van de onmenselijkheden te plaatsen vervagen andere vragen. Vragen die net zo belangrijk zijn als de vraag of dit mannetje van de daden van het tuig dat de moordpartijen heeft aangericht tot in detail heeft geweten. Die andere vragen hebben te maken met de



Voor het Joegoslavië-tribunaal: 'Buiten wacht een rij schotelwagens die de beelden van de acteurs over de wereld zullen zenden.' Foto Roel Visser

## De eerste dag van het proces tegen Slobodan Milošević

westerse verantwoordelijkheden. Met de kwestie van Europa's indolentie. Met vragen naar Balkanpsychosen, nationalisme, irrationaliteit, religieuze bezetenheid.

Als hij het niet had geweten, dan had hij er in de westerse pers over kunnen lezen, zegt Nice. Wie niet, denkt de toehoorder onwillekeurig, welke krantenlezer en nieuwskijker in Europa heeft er vanaf het eerste begin van de slachtingen niet kennis van genomen? Europa heeft misschien niet zoveel geweten als het mannetje, maar genoeg om het woord genocide te horen, om het begrip 'ethnic cleansing' in het vocabulaire van zijn beschaving op te nemen, om door het beeld van uitgehongerde gevangenen achter prikkeldraad aan dat andere onbenoembare beeld te denken. Maakt weten medeplichtig?

Dit mag geen oeverloos politiek proces worden, hebben de aanklagers laten weten. Dat hoeft ook niet, want het gaat om de machtswellust van het mannetje, herhalen zij onafgebroken. Maar is dit motief, als definitieve verklaring van de beestachtige moorden die in naam van

de Servische etnische eigenheid gepleegd zijn, eigenlijk niet simplistisch dun? Het wemelt in de wereld van machtswellustelingen, maar slechts een enkeling slaagt erin een symbiose met

Het is zelfbedrog om alle schuld tot Milošević' schouders te beperken

een massa – waarvan hij de diepste angsten en verlangens stem en vorm geeft – te laten ontstaan. Macht bestaat niet in een vacuüm. De leider bestaat bij de gratie van de massa. En omgekeerd.

Hij wilde de nieuwe Tito worden, zegt Nice. En doet geen poging Tito's regime, dat van de verlichte politiestaat, te duiden. Achteraf beschouwd was Tito's model een solide deksel op een ketel met re-

ligieuze, etnische en nationalistische wanen. Tientallen jaren Tito hebben die ketel niet kunnen droogkoken. Gedurende een decennium, in de jaren tachtig, ging de deksel scheuren en aan het fornuis dook een nieuwe kok op, een onbeholpen redenaar die de lessen van de Joegoslavische Titokeuken goed tot zich door had laten dringen en besefte dat het tijd was voor een nieuwe gerecht.

De traditionele Balkan ingrediënten waren kakelvers. Joegoslavië had nooit bestaan. Kroaten, Serviërs, Bosniërs, Montenegrijnen, allemaal bevangen door angst en tweelingbroerhaat. De ineenstorting van het Joegoslavische model van het reël bestaande socialisme maakte krachten los die blijbaar niet waren afgestorven. Waarom?, denkt de krantenlezer en nieuwskijker. Wat heeft het monster aangeboord dat sterker is dan het fatsoenlijke burgermansverlangen naar rust, zekerheid, regelmaat? Waarom kon het Joegoslavische model binnen enkele jaren vernietigd worden, met als gevolg tienduizenden doden en vele honderdduizenden vluchtelingen? Om de kwaadaardigheid van het mon-

ster te illustreren laat Nice een minuutje video zien. April 1987. Een stadje in Kosovo. Chaos. Serviërs in gevecht met de oproerpolitie. In een zaal in het stadje moet het mannetje een redevoering houden, maar hij wordt naar buiten geroepen. Hij moet iets doen, wordt hem gesmeekt. Niemand kan de chaos stoppen, alleen hij, de hoge partijfunctionaris, kan de gemoederen tot bedaren brengen. Je ziet hem naar buiten lopen. Vijftien jaar jonger. Nog kleur in zijn haar. Hij is bang, je ziet 't, maar hij loopt door, de brullende menigte in. Een oude man klampt zich aan hem vast en zegt huilend dat hij geslagen wordt. En het monster antwoordt: „Je zult niet meer geslagen worden.”

Nice wil dat het hof en de pers zien hoe het monster de situatie misbruikt, maar dat doet het niet. Het is een dramatisch moment. Hij kalmeert. Hij geeft steun. Hij groeit. Het is zijn geboorte als leider. Hij overwint zijn angst en weet vanaf dat moment dat de angst van anderen zijn brandstof is. En daarbij: hij heeft rechten gestudeerd,

zijn vrouw sociologie, en waarschijnlijk Elias Canetti's *Massa en Macht* gelezen, of er op z'n minst van gehoord: „De massa heeft een richting nodig. (-) De massa bestaat zolang ze een onbereikbaar doel heeft.”

Hij was geen idealist of racist, zegt Nice, zoekend naar een motief. Het ging om macht, macht ten koste van alles. En hij laat een andere video zien. Een miljoen mensen in Belgrado. Een miljoen. Ze wachten op hem. Roepen om hem. Smachten naar hem. Hij laat ze wachten. Vierentwintig uur laat hij ze wachten, zegt Nice. Maar ze blijven. In afwachting. In aanverwachting grenzende hoop. En dan verschijnt hij en praat vier minuten. Hij laat ze vierentwintig uur wachten en praat vier minuten, herhaalt Nice met minachting. Weet Nice niet dat hij hier de wereld op zijn kop zet? Het raadsel wordt niet alleen door het monster gevormd; het raadsel zit ook in de hoofden en harten van dat miljoen mensen. Deze aangeklaagde bestaat niet zonder zijn massa. Zijn schuld is onbrekkelijk verbonden met de angsten en dromen van miljoenen anderen. Wat hij in abstractie heeft losgemaakt, is uiteindelijk door duizenden concrete handen gemaakt en onmacht, blijft elk motief hangen in de hulpeloze vaagheid van 'machtswellust'.

De precieze afbakening van het mandaat van het tribunaal – geen woord over de NAVO-aanvallen, geen woord over de Europese of Amerikaanse politiek, geen woord over de essentiële vraag naar de wortels van de wanen – doet de vraag opkomen of het westerse politieke establishment, de instigator van het proces, wel geïnteresseerd is in een aanpak die elk aspect van dit meest recente geval van Europese genocide zo onbarmhartig mogelijk aan het duister kan ontrukken. Dit bijzondere tribunaal had de breedst mogelijke opdracht moeten krijgen. Nu behandelen Del Ponte en Nice het fenomeen Joegoslavië alsof het om een zojuist ontdekt eilandje in de Stille Oceaan gaat waarvan de goudeerlijke maar naïeve bevolking door een krankzinnige met nationalistische vruchten vergiftigd werd – zonder buitenwereld, zonder 'envoys', zonder het eigenmachtige optreden van Duitsers, Fransen, Britten, Russen. Door het mannetje te verheffen tot de bron van alle kwaad, en zich hardnekkig doof te houden bij vragen die het in een wereldwijde, menselijke en dus beestachtige context plaatsen, reduceren zij de recente Balkanoorlogen tot de persoonlijke machtsaberraties van een gestoorde man. Milošević wordt ervan verdacht weerzinwekkende moorden te hebben geënstigeerd, en moet dus berecht worden. Maar het is zelfbedrog om alle schuld tot zijn schouders (of die van een bepaalde klik) te beperken. Het wachten is op 300 getuigen. 300 verhalen vol afscheid en rouw. Dan volgt de veroordeling, zonder dat we iets geleerd hebben.

En het oude Europa, schuldig tot in zijn hart, gaat over tot de orde van de dag. Tot het volgende monster opstaat.

Dit is de eerste aflevering van een serie artikelen van schrijvers die een dag het Joegoslavië-tribunaal bijwonen.

TERUGBLIK / Racak: altijd al onduidelijkheid over ware toedracht

15-2-2002

\* Twijfels over de ware toedracht van de gebeurtenissen in het Kosovoanse dorp Racak zijn nieuw. De uitzending van het Duitse tv-programma 'Monitor' op 8 februari 2001 vormde slechts een nieuwe bijdrage aan een debat dat al een week na het incident losbarstte.

(UCK). Aan het begin van de middag trekken de troepen het dorp in. Enkele tientallen mensen worden weggevoerd. Als OVSE-waarnemers en journalisten een dag later in het dorp aankomen, worden zij door UCK-strijders naar buiten het dorp geleid. Daar treffen zij 45 geëxecuteerde Albanese burgers aan. Sommigen van hen lijken gefolterd te zijn. Onder de slachtoffers zijn ook twee vrouwen en een jongen van twaalf.

riteiten doen dat op hun beurt ook. Volgens hen is geen sprake van burgerslachtoffers, maar zijn de doden terroristische strijders van het UCK, die bij een vuurgevecht zijn omgekomen. Een week na de gebeurtenissen verschijnen in de Franse pers berichten die het Servische verhaal ondersteunen. Franse journalisten wijzen erop dat een cameraploeg van de Amerikaanse nieuwszender APTV, na een tip van de Servische politie, aanwezig is geweest bij de Servische omsingeling van Racak. Leden van de tv-ploeg troffen bij het intrekken van het dorp nauwe-

lijks inwoners aan. Waar komen dus de slachtoffers in de greppel vandaan? De Fransen komen tot de conclusie dat UCK-leden hun gesneuvelde kameraden 's nachts naar de greppel hebben gesleept, in burgerkleden hebben gehesen en daarna nog eens extra hebben toegetakeld. Reden: de internationale gemeenschap dwingen tot ingrijpen. En waar de waarheid ook ligt, dat laatste gebeurt. 'Racak' wordt een belangrijke aanleiding voor de militaire ingreep van de Navo, die ruim twee maanden later begint.

redactie buitenland

nd zien. De documentairemakers probeerden aan te tonen dat Albanese slachtoffers in het dorp Račak, in januari 1999, en later in het dorp Rogovo zelf hadden uitgeloofd. De doden zouden UCK-strijders zijn geweest die in gevecht waren gesneuveld. De aanval op Račak, waarbij 45 doden vielen, was mede aanleiding voor het begin van de NAVO-aanvallen op Joegoslavië. Uit forensisch onderzoek bleek later dat de Albanese ongewapend waren geweest, ze hadden geen uniformen gedragen en ze waren van dichtbij doodgeschoten. 14-2-2002

Milošević had ook een videoband bij zich met de Duitse documentaire 'Es begann mit Lüge', die vorig jaar, onder andere in Servië en Duitsland, is uitgezonden. Voorat hij aan zijn verdediging begon, liet hij de

bij. Vervolg van pagina 1] Milošević liet ook televisie-beelden zien waarop NAVO-generaal Wesley Clark zei dat hij in januari 1999 een telefoontje van William Walker had gekregen, waarin de leider van de OVSE-waarnemersmissie in Kosovo zei dat hij aan de rand van een massagraf stond. In datzelfde tv-programma ontkende Walker dat hij vanuit Račak had gebeld.

MILOSEVIC 16-2-2002  
'U citeert fout en manipulatief'

Milošević... reerde vanochtend ook uit een verslag van de toespraak die hij had gehouden op 24 april 1987. Serviërs protesteerden op het Mercelveld in Kosovo tegen hun behandeling door de Albanese meerderheid. Met de uitspraak „Niemand zal u ooit nog slaan” had hij de Servische nationalistische sentimenten verhevigd, zei aanklager Geoffrey Nice eerder deze week. „U citeert fout, eenzijdig en manipulatief”, zei Milošević vanochtend. In zijn toespraak riep hij ook op tot samenwerking met Albanese. 14-2-2002

Half Servië denkt dat Milosevic al veroordeeld is

16-2-2002

Sinds eind 1999 heeft het Joegoslavië-Tribunaal medewerkers op de Balkan. Zij moeten de lokale bevolking duidelijk maken wat bestaansreden en bestaansrecht zijn van dit strafhof. Geen makkelijke taak, zeker niet in Servië.

Proces-Milosevic  
Nicole Lucas

BELGRADO - Het Servische kantoor van het Joegoslavië-Tribunaal huist in een grote, omheinde villa in een lastig vindbaar straatje in Dedinje, de dure wijk van Belgrado waar ook het huis van Slobodan Milosevic staat. Bij de ingang staat een politieman. Binnen wordt de bezoeker eerst aan een onderzoek onderworpen alvorens hij verder mag.

Matias Hellman wil echter niet kwijt of er deze week extra veiligheidsmaatregelen zijn genomen. „Het Tribunaal was hier al niet geliefd. En dat is deze week niet anders”, zegt hij afgemeten.

De stugge Fin is 'outreach officer' van het Tribunaal in Belgrado. „Een van de doelen van het Tribunaal is bijdragen aan vrede, stabiliteit en verzoening. Maar dat kan alleen als het publiek begrijpt wat we doen”, legt hij uit. Dus gaat hij vrijwel dagelijks de boer op om interviews te geven

aan lokale media, mee te doen aan discussies en vragen te beantwoorden van gewone, doorgaans zeer wantrouwende Serviërs.

„Er bestaat veel argwaan en er zijn veel misverstanden. Die probeer ik weg te nemen.”

Een voorbeeld: veel Serviërs vinden het vreemd, om niet te zeggen verdacht, dat getuigen anoniem kunnen blijven. „Dan leg ik uit dat dat niet betekent dat de verdachte niet weet wie een verklaring tegen hem aflegt maar dat die persoon wordt beschermd tegen het grote publiek.”

Hellman verblijft sinds begin vorig jaar in Servië, toen het kantoor van het Tribunaal heropend werd.

Voor hij naar Belgrado kwam had hij ongeveer een jaar dezelfde functie in Zagreb. Het werk was daar anders, zegt de jonge Fin. „De bevolking was daar eigenlijk nauwelijks geïnteresseerd. Hier is veel vijandigheid”.

En die blijft voorlopig. Veel Serviërs blijven vraagtekens zetten bij de objectiviteit van het Tribunaal.

Zo wees een opiniepeiling deze week uit dat slechts een kwart van de bevolking denkt dat Milosevic een eerlijk proces krijgt. Meer dan de helft denkt dat hij bij voorbaat al is veroordeeld. En eenvijfde kan het absoluut niets schelen wat er met hun ex-president gebeurt.

VERVOLG OP PAGINA 6

Racak

Ook woede bij Duitse tv Leiders Servië: Milošević is een lafaard

2002

BELGRADO, BERLIJN, 15 FEB. In Servië hebben politici woedend gereageerd op de wijze waarop ex-president Slobodan Milošević zich tijdens zijn proces voor het Joegoslavië-tribunaal verdedigt.

Vooraf het argument van Milošević dat hij niets anders heeft gedaan dan zijn volk verdedigen, heeft veel boosheid gewekt. Een van de leiders van de Democratische Partij (lid van de regerende coalitie), Goran Vešić, noemde de ex-president „een lafaard die zich verbergt achter de burgers van Servië”. „Milošević moet zich verantwoorden voor wat hij persoonlijk heeft gedaan. Hij was een lafaard toen hij aan de macht was en ik verwacht dus eigenlijk niet dat hij zich in de rechtszaal anders opstelt.”

Een leider van de eveneens regerende Burger Alliantie wees erop dat niet Servië terecht staat - zoals Milošević gisteren stelde - maar Slobodan Milošević. Ook de Joegoslavische minister van Informatie, Slobodan Orlić, liet zich in die zin uit. „Toen Milošević de laatste verkiezingen verloor, verloor hij ook de legitimiteit namens het Servische volk te spreken.”

Kwaad was gisteren ook de hoofdredacteur van de Duitse regionale televisiezender WDR, Jörg Schönenborn. Milošević vertoonde gisteren in de rechtszaal een video met een WDR-documentaire over het bloedbad waarbij in januari 1999 in Račak in Kosovo tientallen Albanese werden vermoord. Het bloedbad, aangericht door de Serviërs, werd voor de NAVO aanleiding uiteindelijk in te grijpen, met de Kosovo-oorlog als resultaat. Volgens de Serviërs was het bloedbad als provocatie aangericht door het Kosovo Bevrijdingsleger.

In de WDR-documentaire kwamen een OVSE-waarnemer - de Duitse generaal Heinz Loquai - en de Finse pathologe Helena Ranta aan het woord die beiden suggereerden dat het bloedbad mogelijk door anderen dan de Serviërs kon zijn aangericht; ze suggereerden ook dat het Duitse ministerie van Defensie het drama had gemanipuleerd om de Duitse publieke

opinie te overtuigen van de noodzaak, tegen de Serviërs op te treden.

Schönenborn zei gisteren dat Milošević de WDR-documentaire heeft „misbruikt” en de informatie uit de context heeft gerukt. De documentaire, zei hij, was bedoeld als kritiek op „het misbruik” dat westerse regeringen van de media maakten, en niet als propaganda voor de Servische zaak of de Servische argumenten. „De centrale beschuldiging [van de documentaire] was dat de NAVO en het Duitse ministerie van Defensie de waarheid aanpasten om de openbare steun voor luchtaanvallen op Joegoslavië te vergroten. Milošević gebruikt [de documentaire] om bewijs te scheppen voor zijn theorie dat de NAVO misdadig optrad. Dat is een verband dat weinig met de waarheid te maken heeft. Het is absurd en een gotspe.” De WDR-documentaire oogstte overigens indertijd veel kritiek in Duitsland; citaten zouden uit hun verband zijn gerukt en Loquai was voor midden 1999 nooit in Kosovo geweest. (Reuters, AFP)

□ Een onzer redacteurs voegt hieraan toe: Helena Ranta zei gisteren in een telefonisch gesprek met deze krant: „Het was indertijd één van de mogelijkheden dat het bloedbad in scène was gezet. Door ons onderzoek kon een aantal mogelijkheden worden uitgesloten.”

Het team van Ranta richtte zich vooral op de 23 mannen die in een greppel buiten Račak werden gevonden. Volgens de Servische autoriteiten waren de lijken van deze mannen, die waren omgekomen in de strijd, daar neergelegd door het UCK om de indruk te wekken dat ze waren geëxecuteerd. Ranta: „We kunnen uitsluiten dat dat in scène is gezet. Ze zijn niet in de strijd gesneuveld.”

Verwijzing Misno Rit!  
 Appeltoesem

Aan het begin van het proces tegen ex-president Slobodan Milošević van Joegoslavië markeerde openbaar aanklager Carla Del Ponte gisteren het belang van deze rechtszaak. Hieronder volgt de, enigszins ingekorte, tekst van Del Pontes verklaring.

Vandaag zien wij, meer dan ooit tevoren, het internationale recht in werking. [...]

Een aantal gebeurtenissen [tijdens het gewapende conflict in het vroegere Joegoslavië] onthullen een bijna middelceuwse wildheid en een berekenende wreedheid die de grenzen van gewettigde oorlogsvoering te boven gaan. [...]

De misdaad genocide, misdaden tegen de menselijkheid en andere misdaden die onder de jurisdictie van dit tribunaal vallen, zijn geen plaatselijke aangelegenheden en de vervolging ervan gaat mogelijk de macht van nationale rechtbanken te boven. Misdaden van een omvang zoals omschreven in de aanklachten in deze kamer gaan iedereen over de hele wereld aan. Het recht van dit tribunaal – de wetgeving op het gebied van de internationale mensenrechten – is voor iedereen, overal, van belang. Deze misdaden raken ons allen [...] omdat ze indruisen tegen de diepste gewortelde principes van mensenrechten en menselijke waardigheid. Het recht is niet louter theorie of een abstract begrip. Het is een levend instrument dat onze principes moet beschermen en de beschaafde samenleving moet reguleren. Daarom moeten we het recht kunnen afdwingen als het wordt geschonden. Dit tribunaal en dit proces in het bijzonder vormen het duidelijkste bewijs dat niemand boven de wet staat of zich aan het internationale recht kan onttrekken.

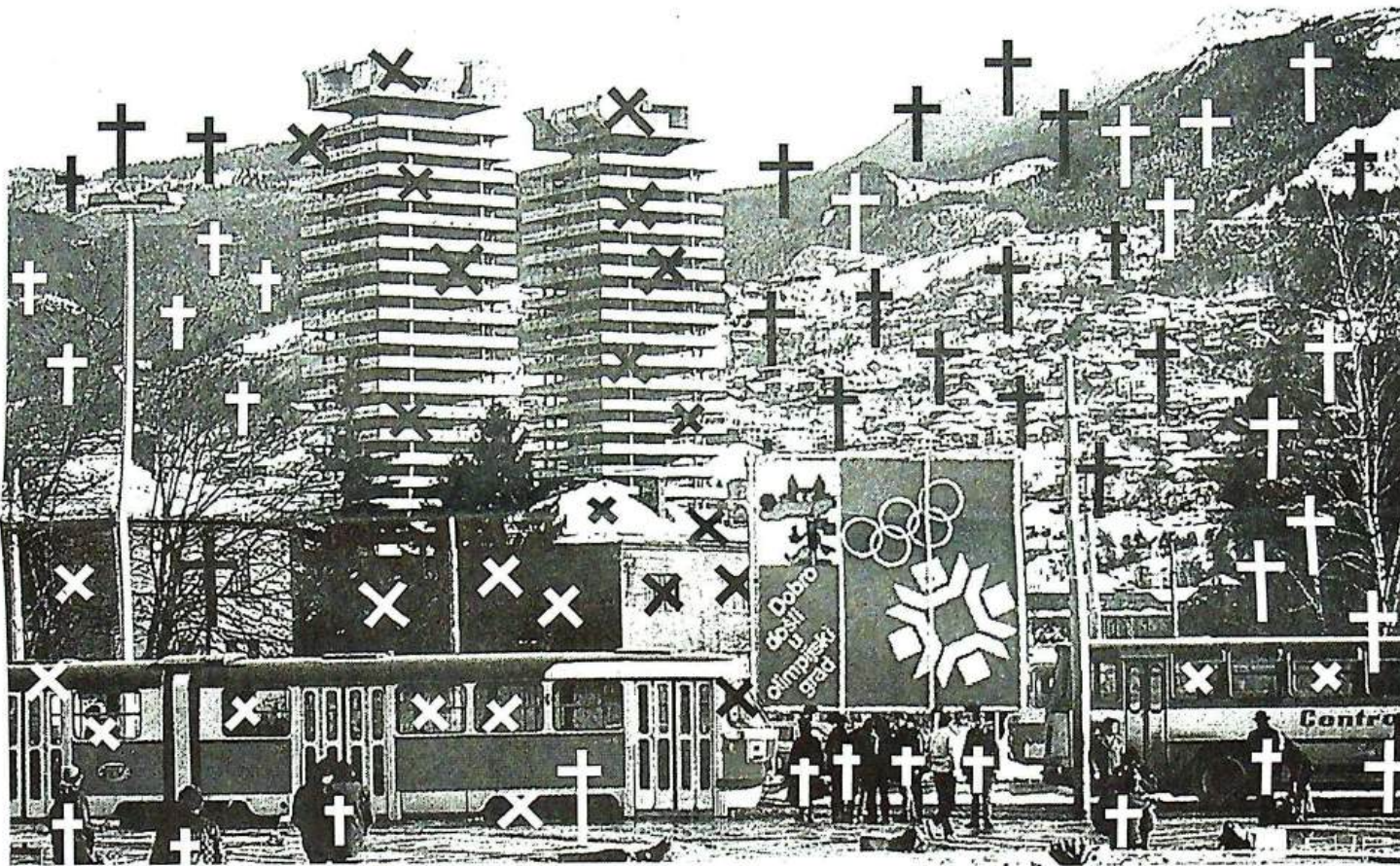
Ik daag de aangeklaagde Milošević voor dit tribunaal om zich te verantwoorden voor hetgeen hem ten laste wordt gelegd. Ik doe dat namens de internationale gemeenschap en uit naam van alle lidstaten van de Verenigde Naties, waaronder de staten van het voormalige Joegoslavië.

In deze zaak staat de beklagde, net als in alle zaken voor dit tribunaal, als individueel persoon terecht: hij wordt vervolgd op grond van zijn individuele strafrechtelijke verantwoordelijkheid.

Hier staat geen staat of organisatie terecht: in de aanklachten wordt niet een heel volk ervan beschuldigd zich collectief schuldig te hebben gemaakt aan de misdaden, ook niet aan genocide. Het mag dan verleidelijk zijn te generaliseren als het gaat om het gedrag van leiders op het hoogste niveau, maar dat is een misvatting die vermeden dient te worden. Collectieve schuld maakt geen deel uit van de zaak van de aanklagers, behoort niet tot de bevoegdheid van dit tribunaal en ik wil er geen misverstand over laten bestaan dat ik

# Bij Milošević stond alles in dienst van machtshonger

Sarajevo - stad van de Winterspelen van 1984



TEKENING: CYPRIAN KOSCIELNIAK

het hele idee verwerp. [...]

Ik wil niet voorbijgaan aan de slachtoffers van de misdaden die tijdens de conflicten zijn gepleegd. De ontwikkeling van het recht sinds de Tweede Wereldoorlog is er grotendeels op gericht geweest te voorkomen dat leden van de burgerbevolking in tijden van gewapende conflicten worden getroffen. Het recht zelf is bedoeld om gewone mensen die niets met de vijandelijkheden te maken hebben, te beschermen. Toch zal ik als aanklager niet rechtstreeks individuele slachtoffers vertegenwoordigen. Niettemin reken ik het tot een deel van mijn taak om de stem van de slachtoffers te laten horen als ik deze zaak aan u voorleg. [...]

Het gaat hier om een strafzaak. Het valt te betreuren dat de aangeklaagde heeft getracht zijn verschijning voor dit hof te gebruiken om politieke uitspraken te doen. Ik verzeker u dat de aanklagers zich niet tot dergelijke discussies zullen laten verleiden. Dit is een strafhof, geen debatclub. [...]

De internationale gemeenschap verwacht dat bevelhebbers en leiders van het allerhoogste niveau voor het gerecht in Den Haag worden gebracht. Die taak is een nauwkeurige omschrijving van mijn mandaat als aanklager, en het is het wezenlijke doel van dit tribunaal. Het proces tegen deze specifieke aangeklaagde betekent een

proces dat onvermijdelijk de weg naar de beëindiging van het werk van dit tribunaal markeert, al is het nog lang niet zover.

Het proces markeert ook een omslag [...] want veel mensen die over vertrouwelijke informatie beschikken, hebben besloten dat het juist en beter voor hen is te getuigen en hun stempel te drukken op

ver strategie heeft Milošević niets anders gedaan dan zijn eigen ambities nastreven, ten koste van onnoemelijk leed dat is toegebracht aan de mannen en vrouwen die zich tegen hem verzetten of die een bedreiging vormden voor zijn persoonlijke machtsstrategie. Want voor Milošević, die hier wordt aangeklaagd, was alles instrumenteel aan zijn honger naar macht. Probeer niet om idealen te vinden achter de daden van de beschuldigde. Achter het geveinsde nationalisme en de verschrikkelijke etnische zuivering, achter de bombastische retoriek en de obsoleete propagandataal bevindt zich wel degelijk het verlangen naar macht dat de drijfveer is van Slobodan Milošević. De beschuldigde is niet bezield door persoonlijke overtuigingen, en zeker niet door patriottisme of eergevoel, ook niet door racisme of xenofobie, maar door het verlangen naar macht, naar persoonlijke macht.

In het proces [...] zal het tragische lot aan de orde komen van

Dit tribunaal is een strafhof,  
 geen debatclub

keerpunt voor deze instantie. Het is duidelijk dat het proces waaraan het hof vandaag begint, het belangrijkste is dat tot dusverre in dit tribunaal is gevoerd. Het zou wel eens het opmerkelijkste proces kunnen blijken dat deze instantie ooit zal voeren. Daarmee is het een

de geschiedenis van de mensheid om het tribunaal te helpen.

Ik erken dat met dit proces geschiedenis zal worden geschreven en we doen er goed aan ons werk in het licht van de geschiedenis te zien. [...]

Als uitstekend tacticus maar po-

duizenden Kroatische, Bosnische en Albanese slachtoffers van Milošević. Het is ondraaglijk te lezen welk leed deze ontelbare slachtoffers en overlevenden hebben doorgemaakt. Maar Milošević heeft ook nog andere slachtoffers gemaakt. Ik denk aan de Serviërs, de Servische vluchtelingen van Kroatië, Bosnië en Kosovo, die misbruikt zijn door Milošević, wier angst is aangewakkerd, versterkt en gemanipuleerd om de criminele plannen van Milošević te dienen. Velen hebben hun leven verloren, de meesten zijn hun thuis en hun toekomst kwijtgeraakt. Deze mannen en vrouwen kunnen zonder meer gerekend worden tot de slachtoffers van Milošević, evenals de burgers van de Federale Republiek Joegoslavië, die nu het leeggeblode land weer op moeten bouwen dat de beschuldigde heeft achtergelaten.

De geschiedenis van de desintegratie van het voormalige Joegoslavië en van de uit een ander tijdperk stammende veelvormige broedermoord die eruit voortkwam, is een gecompliceerd proces en zal niet door één instantie geschreven kunnen worden. Dit tribunaal zal er maar één hoofdstuk van schrijven, het meest bloedige, het meest droevige ook, het hoofdstuk van de individuele verantwoordelijkheid van degenen die ernstige schendingen hebben begaan van het internationale humanitaire recht.

Het is veeleer aan andere instanties om bij de beschuldigde een morele, historische of psychologische diagnose te stellen en om de sociale, economische en politieke dynamiek te analyseren die de grondslag vormde van de misdaden waarmee we ons gaan bezighouden. De kennelijk onvermijdelijke wisselwerking van angst en haat, de politieke manipulatie, de rampzalige invloed van bepaalde media, maar ook de heldenmoed van mensen die zich verzetten, van de oppositie, in het gehele voormalige Joegoslavië, het voortleven van de waardigheid, van de burgerzin, van de menselijkheid ten slotte, al deze mechanismen moeten worden onderzocht, geanalyseerd en verklaard. Want het is absoluut noodzakelijk gehoor te geven aan het verlangen van de slachtoffers naar waarheid, in de ruimste betekenis van het woord, en om het risico te verminderen op herhaling van een dergelijk scenario. [...]

Hier echter beogen, minder verstrekkend, de aanklagers de persoonlijke verantwoordelijkheid aan te tonen die Slobodan Milošević draagt voor de misdaden die hem ten laste worden gelegd. Niet meer, maar zeker ook niet minder. Dat is de bijdrage van de rechtspraak, die we in alle nuchterheid en kalmte willen leveren, met in gedachten de woorden die Ivo Andrić sprak op de joodse begraafplaats van Sarajevo: „Wil de mensheid zich menselijk mogen noemen, dan moet zij zich gezamenlijk teweerstellen tegen alle wereldwijde misdaden, daartegen een dam opwerpen en effectief iedereen afstraffen die mensen en volkeren heeft vermoord.”

# Milosevic botst met rechter May

14-2-2002



Nieuws van mijn  
RAPPORT

Tijdens het eerste betoog in zijn rechtszaak bij het Joegoslavië-Tribunaal heeft Slobodan Milosevic uitgehaald naar rechter Richard May. De Servische oud-president haalde oude argumenten uit de kast – zijn arrestatie en het strafhof zouden illegaal zijn – en verweet May daar nooit op te hebben gereageerd.

## Proces-Milosevic

Bertie Schouten

DEN HAAG – Bijna twee dagen – één langer dan voorzien – had Milosevic het inleidende pleidooi van zijn aanklagers moeten aanhoren voordat hij zelf aan de beurt was en rechter May zich eindelijk tot hem wendde. Het was halfvier, dertig minuten voor het slot van de zittingsdag.

Dus hij zou na zo lang wachten nog maar een halfuur hebben voordat zijn verhaal werd onderbroken, vroeg Milosevic, kijkend op de klok? Dat leek hem weinig zinvol. Maar hij kon de tijd wellicht wél benutten voor enkele legale kwesties, zo vervolgde hij, om in een tirade te ontsteken over de onwettigheid van het Tribunaal, zijn illegale arrestatie in Belgrado – klachten waarop Milosevic nooit een reactie van rechter May zou hebben gekregen.

Daarna richtte hij zich op de

zeer 'bevooroordeelde' aanklagers, die zich 'laten leiden door de gemanipuleerde informatie' van de Britse geheime diensten' en 'via de media een parallelle lynchpartij voeren'.

Richard May zette tot twee keer toe Milosevic' microfoon uit, wees hem erop dat de wettigheid van het Tribunaal én van zijn arrestatie al wel degelijk zijn vastgesteld, en dat Milosevic' opvattingen hierover nu dus 'compleet irrelevant' zijn.

Om onverstoord over te gaan tot de orde van de dag. Het is een bekend tafereel aan het worden.

Ook tijdens zittingen in de voorfase van het proces brak May herhaaldelijk betogen af van Milosevic, die elke gelegenheid aangreep om het hof af te schilderen als een illegaal nephof.

Milosevic krijgt vandaag opnieuw de ruimte om zijn openingspleidooi te houden. Er wordt met spanning uitgekeken naar de inhoud én naar de opstelling van May, die een urenlange politieke redevoering mogelijk niet zal accepteren. Volgens Zdenko Tomanovic, een vertrouweling van Milosevic en sinds jaar en dag zijn advocaat (maar niet bij het Tribunaal omdat Milosevic dat onwettig vindt), zal het pleidooi zeker een dag duren, en starten met een 'westerse' video-opname van 56 minuten waarover hij verder niets losliet.

Of de rechters de band accepteren is overigens nog de vraag. Het is duidelijk dat Milosevic, tel-

kens als hij actief wil worden in het proces, voor het blok wordt gezet: óf hij houdt zich aan de formele regels van een Tribunaal dat hij niet erkent – bijvoorbeeld voor het overleggen van bewijs en het oproepen van getuigen, óf hij moet passief toekijken.

Eerder op de zitting gisteren deden de aanklagers uit de doeken wat zij in het proces tegen Milosevic, over misdaden tegen menselijkheid, oorlogsmisdaden en genocide in Bosnië, Kroatië, en Kosovo, hopen te bewijzen.

Aanklager Dirk Ryneveld besteedde veel aandacht aan Kosovo, dat als eerste aan de orde komt. Hij tilde een aantal voorbeelden uit de aanklacht om duidelijk te maken welke gruweligheden zich tussen januari en juni 1999 hebben voorgedaan in de Joegoslavische provincie. Zoals in het plaatsje Izbica, waar Servische troepen op 28 maart 1999

honderden vluchtelingen omsingelden en afpersten, en daarna zeker 116 Kosovaars-Albanese mannen doodschoten. Vrouwen en kinderen werden gedwongen de grens naar Albanië over te gaan; twee oude vrouwen die niet mee konden en in een trailer zaten, verbrandden levend toen die in brand werd gestoken.

Ryneveld liet videobeelden en foto's zien van de slachting, en hekelde de Servische pogingen om sporen uit te wissen door de lijken van slachtoffers van Izbica en andere moordpartijen naar geheime plaatsen af te voeren. De planning en het patroon van de misdaden wijst onmiskenbaar op coördinatie op hoog niveau, betoogde Ryneveld.

Dat was gisteren ook de boodschap van zijn collega Geoffrey Nice, die teruggreep naar de Tweede Wereldoorlog voor misdaden van vergelijkbare orde als zich in Bosnië, Kroatië en Kosovo voordeden: „Er was één controlerende, menselijke kracht”, die uit was op maximale macht en voortdurend de schijn ophield dat de loop van de gebeurtenissen onvermijdelijk was. „Maar hij was geen God, hij was een man, die beslissingen nam zonder oog voor de belangen en levens van anderen.”

## Aantal getuigen tegen Milosevic wellicht beperkt

Rechter May van het Milosevic-proces in Den Haag heeft gisteren aangegeven dat hij de duur van het proces binnen de perken wil houden door het aantal getuigen te beperken. Voor Kosovo alleen zouden er al negentig komen, maar waarschijnlijk gaat dat aantal omlaag zodat dat deel van het proces begin juli kan worden afgerond. Komende week wil May

hierover afspraken maken met de aanklagers. De 300 getuigen die hoofdaanklagster Carla del Ponte aankondigde, zal hij waarschijnlijk niet allemaal toelaten. Gisteren heeft Ibrahim Rugova, leider van de Albanese meerderheid in Kosovo, aangekondigd dat hij naar Den Haag komt om te getuigen tegen Milosevic. „Ik ben vereerd”, zei hij.



Zdenko Tomanovic, een jurist en vertrouweling van Slobodan Milosevic, voor het Tribunaal in Den Haag.

FOTO EPA



## van holst en steijnen

**From:** Jovan Grbic <ssicc@planet.nl>  
**To:** <office@globalreflexion.org>; van holst en steijnen <n.h.van.holst@freeler.nl>; <yuambanl@bart.nl>; <vlada@sps.org.yu>; <dceca@yubc.net>; <Nebojsa.Joveljic@BHPBilliton.com>; <istina@karadzic.org>; <Emperors1000@aol.com>  
**Sent:** woensdag 13 februari 2002 11:49  
**Subject:** Los Angeles Times

<http://www.latimes.com/news/opinion/commentary/la-000010771feb12.story?coll=la%2Dnews%2Dcomment%2Dopinions>

Los Angeles Times - latimes.com February 12, 2002  
 COMMENTARY

Slobodan Milosevic Is the Scapegoat in a Show Trial

By MARKO LOPUSINA and ANDRE IIUZSVAI

The Balkans is a strange place. Nothing is what it seems to be. In June 2001, after nearly a decade of bloodshed and related media frenzy, Slobodan Milosevic was arrested and transferred to The Hague for trial. Thus ended the public relations phase of the hunt, giving way to indictments for war crimes in Kosovo, Croatia and Bosnia-Herzegovina. Milosevic, as a scapegoat in a show trial with a predestined outcome, would be a perfect medium to exorcise the guilt of those who are trying to obliterate their complicity in provoking and expanding the Balkan wars.

It will be voodoo justice: a desperate and dishonest attempt to close the 1990s chapter of the Balkan history. Milosevic is gone from the Balkan stage, but his departure gives additional credence to some inconvenient facts. The careful reading of the last 10 years suggests that the trial will be Milosevic's final act, designed, timed and scripted by higher powers to neatly wrap up the cautionary tale of the

"butcher of the Balkans." Former Assistant Secretary of State John Shattuck wrote in a 2001 article in the Boston Globe that, if the 1995

Dayton agreement "prolonged Milosevic's rule ... it also sealed his fate." In it, Milosevic agreed to the tribunal that is now putting him

on trial. When he was arrested in 2001, "the trap that had been set in 1995 at last slammed shut," wrote Shattuck. This confirmed a long-held suspicion that the U.S. manipulated Milosevic and world opinion.

Were allegations of Milosevic's "war crimes" in Bosnia and Croatia true, he would have been indicted in 1995, instead of rubbing elbows with U.S. politicians at the Dayton peace talks. Were Washington serious

about toppling him, it could have done so in 1996 by supporting the Serb opposition movement, Zajedno. Yet the U.S. seems to have been more interested in keeping Milosevic in power until the last part of the Pax Americana scenario in the Balkans played out with the NATO occupation of Kosovo.

As the Balkans boogeyman on whom anything could be blamed, Milosevic was an invaluable public relations asset to NATO politicians who have been conveniently advancing their own geopolitical agenda in the region in tandem with Albanian secessionists.

The individual charges against Milosevic are a double-edged sword: Every one of them could be applied to the wartime deeds of Croats and Bosnian Muslims, with regard to the Serbs and each other in a string of nasty three-way armed conflicts. From the overblown issues of "rape camps" to "concentration camps" to the true culprits in market

bombings to provocations and setups in Srebrenica to Racak, the long list of myths conflicting with facts may prove to be embarrassing. The current war on terrorism brought to the limelight the ties between

the Bosnian war effort and Osama bin Laden's network. The issue of simultaneous support from the CIA and Al Qaeda for the Kosovo Liberation Army in the 1990s will gain attention as well.

As someone who has nothing to lose, Milosevic may well take the stand and turn the tables on his accusers. It may be only a matter of time before someone cries out that the emperor is naked. \* Marko Lopusina and Andre Huzsvai are the writer and English editor, respectively, of "Spies, Lies, and Videotapes. The CIA Against Yugoslavia, 1947-2000" and "Balkan Death: The Albanian Narco-Mafia," both from Eurasia Communications, 2001.

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## Nico Steijnen

**From:** Despotovic, Ruza <despot@wish.net>  
**To:** Jan Beentjes <beentjes@knoware.nl>; Dolf Loth <dolfloth@hotmail.com>; Globalreflexion <office@globalreflexion.org>; <speerpunt@wxs.nl>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Ksenija Sigulinski <sigu@worldonline.nl>; Richard van Houten <richardenbeba@wxs.nl>; Ruza Despotovic <ruzad@ggzba.nl>  
**Sent:** dinsdag 12 februari 2002 15:35  
**Subject:** dew

### Het proces van de leugen

Deze week start het 'schijn'proces tegen de Joegoslavische ex-president Milosevic. Hij wordt beschuldigd van oorlogsmisdaden in de conflicten in Kosovo, Kroatië en Bosnië. Over die drie beschuldigingen stelde Milosevic zelf op 30 januari: "Het toevoegen van drie leugens, brengt de waarheid niet dichterbij, alleen een grotere leugen." "Met dit proces wil men een valse rechtvaardiging geven aan de oorlogsmisdaden van de Navo in Joegoslavië", gaat hij in de tegenaanval.

### Het tribunaal van de overwinnaars

Navo-woordvoerder Jamie Shea zei in mei 1999, tijdens de bombardementen: "Natuurlijk steunt de Navo het Internationaal Joegoslavië-tribunaal. We hebben het zelf opgericht!"

Michael Scharf, de man die in opdracht van de vorige Amerikaanse minister van Buitenlandse Zaken Madeleine Albright, de statuten opstelde voor het tribunaal, schreef in oktober 1999 in de Washington Post dat "het tribunaal binnen de (Amerikaanse) regering vooral werd gezien als een public relations instrument en als een mogelijk nuttig politiek wapen."

Milosevic stelt terecht dat een eerlijk proces in Den Haag onmogelijk is indien niet ook de Navo-leiders - van Bill Clinton (VS) en Jean Chrétien (Canada) tot Tony Blair (GB) en Jose Maria Aznar (Spanje) - op de beklagdenbank zitten. Het was immers niet Milosevic, wél het gestook van de westerse grootmachten die Joegoslavië in een burgeroorlog hebben gestort.

Hoe komt het dat de VS nooit werden veroordeeld voor hun misdaden in Vietnam, Chili, Irak? Ook de Navo-oorlog in Joegoslavië was een doelbewuste schending van het internationaal recht en van het Charter van de Verenigde Naties. De Navo-leiders kozen doelwitten uit die weinig of geen militair belang hadden: bruggen in de steden, fabrieken, hospitalen, markten, woonwijken, televisiestudio's. Zijn dat dan geen misdaden tegen de menselijkheid?

Wie weerstand biedt, is terrorist

Tegenwoordig wordt al wie weerstand biedt tegen de veroveringsdrang van het Westen, terrorist genoemd: Noord-Korea, omdat het zijn socialisme blijft verdedigen; de Irakezen, omdat ze hun olierijkdommen nog altijd niet aan de Amerikanen willen afstaan; de Palestijnen, omdat ze weigeren zich neer te leggen bij de Israëliëse bezetting van hun land... Indien Milosevic nog aan de macht was geweest, zou Bush hem zeker ook bij de 'as van het kwade' hebben vermeld.

Maar het was niet Milosevic die Joegoslavië heeft doen uiteenspatten. Dat was het werk van Duitsland en de Verenigde Staten, die de etnische tegenstellingen hebben aangewakkerd en de Joegoslavische instellingen ondermijnd. Verdeel en heers, dachten ze.

Ex-president Milosevic is ontvoerd en zit gevangen, omdat hij zich bleef verzetten tegen de economische kolonisering van zijn land. Dat wordt extra duidelijk als we de economische ramp zien sinds Milosevic uit Joegoslavië weg is. Schrijfster Jelica Novakovic: "De economie sluimert nog steeds in een diepe winterslaap, banken en bedrijven gaan massaal failliet, het aantal werklozen en armen blijft maar stijgen." Geen wonder dat afgelopen zaterdag, drie dagen voor het begin van het proces, tienduizenden Joegoslaven in het centrum van Belgrado betoogden voor de vrijlating van Milosevic. (*Solidair*)

### Betoging voor vrijlating Milosevic

Belgrado, 9 februari 2002 - Meer dan 10.000 mensen hebben zaterdag in Belgrado gedemonstreerd voor de vrijlating van de Joegoslavische ex-president Slobodan Milosevic. De demonstratie onder het motto "Vrijheid voor Slobodan" was georganiseerd door de Servische Socialistische Partij (SPS). De vreedzame demonstratie hekelde het schijntribunaal en de post-Milosevic leiding die hem uitleverde aan een in Nederland zittende neprechtbank.  
<http://www.dewaarheid.nu/milosevic/09-02-02.htm>

8

## PRESS RELEASE

# HE WILL NOT BE SILENCED

2002

On February 12, the ICTY will start the so-called trial against President Slobodan Milosevic. This takes place after many years during which President Milosevic and the Serbian people have been demonized on a scale of magnitude and intensity never seen before.

After being kidnapped by NATO, with the support of the present Yugoslav government, President Milosevic has been subjected to humiliation and violations of human rights. In particular, he has been denied the right to meet and communicate with advisors of his choice including attorneys who are legally challenging his kidnapping. He has been forbidden the basic right to communicate with the press although the so-called prosecution routinely spreads lies about him through the mass media.

President Milosevic has become the archtypical political prisoner of the New World Order.

Why can't President Milosevic speak to the media and communicate with the outside world? Because NATO-leaders and the functionaries of the puppet Tribunal are afraid of this leader whom they have caged, and the vast forces he inspires and represents.

On the one hand NATO needs this trial to justify their aggression against Yugoslavia, to intimidate other leaders and ordinary people from defending national sovereignty and social justice, and to convict the Serbian people for the wars in Yugoslavia. Then they can impose billions in phony war reparations, crushing the Serbian people under an impossible debt.

But on the other hand, NATO fears Milosevic. He is not playing his prescribed role, accepting a guilt he does not own and pleading for mercy. Instead he tells the truth: that NATO used Ustashe, Islamist and Albanian terrorists - the same people Hitler used in World War II - to attack Yugoslavia so they could subjugate the Balkans.

Milosevic's marvelous dignity, his refusal to be an obedient slave, and his honest words are NATO's nightmare.

The International Committee to Defend Slobodan Milosevic (ICDSM), composed of thousands of persons from all over the world, aims to inform public opinion about the real events surrounding the breakup Yugoslavia and the nature of the puppet Hague 'Tribunal.'

To this end, the ICDSM calls a meeting, Monday, February 11, in Amsterdam

Location: Krasnapolski, St Johnsrooml II,  
Dam 9, Amsterdam

Time: 20.00 uur - 22.00 hour  
Entrance 3.00 euro

With participation of:

- \* Jaime Ballesteros, OSPAAAL, Spain
- \* Prof. Dr. Aldo Bernardini, professor of international law, Italy
- \* Christopher Black, attorney, Canada
- \* Jared Israel, Editor, The Emperor's New Clothes, USA
- \* Vladimir Krsljanin, international secretary SPS, Yugoslavia
- \* Nico Steijnen, attorney, The Netherlands
- \* Jacques Verges, attorney, France
- \* Nico Varkevisser, editor in chief of TARGETS monthly paper
- \* Tiphaine Dickson, attorney, Canada

The language of the meeting will be English

'By adding three lies, one does not get the truth - only a bigger lie'  
- Slobodan Milosevic, January 30, 2002

**HE WILL NOT BE SILENCED**

Amsterdam, February 7, 2002.

# Proces tegen oud-president begonnen

## Misdaden Milošević 'middeleeuws wreed'

Door een onzer redacteurs

DEN HAAG, 12 FEBR. De misdaden die onder verantwoordelijkheid van Slobodan Milošević op de Balkan zijn gepleegd getuigen van een „bijna middeleeuwse wildheid” en een „berekende wreedheid”.

Dat zei openbaar aanklager Carla Del Ponte van het Joegoslavië-tribunaal vanmorgen aan het begin van het proces tegen de ex-president van Joegoslavië. Het VN-tribunaal, en met name het proces tegen Milošević, is volgens Del Ponte de „meest krachtige uiting dat niemand boven de wet staat of buiten het bereik is van internationale gerechtigheid”.

Tegen Milošević zijn drie aanklachten ingediend. Hij wordt beschuldigd van oorlogsmisdaden en misdaden tegen de menselijkheid in Kroatië en Kosovo en van genocide in de oorlog in Bosnië. Milošević staat, aldus Del Ponte, terecht voor „zijn individuele verantwoordelijkheid”. Het is niet een staat of organisatie die terechtstaat. Del Ponte verwees naar Milošević „zucht naar macht” en aan de duizenden slachtoffers en het dagelijkse lijden van de slachtoffers van de oorlogen in ex-Joegoslavië in de jaren negentig.

Gekleed in een donkerblauw pak luisterde Milošević naar het betoog van Del Ponte, zonder uiterlijk vertoon van emoties. Af en toe maakte hij een aantekening.

Na Del Ponte sprak de Britse aanklager Geoffrey Nice, die het proces tegen Milošević in de rechtszaal gaat voeren. Hij beschuldigde Milošević van het leiden van een „criminele onderne-

ming die schuilgaat achter „het project om een Groot-Servië te creëren”. Nice presenteerde als eerste bewijsstuk een video-opname van een toespraak die Milošević hield in Kosovo in 1987. „Niemand zal u ooit nog slaan”, beloofde Milošević een Servische menigte, waarmee hij volgens Nice de nationalistische sentimenten aanwakkerde. Het proces, dat waarschijnlijk twee jaar gaat duren, begint met de zaak-Kosovo.

Morgen komt, volgens een woordvoerder van het tribunaal, Milošević aan het woord. Zijn juridische adviseurs hebben al laten weten dat hij een hele dag wil praten om zijn visie te geven.

Milošević erkent het tribunaal niet en laat zich niet bijstaan door een advocaat. Wel wint hij juridisch advies in bij de juristen van het Comité voor de Verdediging van Slobodan Milošević, en met name de advocaten Ramsey Clark, Christopher Black en Jacques Vergès. Vanmiddag dient bij de rechtbank in Den Haag een kort geding van Milošević tegen het tribunaal en de Nederlandse Staat, waarin meer mogelijkheden voor de advocaten worden geëist om de gedetineerde te adviseren.

• HOOFDARTIKEL: pagina 11  
• DOSSIER: [www.nrc.nl](http://www.nrc.nl)

## De baby schreeuwde nog twee uur

Genocide en misdaden tegen de menselijkheid in drie oorlogen in ex-Joegoslavië – daarvan wordt Slobodan Milošević beschuldigd.

Door onze redacteurs  
CEES BANNING en  
PETRA DE KONING

DEN HAAG, 12 FEBR. In het voorjaar van 1992 werd in het bos net buiten het stadje Višegrad in Oost-Bosnië een baby geboren. Het was een meisje, zei aanklager Geoffrey Nice vanochtend in de rechtszaal van het Joegoslavië-tribunaal, op de eerste dag van het proces tegen de Joegoslavische ex-president Slobodan Milošević. „Maar welke naam ze van haar moeder kreeg zullen we nooit weten”, zei Nice. De baby, de moeder van de baby en 45 familieleden – moslims – werden le-

vend verbrand door Servische militairen. Nice: „De baby schreeuwde nog twee uur.”

De Britse aanklager Nice was zijn betoog begonnen met „een dag in november, 1991”. Een man van achttienjarige leeftijd, een Kroaat, was met zijn vrouw naar het ziekenhuis van Vukovar gegaan, in het noordoosten van Kroatië. Hij en zes anderen overleefden het bloedbad dat Servische troepen aanrichtten onder de patiënten. Tweehonderd zestig mensen werden vermoord. Nice had ook een voorbeeld van een gruwdaad in Kosovo, eind jaren negentig. Hij vertelde over een vrouw van twintig die, samen met andere vrouwen, was meegenomen door Servische soldaten. Haar lijk werd later gevonden in een waterput.

Nice praatte langzaam, met veel nadruk. De boodschap was duidelijk. In het proces tegen Milošević zou het gaan om deze men-

sen, slachtoffers van de oorlogen in Kroatië, Bosnië en Kosovo. Milošević is door het tribunaal aangeklaagd voor misdaden in die oorlogen, misdaden tegen de menselijkheid en genocide. De aanklachten bevatten bijna zeventig gevallen van moord, deportatie, schending van het oorlogsrecht.

„Het is een schot hagel”, zei Michail Wladimiroff eerder. Eén kogeltje zou al genoeg zijn voor de maximale straf die het VN-hof kan opleggen: levenslang. Wladimiroff is een van de drie ‘amici curiae’, de zogenaamde ‘vrienden van het hof’ die erop moeten toezien dat Milošević een eerlijk proces krijgt, ook al weigert hij een advocaat te benoemen. De ex-president wordt verantwoordelijk gehouden voor de moord op driehonderdduizend niet-Serviërs en het verjagen van miljoenen mensen. Dat begon, volgens de aanklachten, op 21 september

1991, toen Servische troepen elf Kroaten neerschoten in Dalj, en het eindigde op 25 mei 1999 met de moord op acht Albanen in Dubrava in Kosovo.

Aanklager Nice zei vanochtend dat de aanklagers de gruwelijke details van de gebeurtenissen niet vaak zouden noemen in dit proces. Dat was aan de getuigen. De aanklagers zouden ‘kalm’ en ‘niet-emotioneel’ hun werk doen: aantonen dat Milošević opdracht had gegeven tot misdaden of ervan wist en niks had gedaan om ze te stoppen.

De verdachte zelf kreeg vanochtend nauwelijks aandacht. De Britse rechter Richard May zei niets tegen hem. Milošević had pen en papier bij zich en maakte aantekeningen.

Een half uur voordat de rechtszaak vanochtend begon, stond Marion Veth voor het gebouw van het Joegoslavië-tribunaal in Den Haag. [• *Vervolg* TRIBUNAAL: pagina 5]



Carla Del Ponte, de openbaar aanklager bij het Joegoslavië-tribunaal, heeft een onderonsje met de ‘vrienden van het hof’, die de Joegoslavische ex-president Slobodan Milošević bijstaan. Op de achtergrond betreedt Milošević de rechtszaal. (Foto Michel Porro / Getty Images)

# JOEGOSLAVIË-TRIBUNAAL VERGUISD EN TOEGEJUCHT

## Volksgericht dat politieke meesters dient

Christopher Black

De aanklacht wegens vermenste oorlogsmisdaden tegen Slobodan Milošević roept wettelijke vragen op omtrent de openbaarheid en in uiterste instantie dus ook het doel van het Internationale Straftribunaal.

Eeuwenlang is de onafhankelijkheid van rechtsorganen beschouwd als een van de grondregeis van de rechtspraak; er moest niet alleen recht worden gedaan, maar dat moest ook duidelijk en onmiskenbaar zichtbaar zijn.

Maar in het geval van het tribunaal in Den Haag is het recht en zijn verschijningsvorm vervangen door een openlijke minachting van het recht.

Het idee voor het tribunaal is afkomstig van het Amerikaanse ministerie van Defensie, en alleen daartuit blijkt dat het als oorlogswapen is bedoeld, ondanks de retoriek over 'de mensenrechten'.

Om te zorgen dat Joegoslavië zo snel mogelijk uiterevrield in zogenaamd onafhankelijke koloniën van de Verenigde Staten en Duitsland, moest de leiding in Joegoslavië, die haar politieke en economische integriteit probeerde te bewaren, in een kwaad daglicht worden gesteld. Een doeltreffend propaganda-middel om dit doel te verwezenlijken is een tribunaal met een internationaal karakter dat het publiek als een neutraal rechtsinstrument zal aanvaarden maar dat in werkelijkheid politieke doelen dient.

Het tribunaal werd in 1993 opgericht krachtens resoluties van de

monstreerd toen Louise Arbour op 27 mei 1999 de aanklacht tegen Milošević pas bekendmaakte nadat ze die twee dagen daarvoor met president Clinton had besproken; een flagrant inbreuk op haar zogeheten onafhankelijkheid. De aanklacht was bestemd ter rechtvaardiging van de aanhoudende bombardementen op Joegoslavië en was dus zelf een oorlogsmisdad, een misdad tegen de vrede.

Het tribunaal ontvingt aanzienlijke sommen geld van de Amerikaanse regering en andere NAVO-landen, in strijd met Artikel 32 van zijn Handvest, waarin wordt bepaald dat de begroting uit de algemene VN-middelen moet komen. Ook ontvingt het aanzienlijke bedragen van particuliere Amerikaanse ondernemingen als Time Warner, eigenaar van CNN, en personen als George Soros, via diens Open Society Institute, dat ook de krant van het UÇK in Pristina bekostigt.

Ook worden veel van de juridische medewerkers ter beschikking gesteld door organisaties die zijn opgericht door George Soros, zoals het Midden- en Oost-Europes Juridisch Instituut. En onder hen zijn tal van Amerikanen.

De regels inzake procesgang en bewijsvoering zijn bestemd om de aanklager van dienst te zijn. Het vermoeden van onschuld wordt behalve in naam geheel verlaten. Bekentnissen worden gezien als vrijwillig, terwijl ze in andere rechtsstelsels als onvrijwillig worden gezien. Verklaringen uit de tweede hand zijn toegestaan. Verdachten mogen negating dagen worden vastgehouden zonder te worden aangeklaagd. Getuigen mogen anoniem hun verklaringen afleggen. Processen mogen in het geheim worden gehouden - het kenmerk van een politiek proces. Er wordt gebruikgemaakt van verzegelde dagvaardingen.

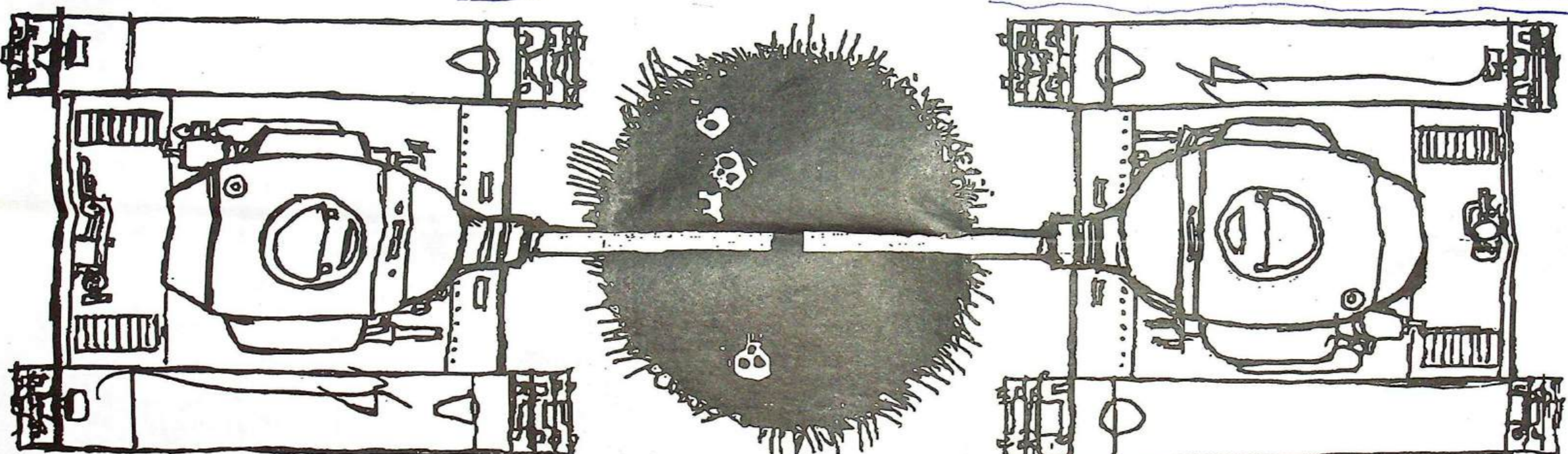
De verdediging is niet bevoegd getuigen op te roepen, zodat het soms onmogelijk is een zaak naar behoren te verdedigen omdat de verdediging niet bij machte is getuigen voor het tribunaal te krijgen. Het recht op juridische bijstand wordt beperkt en doorlopend geschonden. Milošević zelf heeft nog altijd niet de gelegenheid gekregen om zich onder vier ogen met een raadsman van zijn keuze te verstaan. Het is hem verboden met de pers te spreken, iets wat zelfs is weggelegd voor een gewone dief in een gewone gevangenis in een willekeurige NAVO-land.

Raadsliden staan bloot aan intimidatie doordat ze worden beboet wegens verzoeken die het tribunaal niet bevallen. De regels zelf worden veelvuldig veranderd - zodat een verdachte nooit zeker kan zijn van de regels van het spel - en altijd ten gunste van de aanklager. Als een verdachte wordt vrijgesproken kan de aanklager in beroep gaan en blijft de verdachte hangende dat beroep in hechtenis. Het beroepscollege zelf is niet onafhankelijk van de rechtbank, aangezien de rechtters onderling rouleren.

Uit deze feiten is maar één conclusie te trekken. Het tribunaal is geen echt gerechtshof dat ontzag verdient. Het is een volksgericht, een schetsrechtbank met een politiek doel die aanwijsbare politieke meesters dient. Het is een politiek instrument tot schending en vernietiging van de integriteit en soevereiniteit van een land en ter verdoezeling van de oorlogsmisdaden van zijn politieke meesters. Daarom is de instelling als zodanig en misdaad tegen de vrede en dient het ter wille van de internationale gerechtigheid en beschaving onmiddellijk te worden opgeheven.

De Canadese advocaat Christopher Black is vice-voorzitter van het Internationaal Comité ter Verdediging van Slobodan Milošević (ICDSM).

Dinsdag begint voor het Haagse Joegoslavië-tribunaal het proces tegen Slobodan Milošević. Op deze pagina kruisen tegenstander Christopher Black en voorstander Frits Kalshoven alvast de degens. Schetsrechtbank of nuttig gelegenheidstribunaal?



## Oprichting was hard nodig en bracht heil

Frits Kalshoven

Misdaden tegen het internationale recht worden begaan door mensen, niet door abstracte entiteiten, en slechts door het straffen van individuen die zulke misdaden plegen kunnen de regels van het internationale recht worden afgedwongen." Aldus het Neurenberg-tribunaal in 1946.

Dat in het bijzonder oorlogsmisdrijven, misdrijven tegen de menselijkheid en genocide schendingen van het internationale recht opleveren staat buiten kijf. Ook betwist niemand dat zulke daden door mensen worden gepleegd, zelfs wanneer dit gebeurt onder de dekmantel van een 'abstracte entiteit', zoals de staat.

Een andere vraag is of bestrafing van individuele daders de enige methode is om naleving van de regels af te dwingen. Mijn instinct zegt dat voorkomen beter is dan genezen en van de genezende kracht van strafrechtsoepassing ben ik ook niet altijd overtuigd. Maar ik wil hem zeker niet uitsluiten.

In ieder geval: de partijen bij het Genocide Verdrag van 1948 bewetstigen dat genocide een misdrijf is naar internationaal recht, 'dat zij op zich nemen te voorkomen en te bestraffen'. En de vier Conventies van Genève van 1949 verplichtten partijen om effectieve strafsancities te voorzien voor personen die zich in een internationaal gewapend conflict schuldigen maken aan ernstige inbreuken op die verdragen. Hiermee was de sinds menschenheugenis bestaande algemene bevoegdheid van staten om oorlogsmisdrijven te bestraffen versterkt met een plicht om iets te doen aan deze allereerste inbreuken.

De rest van de eeuw bracht een niet aflatende reeks gewapende conflicten: bevrijdingsoorlogen en postkoloniale conflicten; de socio-economische conflicten in Latijns Amerika; nu en dan een regulier internationaal gewapend conflict: India-Pakistan, Irak-Iran; een echter invasie: Irak-Koeweit.

De meeste waren nogal vuil, sommige zelfs heel smerig. Bestrafing van individuele daders kwam wel eens voor (My Lai) maar bleef uitzondering. Latijns Amerika rakte in dit opzicht berucht, door wat er gebeurde maar vooral door de haast systematische 'impuniteit'.

Lang bleven pogingen om van buitenaf het gedrag van de oorlogvoerders te beïnvloeden beperkt tot oproepen van de Verenigde Naties en de activiteiten van het Internationale Comité van het Rode Kruis. Over internationale berechting van (hoofd)schuldigen werd daar bleef het bij, tot 1991.

In dat jaar viel Joegoslavië uittecen. Om Slovenië was de strijd snel gestreden. De strijd om Kroatie duurde langer en was heftiger, met schendingen van het humanitaire recht aan alle kanten. Maar die werden al snel in de schaduw gesteld door de verschrikkingen van de oorlog die in april 1992 in Bosnië-Herzegovina op gang kwam.

Het uiteenvallende Joegoslavië stond van de aanvang af in het volle licht van de belangstelling: van de media, van mensenrechtenorganisaties, van overheden, van de Verenigde Naties. En de reacties op de stroom berichten over schendingen van het humanitaire recht veranderden al heel snel, van oproepen tot de partijen om de geldende regels in acht te nemen en pogingen om daaromtrent tusschen te bemiddelen, tot oproepen tot berechting van alle schuldigen en instelling van een internationaal tribunaal.

De VN-Veilighedsraad volgde,

stap voor stap en iets achter de muziek aan: augustus 1992, oproep om informatie over schendingen van het humanitaire recht in het voormalige Joegoslavië bijeen te brengen en aan de raad ter beschikking te stellen; oktober 1992, opdracht aan de secretaris-generaal om een commissie van deskundigen in te stellen tot onderzoek en analyse van het binnenkomende materiaal; februari 1993 interim-rapport van die commissie (waarvan ik toen voorzitter was) met daarin ons oordeel dat instelling van een tribunaal zou dienen te gebeuren, 'door de Veiligheidsraad of een ander bevoegd orgaan van de Verenigde Naties' en 'in overeenstemming' zou zijn met de richting van 'ons werk'; zelfde maand, besluit van de raad dat een tribunaal zou worden ingesteld; mei 1993, instelling van het Joegoslavië-tribunaal.

De vraag is nu: wat vind ik van het tribunaal? Ik kan mijn oordeel het best uitspreken met een variant op de aangehalde woorden van de commissie van deskundigen: ik acht het tribunaal, 'in overeenstemming met de richting van mijn werk'.

Dat werk beoogt de bewondering van kennis en inzicht in het internationale humanitaire recht en van de naleving en ontwikkeling van dit rechtsgebied. Dit lijken mij ook de functies en effecten van het tribunaal.

Uiteraard kan over de oprichting en functionering van het tribunaal het nodige worden opgegeverkt. Ik beperk mij tot twee punten. Het is een gelegenheidstribunaal, voorlopig alleen voor Rwanda nageboort: al die andere 'vuile oorlogen' brachten de internationale gemeenschap niet tot gelijke actie. Dit valt die gemeenschap te verwijten, niet het tribunaal.

Het was de Veiligheidsraad van de Verenigde Naties die het tribunaal oprichtte; niet de Algemene Vergadering noch, wat nog mooier geweest zou zijn, een verdrag. Mijn commentaar, met een variant op een Chinese zegswijze: niet het mooie is goed, maar het goede is mooi.

De oprichting van het tribunaal was bar nodig en daarom goed. Met een citaat uit het Neurenberg-vonnis: 'Met betrekking tot de samenstelling van het Hof, is al dat de gedaagen gerechtigd zijn te vragen, een eerlijk proces dat rekening houdt met de feiten en de wet'.

Mij dunkt dat het tribunaal zich in dit opzicht, van de buitengewoon moeilijke beginperiode af, op bewonderenswaardige wijze van zijn taak heeft gekweten en, nu het wat gemakkelijker gaat, nog steeds kwijt.

Niettemin: wonderen brengt het ons niet; wel heil, zoveel als men van een strafrechter kan verwachten.

Frits Kalshoven is emeritus hoogleraar volkenrecht.

## Debat

Zondagsavond houdt NRC Handelsblad in de Rode Hoed te Amsterdam een debat over de status van het Joegoslavië-tribunaal. Bovendien gaat de bijlage Thema van deze krant vandaag over het tribunaal.

## Tribunaal dient onmiddellijk te worden opgeheven

De VN-Veilighedsraad die de burgeroorlog in Bosnië, een burgeroorlog die voor een deel was uitgelokt en werd beheerst door de NAVO-mogendheden, ten onrechte als een bedreiging voor de internationale vrede kenschetsen. Verder verdraden de resoluties het Handvest door de oprichting van het tribunaal te grondvesten op Hoofd-bunaal te gronden spreken van economische en militaire maatregelen en niet van strafrechtelijke of andere gerechtelijke maatregelen. Hoofdstuk VII moet ook worden gelezen in het licht van Hoofdstuk I van het Handvest, dat bepaalt dat de VN beruusten op het beginsel van de soevereine gelijkwaardigheid van de leden, en wezenlijk beginsel van het internationale recht en de eerste waarborg voor het recht op zelfbeschikking van de volken op de wereld. Als het recht op soevereiniteit niet bestaat is het recht op zelfbeschikking maar schijn. Dit beginsel wordt door het bestaan van het tribunaal volledig ondergraven.

Het tribunaal is zogenaamd onafhankelijk van elke nationale regering of groepering van nationale regeringen, maar het beroemt zich openlijk op zijn nauwe banden met de Amerikaanse regering en Madeline Albright wordt zelfs aangeduid als de 'moeder van het tribunaal'.

De aanklagers hebben allemaal nauwe banden onderhouden met de Amerikaanse regering en hebben aparte samenwerkingsakkoorden met de NAVO gesloten, zodat 'in plaats' van VN-strijdkrachten NAVO-troepen de gedames van het tribunaal zijn en het tribunaal geheel in dienst staat van de NAVO en haar oogmerken. Dat werd schamteloos gede-

# 'Politiek speelde grote rol bij Milosevic-aanklacht'

Etnische zuiveringen in Kosovo begonnen pas ná de NAVO-bombardementen, zegt Balkanexpert Raymond Detrez.

Van onze verslaggevers  
**Eric Arends**  
**Annieke Kranenberg**

LEUVEN

Vooropgesteld: hij wil niet worden bestempeld als advocaat van Slobodan Milosevic. Raymond Detrez, Belgisch historicus en Balkan-kenner die naam maakte met diverse boeken over het uiteenvallen van Joegoslavië, zou er geen probleem mee hebben indien Milosevic tot levenslang wordt veroordeeld. 'Als president van Joegoslavië had hij de ultieme verantwoordelijkheid.'

Toch plaatst Detrez kanttekeningen bij het proces tegen de oud-president dat volgende week dinsdag begint voor het Joegoslavië-Tribunaal in Den Haag. 'De context waarin de rechtszaak is gesitueerd, is er een van: de Serviërs moeten worden bestraft. Dat is niet helemaal juist.'

*- Milosevic was volgens hoofd-aanklagster Carla Del Ponte het meesterbrein achter het plan voor één Groot-Servië.*

'Dat is onzin. Wat is een Groot-Servië? Een Servië waarin alle Serviërs samenleven, dat is het

ideaal van de nationale staat. Dat streven ook de Kroaten, de Macedoniërs, de Bulgaren en andere volken op de Balkan na. Het idee van een Groot-Servië was wijdverspreid onder de Serviërs.'

*- Maar Milosevic heeft dat idee uitgevoerd middels een vooropgezet plan, zeggen de aanklagers. Hij wilde Kroatië, Bosnië en Kosovo volgens eenzelfde strategie etnisch zuiveren. Daarom zijn de aanklachten samengevoegd en komt er één proces.*

'De situatie in Bosnië en Kroatië was nauwelijks vergelijkbaar met die in Kosovo. De Serviërs hebben in Bosnië en Kroatië het initiatief genomen tot etnische zuiveringen. Ze wilden territoria hebben waar een Servische minderheid leefde, dus joegen ze anderen weg. Wilden ze niet weg, dan werden ze gedood. Dat was duidelijk een vooropgezet plan.'

'Maar in Kosovo hadden de Serviërs oorspronkelijk niet het plan om de Kosovo-Albanen te verdrijven. Het leger wilde het UCK uitschakelen. Het ging om een rebellenleger dat in 1998 met militaire middelen eenderde van het grondgebied had veroverd. Daar

traden de Servische strijdkrachten tegen op zoals altijd tegen guerrillalegers wordt opgetreden: door het terroriseren van de bevolking, precies waar het UCK zich verstopte. Daarom vluchtten de Kosovo-Albanen voor de Servische troepen. Maar zo waren er ook Serviërs die vluchtten voor het UCK. De meeste vermisten in Kosovo betreffen Serviërs.'

*- Zijn er dan geen misdaden door Servische strijdkrachten in Kosovo gepleegd?*

'Veel van de gebeurtenissen in Kosovo kun je als oorlogvoering omschrijven. Vóór de NAVO-bombardementen in 1999 is er tenminste geen sprake geweest van etnische zuiveringen. Tijdens de bombardementen stond het Servische leger machteloos; het luchtafweergeschut kon de NAVO-vliegtuigen niet uitschakelen. Het enige wat het leger kon doen is chaos creëren door het verdrijven van burgers.'

'Dat is natuurlijk misdadig. Er werden identiteitspapieren van Kosovo-Albanen afgepakt, zodat die mensen niet meer zouden kunnen terugkeren. En er zijn Servische burgermilities aan het



Raymond Detrez

FOTO XANDER REMKES

moorden geslagen. Dus er was zeker een vorm van etnische zuivering gaande. Maar het zal moeilijk zijn om Milosevic daar op te pakken.'

*- Zou de ingewikkelde bewijslast voor Kosovo een reden kunnen zijn geweest om de drie zaken samen te voegen?*

'Ik heb gehoord dat de aankla-

gers niet genoeg bewijs hadden om Milosevic te berechten voor de misdaden in Kosovo. Er waren bijvoorbeeld onvoldoende betrouwbare getuigen. Om geen gezichtsverlies te lijden, voegen ze die zaak nu samen met die voor Kroatië en Bosnië.'

'De politiek heeft denk ik een grote rol gespeeld bij de aanklachten. Het behoorde tot de strategie van de internationale gemeenschap, of liever gezegd de Verenigde Staten, om Milosevic uit het zadel te lichten. De Kosovo-aanklacht kwam tijdens de bombardementen van de NAVO; niemand wist toen precies wat zich afspeelde in Kosovo. De aanklagers zijn afgestaan op geruchten. Ze hebben bluffpoker gespeeld. Zo weten we nu dat er in Kosovo veel minder slachtoffers zijn gevallen dan men aannam toen de aanklacht werd opgesteld.'

'Jaren later wordt daar ineens Bosnië en Kroatië bij gehaald. De oorlog in Bosnië was in 1995 afgelopen. Met Milosevic is onderhandeld voor het Dayton-vredesakkoord en zijn zonder problemen afspraken gemaakt. Pas in 2001, na zijn uitlevering, wordt hij beschuldigd van misdaden in Bosnië

en Kroatië. Die timing kan geen toeval zijn.'

*- Heeft Milosevic dan gelijk als hij zegt dat het Joegoslavië-Tribunaal een politiek instrument is?*

'In zekere zin wel. Let wel, ik heb op zichzelf niets tegen het Tribunaal. De aanklagers doen fatsoenlijk werk. Maar men legt de schuld van het uiteenvallen van Joegoslavië grotendeels bij Servië. Die gangbare analyse van het conflict klopt niet. Milosevic en Servië zijn een van de factoren geweest in het desintegratieproces van Joegoslavië. Er is sprake van gedeelde verantwoordelijkheid.'

*- In Bosnië hadden Karadzic en Mladic het commando over de strijdkrachten die vermeende oorlogsmisdaden pleegden. Volgens de aanklagers droeg Milosevic hiervoor ook verantwoordelijkheid. Kunnen ze dat aantonen?*

'Ze zullen geen documenten hebben gevonden waarin staat dat Milosevic opdracht heeft gegeven tot executies. Maar hij heeft zeker meegedacht over het plan voor de etnische zuivering in Bosnië. Hij was in ieder geval moreel verantwoordelijk. Als president had hij

het kunnen verhinderen. Maar daar had het volk hem niet voor gekozen.'

*- Gaan de vlaggen op de Balkan uit als Milosevic wordt veroordeeld?*

'Nee, daar zit de bevolking niet op te wachten. Ook in Bosnië niet. Behalve de vrouwen van Srebrenica, zij vormen een uitzondering. De mensen hebben genoeg andere problemen. Servië kampt met een regeringscrisis die deels is terug te voeren op de uitlevering van Milosevic aan het Tribunaal. Bosnië functioneert politiek en economisch totaal niet. Bovendien geldt Milosevic in veel Balkanlanden - waar moslims en separatisten worden gehaat - als martelaar.'

*- Kan het Milosevic-proces bijdragen aan verzoening?*

'De samenleving geneest er niet van. Wat dat betreft overschatten wij de betekenis van het Tribunaal. Er zou op de Balkan een proces van zuivering moeten plaatsvinden waarbij men inziet dat in naam van de natie niet alles gepermitterd is. "Je doet het voor het volk, dus alles mag." Die mentaliteit moet veranderen.'

## Nico Steijnen

**From:** ICDSM Section Francophone <icdsminfonet@yahoo.fr>  
**To:** <info@pcn-ncp.com>; <lucmichelbxl@yahoo.fr>  
**Sent:** vrijdag 8 februari 2002 12:48  
**Subject:** Newsletter FREE SLOBO ! - n° 10

FREE SLOBO !

Lettre d'information de la Section francophone de  
 ICDSM  
 Newsletter of the frenchspeaking section of ICDSM

N° 10 - 8 Février/February 2002

Webmaster - Editeur responsable :  
 Luc MICHEL - email : [lucmichelbxl@yahoo.fr](mailto:lucmichelbxl@yahoo.fr)

Dans ce numéro 10 vous pouvez lire -  
 In this number 10 you could read :

- AMSTERDAM : PUBLIC MEETING DEFEND MILOSEVIC HE WILL NOT BE SILENCED !
- INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC (ICDSM) PRESS RELEASE
- PRESIDENT MILOSEVIC UNDERTAKES LEGAL PROCEEDINGS AGAINST THE ICTY AND THE NETHERLANDS
- UN PROCES "PARALLELE" DE MILOSEVIC POURRAIT SE TENIR A PARIS

AMSTERDAM FEBRUARY 12 : PUBLIC MEETING DEFEND MILOSEVIC HE WILL NOT BE SILENCED !

On February 12, the ICTY will start the so-called trial against President Slobodan Milosevic. This takes place after many years during which President Milosevic and the Serbian people have been demonized on a scale of magnitude and intensity never seen before.

After being kidnapped by NATO, with the support of the present Yugoslav government, President Milosevic has been subjected to humiliation and violations of human rights. In particular, he has been denied the right to meet and communicate with advisors of his choice including attorneys who are legally challenging his kidnapping. He has been forbidden the basic right to communicate with the press although the so-called prosecution routinely spreads lies about him through the mass media.

President Milosevic has become the archtypical political prisoner of the New World Order. Why can't President Milosevic speak to the media and communicate with the outside world? Because NATO-leaders and the functionaries of the puppet Tribunal are afraid of this leader whom they have caged, and the vast forces he inspires and represents. On the one hand NATO needs this trial to justify their aggression against Yugoslavia, to intimidate other leaders and ordinary people from defending national sovereignty and social justice, and to convict the Serbian people for the wars in Yugoslavia. Then they can impose billions in phony war reparations, crushing the Serbian people under an impossible debt. But on the other hand, NATO fears Milosevic. He is not playing his prescribed role, accepting a guilt he does not own and pleading for mercy. Instead he tells the truth: that NATO used Ustashe and Albanian

terrorists - the same people Hitler used in World War II - to attack Yugoslavia so they could subjugate the Balkans.

Milosevic's marvelous dignity, his refusal to be an obedient slave, and his honest words are NATO's nightmare.

The International Committee to Defend Slobodan Milosevic (ICDSM), composed of thousands of persons from all over the world, aims to inform public opinion about the real events surrounding the breakup of Yugoslavia and the nature of the puppet Hague 'Tribunal.'

To this end, the ICDSM calls a meeting, Monday, February 11, in Amsterdam

Location : Krasnapolski, St Johnsroom I II, Dam 9, Amsterdam

Time : 20.00 uur - 22.00 hour - Entrance 3.00 euro

With participation of:

- \* Jaime Ballesteros, OSPAAAL, Spain
  - \* Prof. Dr. Aldo Bernardini, professor of international law, Italy
  - \* Christopher Black, attorney, Canada
  - \* Jared Israel, Editor, The Emperor's New Clothes, USA
  - \* Vladimir Krsljanin, international secretary SPS, Yugoslavia
  - \* Nico Steijnen, attorney, The Netherlands
  - \* Jacques Vergès, attorney, France
  - \* Nico Varkevisser, editor in chief of TARGETS monthly paper
  - \* Tiphaine Dickson, attorney, Canada
  - \* ICDSM Belgium, France and Germany
- The language of the meeting will be English

#### INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC (ICDSM)

#### PRESS RELEASE

Regarding the upcoming so-called trial of former Yugoslav President Slobodan Milosevic, the ICDSM will hold a press conference Friday February 8th about the following matters:

1. President Slobodan Milosevic's case against the Dutch State and the ICTY which is coming up before the District Court of The Hague. We are charging that the ICTY and the Dutch State have conspired to obstruct Slobodan Milosevic's lawyers from preparing his case before the European Court of Human Rights. On this see Appendix I;
2. The Dutch government's attempt to prevent the ICDSM from holding meetings to inform public opinion and the press; the refusal of the so-called Hague Tribunal to allow former President Slobodan Milosevic to meet with delegations from the Socialist Party of Serbia (SPS) and the Yugoslav NGO, Freedom Association;
3. The ICDSM press conference Tuesday, February 12th in The Hague;

Consulter aussi - See also :

Website SPS (Serbe et Anglais) :

<http://www.sps.org.yu/cng/explorer.htm>

ICDSM international : <http://www.icdsm.org/>

ICDSM Deutschland : <http://www.frec-slobo.de/>

PCN-NCP'S YUGO INFO :

<http://www.pcn-ncp.com/yougoslavie.htm> (Information en

Français, en Serbe et en Anglais - Information in

French, Serbian and English)

Serbian Network : <http://www.srpska-mreza.com/>

l'ex-Yougoslavie dans les années 1990.

L'ancien président américain Bill Clinton, le premier ministre britannique Tony Blair, mais aussi Jacques Chirac et Hubert Védrine, le ministre français des Affaires étrangères, ont été cités comme témoins souhaitables par Zdenko Tomanovic, l'un des avocats belgradois de Milosevic.

Cet avocat a ajouté que l'ancien président yougoslave userait du droit qui lui est fait de s'exprimer après le réquisitoire du procureur du TPIY.

Au cours de cette prise de parole -qui pourrait durer une journée entière-, Slobodan Milosevic souhaite exposer les causes des événements qu'ont subis les Balkans pendant la dernière décennie, avec le concours de quelques grands témoins et de tous les fichiers de renseignement que l'armée et la police yougoslaves pourront fournir.

Slobodan Milosevic, qui est accusé de génocide lors de la guerre en Bosnie et de crimes contre l'humanité en Croatie et au Kosovo, n'a jamais reconnu la légitimité du TPIY et a jusqu'ici refusé d'organiser sa défense.

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Pour plus d'information - For more information :  
 Website ICDSM francophone (Français, Anglais, Serbe) :  
<http://www.liberezmilosevic.fr.st/>

Consulter aussi - See also :  
 Website SPS (Serbe et Anglais) :  
<http://www.sps.org.yu/cng/explorer.htm>  
 ICDSM international : <http://www.icdsm.org/>  
 ICDSM Deutschland : <http://www.frec-slobo.de/>  
 PCN-NCP'S YUGO INFO :  
<http://www.pcn-ncp.com/yougoslavie.htm> (Information en Français, en Serbe et en Anglais - Information in French, Serbian and English)  
 Serbian Network : <http://www.srpska-mrcza.com/>

OKS 2007

\*

+ NOLO OIMTA-  
TERRORISTU  
↓

De Kosovo-ambulant vedrustet totalt de NATO-rol  
en de Shkurtia-ambulant de Kosovanka rol  
→ extreme historiske analysar!

- De ambulanten i enkelte tidligere defensible de ser  
straffen for at yleva, er zake de alle net vedrøring  
en de historie ad straffen for have ved opgjort.  
Loud b.v. de adgang af det a Kosovo, gøres en Alliance  
ad militerer mandræk

- en stand af de ambulant at er spule was en  
"manipulation of Serbian public opinion by spreading  
exaggerated and false messages of critically based  
attacks by Croats against Serb people in order to create  
an atmosphere of fear and hatred among Serbs living in  
Serbia" → a det da a det det i det de Canada  
balle uoverensstemmelse er net en de Krojzina ylevende!  
NARR: ad 7 ambulant kvante: gøres alle ved  
periode i november 1991 - juni 1992 "at least"  
er du ved kunne have nye: b.v. det det den  
de ambulant ylevende ylevende, at det det den  
den juni 1992.

## Nico Steijnen

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**From:** TARGETS <redactie@targets.org>  
**To:** <office@globalreflexion.org>  
**Sent:** donderdag 7 februari 2002 06:10  
**Subject:** Press conference concerning Pres. Milosevic

International Committee to Defend Slobodan Milosevic (ICDSM)  
[www.icdsm.org](http://www.icdsm.org)

### PRESS RELEASE

Regarding the upcoming so-called trial of former Yugoslav President Slobodan Milosevic, the ICDSM will hold a press conference Friday February 8th about the following matters:

1. President Slobodan Milosevic's case against the Dutch State and the ICTY which is coming up before the District Court of The Hague. We are charging that the ICTY and the Dutch State have conspired to obstruct Slobodan Milosevic's lawyers from preparing his case before the European Court of Human Rights. On this see Appendix I;

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3. The ICDSM press conference Tuesday, February 12th in The Hague;

4. A letter from the ICDSM which has been sent to all Heads of State in the world;

5. Open Letter to the people of The Netherlands;

6. A public meeting of the ICDSM Monday, February 11 in Amsterdam, Krasnapolski, St Johnsroom II, Dam 9, Amsterdam

The February 8th press conference will be held at:  
LINX International  
Sloterkade 20 Amsterdam.  
Time: 14.00 hour

Present at the press conference will be:

- Mr. Christopher Black, head of the team of legal advisers of President Milosevic
- Mr. Nico Steijnen, lawyer of President Milosevic in his cases against the Dutch state and the European Court
- Nico Varkevisser, spokesperson of the ICDSM

'Je werd geslagen als je iemand wilde helpen die naast je gevallen was.'

MONE SLINGERLAND

DEN HAAG - Slobodan Milosevic zette vandaag zijn verdediging voor het Joegoslavië-tribunaal voort op dezelfde wijze als hij gisteren de hele dag deed. Tientallen foto's van verkoolde lijken en gebombardeerde huizen moesten zijn betoog illustreren dat de Navo de grote boosdoener was in de Kosovo-oorlog.

Niet hij, maar de Navo zou te-

# Milosevic blijft Navo aanvallen

recht moeten staan, aldus de Joegoslavische oud-president. Hij noemde tientallen slachtoffers met naam en toenaam.

Uitgebreed ging hij in op het bombardement van de Chinese ambassade in Belgrado. Milosevic verwierp het Amerikaanse argument dat dit een vergissing was. "Het is duidelijk dat Bill

Clinton de geschiedenis in wil gaan als de eerste man die Chinese territorium heeft gebombardeerd," hekelde Milosevic.

Hij probeerde zich te etaleren als een beschermmer van de multi-ethnische samenleving. Daarom stond hij lang stil bij een bombardement op zigeunerwoningen in de Kosovaaarse stad Priz-

ren. "Een stad met een gemengde bevolking: Serviërs, Albanen en Turken, die voorheen in harmonie leefden," lichtte de oud-president toe.

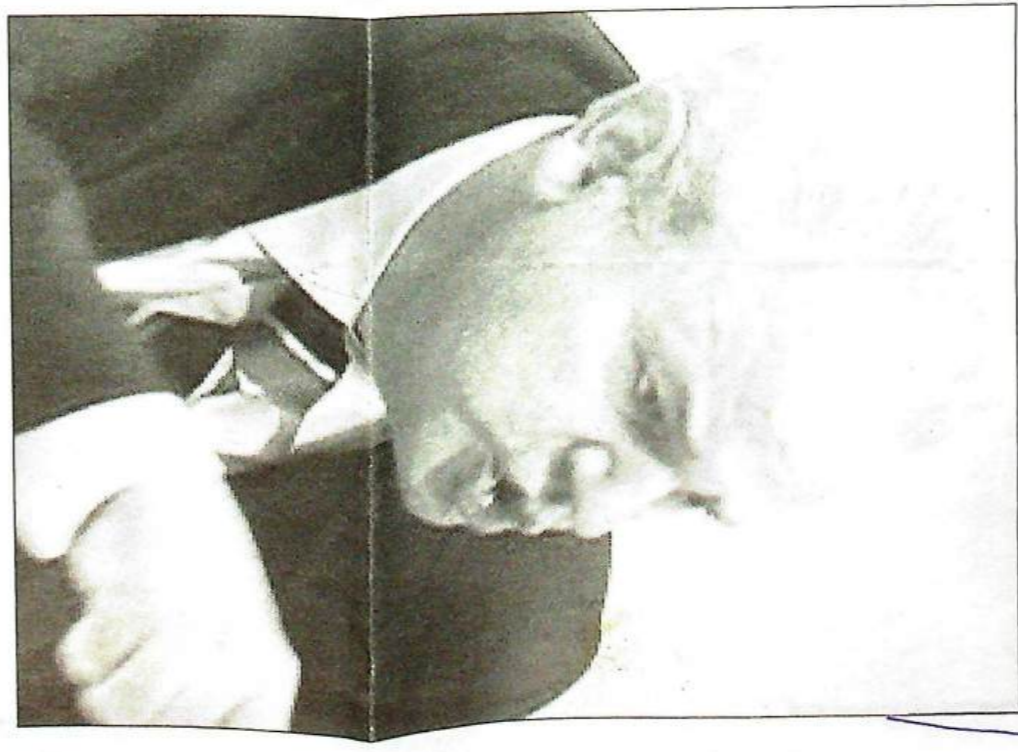
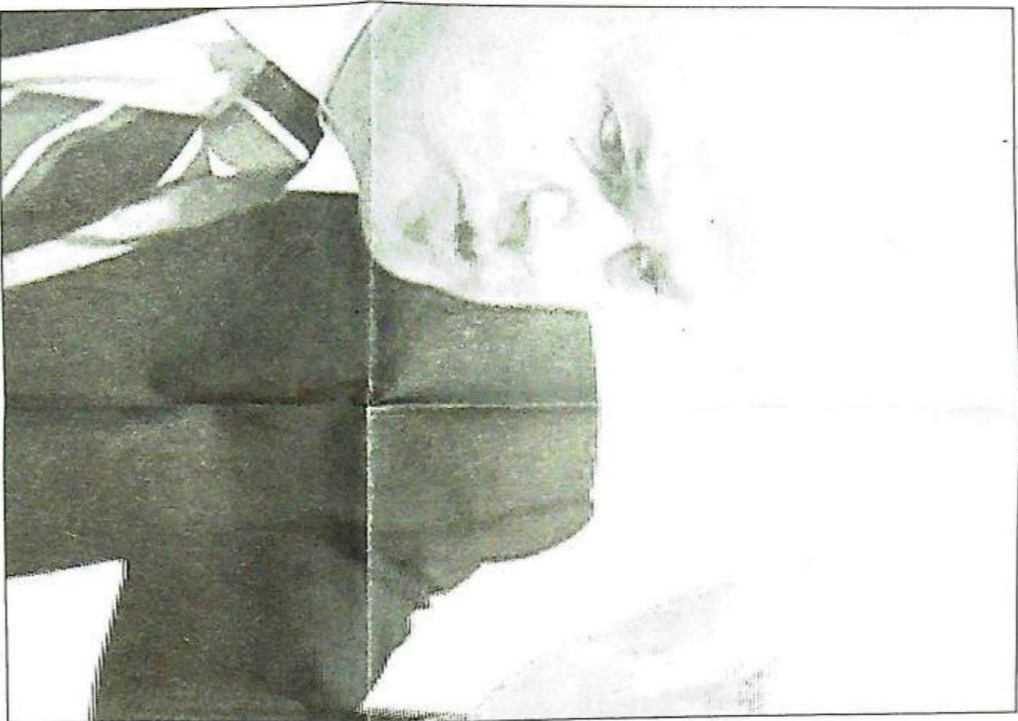
In zijn redenering zijn het niet de Serviërs, maar de Navo-landen die de multiculturele samenleving in Kosovo hebben vernietigd. De Albanese inwoners van

Kosovo zijn niet verjaagd door de Servische politie en milities, maar op de vlucht geslagen voor de terreur van de Albanese UCK-guerrillastrijders en de Navo-bombardementen. "De Servische troepen probeerden hen te redden. Zij hielpen hen weg te komen," beweerde Milosevic.

De Servische minister-presi-

dent, Zoran Djindjic, wil vier door het Joegoslavië-tribunaal gezochte oorlogsmisdadigers uitleveren, onder wie de huidige Servische president, Milan Milutinovic, en de voormalige opperbevelhebber van het Servische leger, Dragoljub Ojdanic. Dat zegt Djindjic vandaag in de Duitse krant Handelsblatt.

De commandant van het Bosnisch-Servische leger in de jaren negentig, Ratko Mladic, kan niet langer rekenen op de bescherming van het Joegoslavische leger, zo is hem meegedeeld.



FOTOS: EPA en AP

# Een klein meisje. Volgende foto graag?

*Kamranwille van der Meer + Marie Perle van de MvV*

**D**E TIJDEN van de Grote Inquisitie zijn teruggekeerd. De neo-nazi's van de Navo hebben eerst Joesjavië vernood en nu organiseren ze zijn kruisiging in Den Haag.

Welkom in de wereld van Slobodan Milosevic.

Gisteren kwam hij dan aan het woord in het Joegoslavië-tribunaal in Den Haag. En Milosevic heeft duidelijk besloten dat de aanval de beste verdediging is.

Zijn woorden zijn groot, zeker hoe hij zijn zinnen begint: 'Elke Servier weet... of, 'Iedereen in Joegoslavië weet... Als dat niet helpt: 'De hele wereld weet...'

En anders: 'Ieder kind begrijpt... Nog stevker: 'Iedere bewoner van deze planeet met een gemiddeld IQ begrijpt...'

dat daar, en de flauwekul die ze verzinnen. Het is de overtreffende trap van de dān.

"Julie, met julie theorie over verschroefde aarde, waar halen julie het toch vandaan! Van Vietnam misschien."

Het sterkt is de combinatie wijsvinger en pols als hij een andere kant op kijkt. "Wat willen julie nu bewijzen met een foto van mij en Arkan? Julie hadden ook een foto kunnen laten zien van mij en Kofi Annan."

Puntje voor Sloba. Hij trakt helemaal op dreuf als hij wil aantonen dat aanklager Geoffrey Nice zijn citaten uit hun verband rukt. "En wat willen julie bewijzen met een speech van mij - wat trouwens een uitstekende speech was, wacht, ik haal hem er even bij."

En Milosevic reproduceert zijn toespraak uit 1989, tijdens de herdenking van een historische slag op het Merelveld, zeshonderd jaar eerder, waarin hij verklaarde dat Servië nog veel strijd voor de boeg had, ook gewapende strijd. Nice toonde dit fragment afgelopen dinsdag. Hij herkende daarin de oorlogszucht van Milosevic, in 1989 al. Maar Milosevic deed de indertijd op de vele problemen die Servie moest overwinnen, politiek, economisch, op alle terrein. Om dat aan te tonen leest hij de speech opnieuw voor.

Het was een lange toespraak, toen, speciaal voor een feestelijke dag. Maar nu gaat Milosevic er vlot doorheen. Totdat rechter Richard May hem onderbreekt. De tolken kunnen het hoge tempo niet volgen.

Milosevic zet er zijn bril voor af. "Dus julie tolken kunnen een voorgelezen tekst niet volgen?"

Ook goed. Dan houdt Milosevic daar toch zeker rekening mee. Hij begint te lezen. Nogal traag. Om precies te zijn: hij leest een zinsdeel, dan houdt hij stil, een sur-place is het, en dan de rest van de zin.

Volgt weer een stilte. Heerlijk pesten. Zo kreeg je vroeger de onderwijzers gek. Nog een bladzijde, ju? Nou, je buurman maar. Milosevic moet denken: als julie een showproces willen, kunnen julie er een krijgen. Het duurt nog behoorlijk lang voordat de lol erf is. Dan zegt hij: "Ach, ik wil mijn tijd niet verdoen met die hele speech voor te lezen."

Het gaat hem om de kern van zijn betoog: er zijn in Joegoslavië oorlogsmisdaden gepleegd, zeker, en genocide ook. Door de Navo en haar bommenwerpers. De folken leveren een prestatie van formaat als ze de opsomming weten bij te houden van de medische centra die door de bombardementen zijn verwoest. En daarna de scholen. En de culturele monu-

menten. Hij heeft talloze foto's meege-nomen van verwoeste bruggen, kapotgeschoten huizen, en lijken, heel veel lijken.


Foto na foto van half verkoolde lichamen en Milosevic geeft er commentaar bij. "Een klein meisje, volgende alstublieft." Foto's van verminkte gezichten. Een los hoofd. "Moet ik verder gaan? Volgende alstublieft." Een stuk van een arm. Verkoolde lijken en ondefinieerbare onderdelen daarvan in een gebombardeerde trein.

Milosevic: "Ongeloflijk hoe een verbrand lichaam eruit kan zien." En na een effrectieve stilte, met een duidelijk gevoel voor drama: "De enige misdaad die deze mensen begingen, was dat ze de trein namen. Of misschien dat ze inwoners van Servië waren."

Volgende serie: "Hier ziet u een vuist." Het is een uren durende horror picture show. En de boodschap is duidelijk: er was er maar één die dood en verder zaaide in Kosovo, en dat was de Navo, de baas van dit Tribunaal, en om die verantwoordelijkheid verre van zich te houden hebben ze besloten hem, Slobodan Milosevic, te kruisigen in Den Haag.

"Dat doortziet ieder kind."

HANS VAN DER BEEK



February 4, 2002

Your Excellency,

We address you as an honorable and distinguished leader on behalf of our International Committee. We wish to draw your attention to a political injustice with possible negative implications for international law and order and the sovereignty of all nations.

On 28 June 2001 the former head of the Yugoslav State, Mr. Slobodan Milosevic was abducted from his own country.

This act was carried out by means of a conspiracy involving elements of the present regime in the Yugoslav capital of Belgrade and foreign elements. He was detained by the so-called International Criminal Tribunal for former Yugoslavia (ICTY) situated in The Hague, Netherlands. This was done despite the Yugoslav Constitution's prohibition against extradition of citizens and furthermore in defiance of an injunction against the extradition of Mr. Milosevic imposed by the Yugoslav Constitutional Court. The event was called an 'abduction' even by the present president of Yugoslavia.

On February 12 President Milosevic will face the beginning of his 'trial' before this 'tribunal.' It was founded in 1993 and authorized by the UN Security Council although the Security Council has no right, under the United Nations charter, to create a judicial body. The 'tribunal's' stated purpose is to 'prosecute persons responsible for serious violations of international humanitarian law committed in the territory of former Yugoslavia since 1991.'

President Milosevic is charged with 'crimes' supposedly committed by Yugoslav Army and security forces during operations against terrorist units in the Kosovo Autonomous Province of the Yugoslav federal republic of Serbia.

These terrorist units were closely linked with and trained by al-Qaeda, Islamic Jihad and the secret services of some NATO and neighboring countries. The terrorists committed numerous atrocities against the civilian population of all ethnic groups.

President Milosevic is accused without evidence for events that allegedly took place precisely during the 1999 NATO aggression against Yugoslavia. In fact, during that conflict the Yugoslav Army acted in disciplined compliance with the Geneva Conventions, despite the fact that it was fighting terrorists who operated in full coordination and alliance with NATO Air Forces. Let us note that other armies have acted differently when fighting terrorists.

NATO dropped 25.000 tons of bombs and missiles, including more than 50.000 shells containing about 20 tons of depleted Uranium and 152 containers with more than 35.000 cluster bombs, deliberately killing thousands of civilians, systematically destroying the country's economy and infrastructure, including refineries and chemical plants, producing war damage of more than 100 billion dollars. This was terrorism from the air. Meanwhile, the terrorists on the ground butchered another thousands of civilians during the aggression and have continued to do so since NATO took over Kosovo. They have also destroyed more than 100 Christian churches, some of them cultural monuments from the medieval age, which were creations of delight to all humanity.

The "tribunal for former Yugoslavia" was set up in 1993 by UN Security Council Resolutions 808 and 827, under pressure from former U.S. Secretary of State Madeleine Albright. Although its Statute assumes UN funding, the 'tribunal' is financed primarily from American governmental and private sources and by a few governments of Islamic countries.

In his book "Nouvel ordre mondiale et controle de la legalite des actes du Conseil de Securite" (Bruxelles, 1994), professor Mohammed Bedjaoui, the president of the International Court for Justice (ICJ), one of the main pillars of the UN system, listed Resolutions 808 and 827 among the very few examples when the Security Council violated the UN Charter. This may give some moral satisfaction. But the reality is that neither the General Assembly nor any other institution in the UN system has ever dared to request an opinion from the ICJ on the legitimacy of the ICTY. And the UN institutions are the only ones authorized to do this. Moreover, the ICTY is unwilling to let ICJ rule on its legality.

The ICTY, being a NATO sponsored 'tribunal', has never charged any NATO leader or pilot with any crime although such indictments have been demanded by interested parties. These parties include the group of distinguished Canadian attorneys led by Professor Michael Mandel and even Amnesty International. And not one Kosovo terrorist has been charged. But President Slobodan Milosevic was illegally abducted and detained. He is awaiting 'trial' because he legally defended his country from aggression and terrorism. This is neither justice nor equality!

President Milosevic's government was overthrown in a coup d'état in October 2000. Control over the main state and private enterprises was violently seized by forces financed and controlled by the Clinton administration. (This has been admitted. For example, a public USAID report indicates that 231 million dollars was invested in the 'development of democracy' in Yugoslavia during 2000).

President Milosevic was arrested in Belgrade on 31 March 2001, only a few days after tens of thousands of people in Belgrade rallied in his support, marking the second anniversary of NATO aggression.

The arrest was performed in a two-days-and-nights-long spectacular action, of tens of thousands, this time policemen. They were sent although there was no resistance, in order to manifest power and to prevent the masses from protecting the popular leader. Criminal charges and an arrest warrant were written only after the police action started, and were never handed to the president.

After the three months of investigation of possible "misuse of power" and "corruption" produced no evidence, exactly two days before authorities were required by law to release president Milosevic, the prime minister of the Serbian state, known for his connections with Mafia circles and foreign intelligence, violated the Constitution, kidnapping president Milosevic from jail and delivering him without legal procedure or right of appeal to NATO forces in Bosnia. NATO then brought him to their "tribunal" in The Hague. The Federal authorities, including the President, did nothing to stop this nor to punish the perpetrators, despite statements of condemnation.

The aim of this crime was to eliminate the opposition. The nation was shamed by the promise that Yugoslavia would be given some aid in exchange for kidnapping President Milosevic; on top of this, there is evidence that the perpetrators personally received a \$ 5 million reward offered earlier by the US government. The abduction was executed on June 28, St. Vitus day, the holiest day for all Serbs.

Since that time and until the present, hundreds of thousands of people have continuously marched in the streets of Belgrade and other Yugoslav cities, demanding the release of Slobo, protesting against the undemocratic regime of mercenaries and former clerks of Western companies that is quickly pushing the countries' economy into a condensed version of the Argentinean-type fall. They are also protesting against the NATO protectorate in Kosovo, where, misusing UN SC Res. 1244, NATO has imposed the rule of terrorists and narco-dealers who have brutally harassed and murdered more people than they did before NATO arrived.

Most NATO governments and the media under their influence, who demonized president Milosevic in preparation for the 1999 war and the 2000 coup d'état, applauded after he was kidnapped. Now, after September 11 and Afghanistan, they have fallen silent. They feel uncomfortable, since many in the world and everybody in Yugoslavia see that terrorists in Kosovo were fought in far more legal, organized and humane way by the Yugoslav Army, than terrorists in Afghanistan are fought by the US Army. And the same terrorists who are used to justify carpet-bombing Afghanistan are still treated as esteemed political partners in Kosovo, NATO's protectorate.

Our International Committee for the Defense of Slobodan Milosevic (ICDSM) was founded on March 24, 2001 in Berlin. This was done during the European Peace Forum held on the occasion of the second anniversary of NATO aggression against Yugoslavia. The ICDSM now comprises about 100 active members and nearly 2000 supporters from more than 30 countries of all continents - professors, lawyers, artists, activists, and politicians. In addition, National Committees with the same goal exist in 10 European countries. Harold Pinter, the playwright from United Kingdom, Mikis Theodorakis, the composer from Greece, Alexander Zinov'ev, the writer and philosopher from Russia, Peter Handke, the novelist from Austria, Boris Oliynik, the poet from Ukraine and dozens of influential political parties and organizations support our demand for freedom for Slobodan Milosevic. 100 Russian senators, more than 100 deputies of

the State Duma, 50 members of the Greek parliament, 500.000 citizens of Ukraine and many others have signed appeals with the same demand: Release Milosevic! And the detained President has received tens of thousands of letters of support from all over the world.

By a vast majority of the popular vote in free elections, Slobodan Milosevic was elected President of the Republic of Serbia in 1990. He was elected again in 1992, after, under foreign pressure on his country and with civil wars in the neighborhood, he decided to shorten his mandate and check popular confidence in his policy. In 1997 he was elected President of the Federal Republic of Yugoslavia. During his time in office, citizens voted six times in general elections. The national policy was always based on popular vote. Mr. Milosevic is founder and president of the Socialist Party of Serbia, which was the main force in different governmental coalitions during the same period.

President Milosevic and his party advocate equality of all peoples, individuals and ethnic groups in a socially just, democratic society. Because of the success in defending these values and in protecting the political and economic sovereignty of the country, he became the main enemy for those who produced the violent break-up of the former Yugoslav federation using extreme nationalism and terrorism. To cover their dirty work, they had to demonize the leader of the biggest nation of the former Yugoslavia, accusing him of all the terrible consequences that they have brought to the Balkan Peninsula, the bridge between Europe and The Middle East and the southern road to the Caucasian and Central Asian regions former Soviet Union.

With his persistent anti-war policy, president Milosevic was the most important participant in all peace initiatives in the last decade in the Balkans and the main promoter of policies of economic integration and cooperation in the region. He was celebrated for his contribution to the Vance Plan and the Dayton Accord that ended the civil wars in Croatia and Bosnia. Now that President Milosevic has been detained, charges have been fabricated against him for supposed crimes in Croatia and Bosnia. And all this under the foggy concept of "command responsibility".

Your Excellency,

President Milosevic is a political prisoner threatened by a purely political show trial in a purely political institution disguised as a court, with no democratic control, indeed controlled by the governments of the very countries that waged aggressive war against Yugoslavia.

This institution, created in violation of the UN Charter also violates seriously in its everyday practice the International Covenant on Civil and Human Rights and all other universal and European basic documents on the protection of human rights. Presumption of guilt, unlimited detention, retroactive trial, secret indictments and secret witnesses, and even the use of Western security services to collect evidence - these are only the most obvious reasons nobody should be extradited to this 'tribunal'. Such a legal monster should not exist, and certainly not under insignia of United Nations. And particularly with the prospect that the International Criminal Court, founded properly on the basis of valid multilateral agreement ratified by the parliaments of founding countries, will soon be established.

Your Excellency,

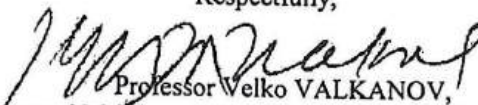
President Milosevic does not recognize the legitimacy of this 'tribunal' and refuses to participate in procedural steps for his defense. From the 'courtroom' he sends the world strong messages of law and justice and lessons of patriotism and dignity.

If the president Milosevic were to be sentenced by such an illegal court whose practice proves its political character and partiality, that would mean the end of the principle of sovereign equality of nations which is the basis of the UN, an organization created to secure lasting peace, cooperation and development in the world. That would kill the hope that relations between countries can be based on international law and democracy. That would mean also that the sovereignty of any nation could become a victim of imperial geopolitical plans.

Your Excellency,

We appeal to your wisdom and virtue to support publicly our struggle for freedom for president Milosevic. That would mean justice for Yugoslavia. We also appeal to you to initiate appropriate action by your government in the United Nations with the aim of abolishing the "tribunal for former Yugoslavia" which attempts to put on trial one nation in order to crush its freedom and imprison its spirit.

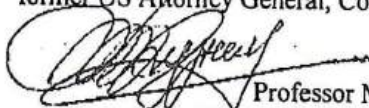
Respectfully,



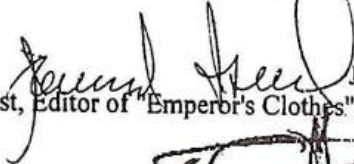
Professor Welko VALKANOV,  
Former presidential candidate and Member of Parliament, President of the Bulgarian Antifascist Union, Founder and Co-Chairman ICDSM, Sofia, Bulgaria



Ramsey CLARK,  
former US Attorney General, Co-Chairman ICDSM, New York, USA



Professor Mikhail N. KUZNETSOV,  
Vice-Chairman ICDSM, Moscow, Russian Federation



Jared ISRAEL,  
Writer and Publicist, Editor of "Emperor's Clothes", Vice-Chairman ICDSM, Boston, USA



Liana KANELI,  
Journalist and Lawyer, Member of Parliament, Vice-Chairperson ICDSM, Athens, Greece



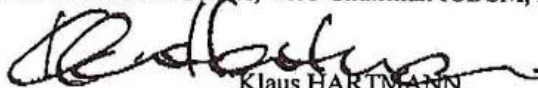
Serghy DOVGAN',  
President of the Peasants' Party, Member of Parliament, Vice-Chairman ICDSM, Kiev, Ukraine



Christopher BLACK,  
Attorney, Vice-Chairman ICDSM, Toronto, Canada



Fulvio GRIMALDI,  
Journalist and Film-Maker, Vice-Chairman ICDSM, Rome, Italy



Klaus HARTMANN,  
Chairman of the World Union of Freethinkers, Vice-Chairman ICDSM, Bonn, Germany



Nico VARKEVISSER,  
Editor of "Targets" newspaper, Chairman of NGO "Global Reflection",  
Vice-Chairman ICDSM, Amsterdam, The Netherlands

# Milosevic vraagt Tribunaal om zijn vrijlating

Van onze verslaggeefster

DEN HAAG

Slobodan Milosevic heeft woensdag voor het Joegoslavië-Tribunaal om zijn vrijlating gevraagd. De oud-president van Joegoslavië beloofde dat hij niet zal vluchten en naar het Haagse VN-Hof terug te keren voor zijn zittingsdagen. 'Dit is een slag die ik niet wil missen', bezwoer hij.

Voor het eerst kreeg Milosevic gisteren een half uur spreektijd voor het Tribunaal van rechter Jorda. Tijdens de eerdere zittingen werd de oud-president regelmatig de mond gesnoerd omdat hij betogen afstak terwijl hij enkel op de procesgang mocht ingaan.

Ook deze zitting was bedoeld voor procedurele kwesties. Toch mocht Milosevic zich nu tot zijn eigen verbazing uitspreken. Hoewel hij zich naar eigen zeggen niet had voorbereid, hield hij een vurig betoog waarin hij zijn visie gaf op tien jaar Balkanoorlogen. De aanklachten noemde hij een 'vijandige aanval' om de westerse agressie tegen zijn volk te verhullen.

Deze zesde zittingsdag week af van de vorige omdat Milosevic voor vijf rechters van de Kamer van Beroep verscheen. Hoofdaanklaagster Carla del Ponte had beroep aangezet tegen de beslissing van de 'normale' rechters die oordeelden dat Milosevic in twee afzonderlijke processen moet worden berecht. Een Kosovo-proces - dat 12 februari begint - en een proces voor de Bosnië- en Kroatië-aanklachten.

Del Ponte wil liefst één proces. Volgens haar hadden de etnische zuiveringen in Kroatië, Bosnië en later in Kosovo tot doel een 'Groot-Servië' te creëren. Milosevic was volgens de aanklagers het meesterbrein achter dit plan. Zelf ontkende de ex-president dat zijn regering van plan is geweest een etnische staat te vestigen.

Volgens Del Ponte zou een samengevoegd proces eveneens praktische voordelen hebben omdat kwetsbare getuigen - zoals de ingewijden van Milosevic - wellicht niet twee keer voor het VN-Hof willen verschijnen.

Milosevic wilde niet ingaan op een bundeling van de processen. De Kamer van Beroep wil spoedig een beslissing nemen.



De Joegoslavische oud-president Milosevic (midden) tijdens de zitting van woensdag voor het Joegoslavië-Tribunaal in Den Haag.

FOTO ANP

donderdag 31 januari 2002 Nederlands Dagblad 5

## Milosevic vraagt om voorlopige vrijlating

van onze redactie buitenland

**DEN HAAG.** - De voormalige Joegoslavische president Slobodan Milosevic wil worden vrijgelaten tot het proces tegen hem begint. „Het is logisch en gerechtvaardigd me te laten gaan. Ik zal niet vluchten. Dit is een gerecht dat ik niet wil missen”, zei hij gisteren tijdens een hoorzitting voor het Joegoslavië-Tribunaal. Voor het eerst mocht hij vrijwel ononderbroken het woord voeren.

Hoe serieus Milosevic is met zijn verzoek om voorlopige vrijlating, is niet duidelijk. Hij moet hiertoe, net als andere verdachten, een officieel verzoek indienen bij het tribunaal, dat hij „een onwettig instituut” vindt. Bovendien zouden de Servische of Joegoslavische autoriteiten er eerst garant voor moeten staan dat de ex-president van Joegoslavië zich weer in Den Haag meldt, als het proces begint.

Dat is zo goed als zeker op 12 februari. De enige onzekerheid is, of de zaak dan alleen gaat over de misdaden die Milosevic in Kosovo zou hebben gepleegd, of dat Bosnië en Kroatië daarbij worden gevoegd. De Kamer van Beroep behandelde gisteren het verzoek van de aanklagers om het tot één proces te laten komen. Dat was eerder afgevoerd door de rechters, die Kosovo apart en Bosnië en Kroatië samen in één proces willen behandelen. Als vanouds weigerde Milosevic in te gaan op de puur procedure-

le aard van de hoorzitting, maar president-rechter Claude Jorda liet hem niettemin een halfuur lang aan het woord. „Dit is de eerste keer dat ik niet ben onderbroken”, stelde Milosevic met verbazing vast. Anders dan de strenge Britse rechter Richard May staat de Fransman Jorda bekend om breedpraktigheid en lange zittingen.

### Slachtoffer

En zo ontvouwde Milosevic zijn complottheorie, volgens welke Servië en „mijn volk” het slachtoffer zijn geworden van de oorlogszucht van anderen. Een plan voor een „Groot-Servië” bestond volgens hem niet en het enige waar de Serviërs op uit waren, was vrede. „Hoeveel levens hebben wij niet gered? (...) Wij vrochten voor Joegoslavië. Een half miljoen Serviërs werd uit Kroatië verdreven.”

„Door drie leugens op te tellen, krijg je de waarheid niet”, zei hij over de drie aanklachten tegen hem. „De enige link tussen deze drie is de misdaad die tegen Joegoslavië en mijn volk is gepleegd. (...) Maar de waarheid is sterker en luider dan vliegtuigen en wapens.”

Jorda ondertrak Milosevic slechts om hem te vragen zich ook uit te laten over het onderwerp van de hoorzitting. „Zo te horen bent u klaar voor het proces. U zou vandaag nog kunnen beginnen.” Milosevic: „Ik ben niet geïnteresseerd in procedures. En ik doe daarover geen suggesties.”



International Committee to Defend Slobodan Milosevic  
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## How Madeline Albright Ordered The Hague 'Tribunal' To Indict Milosevic...

by Jared Israel

[Posted 30 January 2002]

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Due to the stand taken by Slobodan Milosevic, everyone is asking: is the Hague 'Tribunal' a legitimate court? If it is not, if it is in fact a sham, then it must be an instrument of NATO/Imperial rule; there is no third alternative. And if it is an instrument of Imperial rule, used to demonize and punish those who, coming from materially poor countries, nevertheless dare to resist U.S. control, then citizens of the NATO countries must act against it. Otherwise, shall we not share a shameful responsibility? (1)

Below are excerpts from a press conference held April 30, 1999. Louise Arbour, then Chief Prosecutor of the ICTY (The Hague 'Tribunal') and Madeline Albright, then U.S. Secretary of State, called it jointly.

At the time, the United States and other NATO countries had spent five weeks perpetrating the worst crime under international law: waging aggressive war.

Moreover the United States and its allies:

- \* Bombed civilian facilities (a war crime), including with anti-personnel weapons (a war crime); (2)
- \* Bombed a train and at least one refugee column (both war crimes)
- \* Bombed Serbian TV (a war crime)
- \* And deliberately created an environmental catastrophe by bombing chemical facilities in Pancevo (a war crime). (3)

In the press conference, Arbour made no reference to these publicly known war crimes. Instead she accepted as her only field of concern NATO's accusations against Yugoslavia. These accusations, which have been over and over exposed as being without foundation, and

even lies, were used to justify the crime of bombing Yugoslavia. (4)

B) In this highly visible forum, Albright instructed Arbour to indict President Milosevic.

[Start quote from Albright] "Well, obviously, the question of what is going to happen to Mr. Milosevic is a subject that is very much on our minds, and Justice Arbour knows what we have said both publicly and privately; that she and the Tribunal need to follow out the trail of evidence to its conclusion. We, as I said, are supportive of her efforts." [End quote from Albright]

Instead of rejecting what would be a gross and humiliating interference if the 'Tribunal' were a real court, Arbour coyly (and shamelessly) linked the execution of said indictment with increased funding and help in gathering (or, one should say, fabricating) evidence:

[Start quote from Arbour] "We are here, and elsewhere, to ensure that we get the assistance to move the cases forward in that direction. Whether it points to any particular individual, I think the law is very clear: there is no immunity before our Tribunal for heads of state. There's no immunity, essentially, for any individual, both in a personal or a command responsibility position. All our discussions take place in that framework." [End quote from Arbour]

C) The crucial question to ask about any would-be judicial system is this: is it independent? That is why Justice is pictured wearing a blindfold. At the end of the excerpts is a special section featuring Arbour's references to NATO countries as her 'partners.'

Hmmm. It occurs to me that if you just add one little 'e' to 'sham' it gives you 'shame.'

--JI

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## Press Conference Excerpts



Secretary of State Madeleine K. Albright and  
Justice Louise Arbour, International Criminal  
Tribunal for the Former Yugoslavia  
Joint Press Conference  
Washington, D.C., April 30, 1999  
As released by the Office of the Spokesman  
U.S. Department of State

Secretary of State Madeleine K. Albright and  
Justice Louise Arbour, International Criminal Tribunal for the Former  
Yugoslavia  
Joint Press Conference  
Washington, D.C., April 30, 1999  
As released by the Office of the Spokesman  
U.S. Department of State  
<http://secretary.state.gov/www/statements/1999/990430a.html>

SECRETARY ALBRIGHT: Justice Arbour and I today discussed how the United States can provide more information to the Tribunal, and how to speed up delivery of potential evidence to The Hague. I assured her that we are asking Congress for additional resources for the Tribunal to meet new demands for investigations in Kosovo. And we discussed other needs of her investigations, which I am not going to get into, but which I assure you that the United States will do everything we possibly can to meet.

We are also thinking ahead to the Tribunal's needs after the fighting stops. We have consulted with Justice Arbour and begun planning for how we could facilitate access by Tribunal investigators to crime scenes in Kosovo.

The Tribunal now needs real-time support for its Kosovo investigations, and the United States is determined to give it. The world needs to know exactly what is happening there, and we are committed to helping discover it. Milosevic's victims, and those everywhere who love justice, need to know that there will be no impunity for those who commit these heinous offenses. And we're committed to helping the Tribunal ensure that those responsible are held accountable.

Justice Arbour.

JUSTICE ARBOUR: Thank you. I don't have a statement. I think I'd rather turn to your questions, except to say that I've had very fruitful discussions. We had announced a few weeks ago that we now need unprecedented assistance, in order to respond to the kinds of allegations that are coming out of Kosovo in a time frame that will make our work relevant. The discussions I've had in Germany, in the United Kingdom, here, and that I hope to have in France next week, are very much a part of our effort to obtain this kind of assistance. I'm happy to say that the support that is promised to us is starting to materialize, and I hope that it will permit us to face this massive flow of information and organize it in a coherent fashion that will allow us to discharge our mandate in a real-time environment.

QUESTION: Did you discuss an indictment of Slobodan Milosevic, and did you discuss reports that Justice Arbour is planning to leave this position; and what is the US view of that?

SECRETARY ALBRIGHT: Well, obviously, the question of what is going to happen to Mr. Milosevic is a subject that is very much on our minds, and Justice Arbour knows what we have said both publicly and

privately; that she and the Tribunal need to follow out the trail of evidence to its conclusion. We, as I said, are supportive of her efforts.

She and I did not personally discuss the subject of -- it is my understanding. We talked about the challenge of the position. I was there when she was chosen as prosecutor, and I made very clear to her our tremendous support for the work that she has done and will continue to do. She is a great public servant, and someone that the international community has the highest respect for.

JUSTICE ARBOUR: ...We are here, and elsewhere, to ensure that we get the assistance to move the cases forward in that direction. Whether it points to any particular individual, I think the law is very clear: there is no immunity before our Tribunal for heads of state. There's no immunity, essentially, for any individual, both in a personal or a command responsibility position. All our discussions take place in that framework.

[Arbour used the word "partners" several times in the press conference. Following are some choice:

## 'PARTNER' EXCERPTS

1 - Arbour: "We have long-standing relationships with [NATO] information providers. We are now looking at trying to accelerate the flow of that kind of information and the quality of the product. Of course, we're doing so at a time where that the collection capacity of all these potential providers is taxed by the need for them to collect information relevant to their efforts in the region.

"So we are, of course, competing with other interests at a time when we're trying to get access for information for our purposes. It's a dialogue and a partnership that we have to maintain."

2- Arbour: "I can assure you that one of the main subjects of discussion that I raised -- not only here but in all the capitals that I visited recently -- is the need for an immediate, very robust arrest initiative in Bosnia.... I believe that what will ...have a very immediate impact -- would be the demonstration that we have the capacity to investigate and we have partners who have the political will and the operational skills to execute arrest warrants even in hostile environments."

3 - Arbour: "There's no question that we would like to access the largest number of pieces [of information] and to have the capacity to process this information. As I said, I think we've now put in place mechanisms that allow us, in partnership with many others who are in the field in Albania and in Macedonia, to try to process refugee accounts and, from our point of view, select those who will provide the best base for a court case that will be reflective of the magnitude of what has transpired."

## Further Reading:

- 1) "Reichstag Fire Trial, the Sequel," by Jared Israel. Slobodan Milosevic's first appearance at The Hague 'Tribunal.' Can be read at <http://emperors-clothes.com/milo/point1.htm>
- 2) 'Message from a cluster bomb,' by Norman Solomon can be read at <http://emperors-clothes.com/interactive/l-i.htm#a>
- 3) 'NATO Willfully Triggered Environmental Catastrophe In Yugoslavia,' by Michel Chossudovsky can be read at <http://emperors-clothes.com/articles/chuss/willful.htm>
- 4) 'Why Albanians Fled Kosovo During NATO Bombing,' an interview with Kosovo archivist Cedomir Prlincevic, can be read at <http://emperors-clothes.com/interviews/keys.htm>
- 5) 'SZAMUELY'S LIST, PART 1 - 22 Reasons Why I Don't Want to be Imprisoned by the Hague Tribunal' <http://emperors-clothes.com/articles/szamuely/szam.htm>
- 6) 'Back to the Dark Ages?' by Jared Israel at <http://emperors-clothes.com/articles/jared/bac.htm>
- 7) 'Learning from the Inquisition,' by Prof. Kosta Cavoski at <http://emperors-clothes.com/articles/cavoski/c-4.htm>

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## Nico Steijnen

**From:** www.DeWaarheid.nu <de.waarheid@tiscali.nl>  
**To:** <Undisclosed-Recipient:;@rhea.tiscali.nl>  
**Sent:** woensdag 30 januari 2002 07:14  
**Subject:** Fw: EMPEROR'S CLOTHES EDITOR TO SPEAK IN LONDON!

=====

SERBIA ON TRIAL - NATO GUILTY  
 The 'Trial' Of Slobodan Milosevic  
 Public Meeting - Friday 1st Feb. 7 PM  
 Conway Hall - Red Lion Square, London W1 (Holborn)  
 [Posted 30 January 2002]  
 COMMENTS BY Jared Israel, below

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HEAR:  
 Christopher Black, Chair of Milosevic's Legal Defense Group and Editor of Emperor's Clothes.

Misha Gavriloic of the British-Serbian Alliance has had over 800 media appearances in the past decade relating to Yugoslavia.

\*\*\*  
 WE'VE BEEN LIED TO ONCE AGAIN - THIS TIME ABOUT MILOSEVIC AND THE SERBIAN PEOPLE  
 by Jared Israel  
 [30 January 2002]

I am writing this two days before the London meeting concerning the 'trial' of Yugoslav Ex-President Slobodan Milosevic at NATO's 'Tribunal' in The Hague.

Writing about the 'trial,' one is forced into an excess of quotation marks because this NATO 'court' is entirely discredited. Just read 'Illegal Tribunal - Illegal Indictment' by Dr. Hans Koechler, the highly respected UN consultant. (He also wrote the official UN report on the Lockerbie trial.) (1)

During the illegal NATO bombing of Yugoslavia, U.S. Secretary of State Madeline Albright openly demanded that 'Tribunal' 'Prosecutor' Louise Arbour indict Milosevic. The purpose: to criminalize the Yugoslav leader, thus heading off any possibility that wavering NATO governments would meet with him. (2)

During the NATO bombing, NATO spokesman Jamie Shea boasted that the 'Tribunal' would never indict NATO leaders because NATO controls it financially. (3)

Although the Milosevic 'trial' is slated to start on 12 February, in fact Milosevic has been on trial continuously in the Western media for fourteen years. Undoubtedly many of our readers have been persuaded by this media campaign and the supporting chorus - including some left wing intellectuals - that Milosevic is guilty.

The only thing wrong with this trial-by-media is that the defense never got to speak and the prosecution lies.

Perhaps you are wondering how come the editors of Emperor's Clothes, who meticulously document everything we write about Afghanistan and 9/11, are unanimous in saying: the media has convicted Milosevic based on lies. It's because we've carefully studied the sources and - as with Afghanistan and 9/11 - have found the media has not told the true story about Yugoslavia.

And unlike Afghanistan and 9/11, in the case of Yugoslavia for years few people challenged the lies; so they sank in. Worse respected critics of U.S. foreign policy uncritically accepted the basic premises of Western policy. It is unfortunate, but it is true.

Starting in 1987, when Milosevic led the campaign to throw pro-NATO elements out of the Yugoslav League of Communists, Washington pegged him as a "bad Indian." Politicians and the media attacked relentlessly, accusing him of fomenting Fascist deeds by spouting racist demagoguery.

This race-hate charge is the key. Because if Milosevic had in fact organized the Serbs the way Hitler organized the Germans, he would have had to do it publicly. You can't promote hatred without promoting hatred.

Therefore we can check the accuracy of the anti-Serb, anti-Milosevic campaign by reading what Milosevic wrote. That is, by first reading what he wrote and then, to check the accuracy, reading what politicians and the media say he wrote.

I want to ask you to try a little experiment. Below is an excerpt from Milosevic's most famous speech, delivered in 1989 at Kosovo Field. Now before you go and read it, please make a few predictions. He's going to talk about nationalism and about the relations between Serbs and other groups in Serbia. Kosovo was/is legally a province of Serbia, so that includes ethnic Albanians. What is he going to say?

Here's Milosevic:

"Serbia has never had only Serbs living in it. Today, more than in the past, members of other peoples and nationalities also live in it. This is not a disadvantage for Serbia. I am truly convinced that it is its advantage. National composition of almost all countries in the world today, particularly developed ones, has also been changing in this direction. Citizens of different nationalities, religions, and races have been living together more and more frequently and more and more successfully.

'Socialism in particular, being a progressive and just democratic society, should not allow people to be divided in the national and religious respect. The only differences one can and should allow in socialism are between hard working people and idlers and between honest people and dishonest people. Therefore, all people in Serbia who live from their own work, honestly, respecting other people and other nations, are in their own republic.'

#### "DRAMATIC NATIONAL DIVISIONS

"After all, our entire country should be set up on the basis of such principles. Yugoslavia is a multinational community and it can survive only under the conditions of full equality for all nations that live in it.

"The crisis that hit Yugoslavia has brought about national divisions, but also social, cultural, religious and many other less important ones. Among all these divisions, nationalist ones have shown themselves to be the most dramatic. Resolving them will make it easier to remove other divisions and mitigate the consequences they have created.

"For as long as multinational communities have existed, their weak point has always been the relations between different nations. The threat is that the question of one nation being endangered by the others can be posed one day -- and this can then start a wave of suspicions, accusations, and intolerance, a wave that invariably grows and is difficult to stop. This threat has been hanging like a sword over our heads all the time. Internal and external enemies of multi-national communities are aware of this and therefore they organize their activity against multinational societies mostly by fomenting national conflicts. At this moment, we in Yugoslavia are behaving as if we have never had such an experience and as if in our recent and distant past we have never experienced the worst tragedy of national conflicts that a society can experience and still survive."

[From Milosevic's Speech at Kosovo Field, 28 June 1989. Emperor's Clothes has posted two Western translations. This is the one made by the U.S. government. The other was made by the BBC. We shall soon scan and post the actual microfilm copy of one or both these translations.]

These words of Milosevic are never quoted. Would you like to test the accuracy of that assertion? Go to [www.google.com](http://www.google.com) and enter the phrase:

"allow in socialism are between hard working people and idlers and between honest people and dishonest people."

Make sure to keep the "quotation marks."

You will get two citations. One of them is Emperor's Clothes. The other is the Orlando Sentinel, which took it from the text we had posted through email.

Western politicians and the media have either a) lied about Milosevic or b) parroted those lies through naïveté, servility or corruption.

Here is Robin Cooke, 'commenting' on (supposedly) that speech. I cannot say whether Cooke is a liar or a parrot.

"Milosevic used this important anniversary not to give a message of hope and reform. Instead, he threatened force to deal with Yugoslavia's internal political difficulties. Doing so thereby launched his personal agenda of power and ethnic hatred under the cloak of nationalism. All the peoples of the region have suffered grievously ever since." (Cooke can be read in full at <http://www.fco.gov.uk/news/newstext.asp?2597> until they take it down...)

Isn't that amazing? The man simply, brazenly lies. But it works - it works because nobody - nobody! - reading his words had ever seen the speech. It's not in books. We searched Lexis and found - a BBC translation from 1989 and the Orlando Sentinel. When we first hunted for it, we didn't have Lexis, so it took days to find it on microfilm in the library.

If you had read Cooke without reading Milosevic, wouldn't you have thought, "Maybe Cooke is exaggerating but there must be some truth to it." But in fact it was just a lie told to justify the destruction of Yugoslavia. There are now a million refugees living in Serbia, victims of that lie.

Or consider the following excerpt. Here Milosevic talks about the famous Kosovo battle of 1389 which marked the onset of the long Ottoman occupation of his nation. We have been told that Milosevic and the Serbs treat this battle with a Hitlerian folk-mystique. You know, super-macho, worship blood and gore. Or else with brooding self-pity, hatred and a lust for ethnic revenge. You can just picture Hitler all pumped up and spouting "We are the master race! We always win!" or "VENGEANCE!" And so on.

Here is Milosevic:

"Today, it is difficult to say what is the historical truth about the Battle of Kosovo and what is legend. Today this is no longer important. Oppressed by pain and filled with hope, the people used to remember and to forget, as, after all, all people in the world do, and it was ashamed of treachery and glorified heroism. Therefore it is difficult to say today whether the Battle of Kosovo was a defeat or a victory for the Serbian people, whether thanks to it we fell into slavery or [whether thanks to it] we survived in this slavery. The answers to those questions will be constantly sought by science and the people. What has been certain through all the centuries until our time today is that disharmony struck Kosovo 600 years ago. If we lost the battle, then this was not only the result of social superiority and the armed advantage of the Ottoman Empire but also of the tragic disunity in the leadership of the Serbian state at that time. In that distant 1389, the Ottoman Empire! was not only stronger than that of the Serbs but it was also more fortunate than the Serbian kingdom.

"The lack of unity and betrayal in Kosovo will continue to follow the Serbian people like an evil fate through the whole of its history. Even in the last war, this lack of unity and betrayal led the Serbian people and Serbia into agony, the consequences of which in the historical and moral sense exceeded fascist aggression."

Not only is this not fascist, it is downright thoughtful. No; more; it is lyrical. It has, for want of a better word, soul. It has that depth of feeling you sometimes find among people who have suffered greatly. The Irish in Ireland have it. My grandparents, who were East European Jews, had it. Black people in the U.S. have it. The Hutus in Africa have it. And sometimes, just sometimes, even the leaders of oppressed people have it. Lumumba had it. Martin Luther King had it. By the end of the U.S. Civil War, Abe Lincoln had it.

But can you imagine George Bush saying anything as moving as,

"Oppressed by pain and filled with hope, the people used to remember and to forget, as, after all, all people in the world do, and it was ashamed of treachery and glorified heroism. Therefore it is difficult to say today whether the Battle of Kosovo was a defeat or a victory for the Serbian people, whether thanks to it we fell into slavery or [whether thanks to it] we survived in this slavery."

"As after all, all people in the world do." There is even a certain generosity of spirit here.

And this is the man whom crude liars like Bush and Clinton have caricatured; perhaps they were just looking in the mirror and casting him in their own true image.

If you live in London, go to the meeting and hear Misha Gavrilovic and Chris Black.

Misha is a Serb. So some might say, "Of course he defends Milosevic." But you will see, Misha is an honest man.

And what about Chris? He's no Serb - his parents are London Cockneys. He has no personal stake and he's not even paid for his legal work. Milosevic is as poor as a church mouse. Chris and the rest of us in the Committee to Defend Milosevic have had to field expenses from our own hollow pockets. This must change - but I bring up this point because I wish to stress that Chris and the rest of us in the Committee to Defend Milosevic are not like NATO flunky intellectuals, bought and paid for. We are fiercely independent. We say only what we believe is right. And we do our homework.

Milosevic and the Serbian people have been ruthlessly - and once you know the truth, outrageously - lied about. The meeting on February 1st is at 7 PM at:

Conway Hall - Red Lion Square, London W1 (Holborn)

Organised by the Committee to Defend Slobodan Milosevic

CDSM, PO Box 18598, London E11 2XB Tel 07786 853565

\*\*\*\*\*  
The URL for this article is: <http://emperors-clothes.com/milo/1feb.htm>  
\*\*\*\*\*

**From:** mailservicesnc <mailservicesnc@tiscalinet.it>  
**To:** <n.h.van.holst@freeler.nl>  
**Sent:** woensdag 16 januari 2002 04:02  
**Subject:** To Nico Steijnen from Aldo Bernardini

Dear Nico,

O.K. for the exhaustion of local remedies.

Article 103 of the Charter: it is impossible for me to write the matter in form of an application, as you suggest. I think perhaps one should write very little about it: my long writing has been more to bring order in my own thoughts. I understand that such a complicate and theoretical reasoning is not useful for the European Court. Otherwise let this Court raise the question! We could simply argue at first something like that:

every decision by Security Council and even more by subordinate organs, like the Hague Tribunal (if in any case they are admissible), must be conform to the Charter (art. 25 and art. 2, par. 2). And here the many doubts about the lawfulness of the setting up of the Tribunal. But still more: no such decision may be contrary to jus cogens, i.e. the rules of jus cogens of general international law and the ones expressed in the Charter itself (which I call "relative jus cogens"). As this two groups of rules mostly coincide in their contents and surely include the fundamental principles on human rights, it is clear that art. 103 cannot be invoked to overrule neither "other rulings" protecting human rights (international, including European, and domestic rulings), nor international responsibility for violations of human rights: so, inter alia, the responsibility of the Netherlands for actions or omissions in this field. Article 103 is the basis to affirm the "prevalence" of the fundamental rules of the Charter (and other acts integrating it, for example on human rights) over, in our case, the decisions by Security Council and, insofar they are possible, by subordinate organs.

With best regards

Aldo Bernardini



**From:** Despotovic, Ruza <despot@wish.net>  
**To:** Vlada K SPS <vlada@sps.org.yu>; <U.Dost@addcom.de>; SP-NL <webmaster@sp.nl>; <speerpunt@wxs.nl>; Slavko Mrdalj <mrdaljs@panet.bits.net>; Radica Dragic <Dragic\_Radica@hotmail.com>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Marrie Kardol <mkardol@mac.com>; Ksenija Sigulinski <sigu@worldonline.nl>; Kale Milan Kasic <milan.kasic@3web.net>; Joveljic, Nebojsa N <Nebojsa.Joveljic@BHPBilliton.com>; Jovan Grbic <SSICC@PLANET.NL>; Jelle van der Meulen <Forum@Volkskrant.nl>; JELA Jovanovic <nerajov@EUnet.yu>; <J.Elsasser@t-online.de>; <HKampffmeyer@aol.com>; Herman de Tollenaere <hde\_tollenaere@zonnet.nl>; Henny Loodewijk <w.postma@hccnet.nl>; Gordana Milanovic-Kovacevic <gmkde@yahoo.com>; Era <sontina@sympatico.ca>; Dolf Loth <dolfloth@hotmail.com>; <beentjes@ision.nl>; Beba <hr  
**Sent:** zaterdag 12 januari 2002 13:11  
**Subject:** Fw: - Ljudska prava - Newsletter FREE SLOBO ! - n° 5

— Original Message —

**From:** ICDSM section francophone <penservicedepresse@yahoo.fr>  
**To:** <liberezmilosevic@free.fr>  
**Sent:** Friday, January 11, 2002 10:59 PM  
**Subject:** - Ljudska prava - Newsletter FREE SLOBO ! - n° 5

> FREE SLOBO !

>

> Lettre d'information de la Section francophone de

> l'ICDSM

> Newsletter of the frenchspeaking section of ICDSM

>

> N° 5 &#8211; 11 Janvier/January 2002

>

> Webmaster &#8211; Editeur responsable :

> Luc MICHEL - email : lucmichelbxl@yahoo.fr

>

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> en particulier quant aux informations provenant des

> media occidentaux.

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> for information.

> ICDSM don't approve necessarily these news,

> particularly when information come from western media.

>

> Dans ce numéro 5 vous pouvez lire &#8211;

> In this number 5 you could read :

>

> - MILOSEVIC ACCUSED OF KOSOVO'S GENOCIDE

> - REVUE DE PRESSE : MILOSEVIC DEFIE SES JUGES LORS

> D'UNE AUDIENCE PREALABLE

> - PRESIDENT MILOSEVIC : &#8220;BY THIS

> &#8211; TRIAL&#8211; YOU ARE ATTEMPTING TO JUSTIFY YOUR

> CRIMES&#8221;

> - JACQUES VERGES A LA HAYE

> - PRESS REVIEW : MILOSEVIC ATTACKS HAGUE TRIBUNAL FOR

> BRITISH BIAS

> - MILOSEVIC EXPECTED TO CALL WESTERN LEADERS

> - OFFICIAL STATEMENTS PROVE HAGUE 'TRIBUNAL' BELONGS

> TO NATO

> - PREDSEDNIK SLOBODAN MILO&#352;EVIC U HAGU

>

> MILOSEVIC ACCUSED OF KOSOVO'S GENOCIDE

>

> The former Yugoslav president Milosevic was to be

> indicted also for the Kosovo &#8220;genocide&#8221;

> and the ethnic cleansing. At the reading of the

dictment he said to the Hague judge, Richard May that the accusations were false and in conspiracy with the British secret services, which was also false.

> But what is more important and no one pays attention, is the fact that the accusation is primarily based on the first statement of the US ambassador to Kosovo, general William Walker, who declared that, in the village of Racak where 42 Albanians were found dead, the genocide was committed by the Serbian forces. It is strange that this killing in the war time was declared genocide; and, let us remember, the NATO bombing of the refugee convoy, the train in Grdelica, in the village of Aleksinac, etc which made more than 2500 dead, is simply called the collateral damage. The international community takes the term as satisfactory, although the human lives were also concerned, and the fact is that they were not armed, but simple civilians fleeing the war zones. One can say that in Racak the civilians were shot from the close range, but one could also see that the Serbian civilian targets were chosen as military targets without any foundation. One should believe that Milosevic killed on purpose, and that NATO killed by mistake. What is important, the intention or the result? If Milosevic intended to kill, NATO also did otherwise it would not drop the bombs.

> (Dragan Rakic, Strasbourg, France)

> REVUE DE PRESSE :  
 > MILOSEVIC DEFIE SES JUGES LORS D'UNE AUDIENCE  
 > PREALABLE

> (Par Abigail Levene et Paul Gallagher, LA HAYE ,  
 > Reuters)  
 > L'ancien président yougoslave Slobodan Milosevic a défié le Tribunal pénal international pour les crimes de guerre dans l'ex-Yougoslavie devant lequel il comparait en prélude au procès sur les crimes contre l'humanité au Kosovo, qui doit s'ouvrir le 12 février.

> Baillant et consultant ostensiblement sa montre, l'ancien dirigeant a affiché le plus grand détachement jusqu'à ce que juge britannique Richard May, qui présidait la séance, lui donne la parole.

> "Une opération est en cours pour renverser les rôles (...) Tout ceci est orienté pour justifier les crimes perpétrés lors de l'agression de mon pays par l'Otan", s'est insurgé Milosevic.

> "L'intention est à l'évidence de présenter ceux qui ont défendu leur famille, leurs enfants, leur foyer et leur pays comme des criminels (...) alors que ceux qui ont parcouru des milliers de kilomètres pour démolir de nuit des maisons en tuant des innocents et détruire des maternités, des hôpitaux sont, avec les terroristes albanais, responsables du grand nombre de victimes".

> Zdenko Tomanovic, conseiller juridique de l'ancien président, a indiqué à Reuters que celui-ci s'efforcerait sans doute de faire citer des chefs d'Etats et de gouvernements occidentaux en tant que témoins lors du procès.

> "Je m'attends, lors de la prochaine déclaration publique de Milosevic, à ce qu'il demande que les représentants des pays de l'Otan susceptibles de présenter la vérité sur le Kosovo viennent témoigner", a-t-il déclaré au cours d'un entretien téléphonique.

> "Milosevic s'est efforcé de le dire aujourd'hui, mais a été interrompu à quatre reprises (par le juge May)", a-t-il ajouté après s'être entretenu avec son client à l'issue de l'audience.

- > Tomanovic n'a pas précisé quels représentants
- > Milosevic souhaitait faire citer, mais un membre de
- > son parti a évoqué le mois dernier le nom de Bill
- > Clinton tandis que les médias spéculaient sur celui de
- > Tony Blair.
- > Milosevic est accusé de porter avec quatre autres
- > dirigeants serbes la responsabilité du meurtre de 900
- > Kosovars albanophones et de l'expulsion de chez eux de
- > 800.000 civils.
- > Il doit faire l'objet d'un procès séparé pour crimes
- > contre l'Humanité et génocide, en Croatie en 1991, et
- > en Bosnie en 1992-95.
- >
- > Procédure à Strasbourg :
- > A chacune de ses cinq comparutions devant le TPIY,
- > Milosevic a contesté la compétence de ce tribunal. Il
- > a refusé de désigner un avocat ou de plaider lui-même
- > coupable ou non coupable.
- > Le tribunal a interprété cette attitude comme une
- > décision de plaider non coupable et a nommé trois
- > juristes internationaux comme "amici curiae" ("amis du
- > tribunal") afin d'assurer un procès équitable.
- > Me Dragoslav Ognjanovic, avocat serbe du couple, a de
- > son côté fait savoir mercredi que Mira Markovic,
- > épouse de Milosevic, souhaitait être à ses côtés
- > pendant le procès même si des engagements familiaux et
- > politiques l'empêchent d'être à La Haye pendant toute
- > la durée du procès.
- > Il a annoncé que Mira Markovic rendrait une nouvelle
- > fois visite à son mari du 14 au 17 janvier. Les
- > avocats de Markovic disent être en discussion depuis
- > longtemps avec les autorités néerlandaises pour
- > qu'elle obtienne un visa à entrées multiples et non
- > plus des visas de courte durée et à entrée unique.
- > Faisant valoir que son maintien en détention va à
- > l'encontre de la Convention européenne des droits de
- > l'Homme, Milosevic a engagé une procédure à la Cour
- > européenne de justice de Strasbourg pour obtenir sa
- > libération. Me Ognjanovic a précisé qu'il plaiderait
- > cette cause en compagnie de l'avocat français Jacques
- > Vergès, du Serbe Zdenko Tomanovic, du Canadien
- > Christopher Black et du Britannique David Jacob.
- > Me Vergès se trouvait mercredi à La Haye pour tenter
- > de rencontrer Milosevic qu'il n'a jamais vu
- > auparavant.
- >
- > PRESIDENT MILOSEVIC :
- > &#8220;BY THIS &#8216;TRIAL&#8217; YOU ARE ATTEMPTING
- > TO JUSTIFY YOUR CRIMES&#8221;
- >
- > (President Milosevic in The Hague, January 9, 2002
- > (transcript))
- > Richard May:
- > &#8230;Mr. Milosevic, you have heard what I said. Is
- > there anything else you would like to say in
- > connection with your trial and what has been said
- > today?
- > President Slobodan Milosevic:
- > To be precise, concerning what has been said today:
- > almost everything we&#8217;ve heard shows that, in the
- > guise of having a trial, what is planned here is to
- > carry out an operation to reverse scene and culprit.
- > This is aimed at producing a fabricated justification
- > for the crimes committed during the NATO aggression
- > against my country and my people.
- > Indeed, this &#8216;indictment&#8217; itself
- > constitutes one of the proofs that what I affirm is
- > true. Because all the so-called misdeeds supposedly
- > committed by the armed forces of Yugoslavia, which I
- > had the honor to command, are, according to the
- > &#8216;indictment,&#8217; supposed to have occurred
- > during precisely the time of the NATO aggression

- against my country.
- > The intention is obviously to portray those who
  - > defended their families, children, thresholds, homes
  - > and homeland as villains, criminals, evil people.
  - > Whereas those who traveled thousands of kilometers to
  - > destroy those homes in the night, to kill innocent
  - > people, to destroy maternity wards, hospitals,
  - > bridges, railways, trains, who collaborated with the
  - > Albanian terrorists &#8211; that those people,
  - > responsible for a huge number of victims and enormous
  - > material damage, are good, are correct, and should
  - > have the support of international public opinion.
  - > To compound this absurdity&#8230; (microphone turned
  - > off)
  - > Richard May:
  - > Mr. Milosevic, I have already explained how this trial
  - > will be conducted. You will have the opportunity to
  - > give your defense in the way I have described. But now
  - > is not the time for that. It is not the time for
  - > speeches. Our concern now is for the form of the trial
  - > and the proceedings. Would you like to say something
  - > concerning that? As I have said you will have the
  - > opportunity to state your defense when the trial
  - > begins. That will be the right time to do it, not now.
  - > We haven&#8217;t gotten into the essence of the trial.
  - > Do you wish to say something concerning the procedure?
  - > President Slobodan Milosevic:
  - > Well, this isn&#8217;t the first time I haven&#8217;t
  - > been allowed to speak, but I have to say - if you will
  - > &#8230; (microphone turned off)
  - > Richard May:
  - > You will have the opportunity to speak and will be
  - > allowed to speak at the proper time, during the trial.
  - > As I told you, this is not the right time. We are now
  - > concerned with procedural matters. So, you have to
  - > limit your remarks to that, and when the trial begins,
  - > as I have said, the time will come for you to make
  - > your statements. You can do that and expound your
  - > defense. Please, do you wish to say something
  - > concerning procedure or not?
  - > President Slobodan Milosevic:
  - > I want to confirm that you have not offered a single
  - > argument in response to the very clear legal facts I
  - > have presented regarding the illegality of this
  - > &#8216;court&#8217;, established by a resolution of a
  - > Security Council that has no legislative nor judiciary
  - > power and that could hardly transfer prerogatives it
  - > does not have, since as lawyers you very well know
  - > that a right which one does not possess cannot be
  - > transferred.
  - > In any case.... (microphone turned off)
  - > Richard May:
  - > Mr. Milosevic, we have already made a decision
  - > regarding that question and it is no longer an issue
  - > up for debate. Do you wish to say something else
  - > regarding the procedure or shall we finish?
  - > President Slobodan Milosevic:
  - > Well, if you&#8217;re going to limit the questions I
  - > can raise, then regarding the procedure I would say
  - > the following: according to the natural definition,
  - > which applies to any court, it must be neutral and
  - > impartial. And look at this &#8216;court&#8217;: the
  - > indictment is based on allegations provided by the
  - > English Intelligence Service; the judge is English;
  - > the prosecutor is English; the Amicus Curiae is
  - > English; and I.&#8230; (microphone turned off)
  - > Richard May:
  - > Mr. Milosevic, we have listened to you patiently and
  - > we are listening to you patiently. Several times you
  - > have been told that this hearing deals with procedural
  - > matters only. You will have the opportunity to state
  - > your defense during your trial and to give all the

statements you want. Now is not the time for that.  
This hearing is adjourned. Please rise.

> JACQUES VERGES A LA HAYE

> LA HAYE (AFP) - L'avocat français Jacques Vergès se  
> trouvait mercredi matin au siège du Tribunal pénal  
> international (TPI) de La Haye pour demander  
> l'autorisation de rencontrer l'ancien président  
> yougoslave Slobodan Milosevic.  
> "Je suis venu ici pour le rencontrer dans le cadre de  
> la procédure lancée devant la Cour européenne des  
> droits de l'homme au sujet de son enlèvement", a  
> indiqué Jacques Vergès.  
> M. Milosevic a présenté un recours devant la Cour  
> européenne des droits de l'homme de Strasbourg pour  
> contester la légalité de son transfèrement de Belgrade  
> à La Haye, la légalité de sa détention et la  
> légitimité du TPI. M. Vergès a été pressenti par les  
> proches de M. Milosevic pour être son conseil devant  
> la cour de Strasbourg.  
> L'avocat français a indiqué qu'il espérait rencontrer  
> M. Milosevic dans sa prison ce mercredi. Toutefois, un  
> porte-parole du TPI a indiqué que la procédure pour  
> rencontrer un détenu du TPI prenait un certain temps  
> et que M. Vergès n'avait pratiquement aucune chance de  
> rencontrer aujourd'hui l'ancien chef de l'Etat  
> yougoslave.  
> M. Vergès a réitéré ses arguments sur l'illégalité du  
> TPI, un tribunal qui enfreint, selon lui, "les  
> principes élémentaires du droit". L'avocat français a  
> répété que le Conseil de sécurité n'avait pas le  
> pouvoir de créer un tribunal, estimant que la création  
> d'une telle instance relevait, selon le droit  
> international, d'une conférence internationale. Il a  
> également estimé que le TPI ne pouvait pas juger des  
> faits commis avant sa création.  
> "En France, il y a eu un seul cas d'application  
> rétroactive du droit pénal, ce sont les sections  
> spéciales durant l'occupation", a dit M. Vergès. M.  
> Vergès a estimé que le fait que le TPI puisse fixer  
> lui-même sa procédure était "une violation complète de  
> la séparation des pouvoirs". Le TPI a été créé en 1993  
> par l'ONU pour juger les crimes de guerre commis lors  
> des conflits qui ont abouti au démantèlement de  
> l'ex-Yougoslavie.  
> M. Milosevic est inculpé de génocide, crimes de guerre  
> et crimes contre l'humanité pour son rôle dans les  
> conflits du Kosovo, de Bosnie et de Croatie.

> PRESS REVIEW :

> MILOSEVIC ATTACKS HAGUE TRIBUNAL FOR BRITISH BIAS

> (Ian Black in Brussels, Thursday January 10, 2002, The  
> Guardian)  
> Slobodan Milosevic launched a blistering attack on  
> Britain yesterday as the Hague war crimes tribunal  
> finalised arrangements for his historic trial, due to  
> start next month. Checking his watch to display  
> contempt as the UN court discussed witnesses and  
> evidence relating to charges over Kosovo, the former  
> Yugoslav president complained that the fact he was  
> facing a British judge was evidence of bias.  
> Judge Richard May, presiding over the three-man bench  
> with colleagues from Korea and Jamaica, cut off Mr  
> Milosevic's microphone and left the courtroom, saying:  
> "This is not the time for speeches. We have listened  
> to you patiently." Making his fifth appearance since  
> being handed over last year, Mr Milosevic also accused  
> prosecutors of following British intelligence reports  
> about ethnic cleansing in Kosovo.  
> "Look at this court," he said. "Courts should be

- impartial. The indictment has been raised according to what the British intelligence service has said. The judge is an Englishman." Tribunal sources said they were pleased Mr Milosevic finally appeared to be engaging positively in his own defence. Lawyers for Mr Milosevic said that he now wanted to call witnesses, which would include the former US president Bill Clinton, the prime minister, Tony Blair, the former foreign secretary Robin Cook, and Madeleine Albright, the US secretary of state at the time of the Kosovo conflict. However, no formal request has been made to the court.
- > The court has entered not guilty pleas on his behalf to all three indictments and appointed three international lawyers as "friends of the court" to ensure a fair trial. Mr Milosevic is due to go on trial on February 12, accused of responsibility for the Serb campaign of killings and expulsions of Kosovo Albanians in 1999. Unless prosecutors change the court's mind in the next few weeks, he will then face a separate trial on charges of crimes against humanity and genocide in Croatia in 1991 and in Bosnia from 1992-95.
  - > The Kosovo indictment accuses Mr Milosevic and four other senior Serbs of responsibility for the murder of 90,000 Kosovo Albanians and the expulsion of 800,000 civilians from their homes. Mr Milosevic did his best to look bored and uninterested, but attacked as soon as Judge May gave him the floor, insisting that Nato, not Belgrade, should be in the dock. "All this is geared towards a construed justification for the crimes committed during the Nato aggression on my nation," Mr Milosevic said. "Quite obviously the intention is to [portray] those who defended their families... and country as criminals and evil people."
  - > Prosecutors asked judges to withhold witnesses' identities before they testify to avoid any possibility of intimidation. Judge Patrick Robinson refused the request in the interests of ensuring proceedings were consistently transparent. He added: "We have to make sure he gets a fair trial - that is our fundamental obligation."
- > **MLOSEVIC EXPECTED TO CALL WESTERN LEADERS**
- > Reuters : at Trial; UN judge wants quick Kosovo trial for still-defiant Milosevic.
  - > THE HAGUE -- Slobodan Milosevic fired off another tirade against the U.N. war crimes tribunal Wednesday but is expected to play a new card when he goes on trial next month by calling NATO leaders as witnesses.
  - > Yawning and checking his watch frequently, the former Yugoslav leader looked nonchalant at a hearing at the court in The Hague as officials discussed the nuts and bolts of his Kosovo war crimes trial set to begin on February 12. He then sprang to life when British presiding judge Richard May gave him the floor, insisting once again that NATO -- which bombed Serbia in 1999 after a Serbian crackdown on Kosovo's Albanians -- and not Belgrade was the true villain.
  - > "An operation is under way to reverse the scene and the culprit... All this is geared toward a construed justification for the crimes committed during the NATO aggression on my nation," Milosevic, 60, said slowly but firmly in Serbian.
  - > A legal adviser to Milosevic said he expected the former president, who has not appointed a defense attorney and plans to conduct his own defense, to turn the tables on Western leaders by putting them in the witness box during the trial. "I expect when Milosevic next addresses the public he will demand that leaders

yo.ooo? WARR SMAR DAT?  
 IS IN ELA YUWA (ASJUAO)  
 AM TAL

- of NATO countries, who are able to present the truth on Kosovo, come to testify," Belgrade-based lawyer Zdenko Tomanovic told Reuters by telephone.
- > "Milosevic tried to say this today but he was interrupted four times (by Judge May)," added Tomanovic, speaking after he met Milosevic following the hearing. He did not say which leaders might be called but a leader in his party was quoted last month as saying former U.S. President Bill Clinton would be summoned. Media speculation has also mentioned British Prime Minister Tony Blair. Commentators believe Milosevic hopes that by calling Western leaders as witnesses he will be able to humiliate them and to show that they worked closely with him during much of the 1990s as the old Yugoslavia broke apart in bloodshed.
  - > Milosevic may also be aiming to get Western leaders to give damaging information about ethnic Albanian guerrillas, in the hope of strengthening his argument that military action in Kosovo was legitimate suppression of an insurgency. Judges have the final say on whether witnesses may be called, but if they decide someone should testify then they have the power to compel the witness to come to The Hague. At his five appearances before the tribunal – which has held him in custody since Serb reformers sent him to the Hague in June 2001; Milosevic has repeatedly lambasted the court as an illegal tool of his Western foes in streams of invective before being silenced by May.
  - > He has refused even to plead to the charges, in an unprecedented display of contempt for the U.N. International Criminal Tribunal for former Yugoslavia.
  - > In his final broadside Wednesday before Judge May cut him off and adjourned the session, Milosevic took a fresh tack in his allegations of tribunal bias. "Look at this court. Courts should be impartial. The indictment has been raised according to what the British intelligence service has said. The judge is an Englishman. The amicus curiae is..." he said.
  - > A UN judge on Wednesday ordered prosecutors to limit the number of their witnesses when former Yugoslav president Slobodan Milosevic goes on trial next month over war crimes committed in Kosovo, urging a short trial. Strains emerged when the prosecution presented a witness list and a general timetable for its case, prompting Presiding Judge Richard May, clearly showing his discontent, to tell prosecutors bluntly: "We have in mind a shorter case." The court cut the number of live witnesses to be called by the prosecution to 90, out of 110 it proposed. May also said he might trim the number of written statements to be admitted during the case.
  - > Well known French lawyer Jacques Verges also attended Wednesday's hearing. Verges has been hired by the former president to plead his case against his arrest, transfer and detention by the tribunal before the European court of human rights in Strasbourg. He underlined Milosevic's complaints against the legality of the UN court adding it was inadmissible that the tribunal could establish its own rules and regulations which is contrary to the idea of a separation powers.
  - >
  - > OFFICIAL STATEMENTS PROVE HAGUE 'TRIBUNAL' BELONGS TO NATO
  - >
  - > (by Jared Israel, Originally posted 30 June 2001, Updated and expanded 7 January 2002]
  - > Of course you've heard of the ICTY, also known as The Hague 'War Crimes Tribunal.' That's the outfit that kidnaps Serbian leaders (including Slobodan Milosevic)

- and puts them on 'trial.' Did you think the ICTY was a fair-minded UN court, free to indict anyone charged with crimes in Yugoslavia, regardless of nationality?
- > Think again.
  - > Exhibit A: Press Conference by NATO spokesman Jamie Shea. Took place May 17, 1999, that is, during the NATO aggression against Yugoslavia.
  - > "QUESTION: Jamie, I wonder if you could comment on a speech made by Justice Arbour of the International Criminal Tribunal last week, a copy of which I left with your very fine secretary so that you would have reference to it. Judge Arbour in her speech said that as a result of the NATO initiatives being initiated on 24 March the countries of NATO have "voluntarily submitted themselves to the jurisdiction of her court whose mandate applies to the theatre of the chosen military operation and whose reach is unqualified by nationality and whose investigations are triggered at the sole discretion of the prosecutor who has primacy over national courts." Does NATO recognise Judge Arbour's jurisdiction over their activities?
  - > "JAMIE SHEA: First of all, my understanding of the UN resolution that established the Court is that it applies to the former Yugoslavia, it is for war crimes committed on the territory of the former Yugoslavia.
  - > "Secondly, I think we have to distinguish between the theoretical and the practical. I believe that when Justice Arbour starts her investigation, she will because we will allow her to. It's not Milosevic that has allowed Justice Arbour her visa to go to Kosovo to carry out her investigations. If her court, as we want, is to be allowed access, it will be because of NATO so NATO is the friend of the Tribunal, NATO are the people who have been
  - > detaining indicted war criminals for the Tribunal in Bosnia. We have done it, 14 arrests so far by SFOR, and we will continue to do it.
  - > "NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers, and of course to build a second chamber so that prosecutions can be speeded up so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality and I don't anticipate any others at this stage."
  - > [Our Emphasis. May 17, 1999 Transcript of NATO press conference by Jamie Shea & Major General W. Jertz in Brussels Transcribed by M2 PRESSWIRE (c) 1999. To see the quotation in context of the full transcript, go to:
  - > [http://emperors-clothes.com/docs/jertzback.htm#h-list\\_quote](http://emperors-clothes.com/docs/jertzback.htm#h-list_quote)
  - > ]
  - > WASHINGTON CREATED IT; NATO MAKES IT POSSIBLE
  - >
  - > Did you think critics were indulging in hyperbole when they said Madeline Albright was "Mother of the Tribunal"?
  - > EXHIBIT B: Excerpts from speech by Gabrielle Kirk McDonald, President of the Hague Tribunal, at her award ceremony at the American Supreme Court on April 5, 1999.
  - > "I am also pleased to be here tonight as a guest of the Coalition for International Justice, which was founded in 1995 with assistance from CEELI and the Open Society Institute. The Coalition has been a great source of support to the Tribunal. CIJ jumped in early and has stayed involved ever since. From running a workshop to assist the defense counsel in the very first trial, through seminars for the judges...

ontext)

- > Without the co-operation of the states and entities in the former Yugoslavia and the international community as a whole, the Tribunal had no way of bringing even a single accused to trial.
- > "Nevertheless, we persevered and did what we could to build the institution. We benefited from the strong support of concerned governments and dedicated individuals such as Secretary Albright. As the permanent representative to the United Nations, she had worked with unceasing resolve to establish the Tribunal. Indeed, we often refer to her as the "mother of the Tribunal". And I am proud of what we have accomplished. After those first years of struggling to simply establish the court, we have now really gotten on with the substance of our mandate." (context)
- > (From
- > <http://www.pict-pecti.org/news/archive/April/ICTY.04.05.html>
- > to see the quotations in context of the full Speech,
- > go to:
- > [http://emperors-clothes.com/docs/kirkback.htm#h-list\\_quote1](http://emperors-clothes.com/docs/kirkback.htm#h-list_quote1)
- > and
- > [http://emperors-clothes.com/docs/kirkback.htm#h-list\\_quote2](http://emperors-clothes.com/docs/kirkback.htm#h-list_quote2)
- > )
- >
- > Emperor's Clothes Note:
- > The Open Society Institute, which Ms. McDonald found so helpful, is George Soros' outfit. The Open Society acts as a kind of high-profit wing of the CIA. On the one hand, Mr. Soros is a ruthless currency-speculator, implicated in savaging the Thai economy, which launched the great Asian crash. On the other hand, his foundation sets up and funds front groups throughout the former Socialist countries and elsewhere as beachheads for U.S. penetration. This role is touched on in the Emperor's Clothes interview with representatives of the Belgrade radio station, B292, prior to the Yugoslav coup d'état of October 2000. See <http://www.emperors-clothes.com/interviews/emperor.htm>
- >
- > CEELI, the American Bar Association-Central and East European Law Initiative ([www.abanet.org/cecli/](http://www.abanet.org/cecli/)), appears to be part of a web of governmental, semi-governmental and seemingly private organizations which work together to develop Fifth Column organizations in countries targeted by the U.S. Empire. One of the main coordinators of this apparatus is the National Endowment for Democracy, about which see:
- > 'US Arrogance And Yugoslav Elections' at <http://emperors-clothes.com/engl.htm#z>
- > and
- > 'Eviscerating Democracy' at <http://emperors-clothes.com/articles/szamuely/neda2.htm>
- >
- > The integration of government agencies with high-powered private agencies in determining the content and effective practice of U.S. foreign policy is most disturbing. Private agencies, armed with the image of humanitarian concern, in fact permit powerfully connected imperial strategists to direct public policy beyond public scrutiny. At the same time, such groups can exploit their seemingly expert, independent status to make statements and publish reports and books which might be recognized as propaganda if issued by government sources. Thus CEELI aggressively supports U.S. government propaganda claims about Kosovo.
- > An excellent example of this sort of Imperial activism is Human Rights Watch, whose role in the assault on Macedonia, and also the makeup of its Board of Directors, is discussed at

<http://www.emperors-clothes.com/articles/treanor/hrw.htm>  
WASHINGTON FINANCES IT

- >
- > Did you think this "United Nations" War Crimes Tribunal was funded by the United Nations?
- > Exhibit C: The Tribunal Thanks Washington for Donating the Money to Do Washington's Propaganda Work
- >
- > "Press Release · Communiqué de presse
- > (Exclusively for the use of the media. Not an official document)
- > The Hague, 19 April 1999
- > JL/PIU/397-E
- > "THE UNITED STATES PLEDGE USD 500,000 TO TRIBUNAL'S OUTREACH PROJECT
- > "PRESIDENT McDONALD GRATEFUL FOR GENEROUS CONTRIBUTION
- > "On behalf of the International Criminal Tribunal for the former Yugoslavia, the President of the Tribunal, Judge Gabrielle Kirk McDonald, has expressed her deep appreciation to the U.S. Government for its pledge of USD 500,000 for the Tribunal's Outreach project.
- > Harold Koh, the US Assistant Secretary of State for Democracy, Human Rights and Labour, announced the donation at a press briefing at the Tribunal on Friday 16 April 1999.
- > "This generous contribution, which makes up over a third of the total Outreach budget, will, as Assistant Secretary of State Harold Koh noted 'allow the Tribunal to carry its message of impartial justice not only to governments and legal practitioners in the former Yugoslavia, but, most of all, to the families of victims.'
- > "The President urges other countries and organisations to support this vital project, which is aimed at bridging the communications gap between the Tribunal and the people of the former Yugoslavia and helping in the international community's overall reconciliation effort."
- > (From:
- > <http://www.pict-pecti.org/news/archive/April/ICTY.04.19.html>
- > )
- >
- > PREDSEDNIK SLOBODAN MILOVIC U HAGU,
- >
- > 9. januara 2002. godine (stenogram)
- > KONSTRUISANJE OPRAVDANJA ZA ZLOKRADE POD VIDOM
- > SUKOBENJA, KAKO BI ONI KOJI SU,
- > SARAŽEVIĆI, UJUŽI, I SA TERORISTIMA, UBIJALI NEVINE
- > LJUDE I RUŠILI PORODICE; TA I BOLNICE DOBILI
- > PODRUKU; UNARODNOG JAVNOG MNJENJA
- > OPTUŽNICI NA BAZI NAVODA ENGLEŠKE
- > OBAVEŠTAJNE SLUŽBE, SUDIJA ENGLEZ,
- > TUŽILAC ENGLEZ, AMIKUS KURIJE ENGLEZ...
- > SAVET BEZBEDNOSTI KOJI NEMA NI ZAKONODAVNU NI SUDSKU
- > VLAST, OSNIVANJEM "SUDA" NA NJEGA PRENOSI
- > OVLAŠTANJE; ENJA KOJA NEMA
- >
- > RIŠTAR MEJ:
- > (...) Gospodine Miloševiću, uli ste
- > i ta sam rekao. Recite sada da li postoji još;
- > ne; to biste vi hteli da kažete u
- > vezi Vašeg suđenja i u vezi onoga; to
- > je danas rečeno?
- > PREDSEDNIK SLOBODAN MILOVIC:
- > Upravo u vezi onoga; to je danas rečeno -
- > gotovo sve; to smo; uli pokazuje da pod
- > vidom suđenja treba da se izvrši operacija
- > zamene krivca, usmerena na proizvodnju jednog
- > konstruisanog opravdanja za zločin koji su
- > izvršili; oni u NATO agresiji na moju zemlju i moj
- > narod. i ova optužnica predstavlja jedan
- > od dokaza da je ovo; to tvrdim; no, jer

- sva navodna nedela koja su počinjena u skladu sa
- > tom "optužnicom" od strane oružanih snaga
  - > Jugoslavije, kojima sam ja imao pristup
  - > komandujem, precizno su po datumima smeštena u
  - > vremenski okvir u kome je izvršena agresija NATO
  - > pakta na moju zemlju.
  - > Namera je, očigledno, da se objasni kako su oni
  - > koji su branili svoje porodice, svoju decu, svoj
  - > kućni prag, svoj dom, svoju domovinu - zlikovci,
  - > kriminalci, zli ljudi, a da su oni koji su prešli
  - > hiljade kilometara da bi noću u njihove
  - > kuće, ubijali nevine ljude, ili
  - > porodili, ta, bolnice, mostove, pruge, vozove, da
  - > su oni koji su u saradnji sa albanskim teroristima,
  - > odgovorni za ogroman broj žrtava i za ogromnu
  - > materijalnu štetu - dobri, ispravni i da treba da
  - > dobiju podršku meunarodnog javnog mnjenja.
  - > Da apsurd bude veći, .... (isključeno)
  - > mikrofon)
  - > RI#268;ARD MEJ:
  - > Gospodine Miloševiću, ja sam rekao
  - > na koji način se voditi suđenje. Vi
  - > ete imati mogućnost da iznesete svoju
  - > odbranu i to na koji način sam opisao. Ali sada
  - > nije vreme za to, nije vreme za govore. Ono što
  - > nas sada zanima je zapravo forma suđenja i
  - > postupak kojim se vodi. Da li Vi
  - > elite da kažete nekoj o tome? Kao
  - > što sam rekao Vi ete imati priliku da
  - > iznesete svoju odbranu kada suđenje počne.
  - > To će biti pravo vreme da se to uradi, a ne sada.
  - > Mi sada nismo u suštinu suđenja.
  - > Mi se sada bavimo samo procedurom. Da li elite
  - > nekoj o proceduri?
  - > PREDSEDNIK SLOBODAN MILOŠEVIĆ#262;:
  - > Pa, nije prvi put da nemam priliku da govorim, ali
  - > imam da kažem - ako ete ....
  - > (isključeno mikrofon)
  - > RI#268;ARD MEJ:
  - > Imate priliku da govorite i biće Vam
  - > dozvoljeno da govorite, a u odgovarajuće vreme,
  - > za vreme suđenja. Kao što Vam je
  - > rečeno, ovo sada nije pravo vreme. Mi se sada
  - > bavimo proceduralnim pitanjima. Dakle, morate da
  - > ograničite Vaše primedbe na to, a kad
  - > suđenje počne, kao što sam rekao,
  - > doći će vreme da Vi date svoje izjave. Vi to
  - > možete da uradite i da iznesete svoju
  - > odbranu. Molim Vas, da li elite da kažete
  - > nekoj o proceduri ili ne?
  - > PREDSEDNIK SLOBODAN MILOŠEVIĆ#262;:
  - > Ja elim da konstatujem da niste ponudili ni jedan
  - > argument na veoma jasne pravne činjenice koje sam
  - > ovde izneo u vezi sa nelegalnošću ovog
  - > "suda", osnovanog Rezolucijom Saveta bezbednosti koji
  - > nema ni zakonodavnu ni sudsku vlast i koji nije mogao
  - > preneti ovlašćenja koja nema ni na koga, jer
  - > kao pravnici dobro znate da se ne mogu preneti prava
  - > koja neko nema. U svakom slučaju, ....
  - > (isključeno mikrofon).
  - > RI#268;ARD MEJ:
  - > Gospodine Miloševiću, mi smo već doneli
  - > odluku po tom pitanju i to nije predmet dalje
  - > rasprave. Elite li da kažete nekoj o
  - > drugo u vezi procedure ili ete završiti?
  - > PREDSEDNIK SLOBODAN MILOŠEVIĆ#262;:
  - > Pa, ako ete da me ograničavate samo na
  - > pitanja koja mogu da pokrenem, onda bih rekao u
  - > vezi sa procedurom još sledeće: po prirodnoj
  - > definiciji svakog suda - sud je neutralan,
  - > nepristrasan. A pogledajte ovaj "sud": optužnica
  - > je podignuta na bazi navoda engleske tajne

- > slu&#382;be, sudija je Englez, tu&#382;ilac Englez,
- > amikus kurije Englez, a ja..... (isklju&#269;en
- > mikrofon)
- > RI&#268;ARD MEJ:
- > Gospodine Milo&#353;evi&#263;u, mi smo Vas
- > pa&#382;ljivo slu&#353;ali i pa&#382;ljivo Vas
- > slu&#353;amo. Vi&#353;e puta Vam je re&#269;eno da se
- > ovo ro&#269;i&#353;te bavi isklju&#269;ivo
- > proceduralnim pitanjima. Vi &#263;ete imati svaku
- > priliku na Va&#353;em su&#273;enju da ka&#382;ete
- > svoju odbranu i da date sve svoje izjave. Za to sada
- > nije vreme.
- > Ova rasprava je zavr&#353;ena. Molimo ustanite.
- > (SPS press office &#8211; Beograd)

- 
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  - > Français, en Serbe et en Anglais - Information in
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van holst en steijnen

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**Sent:** donderdag 1 november 2001 09:10  
**Subject:** THE SECOND ACT OF THE CRIME AGAINST SERBIAN PEOPLE - full transcript

THE SECOND ACT OF THE CRIME AGAINST SERBIAN PEOPLE

(full transcript of Milosevic's "J'accuse," delivered in the Hague)

The Hague, 30th October 2001

SLOBODAN MILOSEVIC:

I demand that you disqualify the prosecutor for obvious reasons, and I will mention only two. First, we heard her yesterday, loud and clear, reading the indictment concerning Kosovo, which only deals with events from the 24th of March until the end of first week of June, when, second, the whole planet knows that it is exactly from the 24th March until the first week of June, inclusive, that NATO committed its criminal aggression against Yugoslavia.

The indictment and what we have heard implies that NATO did not commit aggression against Yugoslavia, but rather that Yugoslavia committed aggression against itself and therefore the consequences of seventy-eight days and seventy-eight nights of bombing Yugoslavia, in which 22,000 tons of bombs were delivered causing huge number of victims - these are not effects of any NATO aggression, but instead are the effects of the aggression Yugoslavia committed against itself.

*EXTREMELY HISTORIC VERDICTING*

This is not simple partiality. Partiality is too mild a word. What we have heard surpasses even what we used to hear from the enemy side, i.e., from the NATO spokesman. Thus, it is obviously a case of what you would call total partiality. If the court is able to remain blind to the fact that from the 24th of March to the first week of June aggression was committed, that the number of victims was huge, that 22,000 tons of bombs was delivered and that an attempt is being made to blame all this on Yugoslavia as if it committed these crimes against itself and to absolve NATO - and I think that even such an illegal court must take into account these facts - if the court does not want to take into account these facts, then it is obvious this is not a court, but only a part of the machinery for the execution of crimes against my country and my people.

If the latter is the case, if the court would not take into account even such flagrant bias and would disregard such a crucial matter as the aggression, so as not to disqualify the prosecutor for impudent presentation of untruth and for siding with the aggressor if that is the case, and therefore, the court is part of the machinery, then, please, read the verdicts you have been instructed to reach and stop bothering me - making me listen for hours to texts written at the level of a seven-years old child; to put it more precisely - a retarded seven-year old child. Do not bother me, read your verdicts.

I think all of this up to now has been a farce. If what we heard yesterday is accepted, that Yugoslavia committed aggression against itself and that there are no consequences of the NATO aggression as far as the prosecution is concerned, all that follows would be a circus. That's why I am suggesting that you reach the verdicts immediately so as to avoid all the procedural problems you are facing.

Second I wish to tell you something and to warn you. I wish to warn you that these trials have a direct influence on inducing terrorism in the south of Serbia. I wish to warn you that these days, these weeks and months Albanian terrorists at the south of Serbia are cutting throats, setting the fires, raping, beating up, plundering and doing everything else they used to do in Kosovo and Metohia. They were given wings because in distinction to the current American administration that has declared an antagonistic position regarding terrorism, the previous administration was in alliance with terrorism. They knew that Osama bin Laden was in Albania two years after he demolished their embassies. They even commented on that fact when meeting with me and my associates. So, please do not induce terrorism in the south of Serbia because people there are suffering too much. You should also bear in mind that because of such terror and under the United Nations auspices 330,000 persons were driven from Kosovo and Metohia. 330,000 mainly Serbs under the auspices of the United Nations.

JUDGE MAY:

We have heard that and we would be very glad to hear what you have to say, whether there is something you wish to say regarding your physical and mental state. [Note this is an English retranslation from the Serbian.]

SLOBODAN MILOSEVIC:

So, now I have to limit my comments only to that, is that it? OK.

Then I wish to request of the court, since I have heard that the opposite side insists that I have no 'privileges' in regard to an expeditious trial, so that I understood your plan is to have the trial last some three years, let me at least not be discriminated against in respect of treatment. Therefore I request that cameras be removed from my prison cell, and that you cease to have your officials present when my family visits. The Explanations for cameras in the cell are senseless. It is explained that cameras are needed to prevent me from committing suicide. I wish to declare here in front of this court that I would never commit suicide because first of all I do not want to do that to my children and my family, to make them children of one who committed suicide.

Secondly, I would never commit suicide because I have to fight here, to destroy this court and this mockery of a trial and it's employers who are using this court against persons fighting for freedom in the world.

Thus, kindly remove the cameras and the officials, because the rule, that cameras could be installed for one month is being abused for 4 months now without any reason, misusing the one month rule because you have the power to do it.

That is what I am requesting, not to be privileged, but not to be further discriminated against, at least in that respect. As far as monitoring of other meetings, taping of telephone conversations, etc., that you ordered, that's your problem, you may continue to do that. After all, when my family is here your officials don't have to be present - you may eavesdrop, even without their presence, so I would ask you to free me of this unpleasantness as much as possible.

The Hague, 29th October 2001, Afternoon

SLOBODAN MILOSEVIC (after the reading of the "Kosovo indictment"):

What we have just heard shows by itself that the indictment is false and it is also the proof that Mr. Robinson asked for in relation to the bias of that false indictment and of the prosecutor. And that is for two reasons. First, there is a total intention to completely switch the roles played by the two sides in the conflict... (At this point the microphone was turned off)

ORBIT  
EXTREM E VERVALEN  
BEZWERK.

SLOBODAN MILOSEVIC (after the reading of the "Croatia indictment"):

This indictment is the second act of the crime committed against my people, because it proclaims the victim to be the culprit in order to protect the real culprits for the crime against Yugoslavia. It is absurd to accuse Serbia and the Serbs for the armed secession of Croatia that caused civil war, conflicts and sufferings for the civilian population. The indictment even attempts to refute the late Croatian boss Franjo Tudjman who in his message to the Croat people said... (The mike was cut here)

ORBIT  
EXTREM E VERVALEN  
BEZWERK.

To join or help this struggle, visit:

<http://www.sps.org.yu/> (official SPS website)

<http://www.belgrade-forum.org/> (forum for the world of equals)

<http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic) <http://www.jutarnje.co.yu/> ('morning news' the only Serbian

newspaper advocating liberation)

X

EXTREM E HISTORISKE  
VERVALSING

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**Sent:** vrijdag 11 januari 2002 13:54  
**Subject:** Fw: Milosevic: By this 'trial' you are attempting to justify your crimes!

----- Original Message -----

**From:** Vladimir Krsljanin  
**To:** <mailto:Undisclosed-Recipient:@smtp.sps.org.yu>  
**Sent:** Friday, January 11, 2002 6:34 AM  
**Subject:** Milosevic: By this 'trial' you are attempting to justify your crimes!

“By this ‘trial’ you are attempting to justify your crimes.” - Milosevic

President Milosevic in The Hague, January 9, 2002 (transcript):

**Richard May:**

...Mr. Milosevic, you have heard what I said. Is there anything else you would like to say in connection with your trial and what has been said today?

**President Slobodan Milosevic:**

To be precise, concerning what has been said today: almost everything we've heard shows that, in the guise of having a trial, what is planned here is to carry out an operation to reverse scene and culprit. This is aimed at producing a fabricated justification for the crimes

committed during the NATO aggression against my country and my people.

Indeed, this 'indictment' itself constitutes one of the proofs that what I affirm is true. Because all the so-called misdeeds supposedly committed by the armed forces of Yugoslavia, which I had the honor to command, are, according to the 'indictment,' supposed to have occurred during precisely the time of the NATO aggression against my country.

The intention is obviously to portray those who defended their families, children, thresholds, homes and homeland as villains, criminals, evil people. Whereas those who traveled thousands of kilometers to destroy those homes in the night, to kill innocent people, to destroy maternity wards, hospitals, bridges, railways, trains, who collaborated with the Albanian terrorists – that those people, responsible for a huge number of victims and enormous material damage, are good, are correct, and should have the support of international public opinion.

To compound this absurdity... *(microphone turned off)*

**Richard May:**

Mr. Milosevic, I have already explained how this trial will be conducted. You will have the opportunity to give your defense in the way I have described. But now is not the time for that. It is not the time for speeches. Our concern now is for the form of the trial and the proceedings. Would you like to say something concerning that? As I have said you will have the opportunity to state your defense when the trial begins. That will be the right time to do it, not now. We haven't gotten into the essence of the trial. Do you wish to say something concerning the procedure?

**President Slobodan Milosevic:**

Well, this isn't the first time I haven't been allowed to speak, but I have to say - if you will ... *(microphone turned off)*

**Richard May:**

You will have the opportunity to speak and will be allowed to speak at the proper time,

during the trial. As I told you, this is not the right time. We are now concerned with procedural matters. So, you have to limit your remarks to that, and when the trial begins, as I have said, the time will come for you to make your statements. You can do that and expound your defense. Please, do you wish to say something concerning procedure or not?

**President Slobodan Milosevic:**

I want to confirm that you have not offered a single argument in response to the very clear legal facts I have presented regarding the illegality of this 'court', established by a resolution of a Security Council that has no legislative nor judiciary power and that could hardly transfer prerogatives it does not have, since as lawyers you very well know that a right which one does not possess cannot be transferred.

In any case.... *(microphone turned off)*

**Richard May:**

Mr. Milosevic, we have already made a decision regarding that question and it is no longer an issue up for debate. Do you wish to say something else regarding the procedure or shall we finish?

**President Slobodan Milosevic:**

Well, if you're going to limit the questions I can raise, then regarding the procedure I would say the following: according to the natural definition, which applies to any court, it must be neutral and impartial. And look at this 'court': the indictment is based on allegations provided by the English Intelligence Service; the judge is English; the prosecutor is English; the Amicus Curiae is English; and I .... *(microphone turned off)*

**Richard May:**

Mr. Milosevic, we have listened to you patiently and we are listening to you patiently. Several times you have been told that this hearing deals with procedural matters only. You will have the opportunity to state your defense during your trial and to give all the statements you want. Now is not the time for that. This hearing is adjourned. Please rise.

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<http://www.belgrade-forum.org/> (forum for the world of equals)

<http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic)

<http://www.jutarnje.co.yu/> ('morning news' the only Serbian newspaper advocating liberation)

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**Subject:** SM

## Milosevic maintains defiance during his last pre-trial hearing

AP

THE HAGUE, THE NETHERLANDS

Former Yugoslav president Slobodan Milosevic clashed with UN war crimes judges yesterday, branding them biased and again accusing NATO of atrocities in Kosovo.

At a procedural hearing a month before his trial for alleged atrocities in Kosovo, Milosevic said the Yugoslav war crimes tribunal had based allegations he masterminded a brutal campaign in the province purely on British intelligence reports.

Hinting that the court is politically motivated, Milosevic said the trial chamber was also led by a British judge, Richard May.

In a repeat of previous run-ins between the pair, May then turned off Milosevic's microphone, told him he would have his chance to make his case during the trial and closed the hearing.

"This is not the time for speeches," he said, tossing his headphones onto his desk and marching out of court. "We have listened to you patiently."

Milosevic has been charged with five counts of war crimes for the Serb crackdown on Kosovar Albanians in 1998 and 1999. Prosecutors will open their case Feb. 12 at the start of the trial.

Milosevic looked relaxed and defiant as he listened to the proceedings flanked by two UN guards. When asked to comment on what he had heard, Milosevic instead accused NATO and "Albanian terrorists" of war crimes including killing civilians and bombing maternity wards, hospitals, bridges and railways.

Prosecutor Geoffrey Nice said his team wanted to call 110 witnesses to testify against him, but May said he would allow 90 given "the size and complexity of the case."

May advised Milosevic to reconsider his decision not to appoint legal counsel and offered him a court investigator to help prepare his defense.

This story has been viewed 104 times.

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**From:** <joesb@vorstadtzentrum.net>  
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**Sent:** zaterdag 5 januari 2002 09:53  
**Subject:** Ibrahim Rugova und William Walker - Gerechtigkeit und Recht in Person

Eine Satire

Eine Kurznotiz, wie sie kleiner nicht sein könnte, war am 31.12.2001 im Kurier zu finden:

Prominente Zeugen gegen Milosevic

DEN HAAG - Im Kriegsverbrecherprozess gegen den jugoslawischen Ex-Präsidenten Milosevic will die Anklage 200 Zeugen aufrufen, darunter Schlüsselfiguren der Kosovo-Krise wie Albanerführer Ibrahim Rugova oder den ehemaligen Leiter der OSZE-Mission William Walker.

William Walker? Tatsächlich wird William Walker als Zeuge im sogenannten Kriegsverbrecherprozess gegen Slobodan Milosevic befragt werden? Ein kleiner Rückblick lohnt sich, wenn man wissen will, warum William Walker als prominent im wahrsten Sinne des Wortes bezeichnet werden kann:

Im Oktober 1998 begann die OSZE mit dem Aufbau einer Beobachtermission in Pristina, im März 1999 zog sie sich nach Mazedonien zurück. Ihr Chef war der US-Karrierediplomat William Graham Walker, Jahrgang 1935, 37 Jahre im Dienst des State Department, der bereits während seiner früheren Diplomateneinsätze in Mittel- und Südamerika einige heikle Aufgaben für die CIA erledigt hatte. Die New Yorker Workers World Newspaper vom 28. Januar 1999 beschreibt Walker in ihrem Artikel: »Kriegsbeil hinter der US-Kosovo- Politik«: »Es ist wichtig, dass die Welt weiß, wer Walker ist: ein Militärveteran des US-State-Department, der den schmutzigen Krieg gegen Nicaragua und El Salvador in den 80er Jahren leitete, und der über jeden Aspekt dieses Krieges log. 1985 wurde er stellvertretender Staatssekretär für Zentralamerika. Er war der Verantwortliche im Weißen Haus unter Reagan für die Operation zum Sturz der Regierung Nicaraguas.

Geleitet wurde die Operation von Oliver North und Eliot Abrams. Walker war beispielsweise verantwortlich für die Waffenlieferungen, die als humanitäre Aktion getarnt, über den Flughafen Ilopango in El Salvador abgewickelt wurden, um die Contra-Banden gegen Nicaragua zu unterstützen. Später war Walker von 1988 bis 1992 US- Botschafter in El Salvador, dort herrschten zu jener Zeit die Todesschwadronen, von denen viele auf US-Militärschulen trainiert wurden.«

Im Zusammenhang mit der falschen Darstellung des sogenannten Massakers von Racak wurde Walker wegen Mißbrauchs seiner Aufgaben als Diplomat und OSZE- Vertreter von der Regierung der BR Jugoslawiens ausgewiesen. Eine Gruppe finnischer Gerichtsmediziner unter der Leitung von Frau Helena Ranta war zu dem Schluß gekommen, dass es keinerlei Anhaltspunkte für ein Massaker gäbe. Bei einem einzigen Opfer seien Pulverspuren zu finden gewesen, die auf eine Exekution hindeuten könnten, bei allen anderen sei dies auszuschließen. Wenn es kein Massaker war, kann es nur ein Gefecht gewesen sein. Ein für die UCK verlustreiches Gefecht. Falls es unter den Opfern auch Zivilisten gab, dann aus dem Grund, dass dieses Dorf nicht die Unschuld vom Lande war, sondern eine befestigte Stellung.

Die kroatischen Serben warfen Walker außerdem vor, als Leiter der Übergangsverwaltung von Ostslawonien 1996/97 massiv die kroatische Politik der ethnischen Säuberung unterstützt zu haben.

CIA-Mann Walker wurde im November 1999 in Pristina von Kosovo-Albanern zum Ehrenbürger gekürt - ein Ehrenbürger mit Blut auf seinen Händen.

Ibrahim Rugova, glühender albanischer Nationalist und überzeugter Separatist, illegal ausgerufenen Präsident des Kosovo, wird ebenfalls als Zeuge auftreten. Weder bei William Walker, noch bei Ibrahim Rugova kann man wohl kaum mit einer objektiven, schon gar nicht von einer neutralen Aussage bei dem kommenden Prozess gegen Milosevic rechnen, egal wie man jetzt zur Person Milosevic stehen mag.

Aber ein fairer Prozess war auch nicht zu erwarten. Wer die anderen 198 Zeugen sein werden, das weiss niemand. Vielleicht wird eine weitere Kurznotiz mehr Aufschluss darüber geben.

Und überlesen werden.

Quellen: Kurier, junge welt, NZZ, New Yorker Workers World Newspaper

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van holst en steijnen

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**Sent:** dinsdag 9 oktober 2001 15:47  
**Subject:** Tribunal

9 oktober 2001

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-01-50-I

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

SLOBODAN MILOSEVIC

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia ("the Statute of the Tribunal") charges:

SLOBODAN MILOSEVIC

with CRIMES AGAINST HUMANITY, GRAVE BREACHES OF THE GENEVA CONVENTIONS, and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR as set forth below:

THE ACCUSED:

1. Slobodan MILOSEVIC, son of Svetozar Milosevic, was born on 20 August 1941 in Pozarevac, in present-day Serbia. In 1964, he graduated from the Law Faculty of the University of Belgrade and began a career in management and banking. Until 1978, he held the posts of deputy director and later general director at Tehnogas, a major oil company in the Socialist Federal Republic of Yugoslavia ("SFRY"). Thereafter, he became president of Beogradska banka (Bcobanka), one of the largest banks in the SFRY, a post he held until 1983.

2. Slobodan MILOSEVIC joined the League of Communists of Yugoslavia in 1959. In 1984, he became Chairman of the City Committee of the League of Communists of Belgrade. In 1986, he was elected Chairman of the Presidium of the Central Committee of the League of Communists of Serbia and was re-elected in 1988. On 16 July 1990, the League of Communists of Serbia and the Socialist Alliance of Working People of Serbia united, forming a new party named the Socialist Party of Serbia ("SPS"). On 17 July 1990, Slobodan MILOSEVIC was elected President of the SPS and has remained in that post until the present date, except during the period 24 May 1991 to 24 October 1992.

3. Slobodan MILOSEVIC was elected President of the Presidency of the then Socialist Republic of Serbia on 8 May 1989 and re-elected on 5 December 1989. After the adoption of a new Constitution, on 28 September 1990, the Socialist Republic of Serbia became the Republic of Serbia,

*NET ALS DE VORIGE  
Aankomst gr. van  
Stropotnik om  
DE NMO ALS  
STropotnik om  
BTC  
NO  
DR. CRATIS  
ROL  
→ EXTRA HISTO-  
RISCH  
Voorlopig*

AS LONG AS THE AFTER THE DEATH OF TUJMAN, REMAINING CROATIAN LEADERSHIP IS NOT ENVISING THE SAME

INDICATION ABOUT ON HIS REAL PERSONAL RESPONSIBILITY REGARDING TO OF SUCH POSSIBLE OCCURENCE OF THE ALLEGED "BUT EU OPTION" OF ANY AREA SO CALLED WHICH AGAINST CRIMINAL RESPONSIBILITY THE PROSECUTOR MUST NOT BE THE SLIGHTEST

and Slobodan MILOSEVIC was elected to the newly established office of President of the Republic of Serbia in multi-party elections, held in December 1990. He was re-elected to this office in elections held on 20 December 1992.

4. After serving two terms as President of the Republic of Serbia, Slobodan MILOSEVIC was elected President of the Federal Republic of Yugoslavia ("FRY") on 15 July 1997, beginning his official duties on 23 July 1997. Following his defeat in the Federal Republic of Yugoslavia's presidential election of September 2000, Slobodan MILOSEVIC relinquished his position on 6 October 2000.

INDICATES FOR THE OPERATION "STORM". THE ACTIVITY SHOWS FULLY ITS PARTIALITY

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) of the Statute of the Tribunal

5. Slobodan MILOSEVIC is individually criminally responsible for the crimes referred to in Articles 2, 3, and 5 of the Statute of the Tribunal and described in this indictment, which he planned, instigated, ordered, committed, or in whose planning, preparation, or execution he otherwise aided and abetted. By using the word committed in this indictment the Prosecutor does not intend to suggest that the accused physically committed any of the crimes charged personally. Committing in this indictment refers to participation in a joint criminal enterprise as co-perpetrator.

WHAT WAS HE DOING WAS HE PLANNING, INSTIGATING, ORDERING THE ALLEGED CRIMES, OR WAS HE ONLY "AIDING AND ABETTING" THE "PLANNING, INSTIGATING" OF THIS CRIMES? OR ONLY "THE PREPARATION" OR ONLY "THE EXECUTION"? NO CLARIFICATION "CO-PERPETRATOR"

6. Slobodan MILOSEVIC participated in a joint criminal enterprise as set out in paragraphs 24 to 26. The purpose of this joint criminal enterprise was the forcible removal of the majority of the Croat and other non-Serb population from the approximately one-third of the territory of the Republic of Croatia that he planned to become part of a new Serb-dominated state through the commission of crimes in violation of Articles 2, 3, and 5 of the Statute of the Tribunal. These areas included those regions that were referred to by Serb authorities and are hereinafter referred to as the "Serbian Autonomous District /Sprska autonomna oblast/ ("SAO") Krajina", the "SAO Western Slavonia", and the "SAO Slavonia, Baranja and Western Srem" (collectively referred to by Serb authorities after 19 December 1991 as the "Republic of Serbian Krajina /Republika Srpska krajina/" ("RSK")), and "Dubrovnik Republic /Dubrovačka republika/".

OTHER WITH NATIONALITIES WERE "FORCIBLY REMOVED" INTENTIONALLY "AGGRESSION-THESIS" NOR CAN BE SAID "WHAT HE HAD TO BE AWARE OF SUCH "POSSIBLE OUTCOME" THAT WOULD BE SUCH CONDITIONS IN REALITY HE COULD BE TOLD THAT HE WAS AWARE OF THE JOINT CRIMINAL ENTERPRISE WERE ALSO FOR SERBIA (B)

7. This joint criminal enterprise came into existence before 1 August 1991 and continued until at least June 1992. Individuals participating in this joint criminal enterprise included Slobodan MILOSEVIC, Borisav JOVIC, Branko KOSTIC, Veljko KADIJEVIC, Blagoje ADZIC, Milan BABIC, Milan MARTIC, Goran HADZIC, Jovica STANISIC, Franko SIMATOVIC, also known as "Frenki", Tomislav SIMOVIC, Vojislav SESELJ, Momir BULATOVIC, Aleksandar VASILJEVIC, Radovan STOJICIC, also known as "Badza", Zeljko RAZNATOVIC, also known as "Arkan", and other known and unknown participants.

NEITHER NEITHER SINCE HIS ROLE WITHIN THE INDICTMENT NOTING IS SAID ABOUT HIS SPECIFIC ROLE AS AN ALLEGED CO-PERPETRATOR NOTHING COULD BE SAID ABOUT HOW FAR THE ALLEGED CRIMES WITHIN THE OBJECT OF THE JOINT CRIMINAL ENTERPRISE WERE FORESEEABLE FOR MR. MILOSEVIC NOR ABOUT HOW FAR THE ALLEGED "FORSEEABLE CONSEQUENCES OF EXECUTION OF THE OBJECT"

8. The crimes enumerated in Counts 1 to 32 of this indictment were within the object of the joint criminal enterprise. Alternatively, the crimes enumerated in Counts 1 to 13 and 17 to 32 were the natural and foreseeable consequences of the execution of the object of the joint criminal enterprise and the accused was aware that such crimes were the possible outcome of the execution of the joint criminal enterprise.

9. In order for the joint criminal enterprise to succeed in its objective, Slobodan MILOSEVIC worked in concert

with or through several individuals in the joint criminal enterprise. Each participant or co-perpetrator within the joint criminal enterprise played his own role or roles that significantly contributed to the overall objective of the enterprise. The roles of the participants or co-perpetrators include, but are not limited to, the following:

10. Borisav JOVIC, holding different positions as a member, Vice-President, and President of the SFRY Presidency from 15 May 1989 until April 1992, as President of the SPS from May 1991 until October 1992, and holding other key positions of the SPS until November 1995, and Branko KOSTIC, the Vice-President and then Acting President of the SFRY Presidency in the relevant period, together with others, commanded, directed, or otherwise exercised effective control over the Yugoslav People's Army ("JNA") and the Territorial Defence ("TO") units and the volunteer units acting in co-ordination and under supervision of the JNA.

11. General Veljko KADLJEVIC, as Federal Secretary for National Defence from 15 May 1988 until 6 January 1992, commanded, directed, or otherwise exercised effective control over the JNA and the TO units and the volunteer units acting in co-ordination and under supervision of the JNA.

12. General Blagoje ADZIC, in his capacity as JNA Chief-of-Staff from October 1989 until 8 May 1992 and Acting Federal Secretary for National Defence from January 1992 until 8 May 1992, together with others commanded, directed, or otherwise exercised effective control over the JNA and the TO units and the volunteer units acting in co-ordination and under supervision of the JNA.

13. General Aleksandar VASILJEVIC, in his capacity as a JNA general and chief of the JNA Security Administration until 8 May 1992, in particular the military counter-intelligence service Kontraobavestajna sluzba ("KOS"), participated in activities designed to stir up hate, fear and violence, which significantly helped attain the overall objectives of the joint criminal enterprise. Agents of the KOS directed and supported the local Croatian Serb political leaders and the local Serb police and military forces, including the TO staff and volunteers from Serbia.

14. Jovica STANISIC, in his capacity as chief of the State Security (Drzavna bezbednost) ("DB") of the Republic of Serbia from March 1991 until October 1998, commanded, directed, or otherwise exercised effective control over members of the DB, who participated in the perpetration of the crimes specified in this indictment. In addition, he provided arms, funds, training, or other substantial assistance or support to Serb volunteer units and police units who perpetrated crimes specified in this indictment.

15. Franko SIMATOVIC, also known as "Frenki", as head of the special operations component of the DB of the Republic of Serbia, commanded, directed, or otherwise exercised effective control over agents of the DB who perpetrated crimes specified in this indictment. In addition, he provided training, funds, arms, or other substantial assistance or support to members of "Martić's Police" and Serb volunteer units who perpetrated crimes specified in this indictment.

16. Tomislav SIMOVIC, in his position as Minister of Defence of the Republic of Serbia from 31 July 1991 until at least 19 December 1991, formed, deployed, and provided substantial assistance or support to Serb

WHAT MEANS "IN CONTACT WITH" OR "THROUGH"?

WHAT FACTUAL ACTS HE COMMITTED?

"IN CONTACT WITH" INDIVIDUALS OR "THROUGH"?

WHAT WAS THE ROLE HE PLAYED?

"IN CONTACT WITH" OR "THROUGH" THEM?

Specifically

OWN  
WHAT WAS HIS ROLE AS SO CALLED "CO-PERPETRATOR"?

OR WHAT WERE HIS "ROLES THAT SIGNIFICANTLY CONTRIBUTED TO THE OVERALL OBJECTIVE OF THE ENTERPRISE"?

16. volunteer units and other Serb forces involved in the perpetration of crimes specified in this indictment.

17. Milan MARTIC, as "Secretary of the Secretariat of Internal Affairs" of the SAO Krajina from 4 January 1991 until 29 May 1991; as "Minister of Defence" of the SAO Krajina from 29 May 1991 until 27 June 1991; and as "Minister of Internal Affairs" for the SAO Krajina (later Republic of Serbian Krajina) from 27 June 1991 until January 1994, established, commanded, directed, and otherwise exercised effective control over members of his police force (referred to as "Martić's Police", "Martićevci", "SAO Krajina Police" or "SAO Krajina Militia").

18. Milan BABIC, as "President of the Executive Council" of the SAO Krajina from at least 19 January 1991 until 29 May 1991, "President of the Government" of the SAO Krajina from 29 May 1991 until December 1991, and as "President of the Republic" of the Republic of Serbian Krajina from 19 December 1991 until 26 February 1992, organised and administered the actions of the joint criminal enterprise in the SAO Krajina.

19. Goran HADZIC, in his capacity as "President of the Serbian National Council" of the SAO Slavonia, Baranja and Western Srem (SBWS) from 17 March 1991 until at least 25 September 1991, "President of the Government" of the SAO SBWS from at least 25 September 1991 until 26 February 1992, and then as "President of the Republic" of the Republic of Serbian Krajina until January 1994, established, commanded, directed, and otherwise exercised effective control over police (also known as Militia) units and the Serb National Security (SNB) of the SAO SBWS. He provided funding and other substantial assistance and support to the TO units of the SAO SBWS and the Republic of Serbian Krajina. In addition, he personally participated in crimes specified in paragraphs 50 to 55 in the indictment.

20. Radovan STOJICIC, also known as "Badza", previously the commander of a special police unit in Kosovo, on orders of Slobodan MILOSEVIC, went to Croatia in summer 1991 and established the Serb TO units of SBWS, whose members perpetrated crimes as described in this indictment. From early autumn 1991 until December 1991, he personally participated in these crimes as commander of the TO SBWS.

21. Zeljko RAZNATOVIC, also known as "Arkan", in 1990 established and commanded the Serbian Volunteer Guard, a volunteer unit commonly known as "Arkanovci" or "Arkan's Tigers", who were under the command of the TO of the SAO SBWS. During the time relevant to this indictment, they maintained a significant military base in Erdut, SAO SBWS, from where members of this unit participated in the crimes described in this indictment. This military base also served as the training centre of other TO units. Zeljko RAZNATOVIC himself functioned as the commander of the base in Erdut and personally participated in the crimes specified in paragraphs 50 to 51, 53 to 54, and 56 to 58 in the indictment.

22. Vojislav SESELJ, as President of the Serbian Radical Party (SRP) from at least February 1991 throughout the time relevant to this indictment recruited or otherwise provided substantial assistance or support to Serb volunteers, commonly known as "četnici" (?etnici), "Seseljčevci" or "Seselj's men", who perpetrated crimes as specified in this indictment. In addition, he openly espoused and encouraged creation of a "Greater Serbia" by violence and other unlawful means, and actively participated in war propaganda and spreading inter-ethnic



subsequent forcible removal of the Croat and other non-Serb population.

g) exerted effective control or substantial influence over the JNA which participated in the planning, preparation and execution of the forcible removal of the Croat and other non-Serb population from the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic.

h) provided financial, logistical and political support to TO units and Serb volunteer units acting in the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic, which assisted in the execution of the purpose of the joint criminal enterprise through the commission of crimes which are in violation of Articles 2, 3 and 5 of the Statute of the Tribunal.

i) effectively ordered the passage of laws and regulations relative to the involvement of the JNA, the TO and Serb volunteer units in Croatia.

→ HIDE CRIMINALS

j) directed, commanded, controlled, or otherwise provided substantial assistance or support to the JNA, the Serb-run TO staff, and volunteer forces deployed in the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic engaged in the execution of the purpose of the joint criminal enterprise through the commission of crimes which are in violation of Articles 2, 3 and 5 of the Statute of the Tribunal.

k) directed, commanded, controlled, or otherwise provided substantial assistance or support to the police forces within the MUP of the Republic of Serbia, including the DB, whose members assisted in the execution of the purpose of the joint criminal enterprise in the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic.

l) financed Serb military, police, and irregular soldiers in Croatia who perpetrated crimes as specified in this indictment.

m) controlled, contributed to, or otherwise utilised Serbian state-run media outlets to manipulate Serbian public opinion by spreading exaggerated and false messages of ethnically based attacks by Croats against Serb people in order to create an atmosphere of fear and hatred among Serbs living in Serbia and Croatia. The propaganda generated by the Serbian media was an important tool in contributing to the perpetration of crimes in Croatia.

THIS PART OF THE INDICTMENT SHOWS TO FULL EXTENT HOW BRUTAL THIS HINGOZOO IS IN FALSIFYING HISTORY: ALSO ALL BESTIALITIES COMMITTED BY CROATIAN IRREGULARS AGAINST THE SERB POPULATION IN CROATIA, AND THAT THESE TRIGGERED THE EVENTS AND SERB SELF ROLE SHOULD NEVER HAVE TAKEN PLACE!

27. Slobodan MILOSEVIC knowingly and wilfully participated in the joint criminal enterprise, sharing the intent of other participants in the joint criminal enterprise or aware of the foreseeable consequences of their actions. On this basis, he bears individual criminal responsibility for these crimes under Article 7 (1) of the Statute of the Tribunal in addition to his responsibility under the same Article for having planned, instigated, ordered or otherwise aided and abetted in the planning, preparation and execution of these crimes.

28. The accused and other participants in the joint criminal enterprise shared the intent and state of mind required for the commission of each of the crimes charged in counts 1 to 32.

Article 7(3) of the Statute of the Tribunal

29. Slobodan MILOSEVIC, while holding positions of superior authority, is also individually criminally responsible for the acts or omissions of his subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. A superior is responsible for the criminal acts of his subordinates if he knew or had reason to know that his subordinates were about to commit such acts or had done so, and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.
30. From at least March 1991 until 15 June 1992, Slobodan MILOSEVIC exercised control over the four members of the "Serbian Bloc" within the Presidency of the SFRY (later the FRY). These four individuals were Borisav JOVIC, the representative of the Republic of Serbia; Branko KOSTIC, the representative of the Republic of Montenegro; Jugoslav KOSTIC, the representative of the Autonomous Province of Vojvodina; and Sejdo BAJRAMOVIC, the representative of the Autonomous Province of Kosovo and Metohia. Slobodan MILOSEVIC used Borisav JOVIC and Branko KOSTIC as his primary agents in the Presidency, and through them, he directed the actions of the "Serbian Bloc". From 1 October 1991, in the absence of the representatives of the Presidency from Croatia, Slovenia, Macedonia, and Bosnia and Herzegovina, the four members of the "Serbian Bloc" exercised the powers of the Presidency, including that of collective "Commander-in-Chief" of the JNA. This "Rump Presidency" acted without dissension to execute Slobodan MILOSEVIC's policies. The Federal Presidency had effective control over the JNA as its "Commander-in-Chief" and the TO units and volunteer units acting in co-ordination and under supervision of the JNA. Generals Veljko KADJEVIC and Blagoje ADZIC, who directed and supervised the JNA forces in Croatia, were in constant communication and consultation with the accused.
31. Slobodan MILOSEVIC exercised effective control over KOS, the counterintelligence component of the JNA. His control over the leaders of KOS, particularly over General Aleksandar VASILJEVIC, enabled the engagement of KOS agents in Croatia. Agents of the KOS carried out the policies of Slobodan MILOSEVIC in Croatia by directing the actions of local Croatian Serb political leaders, directing and supporting the local Serb police and security forces, and introducing Serb volunteer groups into Croatia and supporting their activities.
32. Slobodan MILOSEVIC is therefore individually criminally responsible under Article 7 (3) of the Statute of the Tribunal for the participation of the members of the JNA, the TO units and the volunteer units acting in co-ordination and under supervision of the JNA in the crimes described in this indictment.
33. From the time Slobodan MILOSEVIC came to power in Serbia, he exercised control over key officials in the Serbian MUP, among them Radmilo BOGDANOVIC and Zoran SOKOLOVIC, who were both, at different times, Minister of Internal Affairs of Serbia, Radovan STOJICIC, the Deputy Minister of Internal Affairs, and Jovica STANISIC and Franko SIMATOVIC, both high-ranking officials in the DB. Through these officials, Slobodan MILOSEVIC exercised effective control over agents of the MUP and the DB who directed and supported the actions of local Croatian Serb political leaders, and Serb police and security forces, and introduced Serb volunteer groups into Croatia and supported their activities. The accused Slobodan

MLOSEVIC is therefore individually criminally responsible under Article 7 (3) of the Statute of the Tribunal for the participation of the members of the Serbian MUP and the DB in the crimes described in this indictment.

THE CHARGES:

COUNT 1  
(PERSECUTIONS)

34. From on or about 1 August 1991 until June 1992, Slobodan MLOSEVIC, acting alone or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the persecutions of the Croat and other non-Serb civilian population in the territories of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina, and the Dubrovnik Republic.

WAS HE ACTING ALONE OR IN CONCERT WITH OTHERS?  
TO SPECIFY IS NEEDED.

35. Throughout this period, Serb forces, comprised of JNA units, local TO units and TO units from Serbia and Montenegro, local and Serbian MUP police units and paramilitary units, attacked and took control of towns, villages and settlements in these territories listed above. After the take-over, the Serb forces in co-operation with the local Serb authorities established a regime of persecutions designed to drive the Croat and other non-Serb civilian population from these territories.

36. These persecutions were based on political, racial or religious grounds and included the following:

- a. The extermination or murder of hundreds of Croat and other non-Serb civilians, including women and elderly persons, in Dalj, Erdut, Klisa, Lovas, Vukovar, Vocin, Bacin, Saborsko and neighbouring villages, Skabrnja, Nadin, Bruska, and Dubrovnik and its environs, as described in detail in paragraphs 38 to 59 and 73 to 75.
- b. The prolonged and routine imprisonment and confinement of thousands of Croat and other non-Serb civilians in detention facilities within and outside of Croatia, including prison camps located in Montenegro, Serbia, and Bosnia and Herzegovina, as described in detail in paragraph 64.
- c. The establishment and perpetuation of inhumane living conditions for Croat and other non-Serb civilian detainees within the mentioned detention facilities.
- d. The repeated torture, beatings and killings of Croat and other non-Serb civilian detainees in the mentioned detention facilities.
- e. The prolonged and frequent forced labour of Croat and other non-Serb civilians detained in the mentioned detention facilities or under house arrest in their respective homes in Vukovar, Dalj, Lovas, Erdut, Saborsko, Vocin and Tovarnik. The forced labour included digging graves, loading ammunition for the Serb forces, digging trenches and other forms of manual labour at the frontlines.
- f. The repeated sexual assaults of Croat and other non-Serb civilians by Serb soldiers during arrest and in the mentioned detention facilities.
- g. The unlawful attacks on Dubrovnik and undefended Croat villages throughout the territories specified above.

h. The imposing of restrictive and discriminatory measures against the Croat and other non-Serb civilian population, such as restriction of movement; removal from positions of authority in local government institutions and the police; dismissal from jobs; and arbitrary searches of their homes.

i. The beating and robbing of Croat and other non-Serb civilians.

j. The torture and beatings of Croat and other non-Serb civilians during and after their arrest.

k. The deportation or forcible transfer of at least 170,000 Croat and other non-Serb civilians from the territories specified above, including the deportation to Serbia of at least 5,000 inhabitants from Ilok, 20,000 inhabitants from Vukovar, and the forcible transfer to locations within Croatia of at least 2,500 inhabitants from Erdut, as described in detail in paragraphs 67 to 69.

l. The deliberate destruction of homes, other public and private property, cultural institutions, historic monuments and sacred sites of the Croat and other non-Serb population in Dubrovnik and its environs, Vukovar, Erdut, Lovas, Sarengrad, Bapska, Tovarnik, Vocin, Saborsko, Skabrnja, Nadin, and Bruska, as described in paragraphs 71 and 77 to 82.

37. By these acts and omissions, Slobodan MILOSEVIC committed:

Count 1: Persecutions on political, racial, and religious grounds, a CRIME AGAINST HUMANITY, punishable under Articles 5(h), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 2 to 5  
(EXTERMINATION, MURDER, WILFUL KILLING)

38. From 1 August 1991 until June 1992, Slobodan MILOSEVIC, acting alone or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the extermination, murder and wilful killings of Croat and other non-Serb civilians in the territories of the SAO Western Slavonia, the SAO Krajina, and the SAO SBWS, as specified in paragraphs 39 through 59 of this indictment.

SAO WESTERN SLAVONIA

39. Beginning August 1991, the Serb forces including the volunteer units "Scsclj's men" and the "White Eagles" were in control of Vocin. On 13 December 1991, while the Serb forces withdrew from Vocin and the surrounding area, they went from house to house, killing a substantial portion of the remaining Croat civilian population. A total of thirty-two civilians were killed by these two units before they withdrew on 13 December 1991. The only survivors were those in hiding, whom the Serb forces did not find. The names of the victims are set out in Annex I attached to this indictment.

SAO KRAJINA

40. From about 7 October 1991, the Serb forces, comprised of the JNA, members of the TO and members of the Militia of the SAO Krajina (also known as the SAO Krajina Police and Martić's Police) were in control of the

Vokovak

area of Hrvatska Kostajnica. Most of the Croat civilians had fled their homes during the attack in September 1991. Approximately 120 Croat civilians, mostly women, the elderly or the infirm, remained in the villages of Dubica, Cerovljani, and Bacin. On the morning of 20 October 1991, members of the Serb forces rounded up fifty-three civilians in Dubica and detained them in the village fire station. Over the course of the day and night ten were released, because they were either Serbs or had connections with Serbs. On 21 October 1991, the Serb forces took the remaining forty-three detained Croats to a location near the village of Bacin. In addition, the Serb forces brought at least thirteen non-Serb civilians from Bacin and Cerovljani to the same location. All fifty-six victims were killed there. At approximately the same time, the Serb forces took away an additional thirty civilians from Bacin and twenty-four from the villages Dubica and Cerovljani into an unknown location where they killed them. The names of the victims are set out in Annex I attached to this indictment.

VUKOVAR

41 From early August 1991 until 12 November 1991, the Croat villages of Saborsko, Poljanak and Lipovanic were attacked by Serb forces including JNA, TO and "Martić's Police". As soon as the Serb forces entered the villages, they killed all remaining non-Serb inhabitants they found.

VUKOVAR

42 On 28 October 1991, TO units entered Lipovanic and killed eight civilians. The names of the victims are set out in Annex I attached to this indictment.

43. On 7 November 1991, JNA and TO units, in particular a special JNA unit from Nis, entered the hamlet of Vukovici near Poljanak and executed nine civilians. The names of the victims are set out in Annex I attached to this indictment.

44. On 12 November 1991, members of the JNA, "Martić's Police" and the TO entered the village of Saborsko where they killed at least twenty Croat civilians. Afterwards, the village was leveled to the ground. The names of the victims are set out in Annex I attached to this indictment.

45. In November 1991, Serb forces comprised of JNA and TO units and "Martić's Police" attacked the village of Skabrnja, near Zadar. On 18 November 1991, the Serb forces entered Skabrnja. Moving from house to house, they killed at least thirty-eight non-Serb civilians in their homes or in the streets. The names of the victims are set out in Annex I attached to this indictment.

46. In addition, when Serb forces attacked the neighbouring villages of Nadin the next day, they killed seven non-Serb civilians. The names of the victims are set out in Annex I attached to this indictment.

47. Between 18 November and February 1992, all remaining Croat civilians in Skabrnja died. Serb forces killed twenty-six of the remaining elderly and infirm Croat civilians. The names of the victims are set out in Annex I attached to this indictment.

48. On 21 December 1991, Serb forces, in particular members of "Martić's Police", entered the village of Bruska and the hamlet of Marinovic where they killed ten civilians, among them nine Croats. The names of the victims are set out in Annex I attached to this indictment.

#### VUKOVAR HOSPITAL

49. On or about 20 November 1991, as part of the overall persecution campaign, Serb military forces under the

command, control or influence of the JNA, the TO SBWS and other participants of the joint criminal enterprise, removed approximately two hundred and fifty-five Croats and other non-Serbs from Vukovar Hospital in the aftermath of the Serb take-over of the city. The victims were transported to the JNA barracks and then to the Ovcara farm located about 5 kilometers south of Vukovar. There, members of the Serb forces beat and tortured the victims for hours. During the evening of 20 November 1991, the soldiers transported the victims in groups of 10-20 to a remote execution site between the Ovcara farm and Grabovo, where they shot and killed them. Their bodies were buried in a mass grave. The names of the victims are set out in Annex I attached to this indictment.

SAO SBWS

50. In September and October 1991, the Serb TO forces and Militia of the SAO SBWS arrested Croat civilians and kept them in a detention facility in the police building in Dalj. On 21 September 1991, Goran HADZIC and Zeljko RAZNATOVIC visited the detention facility and ordered the release of two of the detainees. Members of the TO of the SAO SBWS led by Zeljko RAZNATOVIC shot eleven detainees and buried their bodies in a mass grave in the village of Celija. The names of the victims are set out in Annex I attached to this indictment.

Vukovar

51. On 4 October 1991, members of the TO of the SAO SBWS led by Zeljko RAZNATOVIC entered the detention facility in the police building in Dalj and shot twenty-eight Croat civilian detainees. The bodies of the victims were then taken from the building and dumped into the nearby Danube River. The names of the victims are set out in Annex I attached to this indictment.

BEWIGS  
DEUJIT  
in  
ELK GENERALNING

52. On 18 October 1991, members of the JNA, the TO of the SAO SBWS, and Dusan Silni volunteer unit forced fifty Croat civilians, who had been detained for forced labour in the Zadruha building in Lovas, to march into a minefield on the outskirts of the village of Lovas, located approximately 20 kilometers south-west of the town of Vukovar. On the way to the minefield, one detainee was shot dead by these Serb forces. Upon reaching the minefield, the detainees were forced to enter the minefield and sweep their feet in front of them to clear the field of mines. At least one mine exploded, and the Serb forces opened fire on the detainees. Twenty-one detainees were killed either through mine explosions or gunfire. The names of the victims are set out in Annex I attached to this indictment.

53. On 9 November 1991, members of the TO of the SAO SBWS led by Zeljko RAZNATOVIC and members of the Militia of the SAO SBWS arrested ethnic Hungarian and Croat civilians in Erdut, Dalj Planina, and Erdut Planina and took them to the training centre of the TO in Erdut where twelve of them were shot dead the following day. The names of the victims are set out in Annex I attached to this indictment. Several days after 9 November 1991, members of the SNB of the SAO SBWS in co-operation with several members of "Arkan's Tigers" arrested and executed three civilians, two of them family members of the original Hungarian victims who had inquired about the fate of their relatives. The bodies of eight of the initial twelve victims were buried in the village of Celija and one victim was buried in Daljski Atar. The bodies of the three additional victims were thrown in a well in Borovo. The names of the victims are set out in Annex I attached to this indictment. On 3 June 1992, members of the SNB, in co-operation with members of "Arkan's Tigers", arrested Marija Senasi (born

UNDERSTAPTE  
KONJET  
WORDEN  
YEHANDSTAFED

1937), a female family member of the original Hungarian victims who had continued to make inquiries about the fate of her relatives. This woman was subsequently murdered and her body was thrown into an abandoned well in Dalj Planina.

54. On 11 November 1991, members of the TO of SAO SBWS, under the command of Zeljko RAZNATOVIC, arrested seven non-Serb civilians in the village of Klisa. Two of the detainees who had Serb relatives were released. The remaining five civilians were taken to the TO training centre in Erdut. After their interrogation, the victims were killed and buried in a mass grave in the village of Celija. The names of the victims are set out in Annex I attached to this indictment.

55. Between 18 and 20 November 1991, after the termination of the military operations in and around Vukovar, the JNA deported thousands of Croat and other non-Serb inhabitants into the territory of the Republic of Serbia. Following a request of Goran HADZIC to retain those non-Serbs who were suspected of participation in the military operations, the JNA transported a large number of inhabitants of Vukovar to the detention facilities in Dalj on around 20 November 1991. There, Serb TO members selected those suspected of participating in the defence of Vukovar. The selected detainees were interrogated, beaten and tortured. At least thirty-four were executed. The names of the victims are set out in Annex I attached to this indictment.

ONDERSTREPTE  
KAN NIET  
WORDE  
GEMANDHAAT

56. On 10 December 1991, members of the TO of the SAO SBWS led by Zeljko RAZNATOVIC and members of the Militia of the SAO SBWS arrested five non-Serb villagers from Erdut. The victims were taken to the TO training centre in Erdut and subsequently killed. The bodies of three of the victims were later disposed of in a well in Daljski Atar. The names of the victims are set out in Annex I attached to this indictment.

Vervalt  
HELENNAL

57. From 22 December 1991 to 25 December 1991, members of the TO of the SAO SBWS led by Zeljko RAZNATOVIC and members of the Militia of the SAO SBWS arrested seven ethnic Hungarian and Croat civilians in Erdut and took them to the TO training centre in Erdut. On 26 December 1991, they were shot and killed. The bodies of six of the victims were buried in Daljski Atar. The names of the victims are set out in Annex I attached to this indictment.

Vervalt  
HELENNAL

58. On 21 February 1992, members of the TO of the SAO SBWS led by Zeljko RAZNATOVIC and members of the Militia of the SAO SBWS arrested four non-Serb civilians in Erdut. All of the victims were interrogated in the Territorial Defence training centre in Erdut and then killed. The bodies of the victims were buried in a mass grave in Daljski Atar. The names of the victims are set out in Annex I attached to this indictment.

Vervalt  
HELENNAL

59. On 4 May 1992, members of the special operations component of the DB, arrested five non-Serb civilians in the village of Grabovac. The civilians were taken away and killed. Their bodies were later buried in Tikves Park. The names of the victims are set out in Annex I attached to this indictment.

60. By the acts and omissions in relation to the incidents referred to in the paragraphs 39 to 49, Slobodan MILOSEVIC committed:

Count 2: Extermination, a CRIME AGAINST HUMANITY, punishable under Articles 5(b) and 7(1) and

7(3) of the Statute of the Tribunal.

61. By the acts and omissions in relation to all incidents referred to in the paragraphs 39 to 59, Slobodan MILOSEVIC committed:

Count 3: Murder, a CRIME AGAINST HUMANITY, punishable under Articles 5(a) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 4: Murder, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

62. By the acts and omissions in relation to all incidents referred to in the paragraphs 39 to 49, 52 to 59, Slobodan MILOSEVIC committed:

Count 5: Wilful killing, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(a) and 7(1) and 7(3) of the Statute of the Tribunal.

*200 copies of the  
Amst. in international law  
v.d. o.s. log no. 1000  
By name of the  
RESURUM*

COUNTS 6 to 13  
(UNLAWFUL CONFINEMENT, IMPRISONMENT, TORTURE and INHUMANE ACTS)

63. From August 1991 until March 1992, Slobodan MILOSEVIC, acting alone or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the unlawful confinement or imprisonment under inhumane conditions of the Croat and other non-Serb civilian population in the territories of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina, and the Dubrovnik Republic.

64. Serb military forces, comprised of JNA, TO and volunteer units acting in co-operation with local and Serbian police staff and local Serb authorities, arrested and detained thousands of Croat and other non-Serb civilians from the territories specified in the following short- and long-term detention facilities:

a. Military warehouse in Morinje in Montenegro, run by the JNA, approximately three hundred and twenty detainees.

b. Military barracks in Kumbor in Montenegro, a transit detention facility run by the JNA that also included scores of long-term detainees.

*VJEVALE*

c. Military barracks in Bileca in Bosnia and Herzegovina run by the JNA, approximately one hundred detainees.

d. STAJICEVO agricultural farm in Serbia run by the JNA, approximately one thousand and seven hundred detainees.

e. Military barracks in Begejci in Serbia run by the JNA, approximately two hundred and sixty detainees.

f. Military barracks in Zrenjanin in Serbia run by the JNA, scores of detainees.

*VJEVALE*

g. Military prison Sremska Mitrovica in Serbia run by the JNA, hundreds of detainees.

h. Prison in Knin, SAO Krajina run by the JNA, approximately one hundred and fifty detainees.

) VUKOVAR

i. Old hospital in Knin, SAO Krajina run by "Marti's Militia", approximately one hundred and twenty detainees.

j. Police buildings and the hangar near the railway station in Dalj, SAO SBWS run by the JNA and TO, hundreds of detainees.

) VUKOVAR

k. Zadruga Building in Lovas, SAO SBWS run by members of the TO and the Dusan Silni volunteer unit, approximately seventy detainees.

l. Territorial Defence training centre in Erdut, also referred to as "Arkan's" military base, SAO SBWS, run by members of the TO and "Arkan's Tigers", approximately fifty-two detainees.

m. Ovcara farm, near Vukovar, SAO SBWS run by the JNA, approximately three hundred detainees.

n. Velepromet warehouse near Vukovar, SAO SBWS run by the JNA, approximately one hundred detainees.

o. Military prison in Sid, SAO SBWS run by the JNA, approximately one hundred detainees.

p. Police station in Opatovac, SAO SBWS run by the JNA, scores of detainees.

VUKOVAR VUKOVAR  
BESPRET HET ONDERSTREEPSE

q. Stable or workshop in Borovo Selo, SAO SBWS, run by members of the militia and TO, approximately eighty detainees.

65. The living conditions in these detention facilities were brutal and characterised by inhumane treatment, overcrowding, starvation, forced labour, inadequate medical care, and constant physical and psychological assault, including mock executions, torture, beatings, and sexual assault.

66. By these acts and omissions, Slobodan MILOSEVIC committed:

Count 6: Imprisonment, a CRIME AGAINST HUMANITY punishable under Article 5(c) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 7: Torture, a CRIME AGAINST HUMANITY punishable under Article 5(f) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 8: Inhumane acts, a CRIME AGAINST HUMANITY punishable under Article 5(i) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 9: Unlawful confinement, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949 punishable under Article 2(g) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

) ZOUDEW,

Count 10: Torture, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949 punishable under Article 2(b) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

) GILLES  
OP HET  
"NIEUW-INTERNATIONALE" OBL  
V.D. OORLOG, VOOR  
VUKOVAR IN NAWAARMING  
MOETEN KOMEN  
IDEM COUNT 16

Count 11: Wilfully causing great suffering, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949 punishable under Article 2(c) and Article 7 (1) and Article

7 (3) of the Statute of the Tribunal.

Count 12: Torture, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Common

Article 3 (1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7 (1) and

Article 7 (3) of the Statute of the Tribunal.

Count 13: Cruel treatment, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by

Common Article 3 (1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7 (1)

and Article 7 (3) of the Statute of the Tribunal.

COUNTS 14 to 16  
(DEPORTATION, FORCIBLE TRANSFER)

67. From 1 August 1991 until May 1992, Slobodan MILOSEVIC, acting alone or in concert with other known and unknown members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the deportations or forcible transfers of the Croat and other non-Serb civilian population in the territories of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina, and the Dubrovnik Republic.

68. In order to achieve this objective, Serb forces comprised of JNA, TO and volunteer units, including the "White Eagles", "Seselj's men", "Dusan Silni" and "Arkan's Tigers", in co-operation with police units, including "Martić's Police", SNB and Serbian MUP, and others under the effective control of Slobodan MILOSEVIC or other participants in the joint criminal enterprise, surrounded Croat towns and villages and demanded their inhabitants to surrender their weapons, including legally owned hunting rifles. Then, the town and villages were attacked, even those inhabitants who had complied with the demands. These attacks were intended to compel the population to flee. After taking control of the towns and villages, the Serb forces sometimes rounded up the remaining Croat and other non-Serb civilian population and forcibly transported them to locations in Croatia controlled by the Croatian government or deported them to locations outside Croatia, in particular Serbia and Montenegro. On other occasions, the Serb forces in co-operation with the local Serb authorities imposed restrictive and discriminatory measures on the non-Serb population and engaged in a campaign of terror designed to drive them out of the territory. The majority of the non-Serbs that remained were then deported or forcibly transferred.

69. According to the 1991 census, the Croat and other non-Serb population of these areas was approximately as follows:

SAO Krajina: 28 % Croats (70,708), 5 % others (13,101).

SAO Western Slavonia: 29 % Croats (6864), 11 % others (2577).

SAO SBWS: 47 % Croats (90,454), 21 % others (40,217).

Virtually the whole Croat and non-Serb population of these areas was forcibly removed, deported or killed. According to the 1991 census, the Croat and other non-Serb population of the Dubrovnik Republic was approximately 82 % Croats (58,836), 11 % others (7,818). The joint criminal enterprise did not achieve its goal of forcibly removing, deporting or killing the entire Croat and non-Serb population of the Dubrovnik Republic.

$84.000 = 33\%$

$\frac{84}{3}$   
282.000

70. By these acts and omissions, Slobodan MILOSEVIC committed:

Count 14: Deportation, a CRIME AGAINST HUMANITY, punishable under Articles 5(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 15: Inhumane Acts (Forcible Transfers), a CRIME AGAINST HUMANITY, punishable under Articles 5(i) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 16: Unlawful Deportation or Transfer, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(g) and 7(1) and 7(3) of the Statute of the Tribunal.

200, either or user niet in termen van de  
1949, dan de oveluy, voor vervallen  
in aanvulling notke konst

COUNTS 17 to 20

(WANTON DESTRUCTION, PLUNDER OF PUBLIC OR PRIVATE PROPERTY)

71. From 1 August 1991 until May 1992, Slobodan MILOSEVIC, acting alone or in concert with other known and unknown members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the wanton destruction and plunder of the public and private property of the Croat and other non-Serb population, within the territories of the SAO SBWS, the SAO Western Slavonia and the SAO Krajina although these actions were not justified by military necessity. This intentional and wanton destruction and plunder included the plunder and destruction of homes and religious and cultural buildings, and took place in the following towns and villages:

SAO SBWS, from August until October 1991: the towns and villages Dalj, Celija, Vukovar, Erdut, Lovas, Sarengrad, Bapska and Tovarnik.

OWOLESTREPTIL DORTEL  
VENVA (LH)

SAO Western Slavonia, from August to December 1991: the town Vocin.

SAO Krajina, from August to December 1991: the towns and villages Saborsko, Skabrnja, Nadin, and Bruska.

72. By these acts and omissions, Slobodan MILOSEVIC committed:

Count 17: Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(d) and 7(1) and 7(3) of the Statute of the Tribunal.

VHVALE

Count 18: Wanton destruction of villages, or devastation not justified by military necessity, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3 (b) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 19: Destruction or wilful damage done to institutions dedicated to education or religion, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 20: Plunder of public or private property, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(e) and 7(1) and 7(3) of the Statute of the Tribunal.

DUBROVNIK

COUNTS 21 to 27  
(MURDER, WILFUL KILLING, WILFULLY CAUSING GREAT SUFFERING, CRUEL TREATMENT, ATTACKS ON CIVILIANS)

73. From 1 October 1991 until 7 December 1991, Slobodan MILOSEVIC, acting alone or in concert with other known and unknown members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of a military campaign directed at the city of Dubrovnik and its surroundings in order to achieve the forcible removal of its non-Serb population.

74. In this time period, Serb forces comprised of JNA land, air and naval units, as well as TO and volunteer units and special police units from Serbia and Montenegro subordinated to the JNA and under the effective control of Slobodan MILOSEVIC and other members of the joint criminal enterprise, in particular Momir BULATOVIC, launched an extensive military attack on the coastal regions of Croatia between the town of Neum, Bosnia and Herzegovina, in the north-west and the Montenegrin border in the south-east. It was the objective of the Serb forces to detach this area from Croatia and to annex it to Montenegro. While the Serb forces seized the territory to the south-east and north-west of the city of Dubrovnik within two weeks, the city itself was under attack throughout the time alleged in this indictment.

75. During an unlawful extensive shelling campaign conducted from high ground east and north of Dubrovnik, with an unobstructed view of the city and its environs, and from JNA naval vessels offshore, forty-three Croat civilians were killed and numerous others wounded. The shelling incidents and the names of the killed civilians are set out in Annex II attached to this indictment.

76. By these acts and omissions, Slobodan MILOSEVIC committed:

Count 21: Murder, a CRIME AGAINST HUMANITY, punishable under Articles 5(a) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 22: Wilful killing, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(a) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 23: Murder, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 24: Inhumane acts, a CRIME AGAINST HUMANITY, punishable under Articles 5(i) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 25: Wilfully causing great suffering, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(c) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 26: Cruel treatment, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 27: Attacks on civilians, a VIOLATION OF THE LAWS OR

*WHY WOULD THIS BE A WAR "MURDER"*  
*IT ONLY COULD BE "MURDER" WHEN THIS WAS INTENTIONALLY DIRECTED AT EACH CIVILIAN PERSONALLY*  
*→ COLLATERAL DAMAGE*  
*VIOLATE*  
*VIOLATE*

CUSTOMS OF WAR, as recognised  
by Article 51(2) of Additional Protocol I and Article 13(2) of  
Additional Protocol II to the Geneva  
Conventions of 1949, punishable under Articles 3 and 7(1) and  
7(3) of the Statute of the Tribunal.

COUNTS 28 to 32

(WANTON DESTRUCTION, PLUNDER OF PUBLIC OR PRIVATE  
PROPERTY)

77. From 1 October 1991 until 7 December 1991, during this same shelling attack, Slobodan MILOSEVIC, acting alone or in concert with other known and unknown members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation and execution of the wanton destruction or wilful damage and plunder of the public and private property of the Croat and other non-Serb population within the area of the Dubrovnik Republic. This campaign included the destruction, damage or plunder of homes, religious, historical and cultural buildings and other civilian public or private buildings, not justified by military necessity.

78. During this shelling campaign, approximately 1000 shells fired by the Serb forces impacted in the Old Town area of the city. The Old Town district of Dubrovnik was an UNESCO World Cultural Heritage Site in its entirety. A number of the buildings in the Old Town and the towers on the city walls were marked with the symbols mandated by the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954). No military targets were located on or within the walls of the Old Town.

79. During the shelling on 8 to 13 November 1991 of the city of Dubrovnik, buildings in the Old Town were damaged, as well as hotels, housing refugees and other civilian structures in other parts of the city.

80. During the shelling on 6 December 1991 of the city of Dubrovnik, at least six buildings in the Old Town were destroyed in their entirety and hundreds more suffered damage. Hotels, housing refugees and other civilian structures were severely damaged or destroyed in other parts of Dubrovnik, specifically in the Lapad and Babin Kuk areas.

81. In October 1991, the Serb forces took control of the Croatian towns and villages Konavle, Zupa Dubravačka, and Primorje in the proximity of the city of Dubrovnik. In the aftermath of this take-over, from 2 to 24 October 1991, JNA troops systematically plundered public, commercial and private property in the towns and villages Brgat, Cilipi, Dubravka, Gruda, Mocići, Osojnik, Slano, Donja Ljuta, Popovici, Mihanici, Drivenik, Konavle, Plat, Cepikuce, Uskoplje, Gabrili, Pridvoje, Molunat, Donja Cibaca, Karasovici and Zvekovica. Much of this property was transported to Montenegro in JNA military vehicles. The JNA thereafter instituted measures to track and maintain the looted property.

82. JNA troops also systematically destroyed public, commercial, and religious buildings as well as private dwellings in the above listed towns and villages. This destruction took place after the cessation of fighting when the areas were securely under the control of the JNA.

83. By these acts and omissions, Slobodan MILOSEVIC committed:

Count 28: Extensive destruction and appropriation of property, not justified by military necessity and

Vuković

carried out unlawfully and wantonly, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(d) and 7(1) and 7(3) of the Statute of the Tribunal.

1 VIOLATION

Count 29: Wanton destruction of villages, or devastation not justified by military necessity, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(b) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 30: Destruction or wilful damage done to historic monuments and institutions dedicated to education or religion, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 31: Plunder of public or private property, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(c) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 32: Unlawful attacks on civilian objects, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Article 52(1) of Additional Protocol I to the Geneva Conventions of 1949 and customary law, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

#### GENERAL ALLEGATIONS:

84. All acts and omissions alleged in this indictment between 1 August 1991 and June 1992 occurred on the territory of the former Yugoslavia.

85. Between at least 1 August 1991 and at least June 1992, a state of armed conflict existed in Croatia. Until 7 October 1991, this armed conflict was internal in nature. From 8 October 1991 an international armed conflict and partial occupation existed in the Republic of Croatia.

NOT A BUNK

86. All acts and omissions charged as Grave Breaches of the Geneva Conventions of 1949 occurred during the international armed conflict and partial occupation of Croatia.

87. At all times relevant to this indictment, the victims of Grave Breaches of the Geneva Conventions of 1949 were persons protected under the provisions of the relevant Geneva Conventions.

88. All acts and omissions charged relative to the destruction of property as Grave Breaches of the Geneva Conventions of 1949 involved "protected property" under the relevant provisions of the Geneva Conventions.

89. At all times relevant to this indictment, Slobodan MILOSEVIC was required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the additional protocols thereto.

90. All acts and omissions charged as Crimes against Humanity were part of a widespread and systematic attack directed against the Croat and other non-Serb civilian population of large areas of Croatia.

#### ADDITIONAL FACTS:

91. The Republic of Croatia, formerly one of the six republics of the SFRY, is located in south-eastern Europe and borders Slovenia and Hungary to the north and north-east and the Federal Republic of Yugoslavia and

\* Bosnia and Herzegovina to the east and south.

92. The territories of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic are indicated in the attached Annex III.

93. In the 1991 census, the population of the Republic of Croatia was 4,784,265 of which 3,736,356 (78.1%) were Croats; 581,663 (12.2%) were Serbs; 43,469 (0.9%) were Muslims; 22,355 (0.5%) were Hungarians; 106,041 (2.2%) were Yugoslavs; and 294,381 (6.1%) were others or undeclared.

94. In April and May 1990, the Republic of Croatia held elections in which the Croatian Democratic Union (HDZ) won a plurality of votes and secured a majority of seats in the Croatian Sabor (parliament). The new Sabor then elected the HDZ candidate Franjo TUDMAN President of Croatia.

95. In advance of the 1990 elections, the nationalistic Serbian Democratic Party (SDS) was founded in Knin, advocating the autonomy and later secession of predominately-Serb areas from Croatia.

96. Between 19 August and 2 September 1990, Croatian Serbs held a referendum on the issue of Serb "sovereignty and autonomy" in Croatia. The vote took place in predominately Serb areas of Croatia and was limited only to Serb voters. Croats who lived in the affected region were barred from participating in the referendum. The result of the vote was overwhelmingly in support of Serb autonomy. On 30 September 1990, the "Serbian National Council", presided over by Milan BABIC, declared "the autonomy of the Serbian people on ethnic and historic territories on which he lives and which are within the current boundaries of the Republic of Croatia as a federal unit of the Socialist Federal Republic of Yugoslavia".

97. On 21 December 1990, Croatian Serbs in Knin announced the creation of a "Serbian Autonomous District" and declared their independence from Croatia. Conflicts between Serbs and Croatian police forces erupted throughout the spring of 1991.

98. In March 1991, the conflict intensified when Serb police forces attempted to consolidate power over areas with significant Serb populations. The Serb police, headed by Milan MARTIC, took control of a police station in Pakrac and battles erupted when the Croatian government attempted to re-establish its authority in the area. At Plitvice, a bus carrying Croatian policemen was attacked by Serbs and another battle erupted. The JNA deployed troops in the area and issued an ultimatum to the Croatian police to withdraw from Plitvice.

99. In March 1991, the collective Federal Presidency of the SFRY reached deadlock on several issues including the issue of instituting a state of emergency in Yugoslavia. The representatives on the Presidency from the Republic of Serbia, the Republic of Montenegro, the Autonomous Province of Vojvodina, and the Autonomous Province of Kosovo and Metohia all resigned from their posts. In a televised address on 16 March 1991, Slobodan MILOSEVIC, in his capacity as President of the Republic of Serbia, declared that Yugoslavia was finished and that Serbia would no longer be bound by decisions of the Federal Presidency.

100. On 19 May 1991, Croatia held a referendum in which the electorate voted overwhelmingly for

independence from the SFRY. On 25 June 1991, Croatia and the Republic of Slovenia declared their independence from Yugoslavia. On 25 June 1991, the JNA moved to suppress Slovenia's secession.

101. The European Community sought to mediate in the conflict. On 8 July 1991, an agreement was reached that Croatia and Slovenia would suspend implementation of their independence for 90 days until 8 October 1991. The European Community ultimately recognised Croatia as an independent state on 15 January 1992, and Croatia became a member of the United Nations on 22 May 1992.

102. On 18 July 1991, the Federal Presidency, with the support of the Serbian and Montenegrin governments and General Veljko KADJEVIC, voted to withdraw the JNA from Slovenia, thereby acceding to its secession and the dissolution of the SFRY.

103. Slobodan MILOSEVIC's calls for the union of all Serbs in one state coincided with those agitating for the creation of a "Greater Serbia." The Serbs in the Knin Krajina region, in Eastern Slavonia, and in Western Slavonia began receiving increasing support from the government of the Republic of Serbia. By August 1991, Serb volunteer and police forces in these regions were being supplied and led by officials of the Republic of Serbia Ministry of Internal Affairs.

104. In the Knin area, the JNA forces began openly assisting the Serb police forces led by Milan MARTIC. They participated jointly in an attack on the Croatian village of Kijevo in August 1991. Throughout August and September 1991, substantial areas of Croatia came under Serb control as a result of actions by Serb military, volunteer and police forces, conducted with the support of the JNA.

105. In the Serb-occupied regions of Northern Dalmatia, Lika, Kordun, Banija, Western Slavonia, and Baranja, the Croatian and other non-Serb population was systematically driven out and the areas were incorporated into various "Serbian Autonomous Districts". The JNA remained deployed in the areas where the Serb insurgents had taken control, thereby securing their gains.

106. In August 1991, the JNA undertook operations against towns in Eastern Slavonia, resulting in their occupation by JNA and other Serb forces. The Croat and other non-Serb population of these areas was forcibly expelled. In late August, the JNA laid siege to the city of Vukovar. By mid-October 1991, all other predominately Croat towns in Eastern Slavonia had been taken by Serb forces except Vukovar. Non-Serbs were subjected to a brutal occupation regime consisting of persecution, murder, torture and other acts of violence. Almost all of the non-Serb population was eventually killed or forced from the occupied areas.

107. The siege of Vukovar continued until 18 November 1991 when the city fell to the Serb forces. During the course of the three-month siege, the city was largely destroyed by JNA shelling and hundreds of persons were killed. When the JNA/Serb forces occupied the city, hundreds more Croats were killed by Serb troops. The non-Serb population of the city was expelled within days of its fall under Serb control.

108. In Geneva on 23 November 1991, Slobodan MILOSEVIC, Federal Secretary of People's Defence Veljko KADJEVIC, and Franjo TUDMAN entered into an agreement signed under the auspices of the United Nations Special Envoy Cyrus VANCE. This agreement called for the lifting of

blockades by Croatian forces on JNA barracks and for the withdrawal of JNA forces from Croatia. Both sides committed themselves to an immediate cease-fire throughout Croatia by units "under their command, control, or political influence" and further bound themselves to ensure that any paramilitary or irregular units associated with their forces would also observe the cease-fire.

109. On 3 January 1992, another cease-fire agreement was signed by Franjo TUDMAN and Slobodan MILOSEVIC paving the way for the implementation of an United Nations peace plan put forward by Cyrus VANCE. Under the Vance Plan, four United Nations Protected Areas (UNPAs) were established in the areas occupied by Serb forces. The Vance Plan called for the withdrawal of the JNA from Croatia and for the return of displaced persons to their homes in the UNPAs. Although the JNA officially withdrew from Croatia in May 1992, large portions of its weaponry and personnel remained in the Serb-held areas and were turned over to the "police" of the Republic of Serbian Krajina (RSK). Displaced persons were not allowed to return to their homes and those few Croats and other non-Serbs who had remained in the Serb-occupied areas were expelled in the following months. The territory of the RSK remained under Serb occupation until large portions of it were re-taken by Croatian forces in two operations in 1995. The remaining area of Serb control in Eastern Slavonia was peacefully re-integrated into Croatia in 1998.

110. The SFRY existed as a sovereign state until 27 April 1992 when the constitution of the Federal Republic of Yugoslavia was adopted, replacing the Constitution of the Socialist Federal Republic of Yugoslavia of 1974.

Dated this day of 2001  
At The Hague  
The Netherlands

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Carla del Ponte  
Prosecutor