

Milosevic & Aanklachten

Map 4B

Sagittarius

Van: "Paul Davidson" <p.davidson@btinternet.com>
 Aan: <Undisclosed-Recipient:;>
 Verzonden: woensdag 21 januari 2004 0:04
 Onderwerp: Finnish EU Pathologist Criticises Milosevic

Finnish Pathologist Criticises Milosevic Trial

This article from Germany focuses on the alleged Racak massacre in Kosovo which NATO used as the excuse to bomb Yugoslavia. Helena Ranta was head of the European Union's investigation team and she dissented from the NATO view, stating that from first hand evidence she doubted any massacre took place. She now criticises the way false evidence is included in NATO's 'trial' of Slobodan Milosevic at The Hague.

Again we see how this show-trial is based on lies and illegalities. This is an important time. The prosecution is completing its case this week and the 'tribunal' has limited Milosevic' time to prepare his defence to three months (the prosecution had ten years!!). Also they demand he produces his list of witnesses within six weeks. He has to work on this from his prison cell where he is held practically incommunicado. The tribunal reserves its privilege to deny any witness Milosevic may wish to call.

While the prosecution has unlimited finances the defence team is sorely in need of donations. The main aim right now is to finance the presence in The Hague of a key legal advisor for Mr. Milosevic. An appeal will be put out soon but if you are willing to donate or fund-raise please contact me at p.davidson@btinternet.com and I will endeavour to put you in touch with your nearest committee.

Thanks

Paul D

Ranta: ICTY indictment based on the Walker's statement with no legal value

No interest on Serb victims

Markus Bickel, Berliner Zeitung, January 17, 2004

Finnish pathologist Helena Ranta said the work of the Hague tribunal regarding the so-called Racak massacre was incomprehensible. The former head of the forensic team the European Union sent to the Kosovo-Albanian village of Racak in January 1999 to investigate the events there, in a conversation with Berliner Zeitung, criticized the UN tribunal for not following up the evidence that there was heavy fighting between Serb soldiers and the Kosovo-Albanian fighters during the night of January 15-16, 1999 in the Racak-region.

Western politicians used the tragedy in the village of Racak, where 40 Albanians died exactly 5 years ago, to prove to the public that the upcoming NATO attack on Yugoslavia was necessary.

US diplomat William Walker played the leading role. The chief of the OSCE mission in Kosovo immediately accused the Serbs of having killed 45 unarmed Albanian civilians at close range in Racak. The Serbian side rejected this interpretation and spoke instead about KLA soldiers killed in battle.

Pictures not published

She knew, that at that time "KLA-fighters were buried around Racak," said Ranta. "At that time I received information that proved that several Serb soldiers had been killed as well. Unfortunately, we will never know the exact number of Serb soldiers that died that night." It would be appropriate "to ask the tribunal why they are not interested in that number."

Ranta criticized the indictment against former Yugoslav President Slobodan Milosevic in the case of Racak for mostly following the Walker version. "When Ambassador Walker said that there was a massacre at Racak, this statement had no legal value. I declared at that time that the OSCE-observers forgot to take all steps necessary to secure a crime scene: isolating the area, refusing admission to all unauthorized persons and collecting all material evidence.

Ranta demanded that in addition to the OSCE pictures the tribunal also use the pictures taken by two additional photographers, shot several hours prior to the arrival of OSCE-observers.

The pictures show "that at least one of the bodies was moved afterwards â?" that body is not seen on OSCE-pictures."

Left in the lurch

In the days prior to the NATO-attack on Yugoslavia it was clear "that a bunch of governments were interested in a version of Racak that blamed only the Serb side," said Ranta. "But I could not provide this version." Her instructions came from the German diplomat Pauls. The representative of the then-German EU-presidency asked for a written statement. "Afterwards, I had to show these personal statements to William Walker, who was obviously not amused when he read it." Still, she agreed to take part in the important press conference on March 17, 1999. "At that (conference), I was sitting with the German ambassador to Belgrade, Gruber, and a Finnish diplomat on the podium. I hoped that those gentlemen would support me." But that was not the case. "I rather had the feeling that I was left in the lurch," said Ranta.

As a result of the Walker dominated press-conference most of the media accepted the version of a Serb massacre of Albanian civilians as proven. A few days later the NATO-airattacks on Yugoslavia began.

(Translated from German by C.Schuetz & J.Catalinotto)

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Aan: <Undisclosed-Recipient.;>
Verzonden: donderdag 22 januari 2004 0:32
Onderwerp: SLOBODA: Stop the Hague machinery of

After the Appeals Chamber of the Hague Tribunal refused the appeal of Amici Curiae demanding the three months period assigned for the preparation of President Milosevic's case to be prolonged, SLOBODA/Freedom Association released the following

STATEMENT

SLOBODA/Freedom Association condemns the latest decision of the puppet false court at The Hague to refuse the possibility of prolonging the three months period determined earlier as deadline for President Milosevic to prepare his case.

This decision confirms the criminal and illegal character of the "tribunal". It threatens the life of President Milosevic and steps on his fundamental rights. The decision reflects the panic of the "tribunal's" well-paid bureaucrats who openly put themselves into service of Wesley Clark and other war criminals.

By this decision, the "tribunal" attempts to remain deaf over the numerous appeals of international factors, statesmen and progressive international public.

But even this decision will not prevent the triumph of the truth, represented by President Milosevic, over the crime, injustice and tyranny.

SLOBODA/Freedom Association calls upon the entire domestic and international public, governments and responsible political factors to act immediately and stop the Hague criminal machinery.

Belgrade, 21 January 2004

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Van: "Ian Johnson" <i-johnson@lineone.net>
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 Verzonden: vrijdag 23 januari 2004 21:53
 Onderwerp: CDSM:Fw: Three Months at The Hague: AN ATTEMPT TO SILENCE THE

Three Months at The Hague: AN ATTEMPT TO SILENCE THE TRUTH

We expect to provide you soon with the full text of the ICTY's Appeals Chamber decision refusing to prolong the time for the preparation of the President Milosevic's case from three months earlier decided by the Trial Chamber. We urge your reactions. In the meantime, we repost the statement of the Quebec-Canada section of ICDSM, drafted by ICDSM lawyer and candidate for President Milosevic's legal associate Ms. Tiphaine Dickson.

URL for this article is <http://www.icdsm.org/more/canada2909.htm>

**THREE MONTHS TO PREPARE THE DEFENCE IN THE "TRIAL OF THE CENTURY":
AN ATTEMPT TO SILENCE THE TRUTH**

The Québec and Canada sections of the International Committee for the Defence of Slobodan Milosevic (ICDSM) wish to register our outrage at the decision of the International Criminal Tribunal for the Former Yugoslavia (ICTY) to grant President Slobodan Milosevic only three months' preparation time for the presentation of his defence against a "case" built only on the cynical distortion of the ten most turbulent years of Yugoslavia's history.

This decision is yet another illustration of the ICTY's contempt for the most basic international norms of jurisprudence and prisoners' rights. This decision is also a clear signal that this institution, born of political pressure from the US administration – which has institutionalized legal impunity for its own, ongoing crimes – was not designed for and does not intend to conduct a trial. This process merely seeks to divert scrutiny from the West's responsibility for the destruction of a nation. Faced with President Milosevic's refusal to accept the political manipulations of The Hague, his principled defence of his people and their history, and successful courtroom performance, the ICTY is now attempting to prevent him from presenting his case.

This is, as the renowned Canadian criminal lawyer Edward Greenspan put it, a lynching.

Imposition of counsel?

On April 4th 2003, the ICTY acknowledged Slobodan Milosevic's right to defend himself in person, and denied a Prosecution motion to impose counsel against his will. This fundamental right to self-representation without the imposition of counsel over the will of an accused is paramount. The United States Supreme Court has held that imposition of counsel on an unwilling accused is unprecedented with the exception of the Star Chamber, which carried out political trials. The Prosecutor now seeks to revisit this issue, and will petition for the imposition of counsel against President Milosevic's wishes, despite the fact that this very application betrays the political nature of this process.

The ICTY's decision to permit Slobodan Milosevic to represent himself held, in reference to Article 21 of the ICTY Statute, that it "has indeed an obligation to ensure that a trial is fair and expeditious; moreover, where the health of the Accused is in issue, that obligation takes on special significance." Article 21 states that the Chamber must exercise this obligation "with full respect for the rights of the accused."

More expeditious than fair!

The Chamber's decision to grant Mr. Milosevic three months to prepare his defence flies completely in the face of its stated concern to ensure a fair trial and respect for the rights of the accused. It is a wholly unrealistic preparation time for a trial of this magnitude, especially so since Mr. Milosevic is defending himself while detained. The Chamber has visited an additional hardship upon Mr. Milosevic by ordering him to provide, within six weeks of the close of the Prosecution's case, a detailed list of witnesses he intends to call, including a summary of the facts on which each witness will testify, and an indication of whether the witness will testify in person or by way of written statement or use of a transcript of testimony from other proceedings before the Tribunal. He must also list the exhibits he intends to offer in his case, and serve the Prosecutor copies of same. The Chamber cannot even guarantee that Mr. Milosevic will have "permission" to call any witness he chooses, as the decision states it will hold a "Pre-Defence Conference" to review the witness list for approval and determine the time allowed to him to present his case.

Equality of arms?

Numerous international conventions affirm the right of anyone accused of a criminal offence to adequate time and facilities to prepare their defence. This right is an important aspect of the fundamental principle of "equality of arms," which holds that the defence and the prosecution must be treated in a manner that ensures that both parties have an equal opportunity to prepare and present their case during the course of the proceedings. The Tribunal has claimed recognition of this principle in its Statute which states that the accused has the right to "examine the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her."

The Tribunal's stated respect for "equality of arms" is belied by the absence of any restraints on the Prosecution remotely analogous to those operating on Mr. Milosevic, who has had to face almost 300 witnesses over 250 days of trial proceedings during the presentation of the Prosecution's case, and received over 500,000 pages of disclosure to review. Just the burden of preparing the cross-examination of so many witnesses every night in a jail cell is mind-boggling. And now he has a mere three months to review this mass of testimony and documentation, and review transcripts generated so far. He has six weeks to identify, meet, and interview defence witnesses, as well as to select and tender key defence documents. Taking just for example the half-million pages of disclosure to review, and assuming each page is read only once, at a rate of one page a minute, it would take 347 24-hour days to read it all. That's over ten months, not three. By contrast, the ICTY filed its "Kosovo indictment" four and half years ago, and enjoyed a two-year preparation period for their additional indictments in 2001 related to the Croatian and Bosnian conflicts. The Prosecutor has had eight years to collect evidence on Srebrenica.

President Milosevic's life is in danger!

The decision to permit only three months' preparation, and only six weeks to produce a list of witnesses along with a summary of their statements fails to take into account President Milosevic's health. The court as been obliged to acknowledge, again and again, by adjourning the proceedings, that the UN doctors were right when they reported that President Milosevic's life was at risk because of the intensity of the proceedings. Affording three months increases his stress and could lead to increased blood pressure, leading to stroke, or death.

In November of last year, the ICDSM requested standing before the Chamber to argue that Slobodan Milosevic's medical condition required immediate specialized medical attention, and that his state of health required he be released from custody, given adequate time for his convalescence, and be allowed to prepare his defence in a non-custodial setting. The ICTY has not granted this request, nor has it denied it. The "Tribunal" has simply ignored it.

Appalling conditions

In addition to having only three months to prepare his defence, Mr. Milosevic must do so from a jail cell under appalling limitations. At the present time, Mr. Milosevic cannot meet with his wife and family. His closest associates and friends are inaccessible, as the Registrar has banned him from contact with members of his party, the SPS, and "associated entities". Sloboda, the leading association in defence of President Milosevic has been listed as a banned group. The Registrar applied this measure based on the suspicion that two SPS members had spoken to the press. President Milosevic's preparation of his defence requires that he meet witnesses and resource persons, many of whom are now unable to meet with him because they are banned. "Associated entities" could be anyone, it is for the Registrar's discretion. Sloboda has challenged the ban on legal grounds. It has yet to hear from the ICTY.

In addition to having severely curtailed President Milosevic's contact with his closest advisors, and the Registrar has provided inadequate facilities to prepare his defence. He has been permitted a controlled access to a few basic rudiments of electronic and print communication (phone, fax, a computer in his cell, a VCR for reviewing trial footage), but the frequency and duration of his visits with his legal associates are tightly circumscribed, usually amounting to no more than a few hours a week if at all, and effectively limited to days when the trial finishes early.

Again, it is telling to contrast these conditions and facilities "permitted" a man who is defending himself alone against the most serious charges known to humanity in what has been called the "trial of the century," with the vast resources available to the Office of the Prosecutor, and the unlimited prerogatives the Prosecution enjoys for meeting with its investigators, assistants, researchers and various other members of its much larger team. The Prosecutor's spokeswoman attends joint press conferences with the ICTY spokesman, while Slobodan Milosevic cannot meet with members of his party, Sloboda, or undefined "associated entities" because two individuals are suspected of having spoken to the media about meeting with him.

A public trial?

Article 11 of the UN Universal Declaration of Human Rights affirms the presumption of innocence and the right of the accused to a public trial. But the "trial" of Slobodan Milosevic

is often not public, and shielded from international public scrutiny. Security concerns are systematically invoked to justify the numerous closed sessions, pseudonym witnesses, and *ex parte* motions filed by the Prosecutor, motions whose content Mr. Milosevic is not entitled to review. In the past six months, the Chamber has handed down seven decisions following *ex parte* motions. Another fundamental right is to be present for one's own trial. If Mr. Milosevic cannot read Prosecution submissions to the judges, let alone respond to them, can it be said that he is actually present at his trial?

Release President Milosevic!

These developments bespeak a process which is much more expeditious than it is fair, and compel the Québec and Canada Sections of the ICDSM to reiterate the ICDSM's call for a two-year recess in the trial in order for Slobodan Milosevic to prepare his defence, to end the ban on his visitation rights, and to have his medical condition treated by a medical professional of his choice. He must be released from custody. To proceed otherwise is only to continue the shameful mockery of justice at The Hague. Indeed, the most enduring remedy to this judicial circus – and one which we support – is the complete disbandment of this incurably politicized “court” and the release of all its prisoners.

Montréal - Toronto, September 29, 2003

OTHER REACTIONS:

President Milosevic: <http://www.icdsm.org/more/defconf.htm>

Russian Parliament: <http://www.icdsm.org/more/ruspar.htm>

Letter to Russian FM Ivanov: <http://www.icdsm.org/more/ivanov.htm>

Appeal of German Doctors: <http://www.icdsm.org/more/gemdoctors3.htm>

Intervention in the European Parliament: <http://www.icdsm.org/more/kke.htm>

ICDSM Press Conference at The Hague: <http://www.icdsm.org/press300903.htm>

ICDSM-US: <http://www.icdsm.org/more/icdsmus1.htm>

ICDSM-Russia: <http://www.icdsm.org/more/ruscom180903.htm>

ICDSM-Italia: <http://www.icdsm.org/more/italia2109.htm>

ICDSM-UK: <http://www.icdsm.org/more/CDSMUK.htm>

ICDSM-Ireland: <http://www.icdsm.org/more/ireland2309.htm>

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 Verzonden: maandag 26 januari 2004 21:51
 Onderwerp: Wie is die Dr. Ton Zwaan of Swaan?

Expert Provides Social Science View of Genocide

[Translate](#) 

International Criminal Tribunal for Yugoslavia (ICTY)

Milosevic Trial - The Hague - Court Room One

Day 274, 20 January 2004

THE HAGUE - The charge most difficult to prove against Slobodan Milosevic is genocide, a crime that was only named following the murder of 6 million European Jews in World War II. While mass murders of civilian populations have occurred throughout history, the term genocide was created by Rafael Lemkin as he worked on drafting the Convention on the Prevention and Punishment of Genocide for the United Nations. The Convention provides the legal definition of genocide which is applied by the ICTY and ICTR. The legal definition is broader and more inclusive than the genocide carried out against the Jews, which has become known as the Holocaust. Yet it is narrower and less inclusive than what is commonly understood as genocide or even what is understood in the social science community.

Dr. Ton Zwaan, an expert in the relatively new field of Genocide Studies, testified for the Prosecution from the social science point of view. According to him, the Holocaust was different from other genocides and mass killings in that the Nazis attempted a complete genocide of every Jew within reach. Other massacres that are generally considered genocidal campaigns in the social science community have not aimed at such completeness, he told the Court. Yet the Holocaust is often the model against which mass killings are measured to determine if they constitute genocide, excluding many cases that the social sciences (and the law) would consider genocide.

While Dr. Zwaan did not address it, genocide has taken on a popular, though undefined, meaning as well, something like: horrible crimes, including mass murder, targeting an identified group. In this case, the unspecific definition leads to over inclusion of crimes under the definition of genocide, thus reducing the seriousness and uniqueness of the crime. It likely results from the anguish of victims and survivors who want crimes against them to be recognized

and taken seriously. To some victims, "genocide" seems like the only way to describe the depth of their pain and the horror of what they experienced -- whether or not it meets the legal definition of genocide.

In the courtroom, however, only the legal definition of genocide matters. While it is clearly set out in the ICTY Statute, its exact meaning when applied to Bosnia, and most specifically to Srebrenica, continues to be at issue. An Appeals Panel is expected to provide additional enlightenment when it rules on the appeal of Radoslav Krstic from his conviction for genocide, perhaps sometime this year.

The Prosecution asked Dr. Zwaan to avoid any consideration of the former Yugoslavia in addressing his comments about the state of genocide research to the Trial Chamber. The four cases of mass killings he utilized in his analysis were those of the Armenians (by the Ottoman Empire), the Jews (by the Nazis), the Cambodians (by the Pol Pot regime) and the Tutsis by the Hutu majority in Rwanda.

Dr. Zwaan told the Court that genocide is not a naturally occurring phenomenon within societies. Nor is it generated from the bottom up (from the general populace to the state or elites). It is exclusively top down, originating with a plan by those who hold power or seek to grasp it. Two fundamental preconditions for its development are a society in crisis and a society divided. Under such conditions, the originators make a plan to eliminate a group, followed by propagation of an ideology that dehumanizes them, dividing the populace more firmly into "us and them" and providing the impetus needed to overcome people's general resistance to large scale killing. Authorities often make use of collective historical memory of one group having been victimized by another. For example, Hutus (with some justification) saw themselves as the victims of Tutsi supremacy.

Transla

In the initial stages, Dr. Zwaan testified, a genocidal campaign faces a number of obstacles. As these are overcome, however, the campaign picks up more and more speed until it becomes difficult to stop. Indeed, Dr. Zwaan told the Court that in none of the four cases he studied was genocide stopped from within the society. They all required outside military intervention.

While initiating the plan and giving it the initial impetus, leaders are careful to keep a distance from the results to

avoid leaving traces, according to the witness. Hitler, for example, never witnessed a genocidal act, he said. Nor did he write an order to "kill all the Jews." Yet, Dr. Zwaan testified, it is known from Himmler that Hitler must have given that order orally. It is the same, he said, in other cases. Only circumstantial evidence remains to tie the leader who originated the plan with its horrifying results.

Judge Robinson asked the witness if there is a point where the top down and bottom up actions merge. Dr. Zwaan answered that he was partly correct. "Once a decision is made that large scale violence won't be stopped [by state authorities] . . . [it] might be . . . that groups at the bottom see an opportunity or gain impunity to continue violent crimes." In other words, they realize they won't be punished, indeed, they have permission to continue their criminal behavior. The state-approved norm has changed to embrace what was formerly considered criminal. "Many people at the local level will act violently only when they are sure they can get away with it." As an example, Dr. Zwaan cited Poland under Nazi occupation. In 30 localities, it was the local leaders who decided to organize pogroms against the local Jewish population. This, he said, was only possible because of Nazi policies. It was something like the merger Judge Robinson hypothesized.

Dr. Zwaan's testimony may help the Trial Chamber put the allegations of genocide against the Bosnian Muslims in a broader context and perhaps understand a little more about the forces that create it. In the end, however, it is the legal definition of genocide they must turn to and apply.

While attention often focuses on Srebrenica when the genocide charge is discussed, it is important to remember that in the case against Milosevic, as opposed to that against General Krstic, he has been charged with genocide against the Bosnian Muslims in a broader area of Bosnia-Herzegovina. Initially, the Prosecution identified 18 locations, which it reduced to six due to time limitations for presenting its case. Those six are: Bijeljina, Bratunac, Sarajevo (Ilijas), Sarajevo (Novi Grad), Srebrenica and Zvornik. The acts include widespread killing of the civilian population during the takeovers of territory (especially targeting community leaders and the educated elite), and the killing, torture, rape, beatings, and starvation of thousands in detention facilities, as well as the mass exterminations at Srebrenica. General Krstic was charged with (and convicted of) genocide only for acts associated with the Srebrenica massacre.

As a reminder, the legal genocide charge against Milosevic is: "From on or about 1 March 1992 until 31 December 1995, Slobodan Milosevic, acting alone or in concert with other members of the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation and execution of the destruction, in whole or in part, of the Bosnian Muslim . . . national, ethnical, racial or religious group, as such" He is charged with two counts, genocide and complicity in genocide. A future article will discuss the areas of contention in the legal definition of genocide as it applies to the facts of the Milosevic case.

Dr. Zwaan will be cross examined by the Accused tomorrow.

Milosevic Cross Examines Genocide Expert

International Criminal Tribunal for Yugoslavia (ICTY)

*Milosevic Trial - The Hague - Court Room One
Day 275, 21 January 2004*

THE HAGUE - Not for the first time, Milosevic chose to address his audience at home rather than challenge the testimony of the Prosecution's witness. After questioning Dr. Ton Zwaan's qualifications to provide expert testimony on genocide, the Accused beleaguered him with questions about state crimes in Dutch history, but especially about mass killing of Serbs during World War II. Dr. Zwaan is a Dutch national. In addition to Dutch participation in the slave trade and exploitation of the East and West Indies, Milosevic accused The Netherlands of responsibility for apartheid in South Africa. Dr. Zwaan explained that The Netherlands had nothing to do with it. Apartheid was established by descendants of Dutch settlers.

As for Milosevic's assertions about genocide committed by the Croatian Ustashe against Serbs, Dr. Zwaan agreed that there were genocidal acts against the Serbs in WWII. He did not accept the numbers Milosevic said had been killed in Jasenovac, the infamous Ustashe concentration camp – 600,000 - 700,000 Serbs, 30,000 Jews and Romanies – even when Milosevic cited the Simon Wiesenthal Center as his source. Dr. Zwaan told the Court that the number is difficult to determine due to lack of records, but that a reasonable figure is 100,000 to 120,000 Serbs murdered there. While the horror and mass killings at Jasenovac are not in dispute, the numbers involved continue to give rise to bitter argument. Dr. Zwaan advised the Court that such longstanding disputes over numbers

are not unusual in regard to genocidal acts. People profit from maximizing and minimizing the numbers, he concluded.

Milosevic also attempted to question the doctor about connections Alija Izetbegovic, former President of Bosnia-Herzegovina, allegedly had with the Waffen SS through a Muslim youth group he organized during WWII. The group was associated with the radical Mufti of Jerusalem who had called for a holy war against the Jews. Dr. Zwaan responded that the Mufti of Jerusalem was strongly anti-semitic and allied with Nazi Germany, but he was an exception in the Islamic world at the time. Pointing out that Milosevic had only cited instances of Croatian and Bosnian genocidal attacks, Dr. Zwaan suggested that "[maybe we should discuss] the dirt in front of your own door," referring to a Serbian saying which Milosevic had mentioned earlier.

When the Prosecution asked Dr. Zwaan to prepare a report on genocide, they told him specifically to exclude the Balkans, though he has written and published about the wars in the former Yugoslavia in other contexts, to avoid any possibility of his commenting on a matter that is for the judges to decide, i.e. whether genocide occurred in Bosnia. Milosevic's questioning, which was irrelevant to the witness's testimony on the societal indicators of genocide and mass killing, opened the door for Prosecutor Geoffrey Nice to question Dr. Zwaan about the application of genocide theory to the recent Yugoslav wars on re-examination.

Except for a final conclusion, Dr. Zwaan was not particularly helpful, responding for the most part that he had not studied the situation in the former Yugoslavia for his testimony. Judge Robinson apparently had difficulty believing he had prepared his report without considering Bosnia. When the Judge asked the expert if he might have subconsciously written his report with Bosnia in mind, Dr. Zwaan replied that he could not talk about his own subconscious. Judge Robinson pressed him, "You're aware of what happened in Bosnia and know the characteristics of that situation. It would diminish the quality of your report if it were tailored to meet these characteristics."

On re-examination, Mr. Nice asked the witness directly, "Is there any question of your tailoring your report to lead to conclusions about Bosnia?" The Prosecutor went on to explain, "Tailoring would be writing a report that leaned toward characteristics found in one setting not found in another. Is there anything in the Bosnian situation that is

eccentric or different from others that would lead to different conclusions?" Dr. Zwaan declined to speculate, insisting that he had not studied the situation in Bosnia, but had provided the Court with general tools of analysis.

The report, which has been introduced into evidence, provides a summary overview of the general consensus of sociologists, historians and other relevant professional disciplines about the characteristics of genocide or similar mass crimes. They are: genocide and mass crimes targeting particular groups are distinct from war and civil war; they only develop in situations of ongoing crisis; decisions of political elites are of decisive importance for the emergence of genocide; genocides are highly complex processes, consisting of different stages which can only be ended by forceful outside intervention; ideology is of crucial importance for genocide to emerge; and every genocidal process should be considered from the perspective of the victims.

Rather than challenging these characteristics, Milosevic spent considerable time pointing out that they had nothing to do with the legal definition of genocide. That was not at issue. The Court does not need an outside expert to inform it about the law on genocide. That is a matter for the parties to present to the Court through legal briefs and argument. Milosevic has ignored this role and responsibility of counsel, which may have led to his confusion about the role of Dr. Zwaan, if indeed he was confused.

When Milosevic did turn to the expert report's characteristics of a genocidal context, he focused on an apparent contradiction in the report. In attempting to distinguish war and civil war from genocide, Dr. Zwaan wrote "Civil war implies a violent conflict between two or more armed and organized parties. . . . [D]uring genocides one party – the persecutors and perpetrators – is armed and organized to use force, while the other party – the persecuted and victims – is not armed nor organized to use force." Milosevic then asked, "Can one infer from your report, in a civil war similar to the one in Bosnia-Herzegovina, the preconditions for genocide didn't exist as all the parties had military force?"

Dr. Zwaan seemed taken off guard by Milosevic's conclusion and gave a confusing answer. Earlier, he had stated that genocidal acts can occur in wars and civil wars. Indeed, the genocide of the Jews occurred in the context of war, though the war was not fought between the Jews and Nazi Germany. Moreover, on re-examination, the witness reiterated that it is possible for mass crimes or genocide to

occur in a multi-sided conflict. It is not possible, he asserted, to commit genocide against an armed people or combatants – unless they are first disarmed.

Stepping fully through the door that Milosevic had opened for him, Mr. Nice asked the witness about Milosevic's assertion that the preconditions for genocide or mass crime against a group didn't exist in the territory of the former Yugoslavia. Dr. Zwaan replied, "That is not the case. They did exist."

Judge Robinson interrupted, "You said they [the preconditions] did exist but I recall that you said you did not concentrate on circumstances in Bosnia-Herzegovina. Your report does not deal with Bosnia-Herzegovina, but I hear you giving an answer that deals specifically with Bosnia-Herzegovina." Dr. Zwaan assured Judge Robinson there was no contradiction. He had merely answered questions the Accused's and Mr. Nice's questions about Bosnia, but "that doesn't mean I wrote the report with Bosnia in mind."

Amicus Steven Kay, in a precisely crafted cross examination, obtained the witness's agreement that those who intentionally initiate fragmentation and disintegration of a state may lose control of a dynamic that carries all parties to "an uncertain outcome and future." With Bosnia in mind, one might conclude that the ethnic cleansing got out of hand resulting in massacres and mass killing – but without any intent of the leadership. On re-examination, however, Dr. Zwaan reiterated that unforeseen events from disintegration do not include genocide which is not a naturally occurring phenomenon.

While Dr. Zwaan's report may be helpful for conceptualizing societal conditions that gave rise to genocide or mass killings targeting Bosnian Muslims, the judges will determine whether genocide occurred there based on the legal definition of that crime.

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27-1-2004

De verdediging van Slobodan Milošević heeft dringend geld nodig!

Omdat Slobodan Milošević de rechtmatigheid van het „Tribunaal” niet erkent, krijgt hij als enige aangeklaagde geen enkele financiële ondersteuning voor zijn verdediging, noch voor rechtskundige adviseurs, mensen voor akten- en archiefonderzoek, kosten in verband met het vinden en ondervragen van getuigen, noch voor technische diensten als telefoon- en kopieerkosten.

Het „Tribunaal” is illegaal

Het niet erkennen van het „Tribunaal” is gegrond, omdat het geen jurisdictie over de voorliggende zaak noch over enige andere zaak heeft. Het leidt de rechtvaardiging van het bestaan uitsluitend af uit resolutie 827 van de Veiligheidsraad, aangenomen in diens 3217 de zitting op 25 mei 1993. In deze resolutie verklaart de Veiligheidsraad, dat hij „op grond van Hoofdstuk VII van het Handvest van de Verenigde Naties” handelt.

De artikelen van Hoofdstuk VII bepalen de bevoegdheden van de Raad in aangelegenheden van internationale veiligheid, maar niet in aangelegenheden van het strafrecht of andere zaken van rechtspraak. Dus handelt de Veiligheidsraad buiten zijn statutaire bevoegdheden.

De oprichting van een internationaal gerechtshof is een taak van de Algemene Vergadering, en deze zou alleen op basis van een volkenrechtelijk verdrag tussen de betreffende staten handelen.

Dat het bij het Haagse „Tribunaal” om een politiek werktuig van de NAVO-staten met als doel de voortzetting van de agressie tegen Joegoslavië met schijnbare justitionele middelen handelt, wordt ook daardoor duidelijk dat het „Tribunaal” niet, zoals door het Handvest van de VN wordt voorgeschreven, gefinancierd wordt met de middelen uit de begroting van de VN, maar overwegend met middelen van „belanghebbende” staten en grote concerns.

„Aangeklaagde” als Aanklager

Slobodan Milošević is voor het „Tribunaal” in Den Haag tot een wereldwijd gevolgde aanklager van zijn vervolgers geworden. Tegen de poging van de VS/NAVO agressors, met hulp van hun Haagse „Tribunaal” om de geschiedenis van de vernietiging van Joegoslavië in hun belang te beschrijven, verdedigt de vroegere President van Joegoslavië de historische waarheid. Hij verdedigt de vaderlandslievende weerstand tegen de aanvallers en tegen hun separatistische helpers en terreurbenden. Hij verdedigt de waardigheid en vrijheid van de Serviërs en van alle volkeren van de Balkan tegen de machinaties van de nieuwe koloniale heren.

De totale afwezigheid van nieuwsberichten in alle mediakanalen over de, eens als „Proces van de eeuw” aangekondigde show, spreekt boekdelen – over het voortdurende falen van de aanklacht en de daarmee samenhangende verwarring en teleurstelling bij de opdrachtgevers en hun propaganda-afdelingen.

Ook met zijn principiële weigering het „Tribunaal” te erkennen, heeft Milošević de wereldwijde verdediging van de soevereiniteit der volkeren een onschatbare dienst bewezen. Zijn strijd tegen het „Tribunaal” is tot een deel van de wereldomspannende beweging tegen militarisme en kapitalistische globalisering geworden.

De agressieve krachten mogen niet winnen.

De tactiek van het doodzwijgen door de media wordt door „Tribunaal” afgerond door een verbod op contact met de media, willekeurige bezoekverboden, zelfs voor de leden van de familie, de weigering van een juiste gezondheidskundige behandeling tot en met het bewust op de koop toenemen van schade aan gezondheid en leven, alsmede de voortdurende productie van weliswaar waardeloos, maar des te omvangrijker en niet te overzien “belastend”-materiaal. Doelgericht wordt geprobeerd, het werk om rechtskundige ondersteuning te verlenen en om gelden voor het fonds voor rechtshulp in te zamelen te verhinderen.

In februari loopt de periode van de aanklacht af. Omdat de aanklacht niet bewezen is, zou er, als alles volgens de juiste regels zou verlopen, geen verdediging nodig zijn, zou het circus geseponoord moeten worden.

Maar het rechtmatige voor de hand liggende zal niet gebeuren. Slobodan Milošević zal, in plaats van gevraagde twee jaren, drie hele maanden krijgen om zijn “verdediging” voor te bereiden – terwijl de “aanklacht” een jarenlange voorbereidingstijd en een groot apparaat ter beschikking had, moet Milošević al na zes weken de complete getuigenlijst inleveren, inclusief de belangrijkste punten uit de verklaringen!

Tegen de samengebalde macht van het NAVO-apparaat staat alleen de stem van Milošević – én onze ondersteuning van zijn team van juridische adviseurs. En hierbij is er een tekort aan werkelijk alles: aan geld voor verblijf en de mogelijkheid om de akten op te slaan, aan verzorging, reiskosten, kopicën, onderzoek, enz.

In deze situatie doen wij een beroep aan alle mensen met een rechtsbewustzijn:

Iedere gift is dringend nodig!

De aanvallers mogen niet de geschiedenis naar hun hand zetten!

**Iedere gift voor de rechtsbijstand is een bijdrage aan de verdediging van het
Volkerenrecht!**

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HET JOEGOSLAVIE TRIBUNAAL WERKT HARD AAN HET EIGEN DEMASQUE

Dat het Joegoslavië Tribunaal Milosevic het recht op het voeren van de eigen verdediging heeft ontnomen, vormt niet alleen een schending van het eigen Statuut, opgesteld door de Veiligheidsraad van de Verenigde Naties, en zodoende een duidelijke schending van de hoogste eigen wetgeving, maar ook van dienovereenkomstige standaard regelingen in alle prominente mensenrechten-verdragen. Daarmee staat dus vast dat het Joegoslavië Tribunaal Milosevic een recht heeft afgenomen dat tot de kern van de mensenrechten behoort.

Natuurlijk brengt het Joegoslavië tribunaal zich hiermee onder de verdenking een tribunaal te zijn met bijbedoelingen, anders dan een het nastreven van zuivere en onafhankelijke rechtsspraak.

De stelling dat het met de onafhankelijkheid van dit tribunaal slecht gesteld is, is de laatste jaren dag in dag uit de boodschap van Milosevic geweest. Maar om dit overtuigend in beeld te brengen is de objectieve waarnemer op dit punt overigens allerminst van Milosevic afhankelijk. Het tribunaal is altijd brutaal genoeg geweest om daar zelf geen enkel geheim van te maken, kennelijk rekenend op onuitputtelijkheid van het krediet dat het in de westerse politiek en media zou hebben. Zo vertelde de voormalige plaatsvervangende hoofdaanklager Graham Blewitt nog maar kort geleden in een interview aan de NRC, gepubliceerd op 19 juni j.l., ongegeneerd hoe het tribunaal voor de NAVO te koop was om onderzoeken te doen naar slachtoffers in Kosovo en naar misdrijven in Macedonië. Op het moment dat dit in de NAVO-kraam te pas kwam. En hoe talrijke Amerikaanse medewerkers van het tribunaal evenzeer kind aan huis waren bij de Amerikaanse ambassade als op de burelen van het tribunaal.

Maar natuurlijk is er, ook los van het zichtbare optreden, een duidelijke lakmoesproef om de mate van onafhankelijkheid en onpartijdigheid van het tribunaal op beslissende wijze vast te stellen. Die bestaat eruit de opstelling van de Amerikanen tegenover dit instituut te observeren en te verdisconteren. In vergelijking met hun opstelling jegens andere internationale rechtsinstellingen. Als de Verenigde Staten iets als volstrekt verderfelijk beschouwen dan is dat wel, zoals bekend, alleen al de mogelijkheid dat enig onafhankelijk internationaal tribunaal over hun onderdanen een strafrechtelijk oordeel zou kunnen vellen. Daarom haat de VS-administratie het Internationale Strafhof als de pest, doet er alles aan om dit in de internationale arena onderuit te schoffelen, en bedreigt zelfs openlijk Nederland met een invasie als ons land, als gastheer van dit Internationale Strafhof, het ooit zou wagen een Amerikaans onderdaan ten dienste van dit Strafhof op te sluiten.

Vormt het Internationale Strafhof voor de Amerikanen een soort baarlijke duivel, tegelijkertijd bejegenen zij het Joegoslavië Tribunaal als een knuffelbeer. Dat kan maar één ding betekenen: voor de VS is het een uitgemaakte zaak dat het Joegoslavië Tribunaal nooit en te nimmer zelfs maar een poging zal ondernemen om een Amerikaans onderdaan te vervolgen. Hoewel het Joegoslavië

Tribunaal daartoe formeel wel de bevoegdheid bezit. Kennelijk zijn de garanties dat zo iets nimmer zal plaatsvinden absoluut en waterdicht. Anders zou het Joegoslavië Tribunaal allang dezelfde bejegening te beurt zijn gevallen als nu het Internationale Strafhof. Beter gezegd, anders was het er nooit gekomen. Geen wonder dat de Amerikanen zich geen moment zorgen hebben gemaakt over het pseudo-onderzoek dat het Joegoslavië Tribunaal na de NAVO-bombardementen van Joegoslavië zogenaamd instelde. Hoezeer mensenrechten-organisaties als Amnesty International en Human Right watch ook betoogden dat daarbij van NAVO-zijde oorlogsmisdaden waren gepleegd, de uitkomst van dit 'onderzoek' van het Joegoslavië Tribunaal stond van tevoren vast. De Amerikaanse controle over het tribunaal is volledig en sluitend.

Het is zoals Milosevic nu al jaren met grote bekwaamheid aan de kaak stelt: het Joegoslavië tribunaal heeft een missie te vervullen. Namelijk om, gebruik makend van de schijn van de 'objectiviteit' van het recht, middels rechterlijke uitspraken de CNN-waarheid over de schuld aan Balkan-catastrofe definitief in de geschiedenis te verankeren. Die CNN-waarheid is dat deze tragedie de schuld was Servische grootheidswaan, onder opperleiding van het monster Milosevic. Om dit doel te bereiken zijn inmiddels alle hogere Servische politici en militairen, zonder een uitzondering, in staat van beschuldiging gesteld. Of zij nu behoorden tot de politieke leiding van Servië zelf of van een van de Servische entiteiten in het voormalige Joegoslavië, waarvan de meesten inmiddels allang zijn ontmanteld.

Het tribunaal heeft men dikwijls zijn zogenaamde onpartijdigheid horen bezweren door de stelling dat heus ook Tudjman en Izetbegovic wel zouden zijn aangeklaagd, als deze maar tijd van leven hadden gehad. Een verhaal waarmee thans alleen nog maar de ware gelovigen kunnen worden bediend.

Het is met het rechtsgehalte van een tribunaal dat hoofdzakelijk Serviërs in het vizier neemt om voor eens en altijd te bewijzen dat zij het waren die de schuld waren van de Balkan-catastrofe, hetzelfde gesteld als met een Amerikaanse justitie die hoofdzakelijk zwarten zou vervolgen. Om te bewijzen dat zwarten nu eenmaal criminelers zijn dan blanken. Wat er ook uit een dergelijke justitie zou kunnen komen aan individuele vonnissen die wellicht op zichzelf nog iets met rechtstoepassing te maken zouden kunnen hebben, de hele operatie is in elk geval dermate verderfelijke van aard dat hier van rechtspraak, laat staan van recht doen, niet kan worden gesproken.

Hier wordt dan alleen een rechtsshow opgevoerd, die het hoogste onrecht baart.

Milosevic heeft al zo lang en zo vaak beweerd dat de westerse wereld bewust heeft toegewerkt naar de ontmanteling van het voormalige Joegoslavië. Hij slaagde er al in om dit geluid voortdurend te laten doorklinken in de fase van het proces waarin de openbare aanklager aan het woord was. Nu is het zijn beurt om

van leer te trekken en kwam zijn kans om deze analyse maandenlang fortissimo te laten horen. En ditmaal ook nog eens met getuigenbewijs te onderbouwen en te ondersteunen. Het is daarom geen toeval dat hem door het Trinunaal juist nu het zwijgen wordt opgelegd door hem zijn verdediging volledig uit handen te nemen. Milosevic zegt zelf: 'Met mij is, qua gezondheid, niet meer of minder aan de hand dan een of twee jaar geleden. De drukte die nu rond mijn gezondheid wordt gemaakt, komt volstrekt niet van mij. Wat mij betreft, ik ben gereed om alle registers open te gooien'.

De manoeuvres die, in naam van zogenaamde bezorgdheid over Milosevic' gezondheid, plaatsvinden kennen maar één doel. Het verschaffen van een alibi om hem monddood te maken. Door hem tribunaal-functionarissen op te dringen die zijn verdediging usurperen en neutraliseren. In de persoon van twee trouwe 'vrienden van het hof', die bij het Joegoslavië Tribunaal aan de teugel lopen.

Het wordt tijd voor de westerse media, wetenschappers en politici om ermee op te houden het te doen voorkomen alsof zij deze werkelijkheid niet doorzien. Het tribunaal zelf heeft inmiddels wel zijn uiterste best gedaan om iedereen de schellen van de ogen te trekken. Ook bij hen die ze er krampachtig, met beide handen, voor wilden houden.

mr. N.M.P. Steijnen

advocaat van Milosevic in rechtszaken
tegen de Nederlandse Staat

Sagittarius

Van: "Klaus von Raussendorff" <redaktion@aikor.de>
Aan: "Klaus von Raussendorff" <raussendorff@web.de>
Verzonden: woensdag 28 januari 2004 18:55
Onderwerp: Milosevic-"Prozess": Rechtsbruch und Fehlinformation als
 Liebe Leute,

zum Stand des Kampfes von Slobodan Milosevic gegen das Haager Tribunal der NATO dokumentiere ich:

**MAULKORBERLASS DES HAAGER TRIBUNALS
 GEGEN SLOBODAN MILOSEVIC:
 UNRECHTMÄSSIG, UNLOGISCH UND REIN POLITISCH**
 Von Tiphaine Dickson (14. Dezember 2003)

[1]

Abdruck und Verbreitung erwünscht

**VERNEHMUNG OHNE ÖFFENTLICHKEIT:
 WESLEY CLARKS ZEUGENAUSSAGE IM MILOSEVIC-PROZESS**
 Von Tiphaine Dickson (15. Dezember 2003)

[2]

Abdruck und Verbreitung erwünscht

**ANWÄLTE DER ANKLAGE -
 ZEUGE NR. 262 IM PROZESS GEGEN SLOBODAN MILOSEVIC WAR LORD DAVID OWEN.
 SEIN
 AUFTRITT BELASTET DAS GERICHT UND DIE BERICHTERSTATTER SCHWER.**

Von Germinal Civikov
 Aus "konkret" 12/03

[3]

**ZEUGEN DER ANKLAGE -
 AUCH WENN DIE MEDIEN HIERZULANDE ANDERES BEHAUPTEN: DER PROZESS
 SLOBODAN
 MILOSEVIC IN DEN HAAG NIMMT EINEN FÜR DIE ANKLAGE UNGÜNSTIGEN
 VERLAUF.**

Von Germinal Civikov
 Aus: konkret 01/04

[4]

VERTAUSCHTE ROLLEN IN DEN HAAG

Von Ralph Hartmann
 Aus: "Ossietzky" 1/2004

[5]

Zu den Texten

Die kanadische Rechtsanwältin Tiphaine Dickson zeigt, wie das Tribunal angesichts seines Fiaskos vor immer massiveren Rechtsbrüchen nicht zurückschreckt und damit immer deutlicher offenbart, dass es unfähig ist, als rechtsprechende Institution zu fungieren. Und dies als ein illegales Unterorgan des UN-Sicherheitsrates mit umso verheerenderer Wirkung für die internationale Rechtsordnung und das Rechtsbewusstsein in vielen Ländern! Über das Schweigen der meisten Juristen und ihrer Fachorganisationen kann

man sich nur wundern. Die Aufsätze von Tiphaine Dickson wären wegen ihrer strikt juristischen Argumentation zum Abdruck in juristischen Fachzeitschriften sehr geeignet.

Der Journalist Germinal Civikov berichtet, was beim Milosevic-Prozess tatsächlich vor sich geht. Gleichzeitig zeigt er, wie die meisten Medien mit glatten Falschmeldungen vom Prozess das von ihnen geschaffene Milosevic-Zerrbild zu verteidigen versuchen. Civikov ist der Autor einer niederländischen Fernsehdokumentation über den "Fall Milosevic", die vom deutschen Fernsehen bisher nicht ausgestrahlt wurde. Die Dokumentation zeigt nämlich, dass an dem Medienbild über die Ereignisse auf dem Balkan in den 90er Jahren so gut wie nichts gestimmt hat, dass dieses Zerrbild nahezu generalstabsmäßig durch PR-Agenturen, Geheimdienste und ihre willigen Helfer in den Medien erzeugt wurde und dass dieses propagandistische Konstrukt die Folie für die Anklage gegen Milosevic bildet und durch den "Prozess" bestätigt werden soll. Auch hier kann man sich nur wundern, wie es möglich ist, dass dieser wichtige Dokumentar-Film der deutschen Öffentlichkeit schon so lange vorenthalten werden kann.

Ralph Hartmann berichtet, wie die nicht öffentliche Vernehmung von General Wesley Clark tatsächlich verlaufen ist, und was die Medien daraus gemacht haben.

Milosevi? hat mit seiner prinzipiellen Weigerung, das "Tribunal" anzuerkennen, dem Kampf für die Verteidigung der Souveränität der Völker einen unschätzbaren Dienst erwiesen. Sein Kampf gegen das "Tribunal" ist zu einem Teil der weltweiten Bewegung gegen Militarismus und kapitalistische Globalisierung geworden. Er ist in Den Haag zum Ankläger seiner Verfolger geworden. Gegen den Versuch der USA/NATO-Aggressoren, mit Hilfe ihres Haager "Tribunals" die Geschichte der Zerschlagung Jugoslawiens in ihrem Sinne zu schreiben, verteidigt der ehemalige Präsident Jugoslawiens die historische Wahrheit. Er verteidigt den patriotischen Widerstand gegen die Aggressoren und gegen ihre separatistischen Helfer und Terrorbanden. Er verteidigt die Würde und Freiheit der Serben und aller Völker des Balkans gegen die Machenschaften der neuen Kolonialherren. Ein weiteres Mal muss man sich wundern, dass Teile der Friedensbewegung immer noch nicht erkennen wollen, dass auch gegen die Folgen der bisherigen Angriffskriege, gegen Besatzung, Raub, Rechtsbruch und Rekolonisierung in Jugoslawien, Afghanistan und Irak, Widerstand mobilisiert werden muss - in Solidarität mit dem Widerstand in den betroffenen Ländern.

Die Nichtanerkennung des "Tribunals" hat zur Folge, dass Milosevi? als einziger Angeklagter keinerlei finanzielle Unterstützung für seine Verteidigung erhält, weder für Rechtsberater, Personal für Akten- und Archivrecherche, Kosten für Zeugensuche und -Befragungen, noch für technische Aufwendungen wie Telefon-, Kopierkosten etc. Da die Anklage nicht bewiesen ist, bräuchte es, wenn alles mit rechten Dingen zginge, keine Verteidigung. Der Zirkus Del Ponte müsste eingestellt werden. Doch wenn im Februar die "Halbzeit der Anklage" zu Ende geht, soll Slobodan Milosevi? statt der beantragten zwei Jahre ganze drei Monate Zeit haben, seine "Verteidigung" vorzubereiten - nachdem die "Anklage" eine jahrelange Vorbereitungszeit und einen Riesenapparat auf ihrer Seite hatte, soll Milosevi? schon nach 6 Wochen die komplette Zeugenliste abliefern, inklusive Hauptschwerpunkten der Aussagen!

Gegen die geballte Macht des NATO- und Medien-Apparates steht allein die Stimme von Slobodan Milosevi? - und unsere Unterstützung seines Rechtsberaterteams. Und hier fehlt es an allem: Geld für Wohnung und Aktenaufbewahrung, für Verpflegung, Fahrtkosten, Kopien, Recherchen etc. Mit jeder Spende für den Rechtshilfefonds, auch kleinen monatlichen Beiträgen, beteiligen wir uns am Kampf zur Verteidigung des Völkerrechts!

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MAULKORBERLASS DES HAAGER TRIBUNALS
GEGEN SLOBODAN MILOSEVIC:
UNRECHTMÄSSIG, UNLOGISCH UND REIN POLITISCH

Von Tiphaine Dickson (14. Dezember2003)

Am 12. Dezember untersagte das Internationale Straftribunal für das ehemalige Jugoslawien (ICTY) Slobodan Milosevic alle Besuche und Telefongespräche, ausgenommen Familienangehörige, diplomatische Vertreter und Anwälte, aufgrund der Behauptung, er habe im Zusammenhang mit den bevorstehenden Wahlen in Serbien Verbindung mit Medien gehabt.

Das Besuchs- und Telefonverbot ist eine Strafmaßnahme, um Herrn Milosevic an der Ausübung seines Rechts auf frei Meinungsäußerung und seines aktiven Wahlrechts nach serbischem Recht zu hindern. Das ICTY missachtet und entwürdigt den Eckstein des Strafrechts: die Unschuldsvermutung. Und es tritt dadurch in Erscheinung, dass es sich in die politischen

Angelegenheiten Serbiens einmischt, indem es den Präsidenten einer legal verfassten und legitimen politischen Partei - der Sozialistischen Partei Serbiens (SPS) - mundtot macht und damit den Wahlkampf der SPS lahm legt.

Diese beispiellose Entscheidung ergeht, nachdem die Regierung der USA durchgesetzt hat, die Zeugenaussage von Wesley Clark an Bedingungen zu knüpfen. Clarks Vernehmung erfolgt hinter geschlossenen Türen und wird Gegenstand einer Überprüfung und anschließenden Zensur durch die USA sein. Wohl gemerkt, General Clark ist Kandidat im Präsidentschaftswahlkampf der USA - wie eben auch Slobodan Milosevic Kandidat im serbischen Parlamentswahlkampf ist.

Die Pressemitteilung des ICTY, in der die "weiter übertragene" ("retransmitted")- und von den USA genehmigte - Zeugenaussage angekündigt wird, beliefert die Presse mit der Telefonnummer der Public Relations-Firma des US-Präsidentschaftskandidaten. Eindeutig obliegen dem ICTY - einer Schöpfung des UN-Sicherheitsrates - Haupttätigkeiten, die ersichtlich in keiner Beziehung zu solchen stehen, die Gerichten im allgemeinen zugeschrieben werden: Das heißt, der Ausübung von Rechtsprechung, unabhängig und unparteiisch, in fairen und öffentlichen Verfahren.

Die Entscheidung, Kommunikation und Besuche zu verbieten, stellt eine außerordentliche Verletzung internationalen Rechts und grundlegender Prinzipien der Legalität dar. Das ICTY hat seine drakonische Maßnahme gerechtfertigt, indem es die Besorgnis äußerte, dass die Presse irgendwie in das Mandat der Institution eingreifen könnte, wie es in der Entscheidung des Stellvertretenden Verwaltungschefs des Tribunals ("Registrar") heißt:

"Die besonderen Umstände des Gefangenen erfordern (sic) die Verhängung von Maßnahmen, die geboten sind zur Vermeidung von potentiell schädlicher Medienberichterstattung aufgrund von uneingeschränkter Erlaubnis zu Kommunikation und Besuchen bis auf weiteres."

Welche "potentiell schädliche Medienberichterstattung"? Von wem oder was genau? Welche "besonderen Umstände"? Gilt Herr Milosevic als schuldig? Es scheint so, da der Maulkorb-Erlass ausführt,

"der Angeklagte hat, wie oben vermerkt, schon früher entweder direkt Medien-Verbindungen aufgenommen oder hat sein Privileg ausgenutzt, mit anderen zu kommunizieren, die wiederum unter Verstoß gegen die Haftregeln Botschaften durch die Medien verbreitet haben, die zu einer breiten Medienaufmerksamkeit und -berichterstattung über die Tatsache führten, dass ein wegen Völkermord, Verbrechen gegen die Menschheit und Kriegsverbrechen Beschuldigter wie der Angeklagte ohne weiteres serbischen Parlamentswahlkampf betreibt ("is facilitating, with ease, the ongoing Serbian parliamentary elections campaign")

Diese unbelegte Behauptung ist dazu angetan nahe zu legen, dass Slobodan Milosevic der Verbrechen schuldig ist, die er "angeblich" begangen haben soll, und daher nicht das Recht haben sollte, den serbischen Wahlkampf - der Sinn der Formulierung ist nicht leicht verständlich - zu "ermöglichen" ("facilitate"). Das ICTY mag ja die Tatsache missbilligen, dass Slobodan Milosevic an dem demokratischen Prozess seines Landes beteiligt ist, was sein gutes Recht ist als serbischer Staatsbürger, Präsident der Sozialistischen Partei Serbiens und ehemaliger Präsident seines Landes -

dreimal von seinem Volk gewählt. Doch eine Institution, die behauptet, eine gerichtliche Funktion zu erfüllen, und dies nach internationalem Recht, muss nach Recht und Gesetz handeln. Der gegen Präsident Milosevic verhängte Maulkorb-Erlass steht im Widerspruch zu Rechtsprinzipien und internationalen Menschenrechtsinstrumenten. Die Art, wie er politisch begründet wird, gibt zu der Sorge Anlass, dass das ICTY nicht die für einen Gerichtshof erforderliche Unabhängigkeit besitzt.

Waffengleichheit

Die Entscheidung des Verwaltungschefs des Gerichts ("Registrar") verletzt den Grundsatz der Waffengleichheit. "Waffengleichheit" ist ein internationales juristisches Konzept, das dem "rechtsstaatlichen Verfahren" entspricht und als Garantie für einen fairen Prozess von grundlegender Bedeutung ist.

Beim ICTY ist es so, dass die Verwaltung des Tribunals ("Registry") den uneingeschränkten Zugang zu den Medien für die Anklagevertretung ermöglicht, finanziert, in anderer Form unterstützt und fördert, während sie irgendwelche derartigen Kontakte seitens eines Angeklagten unterbindet. Die Registry veranstaltet, finanziert und unterstützt anderweitig gemeinsame Pressebriefings des ICTY-Sprechers für die Verwaltung und die Kammern des Tribunals zusammen mit der Sprecherin der Anklagevertretung. Zusammenfassungen dieser Pressekonferenzen werden auf der ICTY-Webseite unter <http://www.un.org/icty/latest/index.htm> veröffentlicht.

Artikel 21 des Statuts des ICTY bestimmt die Mindestrechte eines Angeklagten. Diese Rechte umfassen den Grundsatz der Waffengleichheit.

Der Grundsatz der Waffengleichheit ist im Zusammenhang mit einem Verfahren dahin gehend zu interpretieren, dass jede Seite angemessene Gelegenheit erhalten muss, ihre Sicht des Falles darzustellen, und zwar unter Bedingungen, die sie nicht einem wesentlichen Nachteil gegenüber der Gegenseite aussetzt.

Das vom Chef der Tribunalverwaltung ausgesprochene Verbot setzt Präsident Milosevic "einem wesentlichen Nachteil gegenüber der Gegenseite" aus, da ganz einfach die "Gegenseite" einen ständigen Kontakt zu den Medien unterhält, den sie nutzt, um ihre Sicht des Falles darzustellen, und sie tut dies mit der Hilfe und Unterstützung der Gerichtsverwaltung.

Die Waffengleichheit ist ferner verletzt, wenn die Verwaltung des Tribunals gleichzeitig Besuche bei einem Angeklagten verbietet, und zwar auf der Grundlage eines Verbots von Kontakten mit den Medien und dabei gleichzeitig gemeinsame Pressebriefings der Sprecher des Tribunals und der Anklage ermöglicht. Das Ungleichgewicht hat verblüffende Dimensionen.

Dass der Chef der Tribunalverwaltung versuchen würde, den Wahlkampf der Sozialistischen Partei Serbiens zu behindern und Slobodan Milosevic durch Entzug von Besuchen und Telefongesprächen zu bestrafen, und dies unmittelbar vor der Zeugenaussage eines Kandidaten im US-Präsidentenwahlkampf - auf dessen Büro für Öffentlichkeitsarbeit die Presse von demselben Verwaltungschef des Tribunals hingewiesen worden ist - ist der Praxis ordentlicher Rechtsprechung so unerhört fremd, dass dies die ganze

Unfähigkeit des ICTY offenbart, eine rechtsprechende Funktion gemäß internationalen rechtlichen Standards zu erfüllen.

Die Entscheidung des Verwaltungschefs des Tribunals verletzt die Freiheit der Meinungsäußerung und greift in den demokratischen Prozess Serbiens ein

Sicherheitserwägungen können unter Umständen durchaus die Nichtweitergabe von bestimmten Informationen an die Medien durch Besucher rechtfertigen wie beispielsweise Grundrisszeichnungen der Haftanstalt. Sicherheitserwägungen durchziehen als Grundmuster die Gesetzgebung über Besuche in Haftanstalten sowohl im internationalen wie nationalen Recht.

Im Gegensatz dazu stellt die Entscheidung des Verwaltungschefs des Tribunals ein Pauschalverbot von Kontakten mit den Medien dar. Keinerlei Sicherheitserwägungen sind zur Begründung des Verbots angeführt worden, das auf einen Maulkorberlass hinausläuft.

Das ICTY ist gehalten, die Bestimmungen der Internationalen Konvention über zivile und politische Rechte anzuwenden und zu berücksichtigen.

Der Angeklagte hat gemäß Artikel 21 des Statuts des ICTY so lange als unschuldig zu gelten, bis seine Schuld über jeden vernünftigen Zweifel hinaus nachgewiesen ist. Der Angeklagte behält sein Recht auf freie Meinungsäußerung.

Auch Besucher des Angeklagten genießen das Recht auf freie Meinungsäußerung, ein Grundrecht gemäß Artikel 19 der Universellen Erklärung der Menschenrechte

"Jeder Mensch hat das Recht auf freie Meinungsäußerung; dieses Recht umfasst die Freiheit, Meinungen unangefochten anzuhängen und Informationen und Ideen mit allen Verständigungsmitteln und ohne Rücksicht auf Grenzen zu suchen, zu empfangen und zu verbreiten."

Die Berufungskammer des ICTY hat das Recht der Öffentlichkeit auf Informationen aus der Presse als einen Bestandteil der Meinungsfreiheit anerkannt. Mit einstweiliger Verfügung in dem Fall Ankläger gegen Brdjanin hob die Berufungskammer die Entscheidung der Verfahrenskammer auf, den Journalisten Jonathan Randall unter Strafantrohung förmlich vorzuladen. Die Berufungskammer befand:

"Wie festgestellt, schließt das Recht auf freie Meinungsäußerung nicht nur das Recht von Journalisten und Medienorganisationen ein, Informationen frei zu verbreiten. Es umfasst auch ein Recht von Mitgliedern der Öffentlichkeit Informationen zu erhalten. Wie der Europäische Menschenrechtsgerichtshof in seiner Entscheidung im Falle Fresso und Roire gegen Frankreich ausführt: "Nicht allein hat die Presse die Aufgabe Informationen und Ideen über Angelegenheiten von öffentlichem Interesse zu verbreiten: Die Öffentlichkeit hat auch ein Recht, sie zu empfangen."

Aus dem Fall Brdjanin ergibt sich die vitale Rolle von Kriegskorrespondenten für die Arbeit des Tribunals. Es wird geschlussfolgert:

Die Berufungskammer wird die Arbeit von Berufen, die ein öffentliches

Interesse erfüllen, nicht unnötig behindern.

Das britische House of Lords hat im Falle Regina v. Secretary of State for the Home Department Ex Parte Simms (A.P.) Secretary of State for the Home Department Ex Parte O'Brien entschieden, das vom britischen Innenministerium erlassene Verbot von Interviews eines verurteilten Gefangenen in Strafhaft mit den Medien aufzuheben.

Der Fall O'Brien begründet die Auffassung, dass verurteilte Gefangene das Recht haben, Interviews mit den Medien zu führen und die Unfairness ihres Verfahrens zur Diskussion zu stellen. Lord Steyn führt dazu aus:

Die Gefangenen befinden sich im Gefängnis, weil sie als ordnungsgemäß verurteilt gelten. Sie möchten die Begründetheit ihrer Verurteilungen in Frage stellen. Im Prinzip lässt sich schwerlich eine wichtigere Funktion vorstellen, welche die freie Meinungsäußerung erfüllen könnte.

Im Fall O'Brien wurde die Realität von Fehlurteilen anerkannt, und auch die entscheidende Rolle der Medien bei deren Aufdeckung.

Präsident Slobodan Milosevic besteht auf seiner Unschuld und weigert sich beharrlich, das ICTY als Gericht anzuerkennen. Er ist unschuldig, bis zum Beweis des Gegenteils, und hat jedes Recht, die Legitimität dieser Institution zu bestreiten. Durch das Verbot von Kontakten mit den Medien hat der Verwaltungschef des Tribunals das Recht von Herrn Milosevic, seiner Besucher und der Öffentlichkeit im allgemeinen verletzt. Auch gegen die serbische Demokratie zielt diese Maßnahmen. Die Sozialistische Partei Serbiens hat Slobodan rechtmäßig zu ihrem Parteipräsidenten gewählt und kann ihn in voller Übereinstimmung mit dem serbischen Recht als ihren Kandidaten aufstellen. Das ICTY hat auf unerklärliche Weise entschieden, die Sozialistische Partei zu beeinträchtigen, und hat damit demonstriert, dass es politische - nicht juristische - Belange vertritt. Diese Maßnahme erfolgte im Namen des Mandats des Tribunals "im ehemaligen Jugoslawien den Frieden wieder herzustellen". Die Maßnahme ist unerhört, und die Konsequenzen für Serbien - und für die Zukunft des internationalen Rechts - sind katastrophal.

Das ICTY mag über die Kritik von Präsident nicht erfreut sein. Nichtsdestoweniger überwiegt der Nutzen, den die Öffentlichkeit davon hätte, wenn ihm erlaubt würde, mit den Medien zu kommunizieren, was immer auch dadurch an Unannehmlichkeiten über das ICTY kommen mag. Wie Lord Steyn dazu ausgeführt:

Die Freiheit der Meinungsäußerung ist in sich von Bedeutung: Sie ist ein Wert an sich. Aber allgemein anerkannt ist auch, dass sie zugleich von instrumenteller Bedeutung ist. Sie dient einer Reihe von breit gefassten Zielen. Erstens fördert sie die Selbstverwirklichung des Einzelnen in der Gesellschaft. Zweitens "ist der beste Test der Wahrheit die Macht des Gedankens, insofern er sich im Wettbewerb des Marktes Anerkennung verschafft", um es in den berühmten Worten von Richter Holmes (frei nach John Stuart Mill) zu sagen: *Abraham v. United States* 250 U.S. 616, at 630 (1919), per Holmes J. (dissent). Drittens ist die Freiheit der Rede das Lebenselixier der Demokratie. Der freie Fluss der Informationen und Ideen gestaltet die politische Diskussion. Sie ist ein Sicherheitsventil: Die Menschen sind eher bereit, Entscheidungen zu akzeptieren, die gegen sie

gerichtet sind, wenn sie im Prinzip versuchen können, diese zu beeinflussen. Sie wirkt als Bremse gegen den Machtmissbrauch von Vertretern des Staates. Es ermöglicht die Aufdeckung von Irrtümern in der Rechtspflege eines Landes: siehe Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*, 3rd ed., (1996), 1078-1086

Das House of Lords hat das Recht von verurteilten Straftätern auf Interviews mit den Medien anerkennend in Betracht gezogen. Weder Herr Milosevic noch seine Besucher sind strafrechtlich verurteilt, doch die Entscheidung des Verwaltungschefs des Tribunals entzieht ihnen Rechte, die im Vereinigten Königreich von verurteilten Personen in Anspruch genommen werden können.

Freiheit der Meinungsäußerung vor dem ICTY

In der Angelegenheit Brdjanin hat die Berufungskammer die Freiheit der Meinungsäußerung als ein Grundrecht anerkannt, das nur zum Schutz eines öffentlichen Interesses eingeschränkt werden kann.

Der Verwaltungschef des Tribunals rechtfertigt den Maulkorberlass mit dem Argument, dass die Presseberichterstattung über die Beteiligung von Präsident Milosevic am serbischen Wahlkampf das Mandat des ICTY beeinträchtigen würde:

"IN ANBETRACHT DESSEN, dass die von der Haftanstalt zur Verfügung gestellten Einrichtungen zum Wohlbefinden des Gefangenen gedacht sind, und nicht für Zwecke, die die Funktion des Tribunals beeinträchtigen, zur Herstellung von Frieden und Sicherheit im ehemaligen Jugoslawien beizutragen, und dass die Tatsache, dass ein Gefangener in der Haftanstalt Verbindungen aufgenommen hat, um an einem laufenden serbischen Parlamentswahlkampf teilzunehmen, einen solchen Umstand darstellt, der geeignet ist, den Auftrag des Tribunals zu beeinträchtigen;"

Die Öffentlichkeit sollte eigentlich davon ausgehen können, dass die Funktion eines Tribunals darin besteht, Recht zu sprechen und faire Verfahren durchzuführen und nicht "zur Herstellung von Frieden und Gerechtigkeit beizutragen". Und selbst dann, wenn es für eine rechtsprechende Institution nicht gänzlich unangebracht und schlechterdings gefährlich wäre, die Funktion eines Gendarmen zu erfüllen, kann man immer noch nicht der Argumentation des Verwaltungschefs des Tribunals folgen. Wie ist das zu verstehen, dass Slobodan Milosevics Beteiligung an den serbischen Parlamentswahlen - oder eher die Tatsache, dass seine Beteiligung zu "schädlicher Berichterstattung" durch die Medien führen könnte - "geeignet ist, den Auftrag des Tribunals zu beeinträchtigen"?

Der Maulkorberlass verletzt offensichtlich die Rechte von Herrn Milosevic, die Rechte seiner Partei und die Rechte des Volks von Serbien. Und die Rechte der Medien und der allgemeinen Öffentlichkeit werden ebenfalls verletzt.

Transparenz wird von einer rechtsprechenden Institution verlangt. Das Recht wird pervertiert und entwürdigt, wenn es verwandt wird, um die inneren politischen Angelegenheiten einer souveränen Nation zu beeinträchtigen - insbesondere wenn die Begründung für solch eine Einmischung auf Förderung von "Frieden und Sicherheit" gestützt wird.

Der Maulkorberlass verletzt das grundlegende, allgemein anerkannte Prinzip der Unschuldsvermutung

Nur eine himmelschreiende Missachtung der Unschuldsvermutung kann die Verletzung von Präsident Milosevics Grundrecht auf freie Meinungsäußerung rechtfertigen, wobei die Verletzung der Rechte seiner potentiellen Besucher hinzukommt.

Tatsächlich setzt ein Verbot von Besuchen und Telefongesprächen, das auf die angebliche Kommunikation mit den Medien zu politischen Zwecken erfolgt, voraus, dass Präsident Milosevic schuldig ist, und dass seine Besucher durch Vereinigung mit ihm mitschuldig sind. Das Verbot geht davon aus, dass Herr Milosevic seinen Besuchern üble Dinge mitteilen wird - politische Dinge - die wiederum in den Medien berichtet werden.

Das Verbot scheint auch zu verhindern, dass Informationen, die für Herr Milosevic günstig sind, in den Medien veröffentlicht werden, was nur gerechtfertigt werden könnte, wenn seine Schuld vorausgesetzt wird.

Jedenfalls legt die Entscheidung des Registrars nahe, dass der Öffentlichkeit keine Informationen anvertraut werden können, die im Verlauf eines Besuches bei Herrn Milosevic erlangt werden könnten.

Die Entscheidung des Registrars verstößt gegen Regel 5 der Haftregeln, welche bestimmt:

Alle Gefangenen, abgesehen von jenen, die durch das Tribunal verurteilt worden sind, gelten als unschuldig, bis sie für schuldig befunden worden sind, und sind jederzeit entsprechend zu behandeln.

Der Maulkorberlass kommt einer Anordnung der Isolationshaft von Präsident Milosevic gleich

Das übergeordnete Prinzip im Bezug auf die Haft ist vorstehend dargelegt worden: Alle Gefangenen, abgesehen von jenen, die durch das Tribunal verurteilt worden sind, gelten als unschuldig, bis sie für schuldig befunden worden sind, und sind jederzeit entsprechend zu behandeln.

Dieses Prinzip ist der wesentliche Inhalt der Regel, die Gefangenen das Recht auf Besucher ihrer freien Wahl verleiht, sofern dem keine übergeordneten Sicherheitserwägungen entgegenstehen. Diese allgemeine Regel entspricht UN-Protokollen über Inhaftierung. Amnesty International liefert die folgende Begründung für das Prinzip des freien Zugangs zu Besuchern:

Die Rechte von Gefangenen, mit anderen zu kommunizieren und Besuche zu empfangen, sind grundlegende Sicherheitsvorkehrungen gegen Menschenrechtsverletzungen wie Folter, Misshandlung und "Verschwinden".

Festgenommene und inhaftierte Personen müssen die Genehmigung erhalten, mit der Außenwelt zu kommunizieren, allein unter dem Vorbehalt vernünftiger Bedingungen und Beschränkungen.

Seit März 2003 ist Herrn Milosevic das Recht auf Besuche seiner Ehefrau und Familienangehörigen entzogen worden. Im August verbot der Registrar Besuche von Mitgliedern der Sozialistischen Partei Serbiens und assoziierter Einheiten ("associated entities"). Der vorliegende Erlass stellt ein umfassendes Verbot aller Besuche dar, von sehr beschränkten Ausnahmen, Anwälten und konsularischen Vertretern abgesehen.

Die Entscheidung des Registrars kommt der Verhängung von Isolationshaft über Herrn Milosevic gleich. Sie ist ungerechtfertigt, willkürlich und mutwillig. Ihre Wirkung - die Verletzung des Rechts eines Kandidaten auf freie Meinungsäußerung, der von einer legitimen politischen Partei im Rahmen demokratischer Wahlen rechtmäßig nominiert worden ist, ist ein Schlag gegen jene Idee der internationalen Rechtsprechung, sie den Urhebern der UN-Charta vorschwebte, die in der Souveränität der Staaten, dem Recht der Völker auf Selbstbestimmung und der Ablehnung der Anwendung oder Androhung von Gewalt in den internationalen Beziehungen alles überragende Werte sahen. Das diese Ideale im Namen der Justiz selbst pervertiert werden, kann nur bedeuten, das internationale Recht in Frage zu stellen.

Tiphaine Dickson, Rechtsanwältin

Den Haag, den 14. Dezember 2003

*Tiphaine Dickson ist Strafverteidigerin in Montreal. Sie war Hauptverteidigerin in einem der ersten ad hoc Völkermord-Verfahren vor dem Internationalen Straftribunal für Ruanda in Arusha/Tansania

[2]

**VERNEHMUNG OHNE ÖFFENTLICHKEIT:
WESLEY CLARKS ZEUGENAUSSAGE IM MILOSEVIC-PROZESS**

Von Tiphaine Dickson*

Das Recht auf ein faires öffentliches Verfahren, Eckstein der Strafjustiz, ist seit dem 11. September 2001 unter Beschuss. Der in wechselnder Gestalt geführte "Krieg gegen den Terrorismus" hat eine Kultur der Undurchsichtigkeit von Gerichtsverfahren um sich greifen lassen und im Namen der Staatssicherheit und des nationalen Interesses Prozessen in geschlossener Sitzung wachsende öffentliche Akzeptanz verschafft.

Doch nicht allein in den USA - oder in der Bucht von Guantanamo - sind die Gerichtstüren fest verschlossen, und der Gang der Rechtsprechung gegen den öffentlichen Blick abgeschirmt. Beim Internationalen Straftribunal für das ehemalige Jugoslawien (ICTY) werden Publikum und Medien häufig gebeten, wegen vertraulicher Teile des Verfahrens die öffentliche Galerie zu räumen. Das Recht des Angeklagten auf ein öffentliches Verfahren [1] - und das Recht der Öffentlichkeit zu ermitteln, ob die Rechtsprechung wirklich unabhängig und unparteiisch ausgeübt wird - , wird mit alarmierender Häufigkeit durch Sicherheitserwägungen beeinträchtigt, insbesondere im Falle von Slobodan Milosevic. Der Ausschluss des Publikums selbst vom kleinsten Teil eines

historisch so wichtigen Verfahrens vor einem Tribunal, das vom Sicherheitsrat der Vereinten Nationen [2] geschaffen wurde - um angeblich Wahrheit [3], Versöhnung [4] und Frieden [5] zu befördern-- steht im Widerspruch zu dem erklärten Zweck. Wie kann ein Gremium der UN Menschenrechtsinstrumente und Resolutionen der Generalversammlung der UN missachten, welche das Recht auf ein öffentliches Verfahren zum goldenen Standard des Schutzes der Menschenrechte erheben? Erhellend wirkt hier die Tatsache, dass das ICTY aufgrund politischer Erwägungen geschaffen wurde. Madeleine Albright gilt der früheren Präsidentin des ICTY als "die Mutter des Tribunals" [6], und wie auch die Außenministerin der USA dem Krieg im Kosovo auch ihren Namen gegeben hat [7].

Politisches Verfahren, politische Zeugenaussagen, politischer Druck

Ein Rest an Zweifel an dem politischen Charakter des ICTY wurde zerstreut, als die US-Regierung am 15. und 16. Dezember bezüglich der bevorstehenden von der Anklage beantragten Zeugenaussage des US-Präsidentschaftskandidaten Wesley Clark im Verfahren gegen Milosevic erstaunlich strenge Bedingungen erließ. [8] Die US-amerikanische Regierung vermochte durchzusetzen, dass die Zeugenaussage von General Clark in Abwesenheit der Öffentlichkeit oder der Presse erfolgt, und sie erhielt das Recht, die Verbreitung der Zeugenaussage in einer nach den Worten des ICTY "zeitweilig geschlossenen Sitzung" um 48 Stunden zu verzögern. Die verzögerte Verbreitung verfolgt den Zweck, der US-Regierung die Möglichkeit zu geben, "die Mitschrift zu überprüfen und ihre Meinung kund zu tun, ob die in offener (sic) Sitzung erfolgte Beweisaufnahme redaktionell überarbeitet werden sollte, um die nationalen Interessen der USA zu schützen". Dieses Verfahren wird eine weitere Verzögerung bedingen, derweil die Kammer US-Anträge auf Zensur des öffentlichen Protokolls darauf hin prüft, ob sie mit dem juristisch nebelhaften Konzept der "nationalen Interessen" der USA in Einklang stehen.

Aber was könnte der General dem Tribunal des Sicherheitsrats zu sagen haben, was er nicht in einem Interview, einem Zeitungskommentar oder in einem seiner beiden sich selbst bestätigenden Bände über die Kunst des Krieges im Einzelnen dargelegt hat? Und was noch wichtiger ist: Was könnte er möglicherweise gegen die Interessen von Präsident Slobodan Milosevic sagen, was die von den USA verfügte Auflage strenger Bedingungen zum Schutz ihrer "legitimen nationalen Interessen" erforderlich machen würde.

Könnte es sein, dass Wesley Clark ein zu erschütternder Zeuge ist? Möchte die US-Regierung im Zuge des laufenden - und anscheinend endlosen - "Krieges gegen den Terrorismus" Fragen vermeiden, die General Clarks Rolle [9] - und die seiner Regierung - [10] bei der Gewährung militärischer, finanzieller und politischer Unterstützung der UCK [11] betreffen, deren gut belegte Verbindungen zu Al Qaida [12] inzwischen ein peinliches Licht auf die Auswirkungen der Balkanpolitik der USA werfen?

Das ICTY hat bereits zugestimmt, dass sieben Absätze der vollständigen Erklärung von Clark unter Verschluss genommen werden, unzugänglich für die Öffentlichkeit. Die US-Regierung, der das Recht zugestanden wurde, bei der Vernehmung von General Clark zwei Vertreter im Gerichtssaal zu haben - im Gegensatz zur Öffentlichkeit, die auf keinerlei Vertreter Anspruch hat - kann verlangen, dass weitere Beweise in geschlossener Sitzung eingebracht werden.

Ein öffentliches Verfahren?

Anders gesagt, während Wesley Clark - eine Figur des öffentlichen Lebens, heute US-Präsidentschaftskandidat und früher NATO-Oberkommandierender während der Bombardierungen Jugoslawiens - im Prozess gegen Slobodan Milosevic - dem Prozess des Jahrhunderts - aussagt, werden die Öffentlichkeit und die Medien ausgeschlossen. 48 Stunden lang wird die Öffentlichkeit warten, bis die US-Regierung entschieden haben wird, was sie meint, den Medien zur Berichterstattung anvertrauen zu können, und was aus dem öffentlichen Protokoll im Namen der "nationalen Interessen" gestrichen werden muss. Während der Invasion im Irak kamen eingebettete Journalisten zeitiger an Informationen heran. Und auf welcher Grundlage will die Kammer entscheiden, ob sie dem Antrag der USA stattgibt oder nicht, Beweismaterial aus dem öffentlichen Protokoll zu streichen? Ist nicht das Konzept der "nationalen Interessen" ein irgendwie subjektiver politischer Begriff, wodurch die richterliche Würdigung und praktische Anwendung seines Inhalts nahezu unmöglich wird? Eine fremde Regierung - die einzige Supermacht - stellt Bedingungen für die Zeugenaussage eines pensionierten Generals und Präsidentschaftskandidaten gegen den ehemaligen Präsidenten der Nation, die aufgrund der Befehle des Zeugen bombardiert wurde. Die Bedingungen für die Zeugenaussage verstoßen gegen das international anerkannte Recht auf Öffentlichkeit des Verfahrens. Die Bedingungen verstoßen gegen die Rechte des Angeklagten, der Medien und der Öffentlichkeit. Dass ein Gericht - und noch dazu ein internationales Tribunal, angeblich dazu eingerichtet, die Menschenrechte hoch zu halten und der Kultur der Straflosigkeit ein Ende zu setzen - derart empörenden Bedingung annimmt, wäre undenkbar, wenn dies nicht mehr ein politischer als ein juristischer Prozess wäre.

Der öffentliche Charakter eines juristischen Prozesses ist für jede Demokratie lebenswichtig: Der öffentliche Zugang zu offener Rechtsprechung sichert faire Verfahren. Nur wenn die Rechtsprechung zugänglich ist, können die Menschen sich eine Meinung bilden, ob Verfahren nationalen und internationalen Standards entsprechen. [13] Der öffentliche Zugang zu Strafverfahren schützt die Angeklagten vor böswilligen, willkürlichen oder politischen Verfolgungen im Geheimen und fernab von öffentlicher Nachprüfung. Im Zusammenhang mit dem Milosevic-Prozess treffen diese Erwägungen mit noch größerer Dringlichkeit zu angesichts des politischen Charakters des Tribunals, der Prozessführung, wie auch der finanziellen und institutionellen Unterstützung des ICTY durch bestimmte Regierungen und Einzelpersonen [14], deren Belange und Interessen nicht den Voraussetzungen einer Rechtsprechung entsprechen, wie sie aufgrund internationaler und inländischer Standards zu fordern sind.

"Nationale Interessen" gehen vor Recht auf Kreuzverhör

Auch Slobodan Milosevics Recht, Wesley Clark ins Kreuzverhör zu nehmen, ist gravierend eingeschränkt worden - in Verletzung der Rechte, die in den Verfahrensregeln des ICTY niedergelegt und in allen kontradiktorischen Rechtssystemen anerkannt sind. Ihm wird nicht gestattet sein, General Clark zu Sachverhalten zu befragen, welche seine Glaubwürdigkeit berühren, eine ungeheuerliche Einschränkung im Lichte der Tatsache, dass Clark, ein US-Präsidentschaftskandidat, kürzlich eingeräumt hat, dass das

78-Tage-Bombardement der NATO gegen Jugoslawien - ein Feldzug für den er direkt verantwortlich war - unter "technischer" Verletzung des internationalen Rechts durchgeführt wurde. [15]

Die Frage der Glaubwürdigkeit stellt sich im Bezug auf einen Zeugen, der über Milosevics Absichten und seinen guten Willen als Verhandlungspartner aussagt. In einem derartigen Falle wäre die Verteidigung berechtigt, die Glaubwürdigkeit des Zeugen in Frage zu stellen, und zwar eines solchen, der die Bombardierung des RTS-Fernsehstudios in Belgrad genau zu einem Zeitpunkt befahl, [16] als eine Verbindung für ein Interview mit Larry King auf CNN hergestellt wurde. [17] Man könnte nach der Bombardierung eines Personenzuges fragen, und insbesondere nach der weniger als ehrlichen Rechtfertigung dieses Vorfalls durch den Zeugen als "Kollateralschaden". [18] Insbesondere könnte Clark gefragt werden, warum er der Presse erklärte, dass die Geschwindigkeit des Zuges so war, dass die Flugbahn der Raketen nicht geändert werden konnte, wobei er manipulierte Videobänder benutzte - vorgeführt mit einer dreimal schnelleren Geschwindigkeit als normal - , um seine Rechtfertigung dieser zivilen Todesfälle zu untermauern. Auch General Clarks unglaubwürdige Erklärung für die Bombardierung der chinesischen Botschaft - eine davon war: "Ich hatte noch einen Anruf, der besagte: «Hoppla, es scheint, dass die Botschaft verlegt worden ist». [19] - wäre eine geeignete Linie, auf der sich das Kreuzverhör bewegen könnte.

Es ist der Öffentlichkeit derzeit unbekannt, ob Clark überhaupt zu der Bombardierungskampagne befragt werden wird. Falls seine Aussage sich nicht auf den NATO-Angriff auf Jugoslawien erstreckt, wird Slobodan Milosevic nicht das Recht haben, dies überhaupt anzusprechen, da die von der US-Regierung erwirkten Bedingungen Fragen, zum Inhalt von Clarks Aussage einschränken. [20] Das ICTY hat Milosevic gestattet, "eine Erweiterung des Umfangs der Beweisaufnahme durch vorherige Zustimmung der US-Regierung anzustreben". [21] Diese Übertragung richterlicher Autorität durch die Kammer an die US-Regierung wäre komisch, wäre sie nicht der schlagende Beweis für die Unfähigkeit dieser Institution, richterlich zu agieren. Warum kann sich Präsident Milosevic nicht an die Richter wenden, um einen erweiterten Umfang des Kreuzverhörs zu beantragen? Wann hat die US-Regierung die Richter auf ihrer Bank abgelöst? Zur Begründung einer solch unglaublichen Maßnahme wird in der Entscheidung des ICTY keinerlei rechtliche Erwägung oder Rechtsgrundlage angeführt. Darin liegt einfach das Eingeständnis, dass diese Institution nicht in der Lage ist, die Fakten rechtlich zu würdigen oder das Recht mit der Unabhängigkeit und Unparteilichkeit anzuwenden, die aufgrund internationaler Gerichtshoheit erforderlich ist oder auch aufgrund des eigenen Statuts, welches bestimmt: "Die erkennenden Kammern sollen sicherstellen, dass ein Verfahren fair und zügig ist, und dass die Verhandlungen gemäß der Verfahrens- und Beweisaufnahmeordnung unter voller Achtung der Rechte des Angeklagten und angemessener Berücksichtigung des Schutzes von Opfern und Zeugen durchgeführt werden." [22]

Die Regeln des ICTY bestimmen ferner, dass "alle Verfahren vor einer erkennenden Kammer, anders als die Beratungen der Kammer, öffentlich stattfinden, falls nicht anders bestimmt" [24], und dies auch dann, wenn diese fremde Regierung ein unverzichtbarer Beitragszahler für das Tribunal ist. [25]

"Nationale Interessen"

Was sind eigentlich "nationale Interessen"? Man kann wohl mit Verständnis rechnen, wenn man zu dem Schluss kommt, dass sie alles und jedes bedeuten können. Das Recht schweigt zu der Definition dieses Begriffs. Dagegen ist das Konzept der "nationalen Sicherheit" als ein rechtliches Konzept untersucht und definiert worden. Insbesondere die Frage, ob und wann der Öffentlichkeit der Zugang zu Informationen im Namen der nationalen Sicherheit verwehrt werden kann, war Gegenstand einer bedeutenden internationalen juristischen Konferenz in Johannesburg im Jahre 1995, bei der die "Johannesburger Prinzipien in Bezug auf nationale Sicherheit, Freiheit der Meinungsäußerung und Zugang zu Informationen" angenommen wurden. Einberufen wurde das Treffen durch ARTICLE 19, International Centre Against Censorship und Centre for Applied Legal Studies der Universität von Witwatersrand/Südafrika. [26]

Eine Einschränkung offener Rechtsprechung aufgrund "nationaler Sicherheit" - und nicht "nationalen Interesses", eines Konzepts, das anscheinend weniger dringliche Belange schützt - ist gemäß Prinzip 2 der Johannesburger Prinzipien nicht "legitim, es sei denn ihr echter Zweck und nachweisbarer Effekt ist der Schutz der Existenz eines Landes oder seiner territorialen Integrität gegen Anwendung oder Androhung von Gewalt, oder seiner Fähigkeit auf die Androhung und Anwendung von Gewalt zu reagieren, sei es durch eine auswärtige Quelle wie eine militärische Bedrohung oder eine interne Quelle wie das Aufwiegeln zum Sturz der Regierung."

Hat nun die US-Regierung argumentiert, dass die Existenz oder territoriale Integrität der Vereinigten Staaten von Amerika durch Wesley Clarks öffentliche Zeugenaussage gefährdet würde? Ob sie dies tat oder nicht, ist nicht bekannt, weil die Eingabe der US-Regierung, mit der sie diese Bedingungen gestellt hat - ohne welche sie Wesley Clark überhaupt nicht erlauben würde auszusagen - vertraulich war. Die Anhörung war vertraulich. Und die vertrauliche Entscheidung, die diese Bedingungen verfügt, - und die mit einer Verzögerung von mehr als zwei Wochen bekannt gemacht wurde - bietet keinerlei Hinweis darauf, welche "nationalen Interessen" von den Vereinigten Staaten geltend gemacht wurden, um derart umfassende Geheimhaltungsmaßnahmen zu rechtfertigen.

Die Johannesburger Prinzipien legen fest, was keine legitime Einschränkung eines öffentlichen Verfahrens auf der Grundlage der nationalen Sicherheit darstellen würde:

"Insbesondere ist eine Einschränkung, die mit der Begründung der nationalen Sicherheit verlangt wird, nicht legitim, wenn ihr echter Zweck und nachweisbarer Effekt ist, Interessen zu schützen, die keinen Bezug zur nationalen Sicherheit haben, wie beispielsweise, um eine Regierung gegen Unannehmlichkeiten oder gegen die Offenlegung von Fehlverhalten in Schutz zu nehmen oder Informationen über Vorgänge innerhalb ihrer öffentlichen Einrichtungen zurückzuhalten oder eine bestimmte Ideologie zu festigen oder Arbeitskämpfe zu unterdrücken." [27]

Dass das ICTY Bedingungen der USA akzeptiert, die eines der grundlegenden Prinzipien des internationalen Rechts - Öffentlichkeit von Gerichtsverfahren - so massiv verletzen, ohne dass jemals eine Begründung für eine derart beispiellose Einschränkung öffentlich diskutiert worden wäre, sollte den

Mythos der Fairness dieser Verfahren gründlich zunichte machen.

Man bedenke ferner, dass Wesley Clark in hohem Maße eine Figur des öffentlichen Lebens ist, dass er sich um das Präsidentenamt der Vereinigten Staaten bewirbt, und dass dementsprechend seine Zeugenaussage der öffentlichen Überprüfung unterliegen sollte. Und man beachte, dass der pensionierte General Clark gegen Slobodan Milosevic fast jeden Tag in Interviews als Zeuge auftritt - und sich häufig darin ergeht, ihn durch Nachahmung seines slawisch akzentuierten Englisch lächerlich zu machen. [28] Oder ist es vielleicht so, dass das ICTY das "nationale Interesse" der USA vor Medien und Öffentlichkeit dadurch schützt, dass es verhindert, dass man Slobodan Milosevic hören kann, wie er Wesley Clark tüchtig ins Kreuzverhör nimmt?

Der US-Regierung ist es gelungen, Clarks Zeugenaussage im Namen der "nationalen Interessen" gegen öffentliche Überprüfung abzuschirmen. Aber warum sollte man bei General Clark Halt machen? Warum sollten es andere NATO-Länder unterlassen, die Gelegenheit zu nutzen, als Ankläger im Zeugenstand aufzutreten, ohne die Folgen eines transparenten Verfahrens tragen zu müssen? Dieser Präzedenzfall wird zweifellos angeführt werden, um andere Vertreter der USA [29] vor dem Druck eines öffentlichen Verfahrens zu schützen, und er wird dazu dienen, den USA im Rahmen des internationalen Rechts weiterhin Straflosigkeit zu garantieren. Schon jetzt ist die Straflosigkeit der USA fest etabliert, betrachtet man die Weigerung der US-Regierung, sich der Rechtsprechung des Internationalen Strafgerichtshofs zu unterwerfen, und dies aus Furcht vor "politischer Strafverfolgung". [30] Angesichts der massiven Beteiligung der USA an beiden Tribunalen, für Jugoslawien und für Ruanda, - aus der sie, so könnte man meinen, den Beweis für unbegründete, politisch motivierte Strafverfolgung herleiten [31] treiben derartige Bedenken der USA die Unaufrichtigkeit zu Schwindel erregenden Höhen.

Konflikt der Interessen?

Das Recht auf einen fairen und öffentlichen Prozess ist das Recht auf einen fairen und öffentlichen Prozess vor einem unabhängigen und unparteiischen Tribunal. Jedes internationale Rechtsinstrument erkennt dieses grundlegende Prinzip an. [32].

Wesley Clark wird vermutlich über seine Rolle als NATO-Oberkommandierender aussagen. Die USA sind ein NATO-Land, man könnte behaupten, das NATO-Land. Wie Wesley Clark formuliert: "Wir sind die Führer der NATO, wir haben die NATO aufgebaut, es ist unsere Organisation". [33] Das ICTY befindet sich in einer schwierigen Lage, wenn es als unabhängiges Gremium der Rechtsprechung agieren will, denn die NATO hat erklärt, dass "sie eins ist" mit dem Tribunal. NATO-Sprecher Jamie Shea stellte am 16. Mai 1999 vor der Presse fest, dass, wenn "Richterin Arbour ihre Ermittlungen aufnimmt, sie dies tut, weil wir es ihr ermöglichen. (.) Die NATO-Länder sind diejenigen, die die Haushaltsmittel zur Verfügung gestellt haben, um das Tribunal zu errichten, wir gehören zu den Hauptbeitragszahlern (.) so lassen Sie mich versichern, dass wir und das Tribunal in dieser Angelegenheit ganz eins sind, wir wollen Kriegsverbrecher vor Gericht gestellt sehen, und ich bin sicher, dass Richterin Arbour, wenn sie in den Kosovo geht und die Fakten anschaut, Leute mit jugoslawischer Staatsangehörigkeit anklagen wird (.)[34]

Man kann sich schwerlich ein vernichtenderes Eingeständnis vorstellen. Mit der Feststellung, dass ihre Mitgliedsländer die wichtigsten Finanziere des Tribunals sind, behauptet die NATO im Wesentlichen, dass sie die Gehälter der Richter und Staatsanwälte des ICTY bezahlt. Und diese Feststellung ist irgendwie unvereinbar mit dem Erfordernis der institutionellen Unabhängigkeit und Unparteilichkeit eines Strafverfahrens. Und wenn dem ehemaligen NATO-Oberkommandierenden - Vorstandsmitglied der International Crisis Group von George Soros, gemeinsam mit der obersten kanadischen Richterin Louise Arbour [35] - Gelegenheit zu einer Zeugenaussage in Abwesenheit der Presse gegeben wird, weil dies eine von den Vereinigten Staaten durchgesetzte Bedingung ist, löst sich jeglicher Anschein von Rechtsprechung jenseits der kosmetischen Attribute der Richterroben und der rituellen Aufforderungen, sich "zu erheben" oder "Platz zu nehmen" (wer wird da überhaupt sein, um aufzustehen und sich zu setzen?) in einer Wolke von Rauch auf.

Übersetzung aus dem Englischen: Klaus von Raussendorff

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Anmerkungen:

[1] Artikel 14 des Internationalen Pakts über bürgerliche und politische Rechte bestimmt:

"Jedermann hat Anspruch darauf, dass über eine gegen ihn erhobene strafrechtliche Anklage oder seine zivilrechtlichen Ansprüche und Verpflichtungen durch ein zuständiges, unabhängiges, unparteiisches und auf Gesetz beruhendes Gericht in billiger Weise und öffentlich verhandelt wird."

Paragraph 106 des Berichts des Generalsekretärs gemäß Paragraph 2 der Sicherheitsratsresolution 808 (1993), (S/25704), anerkennt die Anwendung internationaler rechtlicher Verfahrenssicherungen auf das ICTY:

"Fundamental wichtig ist, dass das Internationale Tribunal die international anerkannten Standards im Bezug auf die Rechte des Angeklagten in allen Phasen seiner Verfahren voll respektiert. Solche international anerkannten Standards ergeben sich nach Auffassung des Generalsekretärs insbesondere aus Artikel 14 des Internationalen Pakts über bürgerliche und politische Rechte."

[2] UN-Sicherheitsratsresolution 827 (1993).

[3] "In der Diskussion über die Resolution des Sicherheitsrats über die Schaffung des ICTY bekräftigte Außenministerin Albright, dass «dies kein Siegertribunal ist. Der einzige Sieger, der bei diesem Unternehmen die Oberhand behält, ist die Wahrheit.»", Ausführungen des ICTY-Präsidenten Theodor Meron am 7. Oktober, 2003, vor der Kommission für Sicherheit und Zusammenarbeit in Europa (KSZE), Washington,
http://www.csce.gov/witness.cfm?briefing_id=269&testimony_id=437

[4] "Die Rolle des Tribunals kann nicht genug betont werden. Weit davon entfernt, ein Vehikel der Rache zu sein, ist es ein Werkzeug zur Förderung von Versöhnung und Wiederherstellung eines echten Friedens." Erster Jahresbericht des ICTY, (A/49/342 - S/1994/1007), vorgelegt von der ehemaligen ICTY-Präsidentin, Richterin Gabrielle Kirk McDonald.

[5] "der Sicherheitsrat hat in Resolution 808 (1993) festgestellt, dass er davon überzeugt ist, dass die Einrichtung eines internationalen Tribunals unter den besonderen Umständen des ehemaligen Jugoslawien das Erreichen des Ziels einer Beendigung solcher Verbrechen und des Ergreifens wirkungsvoller Maßnahmen, um die dafür verantwortlichen Personen zur Rechenschaft zu ziehen, zu Stande bringen würde und zur Wiederherstellung und Aufrechterhaltung des Friedens beitragen würde." Paragraph 26 des Berichts des Generalsekretärs gemäß Paragraph 2 der Sicherheitsratsresolution 808 (1993), vorgelegt am 3. Mai 1993 (S/25704). Die Sicherheitsratsresolution 827 übernahm die Argumentation als Begründung für die Einrichtung des ICTY.

[6] Richterin Gabrielle Kirk McDonald, die erste Präsidentin des ICTY, machte dies Äußerung bei einer Preisverleihungsfeier im Supreme Court der USA am 5. April 1999. "Wir genossen die starke Unterstützung von interessierten Regierungen und engagierten Persönlichkeiten wie Außenministerin Albright. Als Ständige Vertreterin bei den Vereinten Nationen wirkte sie mit nicht nachlassender Entschlossenheit für die Errichtung des Tribunals. Tatsächlich bezogen wir uns oft auf sie als die „Mutter des Tribunals“, zitiert nach Prosecute NATO, George Szamuely, New York Press,

Judge Gabrielle Kirk McDonald, first President of the ICTY, made this statement at an awards ceremony held at the U.S. Supreme Court on April 5th, 1999: "[W]e 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.'" Quoted in Prosecute NATO, George Szamuely, New York Press,

http://www.balkanpeace.org/library/fa_2000/jan/fa250100.html.

[7] Siehe Online Newshour vom 10. Juni, 1999:

JIM LEHRER: Stört es Sie, wenn man das Madeleins Krieg nennt?

MADELEINE ALBRIGHT: Nun, ich hatte es ist mir nie in den Sinn gekommen, dass jemand den Krieg nach mir benennen könnte, aber es stört mich überhaupt nicht, dass man weiß, dass ich wie Präsident Clinton der Meinung war, dass dies eine Situation war, die nicht länger fort bestehen konnte."

http://www.pbs.org/newshour/bb/europe/jan-june99/albright_6-10.html

[8] "Beschluss über den Antrag der Anklage für einen Zeugen gemäß Regel 70 (B)", Anklage gegen Milosevic, IT-02-54-T, 30. Oktober, 2003, Vertraulich, veröffentlicht am 16. November 2003.

[9] Als militärischer Mitarbeiter von Richard Holbrooke während des

Abschlusses des Dayton Friedensabkommens 1995, als Direktor für Strategische Planungen und Politik innerhalb des Vereinigten Generalstabs von 1994 bis 1997 und als NATO-Oberkommandierender von 1997 bis 2000.

[10] Brendan O'Neill, "How We Trained Al-Qa'eda", The Spectator, November 22nd, 2003,

<http://www.spectator.co.uk/article.php3?2003-09-13&id=3499#articletop>.

[11] Id., Craig Pyesjosh Meyer and William C. Rempe, "Terrorists Use Bosnia as Base and Sanctuary", Los Angeles Times, October 7, 2001; Michel Chossudovsky, "Regime Rotation in America: Wesley Clark, Osama bin Laden and the 2004 Presidential Elections", Center for Research on Globalization, October 22nd, 2003, <http://globalresearch.ca/articles/CHO310B.html>.

[12] Cliff Kincaid, "Wesley Clark's Ties To Muslim Terrorists", Accuracy in Media, September 17, 2003; Brendan O'Neill, "How We Trained Al-Qa'eda", The Spectator, November 22nd, 2003, <http://www.spectator.co.uk/article.php3?2003-09-13&id=3499#articletop>; Craig Pyesjosh Meyer and William C. Rempe, "Terrorists Use Bosnia as Base and Sanctuary", Los Angeles Times, October 7, 2001; Michel Chossudovsky, "Regime Rotation in America: Wesley Clark, Osama bin Laden and the 2004 Presidential Elections", Center for Research on Globalization, October 22nd, 2003, <http://globalresearch.ca/articles/CHO310B.html>; Nikolaos Stavrou, "Balkan Branches of the Terror Network?", Washington Times, October 21, 2001; George Szamuely, "Home-Grown Terrorism", New York Press, December 28, 1999.

[13] Amnesty International, Fair Trials Manual,

http://www.amnesty.org/ailib/intcam/fairtrial/indxftm_b.htm#14

[14] Obgleich das Statut des ICTY bestimmt, dass das Tribunal aus dem regulären Haushalt der UN zu finanzieren ist, was eine Sicherung gegen die Verletzung der richterlichen Unabhängigkeit darstellt, hat das Tribunal Spenden von Regierungen, darunter der USA, so wie von privaten Stiftungen wie die Rockefeller Stiftung erhalten. Siehe Paragraph 16 des Ersten Jahresberichts des Präsidenten des ICTY, <http://www.un.org/icty/rappannu-e/1994/index.htm>. Das ICTY hat auch von George Soros sowie von Konzernen Spenden erhalten. Von Interesse ist die "private" Finanzierung von Exhumierungen für das Büro der Anklagevertretung: "Die Mittelbereitstellung für Exhumierungen von Massengräbern im ehemaligen Jugoslawien ist nicht Bestandteil des regulären Budgets des Tribunals sondern kommt in erster Linie von PHR (Ärzte für Menschenrechte). Diese Organisation fungiert als Durchlaufstelle von Mitteln von IGOs und NGOs für die Tribunale für das ehemalige Jugoslawien und Ruanda. Bis heute haben eine Reihe von Stiftungen, darunter aus den USA die John Merck, Rockefeller und Soros Stiftungen und die niederländische Organisation Novib Zuwendungen in Bar, Ausrüstungen und Personal geleistet." Siehe <http://www.un.org/icty/BL/08article.htm>

[15] "Meet the Press", November 16th, 2003,

<http://www.msnbc.com/news/994273.asp>; Peter J. Boyer, "General Clark's Battles", The New Yorker, November 17th, 2003.

[16] Reporters sans frontières, November 2000 Report, "Serbian Broadcasting: Chronicle of Martyrdom Foretold",

http://www.rsf.org/rsf/uk/html/europe/rapport/serbie_rts.html. Sowohl Amnesty International als auch Human Rights Watch kamen zu dem Schluss, dass die Bombardierung von RTS - die 16 Menschen tötete - in Verletzung des internationalen Rechts erfolgte, ebenda.

[17] Robert Fisk, "Taken In By the NATO Line," The Independent, July 2, 1999.

[18] "NATO verwendete schneller laufenden Film, um zivile Tote im Kosovo zu entschuldigen: Zeitungsbericht", AFP v. 6. Januar 2001: " (...) US General Wesley Clark zeigte kurz danach zwei Videobänder von dem Zug, der schnell auf der Brücke zu fahren schien, und sagte, es sei dann unmöglich gewesen, die Flugbahn der Raketen zu ändern. Die Zeitung aus Frankfurt berichtete, beide Videobänder seien mit dreimal größerer Geschwindigkeit als normal vorgeführt worden. Ein Sprecher des NATO-Militärkommandos in Mons, Belgien, räumte in einem Telefoninterview mit AFP ein, dass diese Bilder durch ein "technisches Problem" verändert worden seien. Das Filmmaterial, das von einer Kamera in dem Gefechtskopf einer der Raketen, welche die Brücke und den Zug zerstörten, aufgenommen worden war, wurde bei der Herstellung der Vorführkopie verändert, erklärte der Sprecher. Er teilte mit, die NATO sei sich des Problems seit letzten Oktober bewusst gewesen aber habe es nicht als 'nützlich' angesehen, dies offen zu legen."

[19] "Gegen fünf Uhr morgens bekam ich einen weiteren Anruf, der besagte: 'Hoppla. Es scheint, dass die Botschaft verlegt worden ist.' " Interview, General Wesley Clark, Frontline, PBS, <http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/clark.html>

[20] ICTY-Beschluss, siehe oben.

[21] ebenda.

[22] ICTY-Statut, Artikel 20, Paragraph 1.

[23] ebenda, Paragraph 4.

[24] Die Regeln 70 and 79 der Verfahrens- und Beweisaufnahmeordnung des ICTY enthalten eine erschöpfende Aufzählung der zulässigen Ausnahmen von dem Erfordernis der Öffentlichkeit der Verhandlung.

[25] Der Präsident des ICTY, Richter Theodor Meron, äußerte sich am 7. Oktober 2003 vor der Kommission für Sicherheit und Zusammenarbeit in Europa (KSZE) in Washington wie folgt: " Wie Sie wissen, übernahmen die Vereinigten Staaten bei der Schaffung des ICTY eine führende Rolle und bleiben weiterhin sein entschiedener Befürworter. Der US-Finanzbeitrag macht etwa ein Viertel des jährlichen Haushalts des Tribunals in Höhe von 120 Millionen US-Dollar aus."

http://www.csce.gov/witness.cfm?briefing_id=269&testimony_id=437

[26] <http://www.derechos.org/nizkor/excep/johannesburg.html>

[27] Johannesburger Prinzipien, Prinzip 2 (B).

[28] N.R. Kleinfield, "General Clark on the Hustings: Complexity and Contradiction", New York Times, November 23rd, 2003,

<http://www.nytimes.com/2003/11/23/politics/campaigns/23CLAR.html>; Seth Rogovoy, "A General for President?", September 13th, 2003, The Atlantic Monthly, Tom Junod, "The General", August 2003, Esquire.

[29] Christopher Marquis, "US Seeks Safeguards on Diplomats Testifying at Milosevic Trial", New York Times, June 13th, 2002 Global Policy Forum-International Justice, <http://www.globalpolicy.org/intljustice/tribunals/2002/0613mil.htm>

[30] US Department of State, International Information Programs, "U.S. Restates Objections to International Criminal Court U.S. statement to General Assembly Sixth Committee", October 14th, 2002:

"In einer Rede vor dem 6. Ausschuss der Generalversammlung, die sich mit Rechtsfragen befasst, erläuterte Nicholas Rostow die Haltung der USA zu dem Gericht. „Die Vereinigten Staaten sind besorgt über die Gefahr politisch motivierter Strafverfolgungen,“ erklärte Rostow. "Beispiele für Ermittlungen oder Strafverfolgungen, die auf einer politischen Agenda beruhen, nicht auf Beweismaterial und neutraler staatsanwaltlicher Beweiswürdigung gibt es in großer Zahl. Die Struktur des ICC (des Internationalen Strafgerichtshofs) macht solche inakzeptablen Verfahren möglich."

<http://usinfo.state.gov/topical/pol/usandun/02101615.htm>

[31] ebenda.

[32] Universal Declaration of Human Rights, Article 10; International Covenant on Civil and Political Rights, Article 14; European Convention on Human Rights, Article 6; African Charter of Rights, Articles 7 (d) and 26; American Convention, Article 8(1); Basic Principles on the Independence of the Judiciary. According to the UN Human Rights Committee, the right to be tried before an independent tribunal "is an absolute right that may suffer no exception": González del Río v. Peru, (263/1987), 28 October 1992, Report of the HRC, vol. II, (A/48/40), 1993, paragraph 20.

[33] June 20, 2001, Uncommon Knowledge, Transcript 606: Waging Modern War, www.uncommonknowledge.org/01-02/606.html

[34] Press Conference, 16 May 1999. www.nato.int/kosovo/press/p990516b.htm

[35] <http://www.intl-crisis-group.org/home/index.cfm?id=1139&l=1>

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Aus "konkret" 12/03

ANWÄLTE DER ANKLAGE

ZEUGE NR. 262 IM PROZESS GEGEN SLOBODAN MILOSEVI? WAR LORD DAVID OWEN.
SEIN
AUFTRITT BELASTET DAS GERICHT UND DIE BERICHTERSTATTER SCHWER.

Von Germinal Civikov

Anfang November 2003 trat im Prozeß gegen den jugoslawischen Ex-Präsidenten Slobodan Milosevi? der frühere britische Außenminister David Owen als Zeuge auf. Das Berner Tageblatt "Der Bund" referierte über Owens Aussage:

"Er (Milosevi?) war kein fundamentalistischer Rassist, er wollte aber die Mehrheit für die Serben in Bosnien-Herzegowina", schilderte er den Ex-Präsidenten. Er habe nicht alle Muslime aus den serbischen Gebieten vertreiben wollen. Dagegen habe er Milosevics Frau als ethnische Puristin kennen gelernt, sagte Owen.

Tags darauf berichtet die "Neue Zürcher Zeitung" unter dem Titel "David Owen als Zeuge im Milosevi?-Prozess - Schwere Vorwürfe an den Förderer der bosnischen Serben":

Er glaube nicht, so Owen, daß es sich bei Milosevi? um einen fundamentalistischen Rassisten handle. Dies übrigens im Unterschied zu dessen Ehefrau, die er als Befürworterin ethnischer "Reinheit" kennen gelernt habe.

Was David Owen tatsächlich gesagt hat, steht im Protokoll und geht so:

Owen: Zweifellos ist Milosevic kein fundamentaler Rassist. Ich denke, er ist ein Nationalist, aber auch das nur sehr am Rande. Ich denke, er ist Pragmatiker. Tatsache ist, daß Muslime in Serben gelebt haben und leben. Es gibt Regionen in Serbien, in denen viele Muslime leben - wenn wir einmal vom Kosovo und vom Sandzak absehen. Auch in Belgrad selber gibt es eine große Zahl von Muslimen, die da immer gelebt haben. Ich glaube, Sie müssen zur Kenntnis nehmen, daß es alte kommunistische Jugoslawen gibt, die dem ethnischen Nationalismus sehr entschieden widersprechen und daß manche Kommunisten den Nationalisten opponiert haben, ganz gewiß einigen ihrer ethnisch-rassistischen Haltungen, und zu denen würde ich auch Präsident Milosevics Frau zählen, und ich würde ihn dazu zählen ...

Ob die Korrespondenten nicht richtig hingehört haben? Oder wollten sie aus Owens etwas undeutlicher Artikulation das heraushören, was sie schon zu wissen glaubten? Sie wußten, daß die Behauptung, Milosevi? sei ein großserbischer Nationalist oder gar Rassist nach zwei Jahren Prozeß nicht mehr seriös vertretbar ist. Nun auch noch über die berühmte Mira Markovi? zu erfahren, daß sie ethnische Säuberungen verabscheut habe, war den Korrespondenten wohl einfach eine Zumutung zuviel. Aber nicht die einzige. Als Owen vor Gericht sagte:

Einmal, denke ich, hielt Karadzic sich für den König der Serben, ein andermal wurde Mladic ein sehr mächtiger Serbe, mit dem Präsident Milosevic sogar in Belgrad zu rechnen hatte ...

reichte es dem Korrespondenten der hochseriösen "NZZ" endgültig. In seinem Bericht ließ er Owen sagen:

Für den früheren Chef der bosnischen Serben, Karadzic, sei Milosevic ein König gewesen". Gesagt hatte Owen das Gegenteil, nämlich daß Karadzic sich selber als König der Serben gesehen habe...

Der Auslöser des blutigen Zerfalls Jugoslawiens war, einer schon in den frühen 90er Jahren gefestigten öffentlichen Meinung zufolge, der großserbische Nationalismus, betrieben von Slobodan Milosevi?. Führende westliche Politiker und Medien waren aus unterschiedlichen Interessen und Beweggründen an der Erzeugung dieses Bildes beteiligt. Es liegt auch der Anklage gegen Slobodan Milosevi? zugrunde. Weil nun die Anklage offensichtlich große Probleme mit ihren Zeugen hat und die Beweisführung in den Kreuzverhören des Angeklagten immer wieder in sich zusammenbricht, haben die journalistischen Erfinder des "ethnischen Säuberers" Milosevic größte Mühe, um die Fiaskos der Anklage mit ihren Zeugen herumzudichten. Wer die Unwahrheit beweisen will, braucht Zeugen, die lügen, und auch da macht es erst die Masse. 270 Zeugen hat die Anklage aufgeboten, einer nach dem andern flog als Lügner auf. Von ihren Auftritten, die oft auch sehr amüsant verlaufen, berichten die Medien so gut wie nichts. Und wenn sie einmal berichten, dann so objektiv wie einst über die Kriege in Ex-Jugoslawien.

Lord Owen war der 262. Zeuge in diesem Prozeß. Das Gericht, nicht die Anklage, hatte ihn geladen. Aus seinem Buch Balkan Odyssey, in dem der ehemalige britische Außenminister seine Erfahrungen als EU-Beobachter im zerfallenden Jugoslawien und das Scheitern des Vance-Owen-Friedensplanes festgehalten hatte, wußten die Ankläger, daß er ein gefährlicher Zeuge werden konnte. So beschreibt Owen die Anerkennung von Slowenien, Kroatien und Bosnien durch die EU als schweren Fehler, er charakterisiert die jugoslawischen Kriege als Bürgerkriege und nicht als serbische Aggression, die bosnischen Muslime sind in seinen Augen keineswegs nur Opfer und den kroatischen Präsidenten Franjo Tudjman hält er für weit schlimmer als Milosevi?.

Dennoch machte der Hauptankläger Nice den Versuch, den Zeugen Owen alles bestätigen zu lassen, was die Anklage Milosevi? vorwirft. Mit sehr mäßigem Erfolg. Owen glaubt zwar, daß Milosevi? trotz des Embargos die bosnischen Serben mit Brennstoff und anderen Gütern beliefert habe, hob aber ausdrücklich hervor, daß er keine Beweise dafür habe und daher nur seine Vermutung ausspreche. Als unerwünschtes Nebenergebnis bringt die Befragung Owens Behauptung, daß die bosnischen Serben aus der Republik Kroatien reichlich Brennstoff bezogen hätten, und daß Milosevic als Präsident der Teilrepublik Serbien zwar die Polizei kontrollierte, keineswegs aber auch die jugoslawischen Streitkräfte.

Besondere Mühe gab sich Nice, den prominenten Zeugen bestätigen zu lassen, daß Milosevi? in seinen Friedensbemühungen nicht aufrichtig gewesen sei. Ob es denn nicht sein eigentliches Ziel gewesen sei, durch eine Friedensregelung die Eroberungen der bosnischen Serben politisch festzuschreiben, um später doch noch ein ethnisch gereinigtes Großserbien zu schaffen? Nein, sagt Owen, Milosevi? habe nicht zu denen gehörte, die die Muslime aus der Repulika Srbska vertreiben wollten. Wenn mit Fakten schon nichts ist, wie wär's mit ein bischen Stimmung?:

Nice: Die Bewohner von Srebrenica und all der anderen Sicherheitszonen waren völlig unschuldige Individuen, richtig?

Owen: Wie bitte?

Nice: Die Bewohner von Srebrenica waren Gefangene nur durch die Macht der Umstände. Sie hatten nichts getan, womit sie die Katastrophe, die ihnen widerfuhr, verdient hätten.

Owen: Ich denke, das ist ein kühner Schluß. Das sind Ihre Worte. Das sind nicht Worte, die ich benutzen würde.

Nice: Nun gut. Waren die Zivilisten an irgend etwas von dem, was ihnen geschah, schuld?

Owen: Es ist nicht meine Aufgabe, Schuld zuzuweisen, aber der gesunde Menschenverstand sagt mir, daß man einen Fehler macht, wenn man glaubt, in Nachbarschaftskriegen wie diesen sei eine Seite völlig unschuldig und die andere vollständig übel.

Will man den Zeitungsberichten glauben, erzielte die Anklage allerdings einen wichtigen Erfolg mit Owens Aussage, Milosevi? habe seine Macht über die bosnischen und kroatischen Serben nicht ausreichend benutzt, um ihnen Einhalt zu gebieten. Milosevic sei imstande gewesen, so Owen in seinem Buch und vor den Richtern, solchen Druck auf die bosnischen Serben auszuüben, daß er den Frieden in Bosnien hätte erzwingen und die Beschießung von Sarajewo wie auch die ethnischen Säuberungen hätte verhindern können. "Ich glaube", sagt Owen wiederholt, "er hatte diese Macht." Für die meisten Zeitungsberichte das Wichtigste und manchmal auch das Einzige, was Owen im Zeugenstand zu sagen hatte:

"Milosevic in der Enge. Der frühere Serbenführer wird vor dem UN-Tribunal erneut belastet" titelte die "Süddeutsche Zeitung", die aus Owens "Ich glaube" einen Beweis dafür macht, "daß die Schuld für die Gräueltaten in Bosnien auch im Präsidentenpalast zu Belgrad zu finden war." Daß erst der 262 Zeugen diesen Beweis erbringen sollte, stört die Zeitung nicht: Der Prozeß, so ihr Berichterstatter, verlaufe bisher schlecht für den Angeklagten. Nur zwei Zeugenauftritte seien "nach hinten losgegangen", aber zehn Zeugen hätten Milosevi? schwer belastet. Und was ist mit den restlichen 250 Zeugen der Anklage? Haben möglicherweise doppelt soviel den Angeklagten schwer entlastet?

Immerhin warnt der Korrespondent der "Süddeutschen" am Ende seines Beitrags, beim Kreuzverhör dieses wichtigen Zeugen am nächsten Tag "könnten für die Nato unangenehme Dinge zur Sprache kommen". Er wird recht behalten. Aber er wird nicht darüber berichten.

Im Kreuzverhör nämlich erwies sich, daß die Möglichkeiten des Angeklagten, auf die Führung der bosnischen Serben Einfluß zu nehmen, doch eher gering waren. Nach dem Embargo gegen Pale wäre nur noch der Einsatz der jugoslawischen Streitkräfte als Machtmittel zur Durchsetzung des Vance-Owen-Friedensplans übrig geblieben. Abgesehen davon, daß Milosevi? als serbischer Präsident nicht Herr der jugoslawischen Streitkräfte war, mußte Owen im Kreuzverhör einräumen, daß kein jugoslawischer Politiker sich hätte erlauben können, die Streitkräfte gegen die bosnischen Serben einzusetzen.

Schließlich brach den Anklägern noch ihr bis dahin einziger kleiner Erfolg

weg, als Milosevi? Owen ins Kreuzverhör nahm:

Milosevi?: Der Vance-Owen-Plan war zuerst von den Amerikanern aufgegeben worden oder vielmehr: sie haben ihn nicht einmal unterstützt, sie wollten ihn nicht unterstützen. Stimmt das nicht? Sie ließen die Serben wissen, daß sie den Plan nicht für gut hielten. Und wir in Belgrad kamen uns vor wie Don Quixote, der einen Plan verteidigte, der von der Staatengemeinschaft und der größten Weltmacht längst ausgehöhlt worden war. Stimmt das oder nicht?

Owen: Da ist sehr viel Wahres dran.

Was ist danach Owens Aussage, er glaube, Milosevi? hätte diese Friedensregelung durchsetzen können, noch wert? Im abschließenden Verhör des Zeugen durch den "amicus curiae" Steven Kay kamen schließlich die politischen Risiken zur Sprache, die Milosevi? bei seiner Konfrontation mit der nationalistischen Opposition im Lande eingegangen war. Kein Zeitungsbericht hat aber dieses bemerkenswerte und für die Anklage verheerende Gespräch zwischen einem britischen Rechtsgelehrten und einem britischen Diplomaten auch nur erwähnt.

Stattdessen informierten die meisten Zeitungen die Öffentlichkeit mit Titeln wie "Milosevi? ...could have stopped ethnic cleansing" ("The Independent"), "Milosevic could have enforced Bosnian peace" ("Financial Times"), "Milosevic had power to end war" ("The Telegraph"), "Power To Stop War Was In Milosevic's Hands" ("UN Wire/National Journal"), "Milosevic had power to stop Serb's ethnic cleansing" ("The Scotsman"), "Owen rails at Milosevic over failure to sway Serbs" ("Guardian"). Als ein besonders ehrgeiziger journalistischer Anwalt der Anklage profilierte sich Toby Sterling von Associated Press. Sein Bericht, von unzähligen Zeitungen in aller Welt übernommen, konstruiert aus einer Aussage Owens die Behauptung, Milosevi? habe den Massenmord in Srebrenica schon zwei Jahre vorher antizipiert und trotzdem nichts unternommen, ihn zu verhindern.

In seinem Buch hatte Owen geschrieben, Milosevic habe ihn 1993 in einem Telefongespräch gewarnt, es könne ein Blutbad in Srebrenica geben, sollten die bosnischen Serben diese muslimische Enklave einnehmen. Milosevi? habe seine Befürchtungen mit dem "bösen Blut" begründet, das die muslimischen Morde und Plünderungen in den serbischen Dörfern um Srebrenica bei den bosnischen Serben dort gemacht habe. Der Ankläger Nice hatte diese Stelle verlesen und den Zeugen gebeten, sie zu bestätigen. Es ist das einzige Beweisstück der Anklage, das Milosevi? in irgendeinen Zusammenhang mit Srebrenica bringt. Aber was tut man nicht alles, wenn man dafür bezahlt wird. Und wenn man Tintenkulis hat wie den AP-Korrespondenten Toby Sterling, der das Beutestück unter dem Titel "Milosevic Foresaw Massacre" in die Welt schickt.

[4]

aus: konkret 01/04

ZEUGEN DER ANKLAGE

AUCH WENN DIE MEDIEN HIERZULANDE ANDERES BEHAUPTEN: DER PROZESS SLOBODAN

MILOSEVIC IN DEN HAAG NIMMT EINEN FÜR DIE ANKLAGE UNGÜNSTIGEN VERLAUF.

Von Germinal Civikov

Branislav Filipovic-Sumar aus Bjelina, 24 Jahre alt, fiel am 16. oder am 17. Mai 1992 in den Kämpfen um Brëko in Nordostbosnien. Der Zeuge B-1448, Kämpfer einer muslimischen paramilitärischen Einheit, hat, nach eigenen Angaben, die Leiche durchsucht. Danach habe man sie gegen 21 muslimische Gefallene ausgetauscht. Mit diesen Zeugen präsentiert die Den Haager Anklage neue Dokumente, die beweisen sollen, daß Belgrad durch Waffenlieferungen an die bosnischen Serben direkt am Krieg in Bosnien beteiligt war. Richter Richard May ermahnt den Angeklagten, sein Kreuzverhör ausschließlich auf diese Dokumente zu beschränken, und unterbricht ihn bei jeder Frage, die darüber hinausführt. Woher haben die Muslime ihre Waffen bezogen?, versucht es Milosevic trotzdem, doch er kommt damit nicht weiter. Auch nicht mit der Frage, wie die para-militärische Einheit des Zeugen zustande gekommen sei. Bei der Frage, wer denn die beiden Sava-Brücken bei Brëko gesprengt habe, wird Milosevic das Mikrophon abgeschaltet.

B-1448 ist wieder einmal ein "geschützter Zeuge": Statt seines Gesichts flackern bunte Quadrate auf dem Bildschirm, die Stimme ist dumpf und verzerrt wie aus dem Grab. In der Brusttasche habe er die Identitätskarte des Gefallenen gefunden, im Rucksack hingegen Papiere, sechs an der Zahl, und daraus ergebe sich, daß die Serben ... Darauf kommen wir noch, Geduld, unterbricht ihn seinerseits der Angeklagte. Erst will er wissen, ob der Zeuge den Gefallenen vielleicht gekannt habe, Bjelina sei ja nur einen Katzensprung von Brëko entfernt. Nein, sagt der Zeuge. Was habe der Tote außer Gewehr und Pistole sonst noch bei sich gehabt, will Milosevic wissen, ein Radio vielleicht? Nein, sagt der Zeuge, kein Radio. Der Angeklagte setzt sich die Brille auf und blättert in seiner Mappe: In der schriftlichen Aussage des Zeugen stehe, er habe im Radio auf der Wellenlänge der Serben diese rufen hören: Sumar, Sumar, wo steckst du, melde dich! Da müßte der Gefallene doch ein Radio bei sich gehabt haben. Der Tote habe aber kein Radio bei sich gehabt, wiederholt B-1448. Waffen und Dokumente habe der Zeuge im Stab seiner Brigade übergeben. Wann? Sofort, sagt der Zeuge, am 17. Mai. Er habe sich damals die Papiere nur flüchtig angesehen, liest der Angeklagte vor; sei sich der Zeuge wirklich ganz sicher, daß er jetzt dieselben Papiere vor sich habe. Ja, erwidert der Zeuge. Nach elf Jahren? wundert sich der Angeklagte. Herr Milosevic, - erklärt der Zeuge feierlich, es gibt Dinge, die sich einem ins Gehirn brennen. Dobro, stimmt der Angeklagte zu, dobro.

Könnte ihm der Zeuge erklären, warum dieser Branislav Filipovic, den Papieren zufolge, einen Pkw "Jugo" für seine Waffentransporte aus Belgrad benutzt hat, wo man doch Granaten und Minen üblicherweise in einem Lkw verfrachtet. Im Krieg wird alles benutzt, sagt der Zeuge. Ferner will der Angeklagte wissen, warum nur zwei der sechs Papiere ein Datum tragen: eine Vollmacht, ausgestellt am 7. Mai und ein Frachtbrief vom 13. Mai 1992. Keine Ahnung, es sei auch egal. Es gebe aber noch ein Datum, meint der Angeklagte, man habe es vielleicht übersehen. Wann habe der Zeuge die Dokumente beim Toten gefunden? Am 17. Mai 1992, bestätigt B-1448. Interessant, sagt der Angeklagte. In der dritten Spalte des Frachtbriefes stehe, die Anordnung zur Munitionsübergabe sei in Belgrad am 20. Juni 1992 erteilt worden. Und darunter habe Branislav Filipovic mit seiner Unterschrift den Erhalt

bestätigt: am 20. April. B-1448 ist nun wirklich beleidigt: Was wolle der Angeklagte damit sagen, daß er, B-1448, nicht gefunden habe, was er gefunden hat? Tatsache ist Tatsache, sagt der Zeuge, was soll die Aufregung. Herr May, wendet sich der Milosevic an den Richter, Branislav Filipovic trägt ein Dokument bei sich, das mehr als einen Monat nach seinem Tode erstellt wurde, lesen Sie selber. Und da Sie mir nur Fragen über diese gefälschten Dokumente erlauben, habe ich keine weiteren Fragen an diesen Zeugen. Damit endete am 29. Oktober 2003 die 254. Sitzung des Haager Tribunals im Prozeß gegen Slobodan Milosevic.

Die Not des Anklägers im Jahrhundertprozeß muß groß sein. Der Zeuge B-1448 wurde del Pontes Behörde vermutlich von den muslimischen Behörden in Sarajevo zugespielt, und offensichtlich haben die Ankläger versäumt, die Papiere genauer zu studieren. Oder man hat gehofft, damit durchzukommen. Schließlich läuft man auch kein großes Risiko, denn ähnliche Peinlichkeiten mit anderen ihrer Zeugen hat die Anklage schon des öfteren ohne erkennbaren Schaden überstanden. (Daß die Öffentlichkeit wenig bis nichts davon erfährt, steht auf einem anderen Blatt.) Nicht ein einziges Mal hat der Richter bisher Unmut über diese in einem rechtsstaatlichen Verfahren unzumutbare Beweisführung der Anklage erkennen lassen.

In einem Prozeß, in dem die Grenzen zwischen Richter und Ankläger sich merklich verwischen, ist vieles möglich. So hat die Anklage aus irgendwelchen Gründen für die folgende Sitzung am 30. Oktober überhaupt keinen Zeugen mehr geladen und sich kurzerhand selbst in den Zeugenstand begeben. Graham Blewitt, Vize-Chefankläger des Haager Tribunals und Stellvertreter von Carla del Ponte, wurde zum Zeugen bestellt von Geoffrey Nice, gleichfalls Stellvertreter del Pontes und Hauptankläger im Milosevic-Prozeß. Im Hauptverhör des Anklägers Blewitt, das ihm der Ankläger Nice abnimmt, bezeugt Blewitt die Authentizität der Briefe, mit denen die Ex-Chefanklägerin des Tribunals, Louise Arbour, von März 1998 bis März 1999 den Ex-Präsidenten Jugoslawiens über die Verbrechen in Kosovo informiert habe. Der Angeklagte - das war der tiefere Sinn dieses wunderlichen Zeugenauftretens - könne sich nun nicht mehr der Verantwortung entziehen mit der Behauptung, er habe von all diesen Verbrechen nichts gewußt.

Daraufhin bekommt der Angeklagte vom Richter die Möglichkeit, ein Kreuzverhör durchzuführen, das sich ausschließlich auf die präsentierten Briefe bezieht. Da das Recht aufs Kreuzverhör nach der tribunaleigenen Verfahrensregel 92b ohnehin beschränkt ist, fragt der Angeklagte sarkastisch, ob es sich nun um ein beschränktes beschränktes Kreuzverhör handle. Richter Kwon klärt die Lage: "Herr Milosevic, besser ein beschränktes beschränktes Kreuzverhör, als gar keins." Der Angeklagte stimmt dem zu, kann aber dennoch nicht der Versuchung widerstehen, dem Zeugen immer wieder "irrelevante Fragen" zu stellen, die ihm Richter May schon mehrmals untersagt hatte. So z.B., ob der Zeuge denn wisse, daß seine Institution illegitim sei, weil der UN-Sicherheitsrat gar keine Ermächtigung habe, Tribunale einzusetzen. Auf rechtliche Fragen brauche der Zeuge nicht zu antworten, entscheidet der Richter. Ob der Zeuge denn wisse, daß gemäß mehreren Uno-Resolutionen die UCK eine terroristische Organisation gewesen sei und der jugoslawische Staat seine Bürger in Kosovo gegen den Terrorismus zu verteidigen hatte? Der Zeuge kann sich an Uno-Resolutionen mit solchem Wortlaut nicht erinnern. Dann helfe ich Ihnen, sagt der Angeklagte, und zitiert aus mehreren Resolutionen, bis ihm der Richter Einhalt gebietet. Ob der Zeuge seine Institution für objektiv halte, da sie nur die

jugoslawischen Sicherheitskräfte im Kosovo, nicht aber die Terroristen verfolge, fragt der Angeklagte. Der Zeuge hält die Anklagebehörde des Tribunals für objektiv und überparteilich. Warum weigere sich dann seine Behörde, Anklage auch gegen die Nato zu erheben, oder sei die Bombardierung von Krankenhäusern und Wohnvierteln kein Verbrechen? Diese Frage wird Richter May zuviel, und er stoppt das Kreuzverhör mit dem bemerkenswerten Satz: "You will ask the questions that we order you to ask or else you won't be able to ask any questions at all."

[5]

Aus: "Ossietzky" 1/2004

VERTAUSCHTE ROLLEN IN DEN HAAG

Von Ralph Hartmann

Kurz vor Weihnachten wurde im sogenannten Jugoslawientribunal in Den Haag ein US-Amerikaner vernommen, der bereits vom Belgrader Bezirksgericht und vom Internationalen Europäischen Tribunal in Berlin unter Leitung des deutschen Völkerrechtlers Norman Paech schwerster Kriegsverbrechen überführt worden war: der pensionierte Vier-Sterne-General Wesley Clark, einer der Kandidaten der Demokraten für das Amt des US-Präsidenten. Während des Angriffskrieges gegen Jugoslawien befehligte er als NATO-Oberkommandierender für Europa die Aktion "Barmherziger Engel", wie das 78-tägige Bombardement auf jugoslawische Städte und Dörfer sinnigerweise genannt wurde.

Zu Beginn der Aggression hatte er erklärt: "Unser Ziel ist es, anzugreifen, zu unterbrechen, zu sprengen..." Nachdem das vollbracht war und Tausende von Frauen, Männern und Kindern ermordet worden waren, gab er kurz nach Einstellung der Kriegshandlungen dem britischen General Sir Michael Jackson den Befehl, die Russen mit Waffengewalt vom Militärflughafen von Pristina, den diese handstreichartig besetzt hatten, zu vertreiben. Glücklicherweise verweigerte der Brite die Ausführung dieses wahnwitzigen Befehls mit dem Hinweis, wegen des Flugplatzes keinen Dritten Weltkrieg riskieren zu wollen.

Nun also, nahezu fünf Jahre nach dem Krieg, in dem er "einen ganz entscheidenden Präzedenzfall für das kommende Jahrhundert" sah, erschien Clark vor dem Tribunal. Doch der Ex-Oberkommandierende nahm nicht auf der Anklagebank Platz. Diese blieb für den ehemaligen Präsidenten des überfallenen Landes reserviert, für Slobodan Milosevic, den Clark in der Nacht zum 22. April 1999 mit einem terroristischen Raketenangriff auf dessen Wohnsitz in Belgrad hatte umbringen lassen wollen. Wie schon bei der Vernehmung des früheren Vorsitzenden des NATO-Militärausschusses, General Klaus Naumann, im Sommer des Vorjahres waren die Rollen wieder einmal vertauscht: der Aggressor im bequemen Sessel des Zeugenstandes, der Angegriffene auf der harten Bank des Angeklagten. Doch wie damals schon, als Naumann von Milosevic befragt gerichtsnotorisch eingestehen mußte, daß der Krieg gegen Jugoslawien ohne Mandat des Weltsicherheitsrates, folglich unter offenem Bruch der UN-Charta und zudem mit international geächteten Waffen geführt worden war, wurde die Rollenbesetzung korrigiert: Milosevic wurde zum Ankläger, Clark zum Angeklagten.

Dabei hatten die USA doch alles getan, um vor dem ihnen hörigen Tribunal ihren verdienstvollen Krieger vor dem eingekerkerten Ex-Präsidenten zu schützen: Die Öffentlichkeit wurde ausgeschlossen, das Protokoll der Zeugenbefragung erst 48 Stunden später nach einer "Bearbeitung" in Washington veröffentlicht. Nichts half, auch nicht, daß es Clark - einmalig in der Gerichtspraxis - gestattet wurde, den Zeugenstand während der Einvernahme zu verlassen, um Telefongespräche zu führen, in denen er sich Rat und Beistand holen konnte. Sein Ex-Staatsoberhaupt Bill Clinton schickte daraufhin ein Fax, in dem er dem im Kreuzverhör in Bedrängnis Geratenen bescheinigte, ein feiner, kluger Mann zu sein; dieser selbst verlas zum Erstaunen der Richter das Fax im Gerichtssaal.

Allein schon dadurch geriet sein Auftritt zur Blamage - so kläglich, daß die meisten Medien nach reißerischen Ankündigungen entweder gar nicht oder lediglich mit mageren Zehn-Zeilen-Meldungen darüber berichteten. Als einzig nennenswerte Ausbeute kolportierten sie Clarks Behauptung, Milosevic sei 1995 vorab über das Massaker in Srebrenica unterrichtet, aber nach eigenem Bekunden nicht in der Lage gewesen, es zu verhindern. Für die ZDF-Sendung heute reichte das allerdings zu der bebilderten Kurzmeldung, Clark habe Milosevic vor dem Tribunal schwer belastet. Großzügig übersah die Redaktion alles andere, darunter auch den verblüffenden Umstand, daß der erfahrene Milosevic ausgerechnet dem NATO-General dieses Eingeständnis gemacht haben sollte, natürlich am Rande der offiziellen Gespräche und ganz im Vertrauen. Nicht weniger seltsam ist es, daß Clark dieses Wissen acht lange Jahre tief in seinem Inneren vergraben hatte, obwohl der Fall Srebrenica international immer aufs Neue für Schlagzeilen sorgte und den zentralen Punkt aller Anschuldigungen an die Adresse der Serben bildet.

Angesichts der allzu offensichtlichen Ungereimtheiten konnte es nicht einmal den Clark-freundlichen Richter May verwundern, daß Milosevic dem Zeugen ins Wort fiel: "General Clark, das ist ein infame Lüge. Erstens haben wir über Srebrenica überhaupt nicht gesprochen, und zweitens habe ich in dieser Zeit, in all diesen Jahren, General Mladic nicht einen einzigen Befehl gegeben, noch bin ich in der Lage gewesen, ihm Befehle zu erteilen." Verwundert, ja höchst ungehalten zeigte sich der britische Richter jedoch, als der Angeklagte auf die Rolle des Zeugen im völkerrechtswidrigen Angriffskrieg gegen Jugoslawien einging.

Schon als Milosevic sein Kreuzverhör mit dem Satz begann: "General Clark, in Ihrem Buch ("Waging Modern War"; R.H.) sagen Sie, daß die Militäraktion der NATO gegen Jugoslawien nicht als Krieg bezeichnet werden kann..." , unterbrach May ihn und erklärte sichtbar erregt: "Ich denke nicht, daß wir eine solche Debatte führen sollten... Es ist Ihnen nicht erlaubt, über die NATO-Aktion eine freie Diskussion zu führen." Und das war lediglich der Auftakt. Immer dann, wenn der sich weiterhin selbst verteidigende Angeklagte die Aggression unter dem Oberbefehl des Zeugen zur Sprache brachte, verlor Clarks Schutzengel in der Richterrobe die Contenance und fand immer neue Verbotformulierungen: "Das ist keine zulässige Frage... Wir wollen hier keine politischen Reden... Das ist nicht die Art von Fragen, mit der sich der Zeuge befaßt... Ich untersage Ihnen Ihre Kommentare." Im Verlauf dieses seltsamen Kreuzverhörs erkundigte sich Milosevic: "Herr May, nur um die Grundfrage meiner Lage im Verhältnis zu diesem Zeugen zu klären: Ist es denn nicht unstrittig, daß General Clark der Kommandeur der NATO während des Krieges gegen Jugoslawien war? Ist es denn nicht unstrittig, daß das seine

bedeutendste Rolle in Bezug auf Jugoslawien war? Und kann es dann unstrittig sein, daß Sie mir nicht erlauben, ihn über all das zu befragen?" Als Richter May das mit "That's right" bestätigte, konstatierte der so belehrte Milosevic: "Well, Mr. May, das Beispiel zeigt, daß dies eine Farce ist und nichts weiter."

Man mag zu Milosevic stehen, wie man will, in diesem Punkt ist er schwerlich zu widerlegen.

Vor seiner Aussage in Den Haag hatte Clark siegessicher erklärt: "Ich bin stolz, daß ich an einem historischen Gerichtsverfahren teilnehmen kann, denn das ist meine Pflicht." Ob er nach seiner Haag-Reise darauf immer noch stolz ist? Im Gegensatz zu dem angeklagten Ex-Präsidenten, der während der Einvernahme des Zeugen gelassen und überlegen blieb, wurde der mögliche künftige US-Präsident zusehends unruhiger und nervöser. Zum Beispiel, als ihm Milosevic ein Foto vorlegte, das den Zeugen bei einem Treffen mit General Mladic zeigt: Clark mit der Mütze des vom Tribunal als Kriegsverbrecher Gesuchten auf dem Haupt und der bosnisch-serbische Militär bedeckt mit der Generatskappe des Yankees - eine Geste, wie sie unter hohen Offizieren unterschiedlicher Staaten freundschaftlicher mehr sein kann.

Nicht weniger hilflos war Clark, als der Angeklagte die Beteuerung, die Intervention der NATO im Kosovo-Konflikt habe mehr als eine Million Menschen vor unhumaner Säuberung bewahrt, ausnahmsweise vom überraschten Richter ungestört mit den Worten parierte: "Sie haben eine humanitäre Katastrophe verursacht, General Clark. Sie haben niemanden gerettet. Und da Sie NATO-Befehlshaber waren, wissen Sie, wie ich annehme, daß die Schlusfakte von Helsinki es Staaten ausdrücklich erlaubt, gegen den Terrorismus auf ihrem Territorium zu kämpfen, und kein anderer Staat das Recht hat, das zu verhindern. Sie haben in diesen Konflikt eingegriffen und die Partei der Terroristen ergriffen, General Clark. Ist das richtig oder nicht?"

Das in Washington, der Zentrale des "Kampfes gegen den Terrorismus", redigierte Protokoll gibt dazu keine Auskunft, aber auch so ist ihm zu entnehmen, daß Milosevic trotz aller Verfahrenstricks auch dieses Mal nicht in die Knie zu zwingen war.

Die jeglicher Pro-Milosevic-Haltung unverdächtige Frankfurter Allgemeine Zeitung, die als eines von wenigen deutschen Blättern recht ausführlich über die Zeugenaussage Clarks berichtete, zog folgendes Resümee: "Wegen Krankheit des Angeklagten haben die Sitzungen des Gerichts in den vergangenen Monaten häufiger ausfallen müssen. Doch von fatalistischer Resignation ist bei Milosevic wenig zu spüren. Dabei gibt das Kreuzverhör mit dem Zeugen wahrscheinlich nur einen Vorgeschmack auf das, was zu erwarten ist, wenn die Anklage die Beweisaufnahme demnächst beendet und er im April... mit seiner Verteidigung beginnen kann." Hoffnung auf einen Sieg der Gerechtigkeit verbietet sich freilich auch weiterhin.

E N D E

Sagittarius

Van: "mick collins" <cirqueminime@club-
 Aan: <Editor@nytimes.com>
 Verzonden: donderdag 29 januari 2004 22:21
 Onderwerp: The Bard's Wired on the Wrong Side!

Friends, I was afraid my old system was shooting blanks. So now that I have this hot new DSL line and the latest Mac OS, I thought I'd give this one another try. If you already got it, just hit 'delete'. If not, sorry for the screw up and the delay. Things have gotten a whole lot worse at the ICe Houses since this was written. Keep fighting to

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Mick

Which Side of the Bard's Wire Fence Are You On?

Reading Marlise Simons's latest ignorant and sycophantic apologetics for that chain of illegal ICe Houses, at The Hague (ICTY) for Yugoslavia and in Arusha (ICTR) for Rwanda, ('Hague judge shaped by barbarity and the Bard'), in the 3 January 2004 NY Times, raises a bunch of questions:

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I guess it all depends on who's doing the judging and what for.

For Marlise Simons in her article about Theodor Meron, the recently reelected president of the ICTY, the conflation and confusion of these concepts seem to be quite expedient. For her, Judge Meron can do no wrong--and like so many journalist who flack for the militarization of everyday life, she never met a Holocaust survivor she didn't like--unless (s)he was a Slav. Meron's office at The Hague Tribunal is not only adorned with books on Shakespeare and the medieval laws of war (actually, just the two books Meron himself wrote), but there's also an 'outsized set' of photos of what is called in the first graph a 'concentration camp' (Manjaca) and then, and almost invisibly in the second graph, is only inferred to be a Serb prisoner of war camp in Bosnia.

I don't want this to become another set of 'enculer la mouche'--like the arguments I've had with a noted American Leftist over whether it is at all pertinent to the discussion of 9/11 that a missile--rather than an American Airliner--struck the Pentagon--but this seems to me, in the context of Simons's piece, to be a very significant distinction: That Manjaca was a Serb prisoner of war camp in Western Bosnia primarily for Croatian (proud-to-be Ustashi) prisoners-for-exchange, and not an extermination and/or rape camp for poor Muslim women, children and old folks, like those horrors first described to a gaping and gullible Western public in the relayed hearsay of Roy Gutman in Newsday and that now-infamous prevaricator of war crimes stories, Ed Vuillamy, ancient producer of the Penny Marshall ITN news reel which purported to show a Bosno-Serb death camp, but was later debunked by a Thomas Deichmann reportage* and the British magazine 'Living Marxism'. Yet Simons introduces the pictures displayed in the office of this Polish-Jewish survivor of the Nazi concentration camp at Czestochowa** as depicting 'men trapped in a modern, wartime concentration camp.'

And this putting over of historical distinctions works well to connect how Meron's internment led

him to the study of international law and the eventual presidency of this legally-baseless court. However, it is impossible to imagine that people like Simons and Meron who proudly possess and proclaim such false erudition could be so blissfully unaware of recent historical implications that absolutely impeach their mawkish designer-humanitarianism.

For example: can they not know that the Croats pictured in the 'concentration camp photo' in Meron's office are in the historical lineage of the WWII Nazi-collaborating Croatian Ustashi who constructed and operated to such horrific effect the death camp at Jasenovac (where between 700,000 and a million Jews, Serbs, Gypsies, Goran, and especially Communist partisans were exterminated)?

Can the New York Times and the ICTY really be ignorant of the fact that their 'friend', the late Croatian-secessionist leader Dr Franjo Tudjman, (whose doctoral thesis concerned a minimization of the murderous effects of Croatian fascism during WWII, and is reported to have said that he was proud his wife was 'neither a Jew nor a Serb!'), executed the largest 'ethnic cleansing' of the war against Yugoslavia when, with the help of legions of American and German advisers and suppliers (private, of course, like MPRI, so as to fly under the US and UN embargoes on military aid to Yugoslavia) when the Croatian Army's Operation Storm swept more than 200,000 thousand Yugoslavs (mostly, but not entirely, Serbs) from their ancestral homes in the Krajina, leaving tens of thousands dead--and adding tens of thousands more to the hundreds of thousands of refugees of all nationalities already harbored in Serbia? (It is said that during the Bosnia war [91-95] there were more Muslims living in Serbia than in Bosnia.)

How could this half-baked reporter and this over-done jurist be this ignorant of so many 20th Century alliances that embedded their masters (the Croats, Bosnian Muslim, Albanian nationalists, and NATO's terrorist bombardiers [Newsweek magazine's term]) among the forces of Fascism, and their victims, primarily the Serbs (Serbia lost 23% of its population in WWI and every family was touched by the Nazi genocide of WWII!) on the victorious anti-Imperialist and antifascist side?

Though of late the business of the NY Times seems to have been the ignoring of pertinent information in all areas; and the ICTY has turned away from even the most effete attempts at justice and reconciliation in the Balkans and focused all its dark energies and attentions on enforcing the Western financial, commercial and military occupation-onto-elimination of Yugoslavia (In another disgusting example of 'linguistic determinism' as a weapon of war: as early as 1993 The Times and the ICTY were talking about the 'ex-' or 'former-' Yugoslavia--today they call it 'Serbia and Montenegro'.); let us assume, as we should, that Simons, Meron and The Times are not this ignorant, but that they know at least as much as we do about the history they are writing. After all, Simons presents Meron's Bardophilia as symbolic of high (anglophone) culture. So anyone who has had enough surplus-time and energy (above that required of most of us to hack and hew a miserable and precarious existence out of this corporate coal mine of a world) to immerse himself in Shakespeare (esp Wild Bill's concerns with the medieval laws of war), even to have written two books on Shakes the player, and especially with the anticommunist bona fides of a Holocaust survivor who immigrated to Israel and went on to teach international law at NYU and become a US citizen, should be trusted to hold highly considered moral and legal opinions.

Okay? Okay. But how is such learned influence turned away from the stewardship of human freedom, dignity and decency and toward the service of the most venal and craven of fortunate elites: the global crime cartel led by the US, Israel and their underlings? How did Shakespeare come to defend this tiny minority of soulless exploiters of the neoliberal free market against the vast majority that they victimize? Well, John Milton said it: "The matter of Virtue and Vice is the same." And Arlo Guthrie might have been thinking about Shakespeare (or the Bible) when he sang, "You can get anything you want at Alice's Restaurant." So when one can jump-cut back over 400 years of history--as Simons and Meron do--to find precedents for their anti-democratic policy longings in an epoch where naked feudal structures were even more internalized than they are today, is it easier on the conscience to serve the forces of ignorance and global destruction?

Meron won't speak to Simons about the current business of The Tribunal--esp not about the case of Slobodan Milosevic! But that's understandable in light of the recent capriciousness went down under his 'command responsibility': allowing ALL to the NATO witness, former blood-drunk commandante Wesley Clark (who, despite the great distance Meron tried to put between him and his fiery cross-examiner, could not keep from blowing himself up!), and further denying court time and visitation rights to the defendant for no other apparent reason than that Milosevic was standing for election in Serbia--and doing so--and winning a seat in Parliament!--in complete accordance with the laws of that country!

So one must assume that Simons and Meron--like so many others in the long, foul history of anti-Communist collaborators with Big Capital--are more concerned with standing with the strong (in other words, with those who pay them) than they are with any kind of truth that might set us all free, or justice that might bring an end to inhumanity with impunity.

So if Shakespeare is to guide them out of the dark forest of 21st Century feudalism, perhaps Simons and Meron should look to one of his more modern plays, *Timon of Athens*--which I sometimes like to read as 'Slobo of Belgrade'.

After being removed from his home in Athens to the isolation of a deserted island off Salonika, Timon's view of his fellow man changes. Once a generous patron of the humanities, he now has a darker perspective:

Timon: O blessed breeding sun, draw from the earth
 Rotten humidity; below thy sister's orb
 Infect the air! Twinn'd brothers of one womb,
 Whose procreation, residence, and birth,
 Scarce is dividant, touch them with
 several fortunes;
 The greater scorns the lesser: not nature,
 To whom all sores lay siege, can bear
 great fortune,
 But by contempt of nature.
 Raise me this beggar, and deny 't that lord;
 The senator shall bear contempt hereditary,
 The beggar native honor.
 It is the pasture lards the rother's sides,
 The want that makes him lean. Who dares,
 who dares,
 In purity of manhood stand upright,
 And say 'This man's a flatterer? if one be,
 So are they all; for every grise of fortune
 Is smooth'd by that below: the learned pate
 Ducks to the golden fool: all is oblique;
 There's nothing level in our cursed natures,
 But direct villainy. Therefore, be abhorr'd
 All feasts, societies, and throngs of men!
 Destruction fang Mankind! . . .

Timon was a down cat. I don't think Milosevic will succumb to such misanthropy, even though their situations are equally dire. Milosevic, too, has been banished from his family, his country and his people. But still he continues to deliver the lesson of that history he has lived--directly and 'in one.' Meron and Simons must continue on the soul-crushing mission of falsifying history, every day and in every way, in order not to find themselves afoul of that grand Authority that defines all citizens by their dependence on it.

Like all those guys on the other side--the good side--of Penny Marshall's barbed wire fence, Milosevic is a free agent and his accusers are imprisoned and poisoned by their own bad faith.

Mick Collins
Cirque Minime/Paris
5 January 2004

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* Made up of footage taken by a Serbian TV crew that shadowed the hyperthyroid Marshall while she interrogated a hyper-petuitary and tubercular bag of bones named Fikret Alic, while the 'reporter' was confined inside a couple strands of barbed wire that enclosed some farm equipment, and the 'prisoner' was free to roam this displaced persons center with his shirtless mates in the sweltering Summer heat; this grand experiment in matting and cropping which produced Ruder Finn's single most provocative image of their campaign to depict the 'Serbs as the new Nazis' is contained in a video called 'Judgement', available through the International Action Center at their website, <http://www.iacentet.org/bosnia/nbtoc.htm>. And if anyone's still wondering why the 'greatest war crimes trial since Nuremberg' is almost completely blacked out in the West (and since the last elections, even in Serbia!), It's because right after the opening statements in the Milosevic trial, 'the accused', as President M has come to be known, tried to cue up this 'Judgement' video and immediately threw the Tribunal's electrical system into gridlock and EuroNews and CNN just packed it in. Christiane Amampour didn't even have time to trowel on a second coat of make-up before the grip truck was back down the autobahn.

** A propos of Polish war crimes: Czestochowa was the site last year of my homeboy, and formerly LA's preeminent playwright, John Stepling's first Polish production of what I--and many others--consider one of his best plays, 'Sea of Cortez(ki?)'. We're still not sure how it went over in this hot bed Catholic reaction.

29-1-2004

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World politicians, UN officials and officials of The ICTY may be put on trial before the local courts by the help of The ICC or in some cases before The ICC

By Petar Borojevic

First Published as a post on The Jurist Discussion Group on The Trial of Slobodan Milosevic

Mon Feb 2 14:17:42 2004
64.230.147.210

Relevant URLs:

ICC:

URL: <http://www.icc-cpi.int/php/index.php>

URL: <http://www.icc-cpi.int/php/show.php?id=home&l=EN>

URL: <http://www.icc-cpi.int/php/show.php?id=basicdocuments>

Jurist Discussion Group on the Trial of Mr. Slobodan Milosevic:

URL: http://jurist.law.pitt.edu/issue_milo_discuss.php

Last week I have started reading the Statute of the International Criminal Court (ICC). I have concluded that though its Statute has come into effect on July 1st, 2002, it is applicable to the crimes committed in The Wars of The Former Yugoslavia, the trial of Mr. Milosevic and all other inmates in The Hague.

For example: the statute allows for criminal prosecution in the following cases:

- **Article 8:** War crimes: (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial.
- **Article 7:** Crimes against humanity: (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court.

Who can be prosecuted for these crimes?

- **Article 27:** Irrelevance of official capacity

1. This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.

2. Immunities or special procedural rules, which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.

After reading parts of the ICC statute it appears to me that it is possible to complain before the ICC that the president of the International Criminal Tribunal for Former Yugoslavia, his prosecutors and judges are in a process of committing above listed crimes. It can be argued that while Serbs are the primary victims that other nationalities living on the territories of the Former Yugoslavia are secondary ones.

There are numerous methods that are used against Serbian defendants in the ICTY in order to make them guilty. They are very well identified by the articles written by Jared Israel, Serge Trifkovic, Nebojsa Malic, and other analysts of the ICTY trials and numerous participants of The Jurist Discussion Group on Fairness of The Trial of Mr. Milosevic. The unfairness towards all Serbian defendants in the ICTY is at its worst, so they are primary victims of the listed crimes.

The crimes allegedly committed by Serbs are differently categorized than the crimes committed by other nationalities. For example, in the case of the alleged crime at Medac Pocket the government of Croatia is not accused of this crime. In the case of the alleged crime at Racak the Serbian government and its officials are identified as the main culprits. So one can argue that, since in the Racak case, the leadership is accused for the alleged crime the lower rank officials and military and police chiefs are thanks to that approach absolved of their role in committing the crime. In the case of Medac Pocket it is the opposite. The leadership walks free and the lower rank officials get accused. The unfairness of this approach does not require additional analyses. One can even argue that Bosnian, Croatian and Albanian defendants are unfairly treated because they are not only prosecuted as executioners of the crimes but also as ones that have initiated the crimes on their own. Using this approach the ICTY is protecting their leaders who inspired and ordered these crimes. So, this is why I am treating Bosnian, Croatian and Albanian defendants as secondary victims of the crime of inhuman treatment by the ICTY.

When essentially a government is accused of war crimes, crimes of apartheid and inhuman acts there is tendency to assume that the population of the country is indirectly responsible for the crimes, as well. This has enormous negative consequences for the country and its people (sanctions, putting parts of the country as the whole or only its parts under the international control and rule, denial of access to humanitarian aid, international organizations, international funding, harassment of its people in Diaspora and so on and so on.)

In the opposite case the state is not responsible for the consequences of crimes of its leadership.

It becomes clear that even if only the president of Serbia is mistreated in the ICTY and he is accused of more crimes than he has committed, the people of Serbia will suffer consequences. In the international arena they will be exposed to treatments amounting to apartheid. The development of the country will be slowed down which amounts to the crime of genocide.

My interpretation of the Statute of the International Criminal Court is that it provides means to scrutinize actions and activities of the officials at the ICTY and all the other politicians and representatives in any international institution, commission or body and especially UN.

If I am right in my essential assumption and construction of the ICC statute this can explode in the faces of many politicians especially in the NATO countries. Indirectly it may affect USA, as well.

It may be possible to use the ICC to obtain documents of the NATO countries and NATO its self and their secret services for the trial of Mr. Milosevic and other victims of the ICTY.

The ICC statute came into the force on July 1st, 2002. Criminal laws of member countries do not have this limitation, so they are obliged to prosecute war crimes and crimes committed against humanity before July 1st 2002. The same applies for the ICTY. It is obvious that all of the state courts and the ICTY in particular are not intending to prosecute most of the crimes committed during the latest Balkan wars. I hope that the following argument, using Canada as an example, is correct. Canada was a part of the bombing party that bombed The Last Yugoslavia. Canadian courts are refusing to prosecute its government officials for the crime. The ICC can not prosecute this crime directly because of the statutory limitation. The courts in Canada are committing a crime of not prosecuting Canadian politicians for the bombing of The Last Yugoslavia. The crime of avoidance to prosecute a crime is a long-term crime. The time frame to start prosecution of this type of a crime starts with the commitment of a crime and lasts until the statutory limitation for its prosecution kicks in. It is obvious that one can complain to the ICC and argue that ICC should issue an order to the Canadian courts to start prosecuting the crime of bombing of Yugoslavia or else.

Following this logic many other aspects of the special war against the Former Yugoslavia and the Last Yugoslavia can be presented to the ICC as crimes of avoidance to prosecute or avoidance to take active actions to correct damages to its victims. One of the main culprits of the last Balkan wars is NATO and its member countries. Their actions in Serbia, including Kosovo resulted in genocide, apartheid, environment pollution, unemployment (destruction of industry), low birth rate (induced general poverty of people) and etc. The national laws of NATO member countries forbid their politicians to get involved in these types of crimes. All above listed crimes are long term crimes. Avoidance to prosecute them or to take action to correct situation by providing reparations to the victims is a long term crime. These long-term crimes should be presented to The ICC asking its judges to force the local courts, of the responsible countries, to prosecute the crimes and force their politicians to take measures that will correct conditions in which the victims of these crimes live, since these unfavorable conditions were caused by the actions of NATO and its members. Using Canada as an example, I understand that the ICC can not prosecute the Prime Minister of Canada for the Canadian participation in bombing of Yugoslavia, but I think that it can force Canadian courts to do that. In the worst case the ICC

should be able to keep Canada responsible for the damages caused by bombing and order it to pay its part of reparations to the victims of its bombing.

What to do with the liability of the USA when it is not member country of the ICC? The main culprit of illegal bombing of the Last Yugoslavia is NATO. It has its own financial resources. If the payment of damages can not be pinpointed to a NATO country for damages done by this particular NATO country NATO should be held responsible. One should fight for reparations, since donor conferences can not solve the problem and why would countries that are not responsible for the war pay for correcting damages and problems cause by it.

All the complaints, to The ICC, will have much bigger weight if they are presented in the name of the numerous victims of the committed crimes i.e. their NGO-s. Just imagine a court case filed to the ICC in the name of all the non-Albanians that can not return to their homes in Kosovo or ones that live in Kosovo ghettos. For these crimes of enormous proportions one can hold accountable not only NATO members, but also UN, UN Administration of Kosovo and Local Administration of Kosovo.

Abstract from the statute of the ICC relevant to this article

Part II of the Statute relates to the competence of the Court, which is restricted to the gravest crimes affecting the entire international community, in other words, genocide, crimes against humanity and war crimes. The Court is only competent in respect of crimes committed after its Statute came into effect, that is, 1st July 2002. Cases may be submitted to it either by the Security Council, or by a State Party, or by the ex-officio Prosecutor, acting on the basis of information received in particular from victims, NGOs or other sources it considers appropriate. When cases are submitted to the Court either by a State Party or by the Prosecutor acting in an ex-officio capacity, it may only exercise its competence when the State on whose territory the crimes took place or the State of which the person accused of the crime is a citizen have either ratified the Statute or accepted the Court's competence by means of a declaration filed with the Court Registrar. Without doubt, the most important principle of the Statute of Rome is that the Court complements national jurisdictions and that it may only exercise its jurisdiction if the States concerned are unable or unwilling to prosecute the perpetrators of crimes, which fall within the competence of the Court.

Part IX concerns international co-operation and legal assistance and provides that the **States Parties must co-operate fully with the Court**, especially with regard to handing over people prosecuted by the Tribunal or seeking items of evidence. In order to comply with this, in their national legislation the States Parties must provide for procedures enabling these forms of co-operation to be set up. The Court may also request the co-operation on an ad hoc basis of States which are not parties to the Statute, or the co-operation of inter-governmental organizations.

Article 1

The Court

An International Criminal Court ("the Court") is hereby established. It shall be a permanent

institution, shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions. The provisions of this Statute shall govern the jurisdiction and functioning of the Court.

Article 4

Legal status and powers of the Court

1. The Court shall have international legal personality. It shall also have such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.
2. The Court may exercise its functions and powers, as provided in this Statute, on the territory of any State Party and, by special agreement, on the territory of any other State.

Article 7

Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - (h) Persecution against any identifiable group or collectively on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
2. For the purpose of paragraph 1:
 - (g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

Article 8

War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
 - (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

Article 27

Irrelevance of official capacity

1. This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.

2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.

Proces Milošević opgeschort

2004

DEN HAAG, 3 FEBR. De zitting in het proces tegen de voormalige Joegoslavische en Servische president Slobodan Milošević, gaat vandaag niet door wegens de slechte gezondheidstoestand van de verdachte. Het is de dertiende keer dat het proces wegens ziekte van Milošević wordt opgeschort. De 62-jarige Milošević staat sinds februari 2002 terecht voor het VN-hof wegens misdaden tegen de menselijkheid en oorlogsmisdaden in Kosovo, Kroatië en Bosnië.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: vrijdag 6 februari 2004 17:58
Onderwerp: CDSMFw: Deadline Set for Case Against

> The prosecution has had two years to present its case, Milosevic has three
> months to mount his defense. It's absolutely fair if you live in la la
land. B.
>
> Deadline Set for Case Against Milosevic
>
> newsday.com
>
> By Associated Press
>
> February 5, 2004, 1:12 PM EST
> THE HAGUE, Netherlands -- U.N. judges instructed prosecutors Thursday to
> wrap up their war crimes case against Slobodan Milosevic by Feb. 19, and
> authorized longer trial days to meet the schedule.
> The closing by the prosecution will be a milestone in the trial that
opened
> two years ago, the first war crimes case against a former head of state.
The
> conclusion of the prosecution case will be followed by a three-month break
> to give the former Yugoslav president time to prepare his defense.
> The trial was canceled this week because Milosevic was ill, adding
pressure
> on the tribunal to meet its timetable and prompting the judges to schedule
> both morning and afternoon sessions. The trial days were shortened last
year
> because the 61-year-old defendant, who has a history of heart problems,
> frequently suffered fatigue.
> Five more trial days were set, three next week and two the following week.
> Milosevic is defending himself against 66 counts of war crimes, including
> genocide, allegedly committed in Croatia, Bosnia and Kosovo during the
> 1990s.
>

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Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
 Aan: <Undisclosed-Recipient:;>
 Verzonden: zaterdag 7 februari 2004 14:58
 Onderwerp: SLOBODA Protest Warning to ICTY, UN, US and



SLOBODA|FREEDOM

SLOBODA | FREEDOM
udruzenje | association
 Member of the World Peace Council
YUGOSLAV COMMITTEE FOR THE LIBERATION OF
SLOBODAN MILOSEVIC
 Belgrade, Rajiceva 16, tel./fax +381 11 630 549

Belgrade, 22 January 2004

To: Mr. Theodor Meron, President,
ICTY, The Hague, The Netherlands

Cc: H.E. Kofi Annan,
 Secretary General,
 UN, New York, USA
 H.E. George W. Bush,
 President of the USA
 Washington, USA
 Her Majesty Queen Elizabeth II,
 Queen of the United Kingdom
 London, UK

Mr. Meron,

The ICTY Trial Chamber presided by Mr. Richard May adopted on 5 February 2004 the Order Scheduling Hearings to the Close of the Prosecution Case in the process of President Slobodan Milosevic. By the Order, it was decided that the daily length of all the hearings in the next two weeks shall be prolonged, so that hearings will be held also in afternoon hours.

It is apparent that by ordering the prolongation of the hearings, the Chamber violates its own, earlier decisions and orders determining that the hearings shall be held in morning hours only, adjourning not later than 01:45 p.m. We remind that these earlier orders were adopted after several specialist medical examinations of President Milosevic as a consequence of the clear physicians' warnings about the serious character of his health condition and about the risks for his health and life produced by the process itself. Moreover, the physicians explicitly recommended that the length of the hearings shall be shortened.

You are certainly aware that during the whole this week President Milosevic was ill from flu and that at the time when the Order was adopted, he has not been recovered yet.

The situation in which, in spite the several medical reports and warnings and in spite the current deterioration of Mr. Milosevic's health (when it is uncertain whether and when he will be able to participate in the hearings), without consulting the medical specialists and severely violating its own decisions, the Chamber arbitrarily prolongs the length of the hearings, one can characterize no other way but as direct threat to President Milosevic's life.

Therefore we warn you that as the ICTY President you have a duty to instruct the Chamber to review and abolish this inhumane Order or to reverse it yourself.

On behalf of the Freedom Association Managing Board

Bogoljub Bjelica, President

**STRUGGLE FOR FREEDOM AND TRUTH ABOUT THE SERBIAN
 PEOPLE AND YUGOSLAVIA IS IN THE CRUCIAL PHASE. NATO
 AND ITS SERVICES IN BELGRADE AND THE HAGUE HAVE NO**

7-2-04

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
 Aan: <Undisclosed-Recipient:>
 Verzonden: dinsdag 10 februari 2004 2:33
 Onderwerp: Appeal of Sloboda and Milosevic family to UN and human rights organizations



Belgrade, 09 February 2004

**TO THE ORGANIZATION OF THE UNITED NATIONS – TO ALL ITS
 ORGANS, AGENCIES AND BODIES;
 TO THE GOVERNMENTS AND PARLIAMENTS
 OF ALL UN MEMBER STATES;
 TO ORGANIZATIONS FOR HUMAN RIGHTS, LAW AND PEACE;
 TO POLITICAL PARTIES, MEDIA AND GENERAL PUBLIC**

Freedom Association from Belgrade, acting as National Committee for the Liberation of President Slobodan Milosevic has honour to submit to your attention the document entitled "MEASURES TAKEN ONLY AGAINST SLOBODAN MILOSEVIC IN THE SCHEVENINGEN PRISON AND AT THE HAGUE TRIBUNAL, IN CONTRAVENTION OF THEIR OWN RULES, GUARANTEES AND RIGHTS" written by our organization and by the family of President Milosevic.

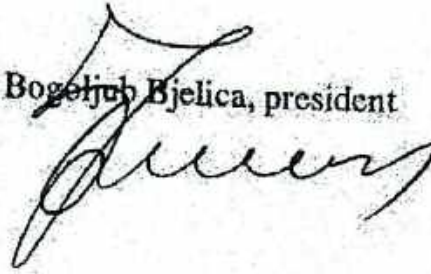
For the sake of peace, human rights, legality and justice, in the name of the International Law and democracy in the international relations, respecting the UN Charter, the Universal Declaration of Human Rights and other international instruments protecting human rights and principles of judiciary and for the pure humanitarian reasons, we expect your immediate reaction to the facts described in the document.

We call upon the UN Security Council to act now against the severe violations of human rights performed by its subsidiary organ, ICTY. We will welcome all reactions aiming to accelerate such a move of the Security Council.

Please inform us about your reactions. Our contacts: phone: +381 63 88 62 301; fax: +381 11 630 549 and e-mail: slobodavk@yubc.net are 24 hours available also for obtaining additional information.

With due respect, on behalf of the Freedom Association Managing Board

Bogoljub Bjelica, president



www.wpc-in.org

www.sloboda.org.yu

www.icdsm.org

MEASURES TAKEN ONLY AGAINST SLOBODAN MILOSEVIC IN THE SCHEVENINGEN PRISON AND AT THE HAGUE TRIBUNAL, IN CONTRAVENTION OF THEIR OWN RULES, GUARANTEES AND RIGHTS

Obstructing and avoiding visits of physicians.

Banning the physicians from publishing their findings on his health condition and on the causes of its deterioration.

Preventing the family from visiting in the duration allowed to all other detainees (between 7 and 15 days a month) and reducing it to 3 days a month.

Refusing almost all visits of the world public figures, acquaintances, friends, politicians etc.

Censoring and restricting visits from Yugoslavia – of friends, Party colleagues, SLOBODA National Committee members engaged in defending Slobodan Milosevic in Yugoslavia.

Preventing the members of ten different national committees for the defence of Slobodan Milosevic that have been established in the world, as well as the members and the leadership of the International Committee for his defence from contacting and visiting

Preventing the family from being alone with him, which is not otherwise a practice when other detainees are concerned.

Banning the family from visiting at the time of the Serbian elections.

Banning all telephone communications before, during and after the Serbian elections, except with the family.

Obstructing contacts and the work with lawyers.

Listening in to conversations with the lawyer.

Deliberately keeping him for many hours within the court building with the explanation that "the transportation was being late".

announced alterations in the sequence of witnesses.

Closing the proceedings for the public during the examination of witnesses who might compromise NATO and the Tribunal.

For nearly two years the trial is being held day in and day out. Such a practice has never been recorded in the history of the judiciary since it came into existence. Only as of a month ago the trial was being held for three days a week, after the physicians had emphasized that he cannot withstand it, but he is hardly withstanding even that effort, because his health has been severely damaged in prison.

On account of the whole-day sojourn at the court, he has no time at all to rest during the trial days, nor to go out and have some fresh air and walk (exercise), nor to have regular meals.

He has no conditions for work and trial preparations either. His cell has been swamped with trial materials, often received in the evening, on the eve of a trial day. This excludes the possibility of a timely and proper preparation for the trial. At the same time, such practice is in contravention of the Tribunal's rules.

He has been often given materials in English, although according to their own rules each detainee has to be given materials required for his defence in his mother tongue.

The trial materials are of such volume that he would need another 50 years to make a full use of it.

Preventing the Defence from preparing, as compared to the preparation of the Prosecution. The preparation of the Prosecution lasted at least 4 years, he was allotted 3 months to prepare! In addition to this, the Prosecution was being prepared by several hundreds of people, and him alone is to prepare the Defence.

Moreover, he has been brought to The Hague by force, illegally and in contravention of the Constitution of the Federal Republic of Yugoslavia. The materials had been handed over to him, requiring by its volume a multi-year labour of a large expert team, as was the case with the Prosecution, prepared for at least 4 years with the logistic, financial, organizational and personnel support of the governments of NATO member states. The Prosecution's case has been prolonged several times, and he was allotted three months to prepare his defence alone, in prison, without personal and telephone contacts and with no time nor conditions for medical treatment. A large number of witnesses were employees of the Prosecution, which is in contravention of their own rules. Even larger number of witnesses was bribed or blackmailed people. Without adjudication, the Tribunal reached a decision to prevent his Party from contacting him at the time of the elections, which is a direct interference of an institution otherwise illegitimate with the politics and the internal affairs of a sovereign state and in this case with its citizens' will. Visits and contacts assessed as unsuitable by the Tribunal are banned with no explanation, again in contravention of their own rules. Slobodan Milosevic has been brought to The Hague with poor health condition, and in the Scheveningen prison it has been ignored, inadequately treated and drastically deteriorated under the inhuman treatment (for several months, cameras and spotlights had been constantly on in his cell) and by the lack of medical treatment during his stay there. Nothing has been done to improve his health condition, quite the contrary. The Tribunal banned all the physicians, the Yugoslav as well as the Dutch ones, from publishing their reports on his condition. Only after the physicians' warning that his life has been directly threatened the workload at the Tribunal itself was reduced. For what reason such savage and inhuman measures were taken consciously and deliberately under the auspices and in the name of the United Nations?

For what reason his defence has been prevented so obviously and brutally? Why ONLY he

has the right to visits for just three days a month when all other detainees at The Hague have 15 days each month? Why the Tribunal officials have to be present ONLY at his visits? Has the United Nations given the mandate to the Tribunal and entitled it to interfere also with the internal Yugoslav politics and even with the election? If The Hague Tribunal is a UN institution, is this organization aware of the treatment given in its name to a human being, a sick man, a former head of state? As a founder of The Hague Tribunal, the Organization of the United Nations is directly responsible for the operations, operating procedures and methods applied by its institution. Therefore, it bears responsibility also for any wrong done and harm caused by its institution to any one man and people in general. The Organization of the United Nation is obliged to provide public answers to these questions.

The UN Commission for Human Rights in Geneva has not done much for the protection of human rights over the past years, but while "protecting" this heritage it has caused a lot of misfortune throughout the world. We demand for this institution to speak out now in relation to the illegal, inhuman treatment of Slobodan Milosevic in their own institution. How is justice being defended by the United Nations with publishing every word presented by the Prosecution and its collaborators and at the same time hiding and censoring everything coming from the Defence? Complete testimonies of the witnesses for the Prosecution have been published, blackmailed and corrupt as a rule and mainly untruthful individuals, and the public has been denied the expounding of Slobodan Milosevic, a brilliant defence admired by anyone who heard it. On this occasion we are not raising a question of the rationale and legitimacy of The Hague Tribunal, because it has no legitimacy, its rationale is nowadays already clear to everybody and it will go into history as black as it is, together with all its protagonists. We demand for the UN and the UN Commission for Human Rights, as well as all international organizations for the protection of human rights to react to a crime that was being perpetrated against Slobodan Milosevic in its most brutal form, unknown to modern civilization.

In Belgrade, 09 February 2004

SLOBODA/Freedom Association
National Committee for the Liberation
of President Slobodan Milosevic
and
the family of President Milosevic

STRUGGLE FOR FREEDOM AND TRUTH ABOUT THE SERBIAN PEOPLE AND YUGOSLAVIA IS IN THE CRUCIAL PHASE. NATO AND ITS SERVICES IN BELGRADE AND THE HAGUE HAVE NO INTEREST TO SUPPORT IT.

SO IT TOTALLY DEPENDS ON YOU!

A SMALL TEAM OF PRESIDENT MILOSEVIC'S ASSISTANTS, WHICH IS BECOMING INTERNATIONAL, HAS TO HAVE CONDITIONS TO WORK AT THE HAGUE IN THE TIME OF INTENSIVE PREPARATIONS FOR THE FINAL PRESENTATION OF TRUTH AND DURING THAT PRESENTATION.

TO DONATE, PLEASE CONTACT SLOBODA OR THE NEAREST ICDSM BRANCH, OR

find the instructions at:

<http://www.sloboda.org.yu/pomoc.htm>

To join or help this struggle, visit:

<http://www.sloboda.org.yu/> (Sloboda/Freedom association)

<http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic)

<http://www.free-slobo.de/> (German section of ICDSM)

<http://www.icdsm-us.org/> (US section of ICDSM)

<http://www.icdsmireland.org/> (ICDSM Ireland)

<http://www.wpc-in.org/> (world peace council)

http://www.geocities.com/b_antinato/ (Balkan antiNATO center)

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February 12, 2004

Re: The Trial of Slobodan Milosevic, Former President of the Federal Republic of Yugoslavia Before the International Criminal Tribunal for the Former Yugoslavia

Dear Secretary General Annan,

The Prosecution of the former President of the Federal Republic of Yugoslavia is scheduled to end its presentation of evidence to the International Criminal Tribunal for the Former Yugoslavia (ICTY) on February 19, 2004, more than two years after its first witness testified.*

Over 500,000 pages of documents and 5000 videocassettes have been placed in evidence. There have been some 300 trial days. More than 200 witnesses have testified. The trial transcript is near 33,000 pages.

The Prosecution has failed to present significant or compelling evidence of any criminal act or intention of President Milosevic. In the absence of incriminating evidence, the Prosecution apparently hoped to create a record so massive that it would be years, if the effort was ever made, before scholars could examine and analyze the evidence to determine whether it supported a conviction.

Meanwhile the spectacle of this huge onslaught by an enormous prosecution support team with vast resources pitted against a single man, defending himself, cut off from all effective assistance, his supporters under attack everywhere and his health slipping away from the constant strain, portrays the essence of unfairness, of persecution.

In contrast, the Prosecution of the "first trial in history for crimes against the peace of the world" at Nuremberg began November 20, 1945 against 19 accused and ended just over three months later on March 4, 1946 after four nations presented evidence. In his opening, Chief Prosecutor Robert H. Jackson observed

There is a dramatic disparity between the circumstances of the accusers and the accused that might discredit our work if we should falter, in even minor matters, in being fair and temperate. ... We must never forget that the record on which we judge these defendants is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our lips as well.

The Prosecution began its investigation of President Milosevic under Richard

Goldstone of South Africa in October 1994. When he left office in December 1996 he had found no evidence to support an indictment. His successor, Louise Arbour of Canada, continued the investigation without formal action until late May 1999 when President Milosevic was first indicted for acts allegedly committed earlier in 1999.

The indictment came during the heavy U.S./NATO bombing of all Serbia including Kosovo, a war of aggression. It had killed civilians throughout Serbia and destroyed property costing billions of dollars to replace. It had destroyed President Milosevic's home in Belgrade in an assassination attempt on April 22, 1999. The Chinese Embassy in Belgrade had been bombed on May 7, 1999. Depleted uranium, cluster bombs and super bombs had targeted civilians and civilian facilities. Hundreds of civilian facilities were destroyed and civilians killed from Nova Sad to Nis to Pristina.

The initial indictment made no allegations of any crimes in Croatia, or Bosnia. It dealt exclusively with alleged acts by Serb forces in Kosovo in 1999. All of Serbia, including Kosovo, remained under heavy U.S./NATO bombardment at the time of the indictment. There were no U.S., or NATO forces, or ICTY investigators in Kosovo. Investigation was impossible. The indictment was purely a political act to demonize President Milosevic and Serbia and justify U.S. and NATO bombing of Serbia which was itself criminal and in violation of the U.N. and NATO Charters.

As U.S. Ambassador to the U.N., Madeleine Albright led the U.S. effort to cause the Security Council to create the ICTY. Later she wrote in her memoir that while she was U.S. Secretary of State she had sought removal of President Milosevic from office for years:

"With colleagues Joschka Fischer and others, I urged Serb opposition leaders to build a real political organization and focus on pushing Milosevic out... In public remarks I said repeatedly that the United States wanted Milosevic 'out of power, out of Serbia, and in the custody of the war crimes tribunal.'"

President Milosevic was indicted and is on trial because he intended and acted to protect and preserve Yugoslavia, a federation that was essential to peace in the Balkans. Powerful foreign interests, supporting nationalist and ethnic groups and business interests within the several republics of Yugoslavia, were, for their various reasons, determined to dismember Yugoslavia. Foremost among these was the United States. Germany played a major role. Later NATO lent its name to the effort in violation of its own Charter. The violence that followed was foreseeable and tragic.

Throughout there was no more conciliatory leader than President Milosevic who avoided all out war as Slovenia, Croatia, Bosnia and Macedonia seceded from the Federal Republic. For his later defense of Yugoslavia, reduced to Serbia and Montenegro, he will be remembered primarily for his compromises at Dayton, Ohio and, later, to end the brutal U.S. bombing of Serbia from March to June 1999. His conduct intended peace and the survival of a core federation of southern Slavs which in a better day might seed a broader federation of Balkan states which is essential to

peace, political independence and economic viability in the region. The U.S. and others intended otherwise.

The consequences have been disastrous for each of the former states of the federal republic. Today there is economic intervention and stagnation, political unrest, public dissatisfaction and growing threats of violence in former Yugoslavia. The U.S. is courting Croatia for membership in NATO as the base for European forces to control the region and maintain its division. Croatia has sent a small military unit to assist NATO in Afghanistan and is being pressured to send troops to Iraq, thereby continuing its confrontations with Muslim peoples in Croatia and Bosnia. U.S. Secretary of Defense Rumsfeld, met with the nationalist leadership of Croatia, including the President and Prime Minister, on February 8, 2004. He proclaimed "I look forward to the day when Croatia becomes a part" of NATO.

The former President of Yugoslavia is on trial for defending Yugoslavia in a court the Security Council had no power to create. In contrast, the President of the United States, who has openly and notoriously committed war of aggression, "the supreme international crime", against a defenseless Iraq killing tens of thousands of people, spreading violence there and elsewhere, faces no charges. President Bush continues to threaten unilateral wars of aggression and presses for U.S. development of a new generation of nuclear weapons, tactical nuclear bombs, after invading Iraq on the fabricated claim it was a threat to the U.S. and possessed weapons of mass destruction. This can happen only because power, not principle, still prevails.

The United Nations cannot hope to end the scourge of war until it finds the will to outface power and stands united for the principles of peace. What better evidence is needed of U.S. intention to stand above the law and rule by force than the extensive U.S. efforts to destroy the International Criminal Court and coerce bilateral treaties in which nations agree not to surrender U.S. citizens to the ICC. Compound this obstruction of justice with the June 30, 2002 statement of the U.S. Permanent Representative to the U.N., Ambassador John Negroponte, demanding immunity for the U.S. from foreign prosecution, to which the Security Council submitted. Negroponte threatened that the U.S. would veto a pending Security Council resolution to renew the U.N. peacekeeping mission in Bosnia-Herzegovina, unless the Security Council provided immunity, that is impunity, for personnel contributed to Security Council authorized peace keeping missions. The purpose was to place U.S. personnel and U.S. surrogates above the law while U.S. enemies are victims of discriminatory prosecution in illegal courts.

The ICTY and other *ad hoc* criminal tribunals crated by the Security Council are illegal because the Charter of the United Nations does not empower the Security Council to create any criminal court. The language of the Charter is clear. Had such power been placed in the Charter in 1945 there would be no U.N. None of the five powers made permanent members of the Security Council in the Charter would have agreed to submit to a U.N. criminal report.

The ICC was created by treaty, recognizing the U.N. had no power without amendment of its Charter to create such a court. Creation of the ICC should preclude creation of any additional criminal tribunals and calls for the abolition of those that

exist. They were created to serve geo political ambitions of the U.S. The issue is of the highest importance. It determines whether the Security Council itself is above the Charter and the rule of law.

The ad hoc criminal tribunals are inherently discriminatory, evading the principles of equality in the administration of justice. The discrimination is intended to destroy enemies. The International Criminal Tribunal of Rwanda has not indicted a single Tutsi after nine years, though Faustin Twagirimungu, the first Prime Minister under the Tutsi RPF government in 1994 and 1995, testified before it that he believed more Hutu's than Tutsi's were killed in Rwanda in the tragic violence of 1994. Hundreds of thousands of Hutu's were slaughtered later in Zaire, now the Democratic Republic of Congo, and remain endangered today. The ICTR is an instrumentality for U.S. support of Tutsi control in Uganda, Rwanda, Burundi, and for a time and perhaps again, the Democratic Republic of Congo.

ICTY prosecutions are overwhelmingly against Serbs and only Serb leaders have been indicted by it, including not only President Milosevic and Serb leadership, but Serb leaders in Srpska, the segregated Serb part of Bosnia.

As the prosecution of the former President of Yugoslavia draws to a close his health is seriously impaired and has become life threatening. Hearings were cancelled last week because he was too ill to participate, but the Tribunal added onerous hours of hearings for the two final weeks of the prosecution case. Only yesterday the Tribunal was forced to reduce the hearings to half days because of a medical report on President Milosevic prepared by court appointed doctors. President Milosevic has been kept in total isolation for months during the period he headed the socialist party's ticket in parliamentary elections and when his party joined the coalition which elected the new speaker of the Parliament last week. Earlier this week the Tribunal extended his isolation for another month because of political events in Serbia.

President Milosevic, imprisoned, his health dangerously impaired, defending himself alone in the courtroom, has been given less than three months to prepare his defense to more than two years of evidence before the defense presentation is scheduled to begin in May. These most recent actions of the Tribunal are representative of the gross consistent unfairness of the proceedings during the years of President Milosevic imprisonment and the prosecution case against him.

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Respectfully submitted,

Ramsey Clark

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<http://www.icdsm.org/more/rclarkUN1.htm>

1-3-04

- The President of the UN General Assembly
- The Secretary General of the UN
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- The International Criminal Tribunal for Former Yugoslavia

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by Ramsey Clark

<http://www.iacenter.org/yugo/divide&conquer.htm>

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<http://www.icdsmireland.org/> (ICDSM Ireland)

<http://www.wpc-in.org/> (world peace council)

http://www.geocities.com/b_antinatio/ (Balkan antiNATO center)

'Clinton belde graag met Slobodan'

12-2-2004
Door Cees van Zwaarden

Ex-president Clinton van Amerika kon goed overweg met de Servische leider Milosevic, die in Den Haag terecht staat op beschuldiging van oorlogsmisdaden. Dit blijkt uit telefoongesprekken tussen beide heren die door de Kroatische inlichtingendienst zijn afgeluisterd. Een deel van die gesprekken werd gisteren door het Kroatische weekblad Globus gepubliceerd.

'Het is leuk om uw stem te horen', zei Clinton in januari '96 toen hij Milosevic vanuit het presidentiele vliegtuig belde. Enkele maanden eerder had de Amerikaanse president Milosevic toevertrouwd: 'Wij zijn voorstanders van de normalisering der betrekkingen, en ik weet dat dat zonder u niet kan worden bereikt.' Dat sommige westerse leiders goed met Milosevic overweg konden, was niet helemaal onbekend. Milosevic werd tot het einde van de Bosnische etappe van de postnucleaire burgeroorlog in 1995 beschouwd als 'zowel een deel van het probleem, als een deel van de oplossing'. Opmerkelijk is wel dat de Kroaten kennelijk Milosevic' gesprekken konden af luisteren. Dat werpt de vraag op, waarover zij verder nog beschikken.

Ook Milosevic zelf zou banden in zijn bezit hebben van gesprekken. Volgens een goed ingelichte bron in Belgrado kan Milosevic bewijzen dat Madeleine Albright, de toenmalige Amerikaanse minister van Buitenlandse Zaken, hem in 1998 het groene licht gaf voor positionele acties in Kosovo. Volgens Globus omschreef Clinton dezelfde Albright tegenover Milosevic als 'een echte teef'. Milosevic op zijn beurt laakte de regeringskrant Politika, en beloofde een eind te maken aan de negatieve commentaren over Clinton.

Het proces dat woensdag in Den Haag begint, kan een nieuw licht werpen op westerse bemoeienis met de Balkan. Milosevic zou van plan zijn Clinton, Blair en andere leiders als getuigen à décharge op te roepen. De rechtszaak kan een jaar gaan duren.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: donderdag 12 februari 2004 20:04
Onderwerp: CDSM: N. Clark: The Milosevic trial is a

[<http://www.guardian.co.uk/print/0,3858,4856972-103677,00.html>]

Comment

The Milosevic trial is a travesty

Political necessity dictates that the former Yugoslavian leader will be found guilty - even if the evidence doesn't

Neil Clark

Thursday February 12, 2004
The Guardian

It is two years today that the trial of Slobodan Milosevic opened at The Hague. The chief prosecutor, Carla Del Ponte, was triumphant as she announced the 66 counts of war crimes and crimes against humanity and genocide that the former Yugoslavian president was charged with. CNN was among those who called it "the most important trial since Nuremberg" as the prosecution outlined the "crimes of medieval savagery" allegedly committed by the "butcher of Belgrade".

But since those heady days, things have gone horribly wrong for Ms Del Ponte. The charges relating to the war in Kosovo were expected to be the strongest part of her case. But not only has the prosecution signally failed to prove Milosevic's personal responsibility for atrocities committed on the ground, the nature and extent of the atrocities themselves has also been called into question.

Numerous prosecution witnesses have been exposed as liars - such as Bilal Avdiu, who claimed to have seen "around half a dozen mutilated bodies" at Racak, scene of the disputed killings that triggered the US-led Kosovo war. Forensic evidence later confirmed that none of the bodies had been mutilated. Insiders who we were told would finally spill the beans on Milosevic turned out to be nothing of the kind. Rade Markovic, the former head of the Yugoslavian secret service, ended up testifying in favour of his old boss, saying that he had been subjected to a year and a half of "pressure and torture" to sign a statement prepared by the court. Ratomir Tanic, another "insider", was shown to have been in the pay of British intelligence.

When it came to the indictments involving the wars in Bosnia and Croatia, the prosecution fared little better. In the case of the worst massacre with which Milosevic has been accused of complicity - of between 2,000 and 4,000 men and boys in Srebrenica in 1995 - Del Ponte's team have produced nothing to challenge the verdict of the

Neil Clark is a writer specialising in east European and Balkan affairs

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February 12, 2004

Re: The Trial of Slobodan Milosevic, Former President of the Federal Republic of Yugoslavia Before the International Criminal Tribunal for the Former Yugoslavia

Dear Secretary General Annan,

The Prosecution of the former President of the Federal Republic of Yugoslavia is scheduled to end its presentation of evidence to the International Criminal Tribunal for the Former Yugoslavia (ICTY) on February 19, 2004, more than two years after its first witness testified.*

Over 500,000 pages of documents and 5000 videocassettes have been placed in evidence. There have been some 300 trial days. More than 200 witnesses have testified. The trial transcript is near 33,000 pages.

The Prosecution has failed to present significant or compelling evidence of any criminal act or intention of President Milosevic. In the absence of incriminating evidence, the Prosecution apparently hoped to create a record so massive that it would be years, if the effort was ever made, before scholars could examine and analyze the evidence to determine whether it supported a conviction.

Meanwhile the spectacle of this huge onslaught by an enormous prosecution support team with vast resources pitted against a single man, defending himself, cut off from all effective assistance, his supporters under attack everywhere and his health slipping away from the constant strain, portrays the essence of unfairness, of persecution.

In contrast, the Prosecution of the "first trial in history for crimes against the peace of the world" at Nuremberg began November 20, 1945 against 19 accused and ended just over three months later on March 4, 1946 after four nations presented evidence. In his opening, Chief Prosecutor Robert H. Jackson observed

There is a dramatic disparity between the circumstances of the accusers and the accused that might discredit our work if we should falter, in even minor matters, in being fair and temperate. ... We must never forget that the record on which we judge these defendants is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our lips as well.

The Prosecution began its investigation of President Milosevic under Richard
<http://www.icdsm.org/more/rclarkUN1.htm>

17-2-04

Goldstone of South Africa in October 1994. When he left office in December 1996 he had found no evidence to support an indictment. His successor, Louise Arbour of Canada, continued the investigation without formal action until late May 1999 when President Milosevic was first indicted for acts allegedly committed earlier in 1999.

The indictment came during the heavy U.S./NATO bombing of all Serbia including Kosovo, a war of aggression. It had killed civilians throughout Serbia and destroyed property costing billions of dollars to replace. It had destroyed President Milosevic's home in Belgrade in an assassination attempt on April 22, 1999. The Chinese Embassy in Belgrade had been bombed on May 7, 1999. Depleted uranium, cluster bombs and super bombs had targeted civilians and civilian facilities. Hundreds of civilian facilities were destroyed and civilians killed from Nova Sad to Nis to Pristina.

The initial indictment made no allegations of any crimes in Croatia, or Bosnia. It dealt exclusively with alleged acts by Serb forces in Kosovo in 1999. All of Serbia, including Kosovo, remained under heavy U.S./NATO bombardment at the time of the indictment. There were no U.S., or NATO forces, or ICTY investigators in Kosovo. Investigation was impossible. The indictment was purely a political act to demonize President Milosevic and Serbia and justify U.S. and NATO bombing of Serbia which was itself criminal and in violation of the U.N. and NATO Charters.

As U.S. Ambassador to the U.N., Madeleine Albright led the U.S. effort to cause the Security Council to create the ICTY. Later she wrote in her memoir that while she was U.S. Secretary of State she had sought removal of President Milosevic from office for years:

"With colleagues Joschka Fischer and others, I urged Serb opposition leaders to build a real political organization and focus on pushing Milosevic out... In public remarks I said repeatedly that the United States wanted Milosevic 'out of power, out of Serbia, and in the custody of the war crimes tribunal.'"

President Milosevic was indicted and is on trial because he intended and acted to protect and preserve Yugoslavia, a federation that was essential to peace in the Balkans. Powerful foreign interests, supporting nationalist and ethnic groups and business interests within the several republics of Yugoslavia, were, for their various reasons, determined to dismember Yugoslavia. Foremost among these was the United States. Germany played a major role. Later NATO lent its name to the effort in violation of its own Charter. The violence that followed was foreseeable and tragic.

Throughout there was no more conciliatory leader than President Milosevic who avoided all out war as Slovenia, Croatia, Bosnia and Macedonia seceded from the Federal Republic. For his later defense of Yugoslavia, reduced to Serbia and Montenegro, he will be remembered primarily for his compromises at Dayton, Ohio and, later, to end the brutal U.S. bombing of Serbia from March to June 1999. His conduct intended peace and the survival of a core federation of southern Slavs which in a better day might seed a broader federation of Balkan states which is essential to

peace, political independence and economic viability in the region. The U.S. and others intended otherwise.

The consequences have been disastrous for each of the former states of the federal republic. Today there is economic intervention and stagnation, political unrest, public dissatisfaction and growing threats of violence in former Yugoslavia. The U.S. is courting Croatia for membership in NATO as the base for European forces to control the region and maintain its division. Croatia has sent a small military unit to assist NATO in Afghanistan and is being pressured to send troops to Iraq, thereby continuing its confrontations with Muslim peoples in Croatia and Bosnia. U.S. Secretary of Defense Rumsfeld, met with the nationalist leadership of Croatia, including the President and Prime Minister, on February 8, 2004. He proclaimed "I look forward to the day when Croatia becomes a part" of NATO.

The former President of Yugoslavia is on trial for defending Yugoslavia in a court the Security Council had no power to create. In contrast, the President of the United States, who has openly and notoriously committed war of aggression, "the supreme international crime", against a defenseless Iraq killing tens of thousands of people, spreading violence there and elsewhere, faces no charges. President Bush continues to threaten unilateral wars of aggression and presses for U.S. development of a new generation of nuclear weapons, tactical nuclear bombs, after invading Iraq on the fabricated claim it was a threat to the U.S. and possessed weapons of mass destruction. This can happen only because power, not principle, still prevails.

The United Nations cannot hope to end the scourge of war until it finds the will to outface power and stands united for the principles of peace. What better evidence is needed of U.S. intention to stand above the law and rule by force than the extensive U.S. efforts to destroy the International Criminal Court and coerce bilateral treaties in which nations agree not to surrender U.S. citizens to the ICC. Compound this obstruction of justice with the June 30, 2002 statement of the U.S. Permanent Representative to the U.N., Ambassador John Negroponte, demanding immunity for the U.S. from foreign prosecution, to which the Security Council submitted. Negroponte threatened that the U.S. would veto a pending Security Council resolution to renew the U.N. peacekeeping mission in Bosnia-Herzegovina, unless the Security Council provided immunity, that is impunity, for personnel contributed to Security Council authorized peace keeping missions. The purpose was to place U.S. personnel and U.S. surrogates above the law while U.S. enemies are victims of discriminatory prosecution in illegal courts.

The ICTY and other *ad hoc* criminal tribunals crated by the Security Council are illegal because the Charter of the United Nations does not empower the Security Council to create any criminal court. The language of the Charter is clear. Had such power been placed in the Charter in 1945 there would be no U.N. None of the five powers made permanent members of the Security Council in the Charter would have agreed to submit to a U.N. criminal report.

The ICC was created by treaty, recognizing the U.N. had no power without amendment of its Charter to create such a court. Creation of the ICC should preclude creation of any additional criminal tribunals and calls for the abolition of those that

exist. They were created to serve geo political ambitions of the U.S. The issue is of the highest importance. It determines whether the Security Council itself is above the Charter and the rule of law.

The *ad hoc* criminal tribunals are inherently discriminatory, evading the principles of equality in the administration of justice. The discrimination is intended to destroy enemies. The International Criminal Tribunal of Rwanda has not indicted a single Tutsi after nine years, though Faustin Twagirimungu, the first Prime Minister under the Tutsi RPF government in 1994 and 1995, testified before it that he believed more Hutu's than Tutsi's were killed in Rwanda in the tragic violence of 1994. Hundreds of thousands of Hutu's were slaughtered later in Zaire, now the Democratic Republic of Congo, and remain endangered today. The ICTR is an instrumentality for U.S. support of Tutsi control in Uganda, Rwanda, Burundi, and for a time and perhaps again, the Democratic Republic of Congo.

ICTY prosecutions are overwhelmingly against Serbs and only Serb leaders have been indicted by it, including not only President Milosevic and Serb leadership, but Serb leaders in Srpska, the segregated Serb part of Bosnia.

As the prosecution of the former President of Yugoslavia draws to a close his health is seriously impaired and has become life threatening. Hearings were cancelled last week because he was too ill to participate, but the Tribunal added onerous hours of hearings for the two final weeks of the prosecution case. Only yesterday the Tribunal was forced to reduce the hearings to half days because of a medical report on President Milosevic prepared by court appointed doctors. President Milosevic has been kept in total isolation for months during the period he headed the socialist party's ticket in parliamentary elections and when his party joined the coalition which elected the new speaker of the Parliament last week. Earlier this week the Tribunal extended his isolation for another month because of political events in Serbia.

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Interview Ton Zwaan

Geen genocide zonder leiders



In Nederland is de belangstelling voor het Joegoslavië-tribunaal snel weggeëbd. Ton Zwaan, die als genocide-expert werd gehoord in het proces tegen Milosevic, kan het slechts betreuren. 'Het is echt het belangrijkste proces sinds Eichmann.'

Door Martin Sommer

Hij was getuige nummer 288 van de aanklagers, in een klein zaaltje van het onbeduidende Haagse gebouw waar zich het Joegoslavië-tribunaal voltrekt. Links Milosevic in

Catastrofes buiten Europa blijven hier vaak ongezien

Het Centrum voor Holocaust en Genocidestudies werd vorig jaar september geopend. Het werd opgezet door de Universiteit van Amsterdam en de Koninklijke Nederlandse Academie van Wetenschappen (KNAW), betaald door de Nederlandse staat. Soortgelijke centra bestaan ook elders, bijvoorbeeld in de Scandinavische landen. 'Er is meer publieke aandacht nodig voor genocide. In Nederland is het gros van de studenten nauwelijks op de hoogte van de genocides na de Tweede Wereldoorlog. Cambodja, daar weet niemand wat

aanklager, tegenover hem drie rechters en drie griffiers, in zijn rug achter kogelvrij glas het publiek. Ton Zwaan: 'Je voelt je buitengewoon alleen. Van alle kanten komen de vragen en je hebt geen tijd om na te denken over antwoorden.'

Als enige Nederlander trad Ton Zwaan drie weken geleden op als getuige-deskundige. Vier uur lang werd hij verhoord. Hij kijkt op een bescheiden manier tevreden terug. 'Mijn verhaal kwam over het voetlicht en ik ben tegenover Milosevic overeind gebleven.'

Volgende week sluit de aanklager zijn gedeelte van het geruchtmakende proces af, na een jaar en bijna driehonderd getuigenissen. Een kleine mijlpaal. Na drie maanden rust is het vervolgens de beurt aan Milosevic om zijn verdediging te voeren. 'Ook hij zal wel minstens een jaar en driehonderd getuigen nodig hebben,' zegt Zwaan, die op verzoek van de aanklagers een rapport schreef over de voorwaarden waaronder genocide en soortgelijke misdrijven kunnen plaatsvinden.

Zwaan is als antropoloog en socioloog verbonden aan het jonge Amsterdamse Centrum voor Holocaust- en Genocidestudies. Hij schreef drie jaar geleden zijn dissertatie: een vergelijkend onderzoek naar de massamoord op de Armeniërs begin vorige eeuw, de *holocaust* en de etnische zuiveringen in Joegoslavië.

Zwaan omschrijft Milosevic als een typische bovenbaas uit het voormalige Oostblok. 'Hij had ook uit Roemenië of Polen kunnen komen.' Milosevic gaat er prat op dat hij zijn eigen verdediging voert omdat hij het tribunaal niet erkent. Dat is niet helemaal waar. Een van de drie advocaten die de rechtsgang moeten bewaken, de zogenoemde *amici*, is een Servische advocaat met wie hij regelmatig van gedachten wisselt. 'Verder heeft hij een horde specialisten ter beschikking. Hij heeft een heel apparaat waarmee hij met name telefonisch uitvoerig overlegt.'

Milosevic gedroeg zich tegenover Zwaan op dezelfde manier als tegenover de 287 getuigen die voor hem kwamen. Intimidatie, ondermijnen van je geloofwaardigheid. 'Hij deed een uitvoerige aanval op Nederland. Dat had ik totaal niet verwacht, want er stond geen woord over in mijn rapport. De slavernij, het kolonialisme, zelfs de apartheid in Zuid-Afrika wilde hij Ne-



Milosevic in de rechtszaal van het Joegoslavië-tribunaal.

derland in de schoenen schuiven. Hij dacht vermoedelijk dat hij zo de nationalist in mij wakker kon maken. Maar ik gaf meteen toe dat er duistere kanten zitten aan de Nederlandse geschiedenis die je onder ogen moet zien. Hij probeert je onderuit te halen. Ik denk dat dat bij minder geschoolde getuigen uit de Balkan ook wel lukt.'

Milosevic maakt een vastberaden indruk. Vastbesloten ook om geen duimbreed te wijken van zijn overtuigingen. 'Tegenover mij kwam hij ook weer met zeer uitvoerige verhalen over de wandaden van de Kroaten tijdens de Tweede Wereldoorlog, en over het SS-regiment van de Mosliams. Hij had eerder in verband met zijn tirade over de Nederlandse geschiedenis een Servische uitdrukking gebruikt dat je je eerst met het vuil voor je eigen deur moet bezighouden, voordat je je met het vuil voor de deur van anderen bemoeit. Ik vroeg hem toen: hoe zit het dan met het vuil voor de eigen deur? Hij zei, wij Serviërs hebben nooit iets misdaan, kan ik met enige trots verkondigen. Die waarneming beklemd me. Hij is dus niet in staat...'

Zwaan houdt in. Hij wil niet met onbekookte uitlatingen de rechtsgang verstoren. Het hof is zeer gevoelig voor beïnvloeding van buitenaf. Vandaar ook, vermoedt hij, dat het gedeelte van zijn rapport dat wél over Joegoslavië ging door de aanklager niet in behandeling is genomen.

'Dan loop je het risico dat de rechters zeggen, hij treedt in onze competentie, hou er maar mee op. Er staat zoveel op het spel. Iedereen kijkt mee, en niet alleen in de Balkan, ook in de VS en in Frankrijk wordt dit proces met argusogen gevolgd. Die laatste twee hebben de Conventie ter voorkoming van genocide getekend. Als Milosevic inderdaad wegens genocide wordt veroordeeld, impliceert dat ook dat ze eerder hadden moeten ingrijpen. Terwijl ze zaken met hem gedaan hebben. Hier is sprake van zo'n zware beschuldiging, van een ex-

periment ook op het gebied van internationaal recht, van het eerste strafproces tegen legitieme politieke leiders. Daarom zijn de rechters driedubbel zorgvuldig met de procedures.'

Milosevic, zelf jurist, probeerde Ton Zwaan onderuit te halen op het feit dat hij geen juridische kennis heeft en genocide als sociologisch fenomeen benadert. 'Daar had hij misschien een punt. Maar de rechters vonden het irrelevant, en je ziet dan dat Milosevic met hen een wilde discussie aangaat. In die zaal heerst spanning. Hij heeft het voortdurend over *'this illegal court'*, terwijl de rechters proberen tot een eerlijk proces te komen. Het wordt integraal uitgezonden op de Servische televisie, met een educatief doel. Dat heeft wel tot gevolg dat Milosevic zijn eigen politieke proces voert, over de hoofden van de rechters heen.'

Het Joegoslavië-tribunaal heeft een tweeledig oogmerk: misdaden tegen de

menselijkheid bestraffen, en laten zien dat politieke leiders niet weggelaten met criminele daden. De vraag is of het werkt. Onlangs haalde Milosevic ondanks zijn gevangenschap bij de Servische verkiezingen 7 procent van de stemmen. Mede dankzij zijn Haagse televisie-optredens, wordt wel gedacht. Zijn collega-verdachte Vojislav Seselj, die ook in Den Haag vastzit, kwam tot liefst 26 procent.

Zwaan: 'Seselj is een overtuigd nationalist en een gelovige, dat is Milosevic niet. Hij heeft het nationalisme steeds voor zijn eigen doeleinden gebruikt. Het belangrijkste is dat zeker een derde van de Serviërs nog altijd nationalistisch stemt.'

Of het proces de beoogde opvoedende waarde heeft, vindt Zwaan daarom lastig te beoordelen. Hij sprak onlangs in Amsterdam met de Servische ambassadeur in Londen. Die werd destijds in Belgrado ontslagen als hoogleraar en vindt dat Milosevic zijn leven heeft ge-

ruïneerd.

'Toch zei hij, ik hoop dat hij niet voor genocide wordt veroordeeld. Hij vreesde een negatief effect in een zeer fragiele democratie, een dergelijk vonnis zou het nationalisme verder in de kaart kunnen spelen. Daar staat tegenover: door zo'n proces kan een bladwijz worden omgeslagen. Zo is het in Neurenberg met Duitsland ook gegaan. Dat proces werd destijds gezien als overwinnaarsrecht. Toch kwam er door die berechting ook ruimte voor nieuwe ontwikkelingen. De nationaal-socialisten hielden zich muisstil. Opeens waren ze allemaal verdwenen, uniformen werden begraven in de tuin.'

Zwaan schreef in zijn rapport over het regelsysteem van genocide. Een lichte opwindning maakte zich van hem meester toen hij de bijbehorende mentaliteit voor ogen zag. 'Het gedrag van Milosevic paste precies in mijn verhaal: daders gedragen zich als slachtoffers. Hij sprak tijdens het verhoor over de Kroatische leider Tudjman, die een boek had geschreven over de geschiedenis van Kroatië. Dat boek was een apologie voor het fascisme, en het aantal gedode Serviërs had hij inderdaad veel te laag afgeschilderd. Milosevic deed precies het omgekeerde, die maakte het aantal Servische slachtoffers van genocidale aanvallen in de Tweede Wereldoorlog weer veel te hoog. Daar zag je hoe mythische herinneringen werken.'

Voor Milosevic was de meest bezwarende stelling van Zwaan dat volkerenmoord altijd aan de top besloten wordt - Milosevic houdt immers staande dat hij van niets heeft geweten. 'Ik heb geschreven dat de staatstop altijd medeplichtig is. In de twintigste eeuw zie je in alle gevallen van volkerenmoord centrale staten, relatief goed georganiseerd. Er is een geweldsmonopolie van de staat. Grootschalige vervolging impliceert grootschalig geweld, daar moet de overheid van af geweten hebben, dat kan niet plaatsvinden zonder de condi-

ties van leiderschap. Er moet een klimaat van straffeloosheid geschapen worden, de middelen moeten er zijn, er moeten wapens beschikbaar zijn. Die vind je niet zomaar in het bos.'

De grondgedachte van zijn dissertatie was: dat we vreedzaam met elkaar omgaan, spreekt niet vanzelf. Dat we beleefd en terughoudend zijn evenmin. Goed gedrag berust op een effectieve handhaving van het geweldsmonopolie door de staat. Als de staat niet langer voor iedereen een onpartijdige positie inneemt, dan worden ook de gewone omgangsvormen op scherp gesteld.

'Daarom is dat geweldsmonopolie zo belangrijk. Als dat ophoudt goed te functioneren, kan de dagelijkse omgang veranderen van vreedzaam naar gewelddadig. Dan kunnen mensen die jarenlang prettige burens waren, heel snel vijanden worden. Wij zijn geneigd om te zeggen: in de Balkan zit dat geweld in het duizendjarige geheugen ingebakken. Dat is een beetje waar. Je hebt eerst de Balkanoorlogen en de Eerste Wereldoorlog gehad, het geweld is hernomen tijdens de Tweede Wereldoorlog en in de jaren negentig hadden we de derde ronde.

'Herinneringen spelen hierbij een belangrijke rol. Mensen weten precies wie tijdens de Tweede Wereldoorlog een dorp verder wie om het leven heeft gebracht. Onder Tito is dat nooit verwerkt, er is nooit vrijelijk nagedacht over die oorlog. Die zit onverwerkt in die hoofden, en komt dan met grote kracht terug. De haat kan telkens gemobiliseerd worden, als je dan geen debat hebt, is de kans op herhaling groter.

'Je ziet hetzelfde patroon in Turkije. Daar werden problemen traditiegetrouw met geweld opgelost, eerst werden de Armeniërs afgeslacht, toen de Grieken, die lijn kon je tot een paar jaar geleden naar de Koerden doortrekken. Generaties Turkse leiders hadden steeds hetzelfde antwoord op emancipatiebewegingen, namelijk repressie.'

van. Hoe gaat het momenteel in Rwanda, daar is weinig over te vinden. Er is ook sprake van Joegoslavië-moeheid. Naast universitair onderwijs en onderzoek, wil het instituut bijdragen aan het publieke debat.'

Als je het over volkerenmoord hebt, gaat het in Nederland meestal over de jodenvervolging, zegt Zwaan. 'Ik was dit jaar bij de Auschwitzherdenking, daar herdenken we de moord op de joden en dat is belangrijk. Maar ik moest er ook aan denken dat de grote catastrofes elders vaak ongezien blijven. In Joegoslavië waren zo'n 120.000 mensen het slachtoffer van etnische zuivering. Dat wordt toch gezien als niet zo serieus. Bij gevallen buiten Europa, zoals in Cambodja en Rwanda, geldt dat nog sterker dat er hier weinig aandacht voor is. Naar mijn idee betekent vergelijken niet dat je de holocaust relateert. Iedere episode verdient zijn eigen aandacht. Het doel van genocidestudies zou moeten zijn dat je leert van overeenkomsten en verschillen. In de praktijk is er vaak sprake van concurrentie om leed. Dat vind ik jammer.'

Hoe groot is de kans dat Milosevic wegens genocide veroordeeld wordt? Daarover wil Zwaan liever niets zeggen. Wel wil hij kwijt dat het bewijs buitengewoon lastig is. 'Je moet de intentie aantonen, net als bij moord met voorbedachten rade. Heel ingewikkeld, je moet de hele bevelsketen van boven naar beneden kunnen laten zien. Er zijn drie aanklachten, oorlogsmisdaden, misdaden tegen de menselijkheid en genocide. De procureur heeft een groot deel van de oorspronkelijke aanklacht al laten vallen, die was 37 pagina's lang. Om praktische redenen, anders had het proces jaren in beslag genomen.'

Merkwaardig genoeg is in Nederland de belangstelling snel weggeëbd. 'Joegoslavië heeft nooit veel belangstelling gehad hier, er zijn nooit grote demonstraties geweest. Dat reken ik deels de media aan. Ik las destijds stukken in de krant van de strekking: zet er maar een hek omheen, en laten ze elkaar maar afmaken. Toch heeft Nederland een belangrijke functie, met het Vredespaleis, het Joegoslavië-tribunaal en nu het Internationaal Strafhof.

'Dit proces is cruciaal: het moet uitwijzen of nieuwe ontwikkelingen worden afgeremd, dan wel dat we een stapje verder komen op weg naar een internationaal strafstelsel. Het is echt het belangrijkste proces sinds Eichmann.'

Ton Zwaan

Geboren in 1946. Studeerde tussen 1968 en 1974 sociale wetenschappen aan de Universiteit van Amsterdam. Hij werkte achtereenvolgens aan de Universiteit van Nijmegen, de Open Universiteit en momenteel weer aan de Universiteit van Amsterdam.

Zwaan publiceerde vooral over staatsvorming, publiek geweld en nationalisme. Zijn vader had tijdens de Duitse bezetting in een gijzelaarskamp gezeten. Toen hij een fotobok over de jodenvervolging onder ogen kreeg, liet het onderwerp genocide hem niet meer los. In 1991 verscheen *Het Europese Labyrinth*, over nationalisme en natievorming. Zijn dissertatie *Civilisering en decivilisering. Studies over staatsvorming en geweld, nationalisme en vervolging*, verscheen in 2001.



FOTO AP

Milosevic voorkwam in '93 bloedbad Srebrenica

¹³⁻²⁻²⁰⁰⁹
DEN HAAG - Slobodan Milosevic heeft in 1993 voorkomen dat Bosnische Serviërs een slachtpartij aanrichtten in Srebrenica. De Franse generaal Philippe Morillon, destijds VN-commandant in Bosnië, heeft dat donderdag gezegd voor het Joegoslavië-Tribunaal. Toen er 'iets verschrikkelijks' stond te gebeuren, vroeg Morillon de Servische president in te grijpen, met succes. Milosevic bevestigde het verhaal. (ANP)

Sagittarius

Van: "R" <despot@tiscali.nl>
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Verzonden: zondag 15 februari 2004 3:22
Onderwerp: Fw: Dumb Arlie testifies against Milosevic (and UN officials)

— Original Message —

From: [nebojsa](#)
To: [Ruza](#)
Sent: Saturday, February 14, 2004 1:43 AM
Subject: Dumb Arlie testifies against Milosevic (and UN officials)

**MILOSEVIC "TRIAL" SYNOPSIS - FEBRUARY 10, 2004 - VENEZUELAN
 AMBASSADOR TO UN TESTIFIES AGAINST MILOSEVIC**
www.slobodan-milosevic.org - February 11, 2004

Tuesday, February 10, 2004 – Reynauld Theunens finished his testimony. He was cross-examined by Mr. Tapuskovic, and some useful points were raised.

Mr. Tapuskovic began his cross-examination of this witness on January 28th. On the 28th Tapuskovic managed to use this witness to prove that the JNA never issued a single order to any paramilitary formation.

On Tuesday Mr. Tapuskovic asked the witness questions raised by the transcript of the July 1, 1991 SFRY Presidency session.

From the transcript it can be seen that Yugoslavia's former Defense Minister, Veljko Kadijevic, is asking the presidency for permission to disarm all armed formations on the territory of the SFRY except for the JNA.

You can also see from the transcript that the only person who is opposed to the disarming of these illegal armed groups is the President of the Presidency, Mr. Stjepan Mesić.

Mesić explained that he couldn't go along with the proposal to disarm illegal paramilitary formations because he "couldn't go back to Croatia as a traitor." In other words, Croatia was preparing to fight a war. The next month, in August of 1991 the Croatian paramilitaries attacked the JNA and laid siege on them in their barracks.

Mr. Theunens tried to pretend as if he hadn't seen this document before. It is hard to believe that he could miss a document of this sort. As I said in the last report, Mr. Theunens is an employee of the Office of the Prosecutor, and this document was exhibited on the very first day of the Croatia phase of the "trial," and has been referred to many times since.

After Theunens withdrew President Milosevic made objections to some recent decisions made by the "tribunal". First of all the "tribunal" has extended the communications ban on him. He is still cut off from the outside world. President Milosevic objected to this because he rightly pointed out that it will be impossible for him to prepare his defense if he is under a communications ban.

He also objected to the longer sitting days, because the detention unit locks down at 5 PM, and with the "trial" ending at 4:45 PM he has no chance to meet with his associates to plan out his cross-examination for the next day.

After his objections were heard the next witness was brought in. Diego Enrique Arlie was Venezuela's permanent representative to the UN in 1992-93.

Mr. Arlie was a regular drama queen. He employed the method of "support and justification masquerading as dissent." Mr. Arlie was critical of the international community because he thought that it wasn't hard enough the Serbs.

The man had only been to Yugoslavia once during the war. On April 23-26, 1993 he visited Belgrade, Zagreb, and a handful of places in Bosnia. He claimed that the information he got from the UN was flawed, and so he relied on the media for his information.

Because he was ignorant, and clearly incapable of answering the questions put to him, he spoke in sound bytes that were obviously designed for the media. He used the term "slow motion genocide" countless times refer to the situation in Srebrenia, and he said that Srebrenica was "a concentration camp policed by the UN." Of course he failed to mention that Srebrenica's male inhabitants, led by Nasir Oric, were using the so-called "safe area" as a staging ground to launch attacks on the neighboring Serbian villages.

As I said before, Mr. Arlie was a drama queen. He acted all dramatic and emotional, just like a teenage girl. He took his so-called "criticism" of the international community to ridiculous extremes, and in doing so he probably ruined his career. I would imagine that he got more than a few angry phone calls the next day.

In his written statement, Arlie said that Cyrus Vance, David Owen, and Butros Butros Gali were conspiring with Milosevic to create a "greater Serbia" and were conspiring to implement apartheid in Bosnia. He went on to say that Butros Butros Gali was withholding and fabricating information in order to mislead the UN.

In spite of the fact that President Milosevic read all of this out of the witness's own statement and the witness stood by his statement; the witness denied accusing anybody but Milosevic of anything.

Those sound like accusations to me. In fact, they sound like very serious accusations. Mr. Arlie had probably realized by now that he was in over his head, and so he was trying to back off of his accusations, but alas he had already made them.

Slobodan Milosevic asked Mr. Arlie if he was aware that Bosnia was a civil war. Of course Arlie tried to say that it wasn't, he said that Milosevic tried to invade and conquer Bosnia. Mr. Arlie explained that the VRS "didn't appear in Bosnia by magic" and so he concluded that Milosevic must have sent them there.

Apparently Mr. Arlie was unaware that the members of the VRS lived in Bosnia. They were Bosnian Serbs. Milosevic didn't send them there. They just lived there. Quite frankly, if the only alternative that Mr. Arlie could see besides "Milosevic sending them there" was magic, then I have to wonder about his intelligence.

In order to prove this point, President Milosevic showed Mr. Arlie a report of the UN Secretary General dated May 30, 1992. In the report it said quite clearly that JNA soldiers from Serbia and Montenegro were being withdrawn to Serbia and Montenegro, while soldiers who were indigenous to Bosnia stayed in Bosnia, and were no longer under the control of Belgrade. It wasn't magic at all. The VRS was formed by those JNA soldiers who were native to Bosnia. Nobody sent them there. They just stayed there where they lived. The report said that Croatia, on the other hand, had its regular troops in Bosnia.

When Mr. Arlie was first shown the report he tried to say that it was a forgery. Mr. Robinson then said that he was familiar with UN documents and that he wanted to have a look at it. Mr. Robinson looked at the document, and concluded that it was authentic. He then instructed Mr. Arlie to answer the questions. Of course Arlie didn't want to answer the questions and so he refused, because he said he had never seen the document before.

Even after seeing the report of the Secretary General, Arlie continued to maintain that Bosnia was not a civil war. To prove his point he employed some of the most "magnificent" logic that I've ever seen. He asked Milosevic a rhetorical question. He said, "If Bosnia was a civil war then how come we put sanctions on you?" As if his own stupid actions could somehow prove Milosevic's actions.

Milosevic, who was obviously taken aback by the sheer stupidity of the witness, calmly and politely explained that Peter Hohenfellner, the Austrian Ambassador who was supposed to present the report of the Secretary General to the Security Council withheld the report until after the sanctions were imposed on the FRY.

It is a matter of record. The report is dated May 30, 1992. The sanctions were imposed the same day, and Hohenfellner didn't present the report until after the decision to impose the sanctions had been passed. In spite

of what was right in front of his face, Mr. Arlie stated his conviction that the Austrians wouldn't withhold this information, even though they were Croatia's ally, and withholding it would help Croatia, because the report incriminated the Croats.

Mr. Arlie, ever the drama queen, then presented this "compelling" argument. He said that Belgrade was only masquerading as not having command, and to support this claim he pointed out that Gen. Mladic attended military school in Belgrade.

Way to go Sherlock! Of course Mladic attended military school in Belgrade. Before the war, when Yugoslavia was all one country, Mladic was an officer in the JNA, and like all officers in the JNA he attended military school in Yugoslavia's capital city, Belgrade. The fact that Mr. Arlie would even make this sort of retarded argument demonstrates just how dumb he is.

Mr. Arlie clearly hadn't learned his lesson from earlier in the day, and he persisted in slinging absurd accusations at everybody. He accused the Swiss police of mistreating the Muslim delegates so that they could not attend the Geneva peace conference. Maybe he thinks Milosevic secretly controlled the Swiss police too.

One might think that with less than a week to present their case that the prosecution would like to try bring in a witness who isn't a complete moron.

Unfortunately, I was unable to see the end of Arlie's testimony. I was watching the recorded video of the "trial" from the Bard college website, and they cut off the last two sessions of the day.

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Rome, 16th February 2004

To: Mr. Theodor Meron, President,

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STATEMENT BY PROF. ALDO BERNARDINI

International Law, University of Teramo (Italy)

Since June 2001 President Slobodan Milosevic is a political prisoner in Scheveningen. His transfer from the Belgrade jail has been tantamount to a kidnapping without the legal guarantees which are usual in cases of extradition (that was in any case forbidden by Serbian and Yugoslav Constitutions, as confirmed by Federal Constitutional Court). Money has been paid, or rather promised, to a quisling regime. An unprecedented treatment for a former Head of State, illegitimately indicted when he was in office (see *International Court of Justice – Case concerning the arrest warrant of 11 April 2000 – Democratic Republic of the Congo v. Belgium*, 14 February 2002), whose only fault had been in the past his effort to avoid Yugoslavia being blotted out by Western diplomatic trickeries and by ethnicist secessions and later to keep together so much as possible of former Yugoslavia. The 1992 Constitution of the Federation of Yugoslavia bears witness to this in the articles, strongly advocated by President Milosevic against nationalistic trends, by which Yugoslav citizenship and equality of rights were founded on residence instead of ethnical grounds such as in the Constitutions of other former Yugoslav Republics.

According to the Prosecution in the Hague trial, President Milosevic, the father of such a Constitution, could – or rather, should – be the man guilty of genocide and other crimes against mankind. After almost three years it is clear to every unbiased person that nothing has been proved. There is no evidence that such horrible crimes were committed or, when committed, that President Milosevic was in any way involved therein. The strenuous attitude of Slobodan Milosevic has been successful in countering and rebutting all charges by Prosecution and allegations by so-called witnesses. So much so that now it is absolutely obvious that a political trial is going on in the Hague and that therefore Milosevic *must* be declared guilty in order to acquit NATO aggressors, whose crimes the illegal Hague Tribunal has refused even only to skim over. This has been from the very beginning the real task of a

Tribunal which Security Council had no power to legitimately constitute and whose financing and means of action testify to which interests it is subservient.

But this Tribunal is passed off as being an organ, a subsidiary organ, of United Nations. It is therefore strictly bound by all U.N. rules and principles particularly on human rights, even by such rules that are not binding on Member States, for ex. by General Assembly resolutions.

Generally recognised procedural rights and human rights of President Milosevic have been violated from the very beginning. An impressive list of such violations has been submitted by Sloboda Association of Belgrade and I wholly subscribe to it (*Measures taken only against Slobodan Milosevic in the Scheveningen prison and at the Hague Tribunal in contravention of their own rules, guarantees and rights*).

I underline in particular in the last time the decision to allot him only three months for the preparation of his defence in comparison with three or four years given to the Prosecution and, lastly, the order for prolongation also in afternoon hours of the last hearings to end the Prosecution case. These are shameful decisions which infringe upon the health conditions of President Milosevic (his life is in real danger) and his possibility to prepare his own defence: they exclude equality of arms between Prosecution and defence and point out the political and persecutory character of such a barbaric trial.

During the elections campaign in Serbia, President Milosevic has been prevented from actively participate in it. In the light of the presumption of innocence and the abnormal feature and lengthiness of the trial, we must pose the question whether his political rights have been violated. Serbian people by electing him have given a beating answer.

Among the generally recognised procedural and human rights principles which have been completely infringed upon, I mention, in the International Covenant on Civil and Political Rights of 1966, article 9, par. 4 (*"Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful"*); article 14, par. 2 (presumption of innocence); and article 25 (participation in the political life). We must not forget the *Standard Minimum Rules for the Treatment of Prisoners*, approved by the Economic and Social Council of the U.N. with res. 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, particularly rule 37 (communications and visits); the *Basic Principles for the Treatment of Prisoners*, adopted by U.N. General Assembly res. 45/111 of 14 December 1990, par. 5 (prisoners shall retain human rights and fundamental freedoms set out in the international instruments); and the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, adopted by U.N. General Assembly res. 43/173 of 9 December 1988, particularly principles 11 and 32 (review of continuance of detention by a judicial authority), principles 15 and 19 (communication of prisoners with the outside world and visits). It is clear that the review of detention by a judicial authority refers to such an authority which is independent of the Hague Tribunal; and it is also clear that violations of rights depend also on the set of rules governing the Hague Tribunal.

President Slobodan Milosevic must be immediately released.

The arbitrary trial must be stopped.

The illegitimate Hague Tribunal must be done away with.

Prof. Aldo Bernardini

**THE DECISIVE BATTLE FOR TRUTH
NEEDS YOUR HELP NOW!**

EU 'zeer bezorgd' over Servië

BELGRADO, 17 FEBR. De Europese Unie is „zeer bezorgd” over de waarschijnlijke vorming van een Servische minderheidsregering, die in het parlement afhankelijk is van de steun van de socialisten, de partij van Slobodan Milošević. Zo'n regering zal „heel veel problemen” krijgen als ze hervormingen wil voortzetten en Servië dichterbij Europa wil brengen.

Dat zei de buitenland- en veiligheidscoördinator van de Europese Unie, Javier Solana, gisteren in Brussel. „We zijn zeer bezorgd over de informatie die we hebben gekregen”, aldus Solana. „We gaan de toestand van heel, heel dichtbij volgen. We denken niet dat deze beslissing de goede kant uit gaat.” Solana zei ook dat de „politieke en economische relatie van Servië met de internationale gemeenschap” niet wordt gediend met de betrok-

kenheid van de socialisten bij de nieuwe regering. „Er zullen heel veel problemen opdoemen.”

Afgelopen zaterdag stemde G17 Plus, de partij van de radicale hervormers, in met het voornemen, met gedoogsteun van Milošević' partij een minderheidsregering te vormen, die moet bestaan uit G17 Plus, de Democratische Partij van Servië (DSS) van ex-president Koštunica en de monarchistische coalitie SPO-NS. Zondag besloot ook het partijbestuur van de SPO in te stemmen met deze constellatie. Daarmee werd het laatste struikelblok weggenomen voor de vorming van de minderheidsregering. De socialisten hebben gisteren nog eens herhaald die minderheidsregering te zullen steunen als ze de belangen van Servië dient.

In Belgrado is in reactie op de woorden van Solana door woord-

voerders van de drie toekomstige coalitiepartners gezegd dat de Europese Unie de nieuwe regering moet beoordelen op haar daden. Vladan Dinkić, van G17 Plus, zei dat Solana „duidelijk” nog niet is geïnformeerd over de samenstelling van de nieuwe regering en over haar voornemens. „Anders zou hij hebben geweten dat de kansen voor toetreding [van Servië] tot de EU veel groter zijn als de regering wordt geleid door Miroljub Labus [de leider van G17 Plus] dan als ze wordt geleid door Čedomir Jovanović.” Jovanović, demissionair vice-premier en vice-voorzitter van de Democratische Partij – die in de oppositie gaat – wordt door zijn critici gezien als een corrupte politicus die van hervormingen weinig moet hebben en die banden onderhoudt met de georganiseerde misdaad. (VIP)

Sagittarius

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Onderwerp: Massacre of 19 took

17 February 2004
03:06

Massacre of 19 took 'less than minute'

By Vesna Peric Zimonjic in Belgrade

11 December 2003

A member of a crack Serbian police unit testified yesterday against one of his former comrades accused of massacring three ethnic Albanian families during the 1999 Kosovo conflict.

Goran Stoparic, the former member of the notorious Scorpions unit, told a court: "It took less than a minute, as an automatic rifle shoots 150 bullets per minute. Yes, they were all dead in less than a minute."

Nineteen ethnic Albanians were shot by his comrades in March, 1999 in the small town of Podujevo, in Kosovo. Eight of them were children, the youngest less than two.

Mr Stoparic took the stand in a court in Belgrade against Sasa Cvjetan, 29, who denies the war crime committed four days after the start of Nato air raids aimed at ending the Serb government crackdown against the province's independence-seeking ethnic Albanians. He is the only one out of a group of four who is in custody.

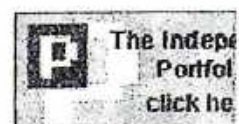
Four children survived the massacre of three families. Last July, one survivor, Saranda Bogujevci, who now lives in Manchester, said she recognised Mr Cvjetan as one of the men who fired. Ms Bogujevci, 18, came to Belgrade to testify.

Mr Stoparic said he was standing in an alley that led to a yard, where the police had rounded up some two dozen people. He said he heard sudden bursts of automatic fire. As he tried to enter the yard to see what was going on, Mr Cvjetan and three other Scorpions bumped into him, hurriedly reloading their weapons. "Someone said, 'They're all dead'", Mr Stoparic said. "No screams, no cries came from that yard, and it puzzled me whenever I thought about it."

Several feet away in the court Enver Durici, who lost his father, mother, wife and four children, wept. Earlier, Mr Durici had shown the court his wife's watch with a bullet hole in it, and

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his children had been playing with just before the
ck.

Mr Stoparic described himself yesterday as "a walking target",
because he testified.

The trial continues. (AP)

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The Madness of Carla Del Ponte

1. The Madness of Carla Del Ponte (by N. Malic)
2. ON THE HAGUE CRUCIFIX
(V. Blagojevic, Vecernje Novosti - January 31, 2004)

== 1 ==

<http://www.antiwar.com/malic/?articleid=1990>
 [see at the original webpage for many hyperlinks]

Balkan Express
 February 19, 2004

The Madness of Carla Del Ponte

Out In the Open At Last

by Nebojsa Malic

Louise Arbour had it easy. She followed NATO's instructions, made only as much fuss as she was told, and retired to the Canadian Supreme Court. It fell on Carla Del Ponte, her successor as the Head Inquisitor of the Hague kangaroo court, to actually put together and prosecute a case against Slobodan Milosevic and the entire Serbian political leadership. By the time Milosevic was seized and delivered to Imperial troops in chains, Del Ponte's nerves were already frayed. By the time the "trial" began, she was unstable. As it went on, with increasingly disastrous results, she began to slip. And now as the prosecution's farcical proceedings come to an end, she boldly leaped right over the edge of sanity.

The Plunge

The defining moment came last Wednesday, when she claimed that Radovan Karadzic and Ratko Mladic, the wartime political and military leaders of Bosnian Serbs, were both living in Belgrade, and that Serbia was a "safe haven for... fugitives."

Del Ponte has specialized in making unsubstantiated allegations, in the

press as well as the courtroom, and the media have become used to it. But this was so shocking, only the dedicated ICTY supporters such as the London IWPR embraced it enthusiastically. Serbian politicians laughed at the accusation. One anonymous Reuters source termed it "science fiction," while Radical leader Tomislav Nikolic dismissed it with sarcasm: were Karadzic truly in Belgrade, he said, the "pro-American government... would rush to hand him over (and) extradite him in the blink of an eye. How can it be proven he's not hiding here? She might as well say he's in London."

Given the persistent failure of NATO's occupation troops to find either Karadzic or Mladic, and the growing frustration with the ongoing disaster that is the Milosevic trial, must have driven the Swiss Inquisitor past the brink of sanity. It doesn't help that she was slightly nutty to begin with – in the perceptive description of Christopher Deliso, "a zealot whose statements often indicate she would like the entire population of Serbia in jail, just to be on the safe side."

[PHOTO: A devastated bridge in Serbia is mockingly called "Ponte di Carla" (Carla's bridge), in a pun on the Head Inquisitor's name implying she is a NATO puppet; from the anti-ICTY demonstration in The Hague, 28 June 2003]

Don't Rock The Boat!

Del Ponte's histrionics got so far out of hand that the establishment felt the need to send her a message via the New York Times' European conduit. In the International Herald Tribune on Monday, historian and interventionist Misha Glenny complained that Del Ponte's "often unsubstantiated public claims" have a political impact adverse to the Tribunal.

Noting that the Chief Inquisitor offered "no evidence for her dramatic claim" that Karadzic was in Belgrade, he argues that "Del Ponte's actions reinforce another popular belief, that Serbia has been singled out for punitive treatment by the international community," which gives political capital to the Radicals (in addition to being true, Glenny's insinuations to the contrary notwithstanding).

After reiterating his support for the ICTY and Del Ponte, Glenny nonetheless advises the Inquisitor to revisit her style, because:

"...everybody in the international community should be engaging in a positive and encouraging manner with Belgrade in order to ensure Serbia's continuing commitment to reform and democracy, and its long-term cooperation with institutions like the War Crimes Tribunal."

Obviously, Glenny believes (as do many others in the West) that the Empire's stranglehold on Serbia is in real danger and that Del Ponte's recent outburst might hurt it further. This explains a similar, though veiled, message sent this week in an editorial by

Transitions Online (TOL), a media outlet established and funded by the Open Society Institute of George Soros. Many sources have claimed that Soros is one of the major contributors to the Tribunal's perennially needy coffers, which could mean that TOL was chosen as a conduit to tell Del Ponte to calm down.

A Travesty of Pretense

But the damage may already be beyond repair. As it happens, this week marked the end of the Prosecution's case against Slobodan Milosevic. Del Ponte predictably claimed victory, telling AFP: "We have succeeded in showing the responsibility of Milosevic." After two years of continual embarrassments and bitter defeats, the statement has all the ring of wishful thinking, though the press took it at face value. In fact, Del Ponte and her fellow Inquisitors have done nothing of the sort.

Writing in The Guardian last Thursday, commentator Neil Clark argued that "things have gone horribly wrong for Ms. Del Ponte":

"...not only has the prosecution signally failed to prove Milosevic's personal responsibility for atrocities committed on the ground, the nature and extent of the atrocities themselves has also been called into question."

It is obvious, he says, that the Prosecution has been "working backwards – making charges and then trying to find evidence." He does not mention specific details, but there are plenty. In the last two months of the process, the Prosecution's witnesses were seemingly random men and women, dragged into the courtroom to offer baseless allegations and fourth-hand hearsay, though one would expect a strong case to save its most damaging witnesses for the very end.

Witness Disasters

The Inquisitors' choice of witnesses has always been poor, from the hapless Mahmut Bakalli at the very beginning, through the conman Ratimir Tanic and pompous show-off Wesley Clark, to French general Philippe Morillon, whose attempts at incriminating Milosevic got too tangled in truth.

Morillon, revered by the Bosnian Muslims for saving their troops in Srebrenica from defeat in 1993, ended up enraging them by his testimony last week. While trying to make it seem as if Milosevic could have prevented the alleged events of 1995, Morillon let it slip that the Serbs were out for blood because of Muslim massacres of Serb civilians. The enraged Muslims announced they would sue the French general as accessory to genocide.

This tragic farce aside, the twisted logic of Morillon and the Prosecutors would have someone who stopped a potential massacre in 1993 – before sanctions and threats had caused a bitter split between Milosevic and the Bosnian Serbs – therefore held responsible for the alleged massacre two years later, when he emphatically

lacked influence in Bosnia. And as Hague arguments go, that's fairly typical.

Even Biljana Plavsic, whose infamous "confession" in December 2002 smeared the Serb people as a whole (which it was supposed to do) and earned her a life term in a Swedish prison, seems to have finally seen the ICTY's true colors. It was said that she was transferred back to Holland last weekend, in preparation to testify against Milosevic – but the report was denied after she made public her refusal.

Some day, there will be a book with all the outrageous witness moments from the Milosevic trial. A lengthy one, given that there are 290 prosecution witnesses alone. It will make for fascinating reading – sordid, but fascinating.

An Endeavor in Ruins

Declaring the trial a "travesty," Clark explains that the ICTY is a "blatantly political body set up and funded by the very [NATO] powers that waged an illegal war against Milosevic's Yugoslavia," and as such, cannot possibly render an impartial verdict: "political necessity dictates that [Milosevic] will be found guilty, if not of all the charges, then enough for him to be incarcerated for life."

That actually explains the Inquisitors' dreadful performance, which they try to cover up with bluster: the verdict has already been reached, the sentence determined – Del Ponte and the "judges" are simply going through the motions, giving lip service to the legal process which, like the truth, has nothing to do with their work.

It was known from Day One that the Milosevic proceedings would be a show trial. For all its ostensible purpose to find out the truth and punish the individual perpetrators of atrocities, thus enabling reconciliation, the ICTY has set out to conjure a grand conspiracy headed by Milosevic that would provide a single explanation for Yugoslavia's breakup and the Succession Wars, and the justification for all Imperial interventions: no less than a wholesale falsification of history. As Deliso puts it, "...reality has to be force-fit into a costume it can't quite wear. The point here is to stage a kind of morality play, an instructive fable to reinforce the prevalent discourse of political responsibility."

Had Milosevic hired a lawyer and played by the Inquisition's rules, no doubt the plan would have been well along by now. But for once he did the unexpected, and over the past two years he has made mincemeat out of the Prosecutors' case by himself.

It is beyond embarrassing for Del Ponte and her supporters that despite their millions of dollars in funding, hundreds of zealous lawyers and investigators, cases of intelligence files, hundreds of witnesses willing to make things up as they go, the ability to make up procedures on the fly and that the three-judge panel is firmly on their side, they have suffered a defeat after defeat at the hands of an elderly man with a heart condition, imprisoned, cut off from his

family and friends, under constant surveillance and lacking any money or power.

On October 6, 2000, Slobodan Milosevic was a political washout with a questionable legacy, accused of war crimes. Three years later, thanks to the Hague Inquisition, he can justifiably claim to be a champion of truth.

No wonder Carla Del Ponte went insane.

== 2 ==

<http://www.slobodan-milosevic.org/news/vn013104.htm>

ON THE HAGUE CRUCIFIX

Vecernje Novosti - January 31, 2004

Written by: Vid Blagojevic

Translated by: Vera Martinovic

SAMAC, Republika Srpska – Simo Zaric did consent to speak to VECERNJE NOVOSTI about his days at The Hague and about the court he called political. – I have nothing to hide: if, God forbid, a war should break out anew, I would do everything the same way, even if I ended up at The Hague once more – he said at the beginning of our conversation. – It was hard to endure 1.664 days in prison, particularly when you know you're not guilty.

- I drew strength from the support of my family – wife, children, mother and sisters. They came to visit, they wrote me letters. A huge support also arrived from my fellow citizens of Samac, the whole Posavina [a region of the Sava river valley], Republika Srpska and even from the Federation of Bosnia & Herzegovina and ex-Yugoslavia. There were thousands of letters that I received, and I answered each one of them – Simo Zaric begins his story.

Conditions at The Hague were bearable when food and hygiene are concerned. Free time should be aplenty in prison. However...

- Each morning we got up at 7 a.m. and went to bed at 8.30 p.m. on weekdays. On weekends, the taps was at 5 p.m. We were in complete isolation twice a day while the guards were eating. The rest of the time we spent in the canteen or kitchen, as we called it. Only the detainees from the same floor can use the area. Here we played chess, dominoes, and card games, watched TV, talked about the simplest human things. We could not walk between floors – Simo describes a day in prison.

HOW TO CONQUER TIME – DURING imprisonment I've read more than 500 books, I've written thousands of pages of the diary that I kept daily and I've published a book "On The Hague Crucifix" – Zaric continues. I've dedicated a lot of time to the proceedings as well, that was held for more than two years, so that sometimes the time was scarce. Part

of it we spent walking, taking part in sport... A man who knows that he should conquer time knows how to organize a prison life for himself. It is far more difficult to conquer for men who become withdrawn and develop psychological problems.

All the accused Serbs were forgotten by many of those not expected to do that. Simo Zaric wishes to emphasize they were not abandoned by everyone.

- It would be a sin to forget the support that we had from the SPC [Serbian Orthodox Church] representatives. The Church gave us moral, spiritual and human support – points out the former prisoner at The Hague. – We had priests who visited us every month and held prayers. Bishop Luka and Amfilohije Radovic came many times. Their spiritual presence meant a lot to us. When reading religious literature, in each of these books I found how one has to be kind, moral and righteous in life and all those messages are most human and most wonderful. I regret that I've started to be engaged in this kind of literature and personal spiritual rebirth only after my destiny had brought me to The Hague.

Zaric was spending his prison days with detainees from his floor: Momcilo Krajisnik, Dragan Obrenovic, Dragan Nikolic – Jenki, Generals Dragoljub Ojdanic and Mile Mrksic, Mario Cerkez, Milorad Krnojelac, Ranko Cesic, Milan Martic and Milan Mrdja.

- I had the opportunity to meet Mr Milosevic several times and I found him to be a very natural man and I believe that he had surprised everyone with his naturalness and spontaneity – speaks Zaric. – Destiny of a detainee at The Hague is a very strange one, here you have very brave people, people who hold their face and dignity dear. On the other hand, there are those who fall under certain pressures both from the OTP and a certain atmosphere at the court.

GOOD JUDGES UNDESIRABLE – I BELIEVE that Milosevic is defending on principle a strategic component related to the Serbian national corpus. I have an impression that Krajisnik will not succumb to any influences either and I base this belief on our talks that we held for days. Those certainly not succumbing to pressures are Martic, General Ojdanic and others who had already underwent a court procedure – Simo Zaric is categorical.

-These people have guts to speak up in the language of truth and, to make it clear, they do not defend crimes and nobody does support crimes, but these people have the need to speak up in the name of the Serbian national corpus with the purpose of preserving its identity.

A judge at The Hague who speaks up in the language of justice, morality and truth gets removed immediately. Zaric substantiates these examples:

- Judge Lindholm had gathered his strength to defend law and had the courage to defend the truth in my case, by requesting my acquittal. In the pleiad of such people there is by all means the Australian Judge Hunt. Then there is the esteemed Judge Wald, otherwise an American

lady, who had acquitted brothers Kupreskic or Judge Cassese who had acquitted Papic and Zejnil Delalic. None of them is a judge at The Hague anymore. Judges who gather their strength to resist pressures and mentorship imposed on them leave very quickly. Judge Hunt said in his farewell statement that if The Hague Tribunal were to be recognized by the manner of conducting its appeal proceedings and dispensing justice, it would be a black spot in the world's legal system. The one who ends up at The Hague will be convicted not with justice, but because he had passed through a political prism. The OTP disregards facts obvious even to a small child. There are "million" arguments to support that, but Zaric says he will stay close to the "Samac case".

MY GREATEST VICTORY - PEOPLE who testified in our case came prepared by a secret service of the Muslims, AID, on what and how they would speak against us - maintains Zaric. - They were mainly secret witnesses and I am a disciplined man and shall not reveal their names. What's essential is that these testimonies were rigged. And the OTP builds upon such invented statements later on and then the battle for the truth gets really difficult. Witnesses for the Prosecution do not even blush when their statements are refuted with arguments. Unlike them, witnesses for the Defence of various nationalities came to testify publicly, not hiding from anyone. In my case, 35 witnesses appeared and more than 80% were the Muslims and the Croats from Samac. They knew best what was he like and who is in fact Simo Zaric.

By the end of the conversation Simo Zaric wishes to say that his greatest victory is in enduring it all and being able, although a pensioner before all this had even started, to begin a new life. This new life, as he says, will be dedicated to family, to his native village Trnjak in the Municipality of Odzak (Federation of Bosnia & Herzegovina) and his desire to bring back and breathe a new life into it. If a party appears or if one exists that will satisfy his views, perhaps he will become politically active.

The Hague Tribunal had passed long-term custodial sentences on five people from Samac. Simo was imprisoned for being a distinguished member of the community, Miroslav Tadic is imprisoned for working in the municipal commissions for exchange, and so forth. That justice doesn't dwell at The Hague could be best seen from the fact that Amor Masovic, the President of the Commission for Exchange of the Federation of Bosnia & Herzegovina, is being proposed for the Nobel Prize, and Miroslav Tadic is sentenced to eight year's imprisonment.

In addition to them, a native of Samac was also Alija Izetbegovic, then there was Sulejman Tihic, but the "justice of The Hague" has never reached them.

FATIMA IS - FATIMA - DRAGAN Lukac, currently executing a high office in the security of Bosnia & Herzegovina, as a witness for the Prosecution alleged there was an event when Simo Zaric renamed his wife Fatima to Jevrosima at some kind of secret religious séance during the war.

- After my wife, myself and many other witnesses had stated that this

was a blatant lie, Mr Lukac said without a shred of remorse that he still maintained this to be true. Therefore I cannot believe that such a man could currently execute any office at all.

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Date: Wed Feb 18, 2004 9:43 pm
Subject: DWelle Milosevic Prosecution Closes Arguments this Week

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DEUTSCHE WELLE

18.02.2004

Milosevic Prosecution Closes Arguments this Week

No longer the face of Serbia, Milosevic has been in a Dutch cell for more than two years.

Prosecutors at the International War Crimes Tribunal wrap up their oft-criticized case against Slobodan Milosevic on Thursday. The former Serb leader plans a defense strategy that could extend the trial until 2006.

On most days, Slobodan Milosevic enters the court room in his customary blue suit. With the light disinterested gaze of a 61-year-old man with nothing left to lose, he peers back and forth between witnesses testifying on the stand.

For the past two years, the former president of Serbia and Yugoslavia has stood in the dock of the International War Crimes Tribunal in The Hague. Milosevic, whose case has been modified several times, is charged with 60 war crimes including genocide in Bosnia-Herzegovina and crimes against humanity in Croatia and Kosovo. He is accused in the killings of tens of thousands and the displacement of thousands of people from their homes in the last decade during wars that ravaged the former Yugoslavia. If convicted, he could face a life sentence.

On Thursday, Chief Prosecutor Carla del Ponte (photo) and her team will wrap up their case against the ex-dictator. The closing arguments will mark the end of the first part of the trial. Milosevic, who has chosen to defend himself, and the two attorneys and legal aide helping him can then prepare a defense strategy and a list of witnesses.

But first, Milosevic has the option of requesting an audit of the prosecution's case. The three-judge panel then can shoot down arguments and charges for which there is insufficient evidence.

Prosecutor's tough case

The process could be damaging for del Ponte, who has already been criticized for being too headstrong and not allowing the judges to make their mark on the case.

The shakiest part is believed to be the genocide charge, a weakness even del Ponte has conceded. No one has been able to prove in court that Milosevic himself ordered the slaughter of more than 7,000 Bosnian Muslims in Srebrenica in 1995. Philipp Morillon, the former United Nations commander in Bosnia, who has testified about the massacre, has even partially defended Milosevic, saying he had headed off the first possible attack on Srebrenica's Muslims.

The war crimes charges stemming from Croatia and Bosnia could also prove problematic. The prosecution has built the charges on the premise that Milosevic was operating a "criminal organization" with the goal of building a "Great Serbia" that stretched into parts of Croatia and Bosnia. But legal expert Sluiter says prosecutors have failed to turn up written evidence. Del Ponte has also had trouble finding cooperative witnesses to prove the case against Milosevic.

Should be enough for long prison term

International law expert Gören Sluiter warns not to place too much blame on del Ponte herself. Sluiter said the judges have also made mistakes by failing to set time limits for prosecutors.

"They have done that to a certain degree ... but giving the prosecutors two years to present the case is extremely long and does not force the prosecutor to be more selective," Sluiter told DW-WORLD.

The prosecution team has managed to present some very effective witnesses, like former NATO Generals Wesley Clark and Klaus Naumann, who have provided what could be deeply incriminating evidence against Milosevic. The generals' testimony could be especially useful in regard to the crimes against humanity charges in Kosovo, Sluiter said.

Testimony combined with information out of police and army archives in Belgrade should be enough to convict the former Serb leader and put him behind bars for a long time.

Trial could last until 2006

But first Milosevic will have the opportunity to defend himself against these charges. Legal observers expect his defense to take as much time and include as many witnesses as del Ponte's prosecution. After a first ruling in the case, an appeals process is anticipated, with no final decision expected before the end of 2006.

Whether Milosevic is convicted or not, the International Criminal Tribunal for the former Yugoslavia will continue to play an important role in the truth and reconciliation process of the Balkans, according to Sluiter.

"One should also not exaggerate the importance of the Milosevic trial. It comes at a time when the Tribunal has already been functioning for a number of years and over those years they have dealt with all of these incidents," he said. "So I think as to the effects of the case and the responsibilities, I think the groundwork has already been done and even without the Milosevic trial the is of significant importance for the history of the Balkans."

DW Staff (dre)

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Milosevic prosecutors to rest case this week | 20:35 | AFP

THE HAGUE – Tuesday – After a little over two years prosecutors at the war crimes trial of Slobodan Milosevic are set to wrap up the presentation of their case against the former Yugoslav president accused of being the mastermind behind the bloody 1990s wars in the Balkans.

After 293 trial days and with only two more to go on Wednesday and Thursday, chief war crimes prosecutor Carla Del Ponte is happy with the first phase of the trial.

"In the end I am satisfied. We have succeeded in showing the responsibility of Milosevic," the prosecutor of the International Criminal Tribunal for the former Yugoslavia told AFP.

Milosevic, who has been on trial since February 2002, faces more than 60 charges of war crimes and crimes against humanity for his alleged key role in the wars in Croatia (1991-95), Bosnia (1992-95) and Kosovo (1998-99).

For the bloody war in Bosnia that left more than 200,000 dead, he faces separate genocide charges. If convicted, he could get a life sentence.

Many legal experts agree that the prosecution has been able to show that atrocities were committed systematically by ethnic Serb forces in all three wars and that Milosevic pulled a lot of the strings.

"It is clear that war crimes were committed in Kosovo and that Milosevic was the man in charge there. For Bosnia and Croatia I think it has been established that Milosevic controlled Serbian and federal Yugoslav institutions and that he played a crucial role in the conflicts," said Heikelina Verrijn Stuart, a Dutch lawyer and publicist who has been following the Milosevic case.

However, tribunal observers wonder if the prosecution has shown enough proof to get Milosevic convicted of genocide or complicity in genocide.

Genocide is the gravest of war crimes and the most difficult one to prove. Prosecutors not only have to show that the genocide took place but also that Milosevic had the intent to commit the crime.

"From the start I knew that it would be very difficult to prove genocide in the Milosevic case ... the great difficulty is the special intent one has to show," Del Ponte said in an interview with AFP.

The prosecutor explained that she put the charge in because she had enough elements to do so. She feels it should be up to the judges to decide if Milosevic can be convicted of genocide.

Del Ponte laughed off the suggestion that a failure to get a genocide conviction for the former Yugoslav president would be a personal defeat.

"In all trials ... there are charges like this one with the genocide for Milosevic that I could have dropped from the indictment myself but I do not want that responsibility, that responsibility lies with the judges," she said.

The former Yugoslav president is the first former head of state to face international justice. Although it was touted as the most important war crimes trial since Nuremberg, where Nazi leaders were tried after World War II in 1945, interest in the case has waned as time passed.

There have been complaints that the trial is difficult to follow and the procedures with protected witnesses and closed sessions in court are not transparent.

Del Ponte is firm that these problems are "inherent to the procedure".

"We are not staging trials to rally public opinion," she said.

Another matter complicating the prosecution's presentation has been the many times the trial was interrupted because Milosevic, who is defending himself in court, fell ill.

ne former Yugoslav strongman, 62, was diagnosed with high blood pressure and as being at risk of a heart attack, forcing the court to sit only three days a week to minimize the strain on him.

After the prosecution finishes its case there is a three-month break planned for Milosevic to prepare his defence.

The trial is expected to last until at least 2005

Del Ponte should consider impact of words: Glenny | 15:10 -> 15:16 | B92

LONDON – Tuesday – Public claims by the chief prosecutor at the UN war crimes tribunal are reinforcing a belief in Serbia that the republic is being specifically targeted by the international community, providing more political fodder for hard-line nationalists, according to Veteran Balkans correspondent and author Misha Glenny.

"Del Ponte's actions reinforce another popular belief, that Serbia has been singled out for punitive treatment by the international community, a fear that the Radicals use to make considerable political capital," Glenny writes in today's edition of the International Herald Tribune.

The comments come after Del Ponte claimed last week to have information that Bosnian Serb genocide suspect Radovan Karadzic had found shelter in Belgrade, prompting consternation among the Serbian authorities.

Glenny, the author of an acclaimed account of the wars of the 1990s – *The Fall of Yugoslavia* – noted the "delicate" timing of del Ponte's claim, as leader of the so-called democratic bloc in Serbia attempt to form a minority government that would stave off new elections.

"Del Ponte has frequently pointed out that she does not interfere in politics, because her role is exclusively judicial. This is fair enough. But for her not to recognize that her often unsubstantiated public claims have an enormous political impact throughout the former Yugoslavia is naive to the point of irresponsibility."

He urged the prosecutor to ask herself whether her statement about Karadzic strengthens the chances of him being caught, or prove a boost to the Serbian Radical Party in its quest to enter government. "If the latter is more likely than the former and I would aver that it most definitely is then both the region and the international community potentially has a very big problem on its hands."

Glenny warned that a shift to the right in Belgrade could seriously undermine efforts to resolve the status of Kosovo, where ethnic Albanians, he said, "are becoming extremely frustrated with the lack of progress and, in the absence of a Serbian overlord, focus their unhappiness on the international regime in the province." It would also place a significant burden on Serbia's negotiations with the European Union.

"One thing that nobody needs at the moment is a wounded, unstable Serbia and an angry, impatient Kosovo. Mixed together, these two elements would form a highly volatile compound."

This is a time, says Glenny, that the international community should be engaging in a positive and encouraging manner with Belgrade in order to ensure it remains on the path to reform and democracy. There are signs that concerns in Britain and the US regarding Del Ponte's public appearances are spreading to officials in the European Union, he adds.

"This is not a call on the chief prosecutor to resign, nor do I question the important work of the tribunal. But it is an urgent appeal for Del Ponte to take a hard look at her working style and its impact on southeastern Europe."

There have been complaints that the trial is difficult to follow and the procedures with protected witnesses and closed sessions in court are not transparent.

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"We are not staging trials to rally public opinion," she said.

Another matter complicating the prosecution's presentation has been the many times the trial was interrupted because Milosevic, who is defending himself in court, fell ill.

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Verzonden: zondag 22 februari 2004 13:06
Onderwerp: CDSM: Judge May Claims Undisclosed

Judge May Claims Undisclosed Illness May Quit Milosevic's War Crimes Trial

<<http://www.freerepublic.com/focus/f-news/1083083/posts>>

THE HAGUE, Feb. 21 — Richard May, the British judge who presides over the war crimes trial of Slobodan Milosevic, has fallen ill, adding a new setback to the two-year-old process, which has been plagued with difficulties from the start.

Officials at the United Nations tribunal here say that the nature of the judge's illness is a private matter and decline to discuss it. But because of its seriousness, some said, officials are bracing for the possibility that the judge may not be able to return to his duties any time soon and may have to be replaced.

The 65-year old judge, who has a reputation for keeping tight control over his courtroom, has headed the three-judge panel trying Mr. Milosevic, the former president of Yugoslavia, since the trial began in February 2002. The others are Patrick Robinson from Jamaica and O-Gon Kwon from South Korea.

Judge May has been absent from the court since late January. No official announcement has been made, except that he was unwell. But the looming disruption in the trial of Mr. Milosevic has already caused much consternation at the tribunal and intense discussions behind the scenes on how to proceed.

Naming a new judge, lawyers at the court said, at the very least would add further delays to a trial that has been regularly slowed or halted by the frequent bouts of illness of Mr. Milosevic, who suffers from high blood pressure and heart disease. A new judge would require time to plow through the transcripts of almost 300 court days, including the testimony of as many witnesses.

But other complications may arise. Mr. Milosevic, who acts as his own defense counsel, under the rules would have to consent to naming a substitute judge. If he objected, the judges could overrule him, legal experts said, but even then he would have a right to appeal their decision. A greater worry, they said, is that Mr. Milosevic could seek a ruling of a mistrial. Whatever his response might be, Mr. Milosevic has in the past used many occasions to challenge the proceedings of a court he has frequently called illegal.

The complex war crimes trial, the first of its kind for a modern head of state, is just now reaching its halfway point as the prosecution prepares to rest its case in the coming days. Prosecutors had hoped to close their case last Thursday, but the final hearings have been postponed several times on orders of Mr. Milosevic' doctors, who reported as they have in the past that his blood pressure was too high for him to attend court. Since the start, the trial has been postponed more than a dozen times because the defendant suffered from flu, exhaustion or heart problems, causing him to miss 65 days in court.

Mr. Milosevic's ill health has always dogged the trial, raising the question of whether it could be completed. At one point, as Mr. Milosevic's blood pressure problems seemed to get worse, and witnesses coming from abroad had to be rescheduled repeatedly. Geoffrey Nice, the lead prosecutor, even requested that the judges order Mr. Milosevic to stop smoking to alleviate his condition. The judges said it would be good if he did, but did not intervene.

Even now, Mr. Milosevic's trial is the longest before an international court. He faces multiple charges of war crimes and crimes against humanity linked to three wars — in Bosnia, Croatia and Kosovo in the 1990's. He is facing separate charges of genocide, the gravest of all crimes, for the war in Bosnia.

If the trial has been a "scheduling nightmare" for the prosecution, as one official called it, it has also been a management problem for the three judges, who have had to deal with an unruly defendant. Judge May, who long practiced in Britain, is one of the most unperturbable and experienced trial judges at the tribunal. An English barrister who joined the tribunal in 1967, he is considered an expert on evidence and criminal

procedure.

"I think anybody running that trial would have to lose his temper, taking that abuse day after day," said one former judge, referring to the disdainful tone with which Mr. Milosevic addresses "Mister May" as the defendant calls the judge. "You have to make a huge effort to be seen to be fair and in the middle. I believe he has been fair and polite, but also very dismissive of the defendant when he keeps complaining."

Jim Landale, the tribunal spokesman, declined to discuss the judge's illness. "It's a private matter," Mr. Landale said. "He is continuing to receive treatment. At the moment we are continuing the trial with two judges. He has not resigned."

Under court rules, a chamber may hold hearings for five consecutive days with only two out of the three judges present. After five days, it can only deal with simple decisions. Judge May has missed three court days since late January, which means that the final two days of hearings set aside for the prosecution may continue without him.

After the prosecution rests its case, Mr. Milosevic will have three months to prepare his defense. Although no lawyer assists him in court, he does have a large legal team, some of whom were present in The Hague this week and said they were preparing his case.

Several of the lawyers, who are based in Belgrade, have visited Mr. Milosevic at the United Nations detention center in recent days. Among them was Zdenko Tomanovic, who heads the Milosevic team. Mr. Tomanovic said he knew little about judge May's illness, but he suggested a likely strategy for Mr. Milosevic.

"If a judge is ill, we can wait till his health is better," Mr. Tomanovic said. "But if a judge has to leave, then the accused has the right to ask for the proceedings to start all over again." Mr. Tomanovic, who noted he had spent several hours with Mr. Milosevic on Friday, said he was more worried about his client's illness. "Mr. Milosevic is in very bad health at this point," he said. "His blood pressure is high, his heart problem is bad. I'm not sure if he can appear in court in the coming days."

The court schedule calls for Mr. Milosevic to appear on Tuesday and Wednesday for the hearings of the final four or five witnesses for the prosecution, before it closes its case.

----- End of Forwarded Message

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Sagittarius

Van: "Andy Wilcoxson"
Aan: "Andy Clark" <Andy.Clark@rnw.nl>
CC: <sagitar@hetnet.nl>
Verzonden: zondag 22 februari 2004 11:02
Onderwerp: URGENT: The editing of Amsterdam Forum
TO: Andy Clark, Radio Netherlands
CC: Nico Steijnen, Attorney, Netherlands

Dear Mr. Clark,

I am writing to inform you that I am most distressed at the way this Saturday's (21 February 2004) "Amsterdam Forum" was edited.

I understand that you had to shorten the tape by ten minutes to make it fit your 30 minute time slot. However, the editing had the effect of strengthening widespread misinformation and it omitted points that would have corrected key areas of misinformation. Here are some examples:

- 1) At one point Ms. McDonald claimed the ICTY was legal because the UN Security Council has the authority to establish subsidiary organs. I had previously noted that the SC does not have judicial powers **AND THEREFORE CANNOT CONFER SUCH POWERS ON ITS SUBSIDIARY BODIES**. This exchange was of tremendous significance because if I am right - and anybody who reads the UN Charter will see that I am right - then the tribunal was illegal from day one. My point about the council conferring powers that it never had in the first place on its subsidiary organ (the tribunal) was edited out.
- 2) My opponent noted that the Tribunal had ruled that it (the Tribunal) was legal during the Tadic case, arguing that this was evidence of its legality. I noted that it was absurd for any body to rule on its own legality. That entire discussion was edited out of the broadcast.
- 3) My point that Drazen Erdemovic (the only proven perpetrator of executions at Srebrenica) was arrested by Serbia was edited out of the final broadcast. I had noted this to demonstrate that the charge against Milosevic, that Serbia failed to prevent and punish war crimes, was untrue.
- 4) My discussion with Ms. McDonald concerning whether JNA or VJ troops were present in Srebrenica in July of 1995 was edited out. Since many in the West have the false impression that Yugoslav government forces were fighting in Bosnia - and specifically, that they were involved in the retaking of Srebrenica in 1995 - this discussion could have set the record straight with your listeners.
- 5) I pointed out that a large portion of the (dramatically less than 8,000) bodies exhumed in the environs of Srebrenica were of people killed by shrapnel and blast injuries. I said this demonstrated that they had died in battle. Unfortunately the listeners didn't hear this because it was edited out.

My understanding is that your mission should be to get out the truth -

not to reinforce officially sanctioned misinformation. Editing out the above points - and leaving in, for example, Ms. McDonald's attack on Ariel Sharon, which I had not been told would be on the agenda (i.e., the Milosevic case) and which I did not come prepared to debate - is a grave disservice to the people of The Netherlands, whom your station serves.

I therefore most urgently request that you do two things.

First, send me an unedited recording of the interview by the fastest courier service available; second, and most important, post an unedited transcript of the interview on your website immediately - that is, on receipt of this email, and certainly no later than Monday.

Only by speedily posting an unedited version in the most prominent place can you mitigate the harm to your public trust inflicted by this unfortunate editing.

Sincerely yours,
Andy Wilcoxson
Webmaster, www.slobodan-milosevic.org
Editor, Emperor's Clothes Yugoslav Reports, www.tenc.net

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About the show

Why not have your say on the burning issues of the day?

Each week the English language service of Radio Netherlands presents Amsterdam Forum - hosted by Andy Clark it hones in on hot topics from around the globe.

Listeners from over 50 countries have taken part, sending in questions and comments for the show.

The panellists

Avril McDonaals

Andy Wilcoxson

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Sign up for a weekly email telling you what's coming up on the programme - and letting you get your comment in early

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Merits of ghetto-busting

Hunger back on the agenda

On Thursday, 19 February, the Amsterdam Forum focused on the trial of Slobodan Milosevic, where the prosecution is drawing to a close at the War Crimes Tribunal in The Hague. The former Yugoslav President stands accused of orchestrating the worst carnage in Europe since the Third Reich.

Mr Milosevic has chosen not to be legally represented. From the outset, he has denounced the tribunal as illegitimate and said it had no right to try him. His supporters believe the prosecution is politically motivated and that the process amounts to a show trial.

But legal experts say the trial plays a vital role in showing that even heads of state are not immune from being tried for the most serious of crimes.

Flanking host **Andy Clark** at the Amsterdam Forum table were **Avril McDonald**, an expert in international humanitarian and criminal law who backs the Milosevic trial, and opposite her **Andy Wilcoxson**, who runs a pro-Milosevic website in the US.

The discussion kicked off with a quote from Mr Milosevic taken from an interview he gave to the US Fox News Channel shortly after being transferred to The Hague to face trial.

"I'm proud for everything I did in defending my country and my people. All my decisions were legitimate and legal, based on the constitution of Yugoslavia and based on the right to self-defence, which belongs to every nation in the world."

Mr Wilcoxson whole-heartedly agreed with the statement, and argued that the former Yugoslav president cannot be held responsible for war crimes committed during the conflict.

"The prosecution has failed to present a single order that he issued to his subordinates that they should commit atrocities. Radomir Markovic, a former state security chief in Serbia, testified that they were even arrested by their own army and police and putting them on trial when they were not abiding by the Geneva Conventions. [...] They have absolutely no proof that Slobodan Milosevic is a war criminal."

Legal expert Avril McDonald from the Dutch-based Asser Institute for International Law responded by explaining that the prosecution doesn't have to find a single piece of paper; it just has to prove that Mr Milosevic knew war crimes were committed and did nothing to prevent them.

Show



The most serious charge against Mr Milosevic is the charge of genocide in Bosnia and Herzegovina in 1995.

The former Serbian leader is alleged to be responsible for thousands of Bosnian and Croatian deaths.

In total, he faces charges of war crimes, crimes against humanity and genocide. The charges relate to Bosnia, Croatia and Serbia.



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NEXT WEEK . . .

The Great Wall of Israel

"Obviously, since the prosecution indicted him with individual and responsibility, it would like to be able to prove both. But in order someone, for instance, guilty of a war crime or a crime against humanity, it is not necessary to actually give an order in any kind of written or oral form."

Ms McDonald continued that, given the sheer scale of the atrocities committed in Bosnia, Croatia and Kosovo, the international community was left no alternative but to prosecute the former Yugoslav president.

"What motivated the establishment of this tribunal and the indictment of Milosevic? Over 200,000 people died in Bosnia. Someone is responsible for those deaths. It may or may not be Mr Milosevic, but he was the head of the rump-Yugoslavia. Of course, it's not easy to find someone guilty of a crime committed in other states, which is what the prosecution has to do in Croatia and Bosnia. Nevertheless, when there is evidence of so much criminality throughout that area, there is apparently a case to answer."

Mr Wilcoxson, however, questions the legality of the tribunal. He believes it was set up unlawfully. "It was established by the UN Security Council, which under the UN Charter doesn't have any judicial powers."

Ms McDonald replied: "The UN Charter does not provide for the establishment of an international criminal court, but it does empower the United Nations to establish subsidiary organs."

Ted Graves from Ottawa in Canada wrote that the Milosevic trial imitates the proceedings of the Nuremberg and Tokyo trials after World War II:

"It is a propaganda show trial and of course a doomed effort to avenge the crimes of international justice."

Mr Wilcoxson added that, in his view, the court definitely has an anti-Semitic bias. He stresses there were more parties to the secessionist conflicts in Yugoslavia in the 1990s, and accuses the Croatian and Bosnian leaders of extremist politics, fascism and anti-Semitism.

Ms McDonald agreed that the Croatian leader Franjo Tudjman should have been on trial in The Hague and regrets the fact that he died before that opportunity presented itself.

"Indeed, it was revealed after he died that there was a secret indictment against him. Should he have survived, he would have been sitting in the dock. Mr Milosevic is sitting now."

Ms McDonald also agrees that there are elements of a show trial at this way it's being conducted. But she says: "Frankly, it's Mr Milosevic who is being put into a show trial, it's not the chamber."

Bright Honu from Australia wrote: "The Yugoslav government handed over Milosevic because of pressure from the US Government. The same US Government is protecting Ariel Sharon, who, by his role in the killing of hundreds of people at the Sabra and Shatila refugee camps in 1982, should be facing similar pressure from the US Government to hand him over? I don't think so. The problem with the trial of Mr Milosevic."

Mr Wilcoxson strongly believes that the Milosevic trial smacks of 'selective justice'. He sees the case as an "attack on the Serbian people", but has "no idea what to do about it."

the West took the side of the secessionists who wanted to destroy Yug

Ms McDonald admits that she would be the first one to see Ariel Sharon

"First of all, the ad hoc tribunal for the former Yugoslavia would have no jurisdiction to try Ariel Sharon, because it is only empowered to try those who commit crimes on the territory of the former Yugoslavia. This has to be a separate process for Mr Sharon. Obviously, Belgium tried to try him, and it was actually because of United States pressure at the time that they had to back off."

"But the fact that not everyone who deserves to be on trial can't be on trial doesn't negate the fact that those who are on trial should be. An trial should start somewhere, and the fact that you can't try them all doesn't mean you shouldn't try at least some of them."

Other comments and questions from Radio Netherlands Web site viewers and listeners came from **Natashja de Wolfe**, **Brian Merritt** and **Betty Ho** from Canada, **Jerome Grundmayer** from the US, **Ermir Prendi** from Albania and **Nanda** from India. The above is an extract of the Forum - to hear the programme in RealAudio format, **click here**. To find out when this Amsterdam Forum will be broadcast in your region of the world, check out our **frequency**

Our panellists were:



Avril McDonald, an expert in international humanitarian criminal law from the Asser Institute for International Law in the Netherlands. She believes the Milosevic trial may be a step forward but it "demonstrates that it is possible to try the most serious international crimes, even where the process is obstructive, recalcitrant and disrespectful of the criminal process."



Andy Wilcoxson, who runs a pro-Milosevic website in the Netherlands because he feels it's vital to defend Mr Milosevic.

"Because it isn't only him who is on trial at The Hague. The whole Serbian nation stands accused together with him. What Mr Milosevic is doing is heroic: he knows that this is a show trial that he'll never be free again. In spite of that knowledge he is defiant. He is giving his own life to defend his country."

Sagittarius

Van: "Andy Wilcoxson"
Aan: <sagitar@hetnet.nl>
Verzonden: zondag 22 februari 2004 11:15
Onderwerp: Racak photos
Just go to this link:

<http://www.slobodan-milosevic.org/news/pv020703.htm>

Best regards
Andy

P.S. If you have any difficulties let me know.

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↓
En zijn verschillende foto's: de eerste zonder hond (pet)
hij zit in de schuldijfers. De laatste met pet/hond.

Milošević-proces

Rechter May Versneld weg bij tribunaal

2004

Door een onzer redacteurs
DEN HAAG, 23 FEBR. Richard May, voorzitter van de uit drie rechters bestaande rechtbank in de zaak-Milošević, verlaat per 31 mei het Joegoslavië-tribunaal, om gezondheidsredenen.

Dit heeft president Theodor Meron van het VN-hof in Den Haag gisteren laten weten. Over de aard van Mays ziekte is niets bekendgemaakt.

May (65) werd in 1997 beëdigd als rechter bij het Joegoslavië-tribunaal en gold in het tribunaal als een praktisch en bekwaam jurist. Het proces tegen Slobodan Milošević dreigt door zijn vertrek op nieuw vertraging op te lopen. In het verleden hebben verdachten zich met succes langdurig verzet tegen de vervanging van een rechter.

Bij het tussentijds opstappen van een rechter kan de secretaris-generaal van de Verenigde Naties, in overleg met de voorzitters van Veiligheidsraad en Algemene Vergadering, een vervanger benoemen voor het restaurant van de ambtstermijn van de vertrekkende rechter. In het verleden was dat altijd iemand van dezelfde nationaliteit. De verwachting is dus dat Kofi Annan een nieuwe Britse rechter zal benoemen.

Volgens de procedureregels van het hof moet de verdachte met de vervanging van de rechter instem-

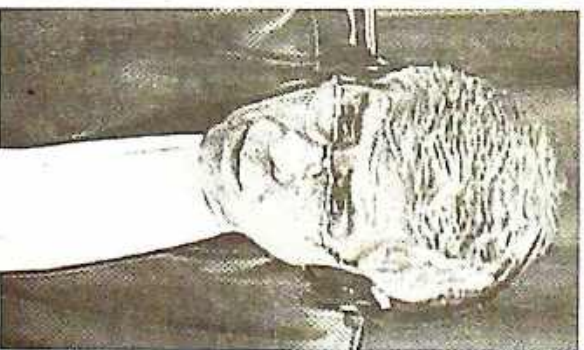
men. Als Milošević die toestemming zou weigeren, kunnen de resterende rechters desondanks besluiten met een vervanger door te gaan als zij unaniem vinden dat dat „in het belang van de gerechtigheid” is.

De verdediging – in dit geval Milošević zelf, omdat hij geen advocaat heeft benoemd – en ook de aanklagers kunnen hiertegen in beroep gaan. Als de Kamer van Beroep de vervanging goedkeurt, kan de president van het tribunaal een vervanger benoemen.

Het proces-Milošević wordt in principe morgen voortgezet, als de verdachte dan weer beter is. De twee andere rechters in zijn zaak – Patrick Robinson (Jamaica) en O-gon Kwon (Zuid-Korea) – horen dan het bewijsmateriaal aan dat de VN-aanklagers naar voren brengen. Het zijn de twee laatste dagen van het procesdeel waarin de aanklagers met hun bewijs komen. Vervolgens is Milošević aan de beurt. Voor de volgende drie maanden was al een pauze gepland om de verdachte gelegenheid te geven zijn verdediging voor te bereiden.

RICHARD MAY

‘Gewapend platina’



Richard May (Foto AP)

Door een onzer redacteurs

ROTTERDAM, 23 FEBR. Na kerst en oud en nieuw zag de Joegoslaviëse ex-president Slobodan Milošević er opvallend goed uit. De rust, zo leek het, had hem goed gedaan. De voorzitter van de drie rechters in zijn proces voor het Joegoslavië-tribunaal, die schuin tegenover hem zitten, zag er opvallend slecht uit. De Britse rechter Richard May (65) was grauw, hij leek zich slecht te kunnen concentreren op wat er in de rechtszaal gebeurde. Bij Milošević bleek die indruk van herstel – de verdachte is de afgelopen twee jaar vaak ziek geweest – schijn. Het proces liep onlangs opnieuw vertraging op omdat hij zich niet goed voelde. Bij de Britse rechter May was de indruk van een slechte gezondheid geen schijn. Gisteren werd bekend dat hij wegens ziekte stopt met zijn werk bij het tribunaal in Den Haag.

De Britse rechter wordt *tough* en *fair* genoemd. May, geboren in Londen, kreeg zijn opleiding aan het Hatleybury College en Cambridge University. Hij was twaalf jaar aanklager voordat hij rechter werd. Als kandidaat voor Labour voerde hij in 1979 campagne voor een zetel in het Britse lagerhuis tegen de conservatieve kandidaat Margaret Thatcher. Zijn inzet was een tehuis voor dakloze kinderen en goedkope huurwoningen in Londen. Maar hij legde het af tegen Thatcher.

Als rechter verdiepte hij zich in het humanitaire recht en in november 1997 werd hij beëdigd als rechter bij het Joegoslavië-tribunaal in Den Haag. May behandelde onder meer de zaak tegen Momčilo Krajišnik en Biljana Plavić, twee voormalige verroutelingen van de Bosnisch-Servische leider Radovan Karadžić. May deed ook de zaak tegen Dario Kordić, de Bosnische Kroaat die in 2001 tot 25 jaar cel werd veroordeeld wegens het politiek leiding geven aan de moord op moslims in Bosnië in 1993 en 1994.

May kreeg in 2001 een stevige tik op de vingers toen drie Bosnische Kroaten in hoger beroep werkten vrijgesproken wegens gebrek aan bewijs. May en zijn collega's hadden de mannen straffen opgelegd van zes tot tien jaar. In hoger beroep oordeelde de Amerikaanse rechter Patricia Wald dat haar collega's hun werk slecht hadden gedaan.

Voordat het proces tegen Milo-

šević in februari 2002 begon, had May bij voorbereidende zittingen al een paar conflicten met de verdachte. May zette vaak de microfoon van de verdachte uit omdat hij vond dat Milošević 'politieke toespraken' hield. Ook tijdens het proces zelf deed hij dat. Hij vond ook vaak dat Milošević geen relevante vragen stelde aan getuigen. Soms zei hij dat rustig, op milde toon. Veel vaker klonk hij geïrriteerd of kwaad.

In de loop van het proces gingen de verdachte en de rechter echter beter met elkaar om. Milošević toonde meer respect voor May, rechter May gaf Milošević soms meer ruimte dan de verdachte volgens waarnemers verdiende. May en zijn collega's wilden graag de indruk vermijden dat Milošević geen kans krijgt een goede verdediging te voeren omdat hij geen advocaat heeft – Milošević weigert een advocaat te benoemen, hij heeft wel juridische adviseurs.

President Theodor Meron, die gisteren het vertrek van Richard May aankondigde, verwees daarbij naar een getuige die May omschreef als een man „gemaakt van gewapend platina”. Sterk, nobel en briljant zijn kwalificaties die bij May horen, aldus Meron. De Amerikaanse rechter Meron won een jaar geleden de strijd om het presidentschap, nadat de Franse rechter Claude Jorda op 11 maart 2003 de overstep maakte naar het Internationaal Strafhof. Tegenkandidaat was toen Richard May.

Sagittarius

Van: "R" <despot@tiscali.nl>
Aan: <hans.hupkes@planet.nl>; "Jan Beentjes" <jbeentjes@mac.com>; "Nico & Neeltje" <sagitar@hetnet.nl>
Verzonden: maandag 23 februari 2004 1:31
Onderwerp: Chief judge in Milosevic trial resigns
Chief judge in Milosevic trial resigns | 18:56 | AP

THE HAGUE – Sunday – The presiding judge in the war crimes trial of Slobodan Milosevic is to resign because of health problems, the Hague Tribunal said today.

"Judge Richard George May of the United Kingdom has informed me of his resignation as a judge of the International Tribunal, effective May 31, 2004, due to health reasons," Tribunal President Theodor Meron said in a statement.

"Judge May's letter of resignation states that his recent illness will make it increasingly difficult for him to continue the performance of his duties and that he believes, however reluctantly, that his resignation is in the best interests of the Tribunal."

The resignation comes as prosecutors prepare to wrap up their case after two years of hearings. Milosevic is due to begin his defence case in May.

Milosevic on trial in Belgrade | 18:05 | B92

BELGRADE – Sunday – As prosecutors in The Hague prepare to wrap up their case against Slobodan Milosevic, the former Yugoslav president is about to face another trial for murder in Belgrade.

Milosevic and eight others are charged with the murder of former Serbian president Ivan Stambolic.

He is accused of ordering the murder of Stambolic, his one-time political patron, in the run-up to the September, 2000, elections in which he lost the presidency.

Milosevic's wife, Mirjana Markovic, believed to be on the run in Russia, is charged with incitement to murder.

The abduction and murder of Stambolic is believed to have been planned by the former commander of the police Special Operations Unit, Milorad "Legija" Lukovic, who is accused of masterminding the assassination of prime minister Zoran Djindjic last year.

Like Milosevic, he will be tried in absentia.

The defendants in the case include the former head of Milosevic's secret police, Radomir Markovic, and the former chief of staff of the Yugoslav Army, Nebojsa Pavkovic.

Sagittarius

Van: "Ian Johnson" <i-
Aan: <Undisclosed-Recipient;>
Verzonden: maandag 23 februari 2004 0:36
Onderwerp: CDSM:Fw: May resigned

<

Subject: May resigned

Press Release . Communiqué de presse
 (Exclusively for the use of the media. Not an official document)

PRESIDENT
 PRÉSIDENT

The Hague, 22 February 2004
 MF/P.I.S./824e

**STATEMENT OF JUDGE THEODOR MERON, PRESIDENT OF THE ICTY, UPON THE
 RESIGNATION
 OF JUDGE RICHARD GEORGE MAY**

Judge Richard George May of the United Kingdom has informed me of his resignation as a Judge of the International Tribunal, effective 31 May 2004, due to health reasons. Judge May's letter of resignation states that his recent illness will make it increasingly difficult for him to continue the performance of his duties and that he believes, however reluctantly, that his resignation is in the best interests of the Tribunal.

I have transmitted Judge May's letter of resignation to the Secretary-General of the United Nations at Judge May's request and pursuant to Rule 16 of the Tribunal's Rules of Procedure and Evidence. I am confident that the Secretary-General will soon appoint a successor Judge under Article 13 bis of the Statute of the Tribunal.

For more than six years, Judge May's formidable intellect and unwavering dedication have made him one of the Tribunal's mainstays. Since taking the oath of office in November 1997, Judge May has worked tirelessly to carry out the Tribunal's mandate to ensure that persons accused of serious violations of international humanitarian law are tried according to procedures that are fair, efficient, and sound.

The roster of Tribunal cases that have benefited from Judge May's care makes up a significant portion of the Tribunal's entire docket. As a member of Trial Chamber II, Judge May participated in the trial and final judgement in the cases of Furundzija and Kupreskic. As Presiding Judge of Trial Chamber III, a position he has held since November 1998, he has presided over the trials in

cases of Kordic and Cerkez and, most recently, Milosevic. He deliberated numerous sentencing judgements, including in the Celebici Camp case and the cases of Sikirica, Plavsic, and Banovic. He has also taken part in hundreds of Trial Chamber decisions on matters of procedure and served as Presiding Judge of the Tribunal's Appeals Chamber in the Aleksovski case.

Judge May has brought his practical wisdom and mastery of substantive criminal law to bear on many unprecedented challenges. He has shepherded the Milosevic case, one of historical importance and daunting dimensions, through a major part of the trial with patience and care and handled the unique issues presented by that case creatively and effectively. Judge May's extraordinary skill is evident from the striking in all of his cases of an appropriate balance between the rights of the accused and efficient trial management.

Judge May also served for five years as Chair of the Tribunal's Committee on the Rules of Procedure and Evidence. The work of that Committee has been invaluable in developing procedures that are geared to the special requirements of international criminal prosecutions and that combine the disparate approaches of common law and civil law systems. One of the Tribunal's major contributions to the evolution of international criminal law is its elaboration of a procedural framework that allows the effective conduct of trials while respecting the rights of the accused. Much of the Tribunal's ability to conduct credible and sophisticated proceedings is due to Judge May's skilled leadership of the Rules Committee.

The Judges and staff of the Tribunal shall continue to work hard to fulfill the historic mission of the Tribunal, even in Judge May's absence. I am confident that Judge May's resignation will not have an unduly disruptive effect on any proceedings before the Tribunal. The conduct of the Milosevic trial remains in the safe hands of Trial Chamber III.

A witness at the Tribunal once described Judge May as being "made of reinforced platinum." The metaphor is quite apt. Like platinum, Judge May is strong, noble, brilliant and, above all, of a very rare quality. To me personally,

Judge May is a close friend and a valued mentor. We at the Tribunal have treasured him as a colleague, and we look forward to his continued insights into the work of the Tribunal as an enlightened outside observer. We are very grateful to Judge May for his years of service and wish him a swift and full recovery.

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EU waarschuwt Servië opnieuw over tribunaal

Door een onzer redacteurs

ROTTERDAM, 24 FEBR. Voor de tweede keer in enkele dagen heeft de Europese Unie Servië gewaarschuwd dat „volledige samenwerking” met het Joegoslavië-tribunaal geboden blijft wil Servië „voortgang maken naar Europese integratie”.

De waarschuwing werd gisteren in Brussel door de ministers van Buitenlandse Zaken van de EU opgenomen in een verklaring waarin Servië verder werd opgeroepen de politieke en economische hervormingen voort te zetten.

Vorige week had de buitenlandse veiligheidscoördinator van de EU, Javier Solana, Servië al gewaarschuwd de samenwerking met het Joegoslavië-tribunaal voort te zetten, wil Belgrado „een hoop moeilijkheden vermijden”. Solana maakte duidelijk dat de EU zich grote zorgen maakt over de plannen om in Belgrado een minderheidsregering te vormen die afhankelijk wordt van de parlementaire steun van de socialisten van ex-president Milošević.

De socialisten zeggen zich van Milošević te hebben gedistantieerd, maar hun verzet tegen het Joegoslavië-tribunaal hebben ze niet opgegeven. Ze willen dat Belgrado de verdediging gaat betalen van alle Serviërs die in Den Haag gevangen zitten. Of ze daarvan een

voorwaarde maken voor hun steun aan de toekomstige regering is onduidelijk.

Vojislav Koštunica, ex-president en inmiddels belast met de vorming van een nieuwe Servische regering, heeft zich door de waarschuwing van Solana niet onder de indruk getoond. Hij zei zondag tegen het Amerikaanse persbureau AP dat uitlevering van oorlogsmisdadigers „geen prioriteit” is. „Servië heeft urgenter problemen.”

Dat Servië het risico loopt buitenlandse steun te verliezen maakte ook niet veel indruk op Koštunica. Uiterlijk 31 maart moet de Amerikaanse minister Powell het Amerikaanse Congres melden of Servië nog met het tribunaal samenwerkt. Bij een negatief oordeel loopt Servië 100 miljoen dollar aan Amerikaanse steun mis; het gevaar is dan groot dat ook de EU maatregelen tegen Servië neemt.

Het Joegoslavië-tribunaal eist van Servië de uitlevering van vijftien verdachten, onder wie de meestgezochte verdachten Radovan Karadžić en Ratko Mladić, Bosnische Serviërs die volgens het tribunaal in Belgrado wonen.

Veel verdachten worden gezocht wegens hun ‘commando-verantwoordelijkheid’ voor oorlogsmisdaden. Velen in Servië vinden die beschuldiging „te vaag” om haar werkelijk serieus te nemen.

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: woensdag 25 februari 2004 16:35
Onderwerp: Interview with Tiphaine Dickson on resignation of Richard
 Interview with Quebec ICDSM-lawyer Tiphaine Dickson on the resignation of
 presiding judge in the Milosevic-case, Richard May

Q: Late Sunday, the President of the ICTY, Theodor Meron, announced the resignation of Richard May of the United Kingdom, the presiding judge in the Milosevic trial. Officially, the resignation is due to the ill health of judge May.

What was your first take on these developments?

Tiphaine Dickson: This is a spectacular development-- only days before the end of the presentation of the prosecution's evidence-- which has gone on for two years already. This resignation demonstrates that the length and complexity of this process, not to mention the hundreds of witnesses, 30,000 pages of transcripts, 500 videotapes, hundreds of audiotapes, and huge quantity of other exhibits cannot be adequately handled, let alone be meaningfully understood, by a person in ill health. It is unfortunate that Slobodan Milosevic-- whose health concerns similarly reduce his capacity properly to analyse and challenge the voluminous record generated so far-- has not been treated with the same deference accorded to Richard May. Much has been made in the mainstream press about President Milosevic's illness "wasting the court's time", yet Richard May's undisclosed health problems are not treated with contempt, but rather with compassion and concern. Slobodan Milosevic cannot resign from the ICTY for health reasons, and on the contrary, he has confronted this process while struggling against a life-threatening illness, despite being denied provisional release or specialized medical care to treat his condition.

Q: In recent days, the international press reported that the genocide charge has not been proven.

Dickson: The press' assessment of the quality of evidence presented so far is accurate to the extent that the evidence presented by the ICTY prosecutor has been anemic, rife with hearsay, opinion, speculation and irrelevancies. It is evident that counts should be dismissed, and in my opinion, the prosecutor has not succeeded in presenting a coherent or compelling case, in accordance with the standards of criminal justice.

Q: Some media went even further, saying that even evidence of war crimes in

Bosnia and Croatia seems to be very shaky. If so, the remaining part would be the Kosovo indictment. Is that a way for the press to prepare the public for some charges being dropped or might there be something else behind this? For Mr.

Milosevic it would not make any difference whether he gets one or five life sentences. But for the Western governments it would make a difference whether

Milosevic's defense case covers all three indictments or is reduced to just Kosovo. If reduced to Kosovo, would Mr. Milosevic still be able to tell the whole

story that there was a plan to destroy Yugoslavia-something to qualify the 'plan' not from his side but from the West, from Croatia and Bosnia? Or could we

consider it an attempt to destroy a successful defense case?

Dickson: If the Chamber were to dismiss both the Bosnia and Croatia indictments, it would still be possible for SM to present his defense as announced in

his opening statement. Kosovo was the West's-- NATO, the EU, US and other powers-- pretext for a gruesome 78-day bombing campaign, executed in violation of

international law, using weapons, targets, and tactics which violate the laws

and customs of war. This aggression marked the culmination of the decade-long

effort to dismember Yugoslavia. As such, and in particular given the fact that

the Kosovo indictment was served in the course of the bombing, to neutralize the Yugoslav leadership's potential to negotiate peace-- which had always been

successfully achieved by President Milosevic in the past-- it is open to him to contextualize this indictment

It is highly likely that Mr. Milosevic will present the defense he has planned and will demonstrate that there was only one war: the war against Yugoslavia. In any event, the Prosecutor has chosen to allege, in the Kosovo indictment,

that Slobodan Milosevic was the principal interlocutor for the "international

community" since 1989, and "was the primary representative of the SFRY and FRY: The Hague Conference in 1991; the Paris negotiations of March 1993; the International Conference on the Former Yugoslavia in January 1993; the Vance-Owen

peace plan negotiations between January and May 1993; the Geneva peace talks in the summer of 1993; the Contact Group meeting in June 1994; the negotiations for a cease fire in Bosnia and Herzegovina, 9-14 September 1995; the

negotiations to end the bombing by the North Atlantic Treaty Organization (NATO) in

Bosnia and Herzegovina, 14-20 September 1995; and the Dayton peace negotiations

in November 1995."

The Prosecutor made the decision to stipulate President Milosevic's primary

role in these largely successful peace negotiations in order to establish, astonishingly, his responsibility for the commission of crimes, rather than for having negotiated peace. Slobodan Milosevic is therefore entitled to explore all issues relevant to these conferences and negotiations, including the underlying conflicts that led to them. In doing this, he will have the opportunity to identify the foreign interests which were responsible for the dismemberment of Yugoslavia, from the first unconstitutional secessions to the illegal bombing of Yugoslavia.

Q: How will the trial continue?

The rules of procedure provide that a new judge cannot be assigned to a trial-- and in this case, evidence has been heard for two years-- unless the accused consents to such a measure. However, the judges may disregard the accused's objection if the "interests of justice" so dictate. The accused's consent appears illusory if the Chamber is entitled to ignore it, even if they do so "in the interests of justice". If the remaining judges choose to assign a new judge despite Mr. Milosevic's objections-- which is very likely, as the President of the ICTY, Theodor Meron, has essentially prejudged the issue in his press release announcing Richard May's resignation, by stating that he is "confident that Judge May's resignation will not have an unduly disruptive effect on any proceedings before the Tribunal"-- President Milosevic is nonetheless entitled to appeal their decision. Furthermore, any new judge assigned must certify that he or she is familiar with the record before sitting on the case. The evidence presented so far has generated over 33,000 pages of transcripts, not to mention tapes, both audio and video, maps, and a variety of other exhibits. It would not be decent to suggest that one could skim through-- let alone "familiarize"-- oneself with such a voluminous record, in such an important trial, in less than a year.

It is important to point out that courts of appeal rarely overturn trial judgments with respect to credibility. This is because trial judges are deemed to have had a unique opportunity to assess the witness' demeanor in a courtroom. In this case, over 200 witnesses have testified so far, and matters of credibility have been of crucial importance. How could a new judge appreciate the eloquent body language of witnesses such as Rade Markovic or Captain Dragan Vasilikovic without having seen them? It would be necessary for any new judge, in

addition to reading--and understanding-- the record in its entirety, to carefully watch the video footage from the beginning of the process. This requires at least one year's time.

Although it appears that the ICTY will push to continue the matter despite Richard May's resignation, it is important to note that in common law proceedings, this situation would normally constitute a mistrial, and require that proceedings start anew. Unfortunately, the political pressure is such that on this issue-- like so many others-- the rights of the defendant will likely take a back seat to political expedience. The ICTY judges could even modify the rules in order to facilitate the continuation of the process, as they have now amended their rules 28 times in a little over a decade. Such a development would be an unfortunate precedent for the future of international law.

Thank you, Maitre Dickson, for answering those questions.

Interviewer: Cathrin Schütz

A shortened version of this interview was published in the German daily "junge Welt", February 25, 2004

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De ontmanteling en strijd tegen fascisme

Propaganda-praatjes over goed en kwaad

Lang voordat door Bush de 'as van het kwaad' werd uitgevonden, werden de socialistische landen in de westerse propaganda al als het absolute kwaad voorgesteld. Al tientallen jaren lang. En werden ze als zodanig te vuur en te zwaard bestreden, al ging dat niet rechtstreeks met militaire middelen. Want daarvoor was hun militaire kracht te groot. Hitler's fascisme had op die kracht per slot van rekening al zijn nek gebroken.

Het uiteenvallen van het socialistische kamp werd van kapitalistische zijde dan ook voorgesteld als een overwinning van het goede. Het socialistische kwaad zou uiteindelijk aan zichzelf zijn bezwaken. Dat thans het westen in de voormalige socialistische landen de lakens uitdeelt, wordt dan verklaard als een natuurlijke bijkomstigheid van deze overwinning van goed over kwaad. En als een weerspiegeling van de volkswil.

Deze voorstelling van zaken is natuurlijk niets meer dan naïeve ideologische kletspraat. Waarin het uitzicht op de werkelijke, geopolitieke, dimensies van wat er op het wereldtoneel in de recente historie heeft plaatsgevonden wordt verhold.

De voosheid van deze propaganda-praat laat zich gemakkelijk bewijzen. Want een dergelijke voorstelling van zaken weet immers totaal geen raad als het erom gaat te verklaren waarom het westen nu juist ook militair is opgerukt tot diep in de voormalige Sovjet-Unie zelf.

De opmars van de NAVO en het voormalige Joegoslavië als sta-in-de-weg

Wie bij de val van de Berlijnse Muur zou hebben voorspeld dat nog geen

15 jaar later de NAVO-legers, en vooral ook de Amerikanen, zouden zijn opgeschoven tot in Georgië, Azerbeidjan, Oekraïne, etc., en zo nu het Russische kernland omsingeld houden, zou voor gek zijn versleten. Na de val van de Muur zou er immers geen militaire machtsstrijd meer nodig zijn. En was 'het einde van de geschiedenis' begonnen.

Maar wat de jongste geschiedenis werkelijk te zien heeft gegeven, was een pijlsnelle geopolitieke en militaire expansie van het westerse kapitalisme. Waarbij alle zich voordoende obstakels voor deze triomfantelijke opmars in oostelijke en zuidoostelijke richting met behulp van politieke macht, en indien nodig ook militair geweld, in hoog tempo werden geslecht.

Een van de belangrijkste obstakels bij deze tomeloze politiek-militaire opmars van de NAVO, als de militaire arm van het westerse kapitalisme, werd gevormd door het voormalige Joegoslavië.

Sinds het einde van de Tweede Wereldoorlog had Joegoslavië de rol vervuld van onafhankelijke bufferstaat tussen het socialistische en het kapitalistische machtsblok. Een positie waarmee beide kampen tevreden waren.

Maar de Berlijnse muur was nog niet gevallen of Joegoslavië werd door het westerse machtsblok nog slechts beschouwd als een sta-in-de-weg voor zijn politiek-militaire expansie oostwaarts. Een obstakel dat zo snel mogelijk moest worden opgeruimd. Aan een buffer was immers geen enkele behoefte meer.

Ondermijning van en oorlog tegen Joegoslavië door de NAVO-landen

De NAVO-landen stuurden het aan op het uiteenvallen van Joegoslavië in kleine staatkundige entiteiten, die

militair konden worden bezet of uiteindelijk als van het westen afhankelijke cliëntstaten zouden kunnen worden beheerd. Financiëleconomisch werd het oude federale Joegoslavië eerst zo grondig mogelijk ondermijnd. Vervolgens werden Slovenië en Kroatië krachtig aangemoedigd om zich af te scheiden. Waarna een verdere afscheiding, ditmaal van Bosnië, niet kon uitblijven.

En zo werden de NAVO-landen in hoge mate verantwoordelijk voor de verschrikkingen van de burgeroorlogen, die bij deze geforceerde afscheidingen niet konden uitblijven.

Het romp-Joegoslavië, ook wel als klein-Joegoslavië aangeduid, onder leiding van Milosevic, bleef zich echter tegen de westerse machtspolitiek verzetten. En weigerde zijn eigen politiek-economische stelsel zonder meer ondergeschikt te maken aan de westerse kapitaalsbelangen en machtsaanspraken.

Daarop deinsde de NAVO-landen er uiteindelijk zelfs niet voor terug om over te gaan tot openlijke militaire agressie tegen dit resterende deel van Joegoslavië. Om zo de gehele Balkanregio, poort naar het oosten en naar de olievelden, politiek en militair onbetwist in handen te krijgen.

Duizenden Joegoslavische burgers werden bij deze brutale westerse militaire agressie om het leven gebracht en tienduizenden raakten gewond. Pas nadat de NAVO in ongeëvenaarde, maandenlange bombardementen voor meer dan 10 miljard dollar systematische schade had aangericht aan fabrieken, bedrijven, instellingen en verdere Joegoslavische infrastructuur, lukte het de westerse agressors om opnieuw een stuk van het voormalige Joegoslavië af te scheuren en militair te bezetten: Kosovo.

Na deze baaierd van vernietiging met

oorlogsgeweld werd vervolgens alles uit de kast gehaald aan destabilisatie-instrumentarium. Om zo de ontwrichting van klein-Joegoslavië, na de militaire verwoestingen, verder te completeren. Teneinde ook daar een pro-westers regiem te kunnen installeren.

Uiteindelijk is dat laatste, zoals bekend, ook gelukt. Het obstakel Joegoslavië was daarmee definitief geslecht.

Bevolking van Joegoslavië en de internationale rechtsorde als de slachtoffers van de NAVO-agressie

Intussen was niet alleen het Joegoslavische volk door de NAVO geslachtofferd, maar was ook de internationale rechtsorde de dupe geworden. De belangrijkste pijler hiervan is immers het agressieverbod, en dat was nu juist schaamteloos geofferd op het altaar van de westerse politiek-militaire aspiraties. De NAVO was de oorlog tegen Joegoslavië begonnen geheel buiten de Verenigde Naties om.

Dit opende de doos van Pandora voor verder ongeremd militair geweld op basis van pure militaire machtspolitiek. Zoals nu, met de agressieoorlog tegen Irak, opnieuw is gebleken. Voortaan regeert weer uitsluitend het recht van de sterkste. De NAVO-oorlog tegen Joegoslavië was het precedent daarvoor.

De Serviërs en Milosevic tot de 'hoofdschuldigen' gebombardeerd - rol van het Joegoslavië tribunaal

Joegoslavië in puin, de internationale rechtsorde in puin, er was de westerse machten veel aan gelegen om de aandacht van hen als de hoofdschuldigen aan dit alles af te leiden. Naar anderen.

Die 'anderen', dat moesten de Serviërs worden. En Milosevic. Aan het Joegoslavië tribunaal werd een belangrijke rol toebedacht om dit te bereiken. Het duivelse plan is om de objectieve weerklank van het recht aan te wenden als 'definitief bewijs' dat de Serviërs onder Milosevic de hoofdschuldigen waren van het Balkandrama. Als "het recht" dat immers zou hebben vastgesteld, wie zou daar dan verder nog aan kunnen twijfelen ?

En zo werd, in de vorm van het Joegoslavië tribunaal, een politiek wapen gesmeed om het definitieve, historische "bewijs" te leveren van de schuld van de Serviërs en, vooral, van Milosevic.

Tegelijkertijd is "het recht" dat het tribunaal spreekt een machtig instrument om de publieke aandacht af te leiden van de agressie-oorlog die de NAVO gevoerd heeft tegen Joegoslavië en de duizenden slachtoffers daarvan.

En tenslotte is "het recht" van het Joegoslavië tribunaal een kille waarschuwing aan alle volkeren en hun leiders ter wereld dat verzet tegen de westerse opperheerschappij niet ongestraft wordt gelaten. Ook voor hen persoonlijk en individueel niet !



Zelfs ziekenhuizen en klinieken ontkwamen niet aan het NAVO-geweld.

Steun aan de strijd tegen de afbraak van Joegoslavië, de afbraak van het agressie-verbod

Vanaf het eerste begin heeft de Vereniging van Anti-Fascistische Oud-Verzetstrijders (AFVN) het verzet tegen de afbraak van Joegoslavië door de westerse machten actief gesteund. Ook heeft de AFVN altijd een stimulerende rol op zich genomen in de strijd tegen de sloop van de internationale rechtsorde en de verkrachting van het agressieverbod, per slot van rekening belangrijke verworvenheden van hevi-

ge antifascistische strijd tijdens en na de Tweede Wereldoorlog !

Steun aan het gevecht van Joegoslavische burgers tegen de agressie en de gevolgen hiervan

Consequent in lijn hiermee heeft de AFVN het voeren van processen hier ter lande door Joegoslavische burgers tegen de Nederlandse deelname aan de gezamenlijke NAVO-agressie actief bevorderd en mede mogelijk gemaakt.

Zo was de AFVN een van de initiatiefnemers van de Permanente Commissie inzake westerse oorlogsmisdrijven (PC), die zich ten doel stelt om de slachtoffers van westerse agressie-oorlogen, of dit nu in Joegoslavië is of Irak of waar dan ook, de gelegenheid te bieden om westerse politieke en

militaire leiders in hun eigen land te doen vervolgen. En, wat meer zij, ook individueel en persoonlijk financieel aansprakelijk te stellen voor het leed dat zij hebben ondervonden.

Ook Milosevic, symbool van het verzet tegen het NAVO-barbarisme en de NAVO-dwingelandij, is de AFVN, sinds zijn schandelijke ontvoering en uitlevering naar Den Haag, altijd blijven steunen. Dat geldt tevens voor zijn indrukwekkende gevecht tegen de ultieme falsificatie van het recht door het Joegoslavië tribunaal.

van de individuele slachtoffers van de NAVO-agressie gepleegd tegen Joegoslavië en de strijd van Milosevic tegen de leugens van het Joegoslavië tribunaal, ingesteld op instigatie van de NAVO-landen, vormen immers één en dezelfde strijd.

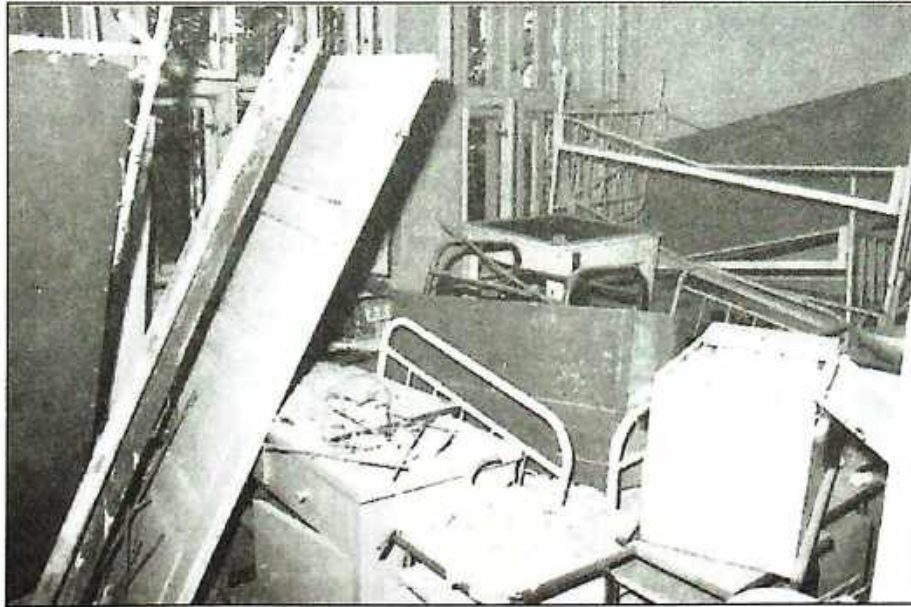
Aldus zet de AFVN de strijd tegen het fascisme in hedendaagse vorm voort. En slaat een brug tussen de strijd tegen het fascisme van de Tweede Wereldoorlog en de strijd tegen het fascisme nu.

Steun aan het gevecht van Milosevic tegen de leugens van het zogenaamde Joegoslavië tribunaal

Met steun van de AFVN heeft Milosevic ten tijde van zijn ontvoering

voldoende te verlichten en hem de tijd en gelegenheid te bieden die hij nodig heeft om zijn zaak degelijk voor te bereiden. Vast staat dat het tribunaal er niet om zou rouwen als Milosevic zijn proces niet zou overleven. Dat zou voor hen een hele zorg minder zijn !

Milosevic zou overigens zeker niet de eerste zijn die in de cellen van het zogenaamde tribunaal overlijdt ! Vandaar dat, overal waar dit wenselijk kan zijn, met kracht wordt opgetreden voor een onverwijld tijdelijke invrijheid-stelling van hem. Zodat hij de medische verzorging kan krijgen die hij nodig heeft en zich goed kan prepareren op de volgende fase van het proces. Waarin het zijn beurt is om met getuigen op de proppen te komen.



Een patiëntenkamer in een gebombardeerde kliniek. Tientallen kwamen in deze kliniek om het leven.

naar Nederland en zijn uitlevering aan het Joegoslavië tribunaal een kort geding gevoerd tegen de Nederlandse Staat vanwege de Nederlandse medewerking aan die illegale ontvoering.

Milosevic doet, door zijn ongeëvenaarde optreden in zijn proces, dit door de NAVO opgerichte 'tribunaal' voortdurend op zijn grondvesten schudden! Als serieuze hartpatiënt is echter zijn leven konstant in gevaar. Dit gelet op de enorme druk en belasting waaraan hij, dag na dag, blootstaat. Het tribunaal weigert echter die druk

Milosevic zal nu, in de nabije toekomst, ook zijn processen tegen de Nederlandse Staat hervatten. Dit om uiteindelijk toegang te kunnen krijgen tot het Europese Hof voor de rechten van de mens. Om zich aldus een beroepsmogelijkheid op dat mensenrechtenorgaan te verschaffen, zodra de 'processen' van het zogenaamde tribunaal zijn afgelopen.

De hervatting van deze processen is inmiddels bij de Staat aangekondigd. Ook hier fungeert de AFVN als helper en materieel ondersteuner.

Steun aan het gevecht van Joegoslavische burgers om de Nederlandse medeplichtige politici voor de rechter te brengen

In de Anti Fascist is in vorige nummers al herhaaldelijk verslag gedaan van de rechtszaken die Joegoslavische burgers hier in ons land hebben gevoerd tegen de Nederlandse deelname aan de NAVO-agressie. En van het proces dat de slachtoffers van het laffe bombardement op de TV-studio in Belgrado en de vreselijke clusterbomaanvallen op de markt en het ziekenhuis van Nis hebben ingezet tegen Kok, Van Aartsen, de Grave en van Nieuwenhoven persoonlijk, alsmede tegen hoge Nederlandse militairen. Als zijnde de Nederlandse direct verantwoordelijken voor deze NAVO-oorlogsmisdaden. Die, volgens de normen van de Neurenberg-processen, daarvoor dan ook individueel medeaansprakelijk zijn.

Kok, Van Aartsen, de Grave en van Nieuwenhoven persoonlijk voor de rechter !

Wij kunnen nu, met grote tevredenheid melden dat uiteindelijk het gerechtshof in Den Haag heeft besloten dat de ex-ministers Kok, Van Aartsen en de Grave, alsmede de ex-voorzitter van de Tweede Kamer van Nieuwenhoven, persoonlijk in de rechtszaal zullen moeten verschijnen om te getuigen van hun betrokkenheid bij deze oorlogsmisdaden.

Dit is de eerste keer in de geschiedenis, sinds de processen van Neurenberg, dat westerse regeringsleiders persoonlijk voor de rechter moeten verschijnen om zich te verantwoorden voor hun misdrijven. Zeker een historisch moment ! Dat zal plaatsvinden op 26 januari 2004 voor de rechtbank in Den Haag. Deze gebeurtenis zal de hele dag in beslag nemen, vanaf 9 uur 's morgens.

Wij roepen iedereen op om van die gelegenheid een grootscheepse manifestatie te maken. En Kok, Van Aartsen, de Grave en Van Nieuwenhoven bij hun gang naar de rechter een warm onthaal te geven.

N.J.N. ten Doesschate

Geen sluitend bewijs tegen Slobodan Milosovic

Achtergrond | Na bijna 300 getuigenverhoren hebben aanklagers waarschijnlijk alleen voldoende bewijs voor misdrijven tegen de menselijkheid

De aanklagers in de zaak-Milosevic zijn klaar. Twee jaar hebben ze de tijd gehad om genocide te bewijzen. Of dat is gelukt, blijkt pas veel later. Maar strafrecht deskundigen zijn niet onder de indruk.

Van onze verslaggever
Rob Vreeken
DEN HAAG

Twee weken geleden nog leverde het Milosevic-proces een interessant nieuwtje op. Getuige Philippe Morillon, destijds commandant van de VN-macht in Bosnië, deelde mee dat Slobodan Milosevic in 1993 een massamoord in Srebrenica had voorkomen. De Franse generaal had voorvoeld dat er iets 'afschuwelijks' stond te gebeuren in de omsingelde Moslim-enclave, en hij drong er bij de president van Servië op aan generaal Mladic in toom te houden.

Aldus geschiedde. Twee jaar later werden alsnog zeventien duizend mannelijke inwoners van Srebrenica door de Bosnisch-Servische troepen van Mladic geëxecuteerd, een misdrijf dat door de rechters van het Joegoslavië-Tribunaal in de zaak-Krstic inmiddels tot 'genocide' is bestempeld.

Het verhaal van Morillon werd in de rechtszaal door Milosevic bevestigd.

Was de getuigenis gunstig voor de verdachte in de belangrijkste en tot dusver moeilijkste zaak voor het VN-tribunaal? Op het eerste gezicht wel: Milosevic had immers een slachting voorkomen. Blijkbaar wilde hij (althans in 1993) niet dat Bosnische Serviërs zouden huishouden in Srebrenica, de plaats die de gruwelijkheden van de Bosnische oorlog is gaan symboliseren.

Maar ook een minder gunstige interpretatie is mogelijk. Kennelijk was Milosevic wel degelijk op de hoogte van de kwade bedoelingen die Mladic met de Moslims in de enclave had. Kennelijk was de Servische president in een positie om de wrede generaal bevelen te geven. En kennelijk heeft hij in 1995 verzuimd te voorkomen dat er een massamoord plaatsvond.

Hoe de rechters Morillons relaas gaan duiden, zal niet snel bekend worden. Wat deze week in het Haagse gerechtshof wordt afgerond, is pas het eerste deel van het Milosevic-proces: het presenteren van bewijs en het verhoren van getuigen door de aanklagers.



Slobodan Milosevic in de rechtszaal van het Joegoslavië-Tribunaal in Den Haag, 2002.

FOTO LUC DELAHAYE/MAGNUM/H

De anekdote van de VN-commandant bevatte veel van de elementen waar het in de bewijsvoering tegen Milosevic om draait. Genocide. Het voorkomen van misdrijven. De banden tussen Milosevic en de leiders van de 'Servische republiek' in Bosnië.

Over een ding zijn strafrecht deskundigen het eens: het zal voor hoofdaanklagster Carla Del Ponte géén fluitje van een cent worden om te bewijzen dat de 'Slager van de Balkan' zijn bijnaam kreeg op gronden die juridisch boven redelijke twijfel zijn verheven. 'Het is in ieder geval geen ijzersterke zaak, dat kun je na driehonderd getuigen wel stellen', zegt Geert-Jan Knoops, hoogleraar strafrecht aan de Universiteit Utrecht. Met name wordt het moeilijk aan te tonen, zegt Göran Sluiter, docent internationaal recht in Utrecht, dat Milosevic direct verantwoordelijk was voor de gruwelen in Bosnië en Kroatië.

Het eenvoudigst is nog de aanklacht inzake Kosovo, op grond waarvan Milosevic in 2001 door Belgrado werd uitgeleverd. Dat het Joegoslavische leger in 1999

misdrijven tegen de menselijkheid en oorlogsmisdaden heeft gepleegd, lijkt genoegzaam te zijn aangetoond. Simpel vast te stellen is ook wie daartoe opdracht heeft gegeven: de opperbevelhebber van dat leger, president Milosevic.

Moeizamer zijn de twee aanklachten inzake Bosnië en Kroatië. Precies daarom, meent Gerard Strijards, hoogleraar internationaal recht aan de Rijksuniversiteit Groningen, werden de drie aanklachten door Del Ponte samen-

gevoegd: bewijs uit de Kosovo-zaak kon dan ook in de andere zaken worden gebruikt.

Een eerste kniuf is die van de 'command responsibility': de verantwoordelijkheid van Milosevic, president van Servië, voor de daden van de Serviërs in Bosnië. 'Dat ligt er niet duimendik bovenop', zegt Knoops. 'In die relatie missen een paar bouwstenen.' Met name in de laatste fase van de oorlog had Slobodan Milosevic minder (geen, beweert hij zelf)

greep op mensen als generaal Mladic.

Overigens hoeft niet per se bewezen te worden dat Milosevic voor specifieke misdrijven opdracht heeft gegeven. Hij is al strafbaar indien hij ervan op de hoogte was en heeft verzuimd in te grijpen.

De Deense genocide-expert Eric Markusen slaat de bewijzen voor Milosevic' greep op mensen als Mladic en Karadzic veel hoger aan dan zijn Nederlandse colle-

ga's. Hij meent dat 'absoluut' is aangetoond dat de Bosnisch-Servische milities onder controle stonden van de regering in Belgrado en het Joegoslavische leger; Milosevic stond aan het hoofd van beide. 'Het is onvoorstelbaar dat hij niet zal worden veroordeeld wegens misdrijven tegen de menselijkheid.'

Als een van de cruciale bewijzen noemt Markusen de opname van een telefoongesprek tussen Milosevic en Karadzic, over de levering van wapens. 'Zéér belastend materiaal', zegt Markusen, die op de publieke tribune zat toen de band werd afgespeeld. 'Zijn gezicht toonde voor het eerst niet de gebruikelijke arrogantie. Hij moet toen hebben beseft dat de zaak verloren was.'

De zwakste steen in het betoog van Del Ponte is de aanklacht over het misdrijf der misdrijven, volkenmoord. Dat er in Bosnië op enig moment sprake was van genocide mag dan wel zijn vastgesteld (Srebrenica, Krstic), maar de aanklagers trekken de genocide veel breder. Volgens Del Ponte maakte Milosevic deel uit van een

'gezamenlijke criminele onderneming' die tot doel had alle niet-Serviërs permanent te verwijderen uit grote delen van Bosnië en Kroatië.

Dan volgt, onder de noemers genocide (alleen in Bosnië) en misdrijven tegen de menselijkheid (in beide republieken) een opsomming van alles wat de niet-Servische bevolkingsgroepen tussen 1991 en 1995 is aangedaan. Dit alles viel 'binnen het oogmerk van die criminele organisatie.'

Maar van genocide is in het volkenrecht pas sprake als de verdachte 'de bedoeling had een bevolkingsgroep geheel of gedeeltelijk te vernietigen'.

Naast het woord 'gedeeltelijk' is het problematische begrip hier vooral 'bedoeling'. Misschien kan worden aangetoond dat Milosevic erop uit was met alle middelen de oorlog te winnen, of een Groot-Servië te stichten, of desnoods gebieden etnisch te zuiveren door het verjagen van alle niet-Serviërs. Maar vernietiging van bevolkingsgroepen? Een hogere lat bestaat niet in het internationaal strafrecht.

Rechtszaal Joegoslavië-Tribunaal als politiek podium

De generaals Philippe Morillon (VN) en Wesley Clark (NAVO) waren wel de beroemdste van de bijna driehonderd getuigen die door aanklagster Carla Del Ponte zijn opgeroepen. Slobodan Milosevic zal het hogerop zoeken. Eerder heeft hij al aangekondigd dat Bill Clinton, Jacques Chirac en Tony Blair bovenaan zullen staan op het verlanglijstje van op te roepen getuigen dat hij over zes weken moet inleveren.

Het tekent de manier waarop hij tot nu zijn verdediging heeft gevoerd. Van de rechtszaal maakte hij een politiek podium. Hij putte zich uit in retoriek. Te pas en te onpas schilderde hij zijn eigen regering af als vredelievend, en alle anderen als oorlogszuchtig. Een lange kruisverhoren gebruikte hij om het historische slachtofferschap van het Servische volk breed uit te meten. Hij beschouwt het hof, zo zei

hij op de eerste zittingsdag, als een 'vals tribunaal'.

Maar Milosevic deed meer. Hij ontpopte zich als de jurist die hij van huis uit is. Niet zelden bleek hij (met een team adviseurs op de achtergrond) zeer goed op verhoor voorbereid. Feilloos wist hij zwakte plekken in de bewijsvoering aan te tonen. 'Hij heeft het heel goed gedaan', zegt jurist Geert-Jan Knoops. 'De aanklagers zijn tegengevallen.'

Aanklacht tegen Milošević afgerond

Door een onzer redacteuren
DEN HAAG, 26 FEBR. Na een ¹⁶cesgang van ruim twee jaar hebben de aanklagers van het Joegoslavië-tribunaal de eerste fase van de rechtszaak tegen Slobodan Milošević gisteren afgerond. In het team van hoofdaanklager Carla Del Ponte neemt de twijfel toe of het bewijsmateriaal voor de zwaarste aanklacht – volkerenmoord – wel overtuigend is.

De aanklagers hadden nog twee zittingsdagen te goed om vijf getuigen op te roepen. Maar gelet op de „specifieke situatie” die is ontstaan, ziet Del Ponte daarvan af. Het resterende bewijsmateriaal wordt nu schriftelijk ingediend.

Het proces tegen de Joegoslaviëse ex-president Milošević ligt al meer dan twee weken stil omdat de verdachte ziek is. Hij heeft last van hoge bloeddruk en hij zou uitgeput zijn.

De zaak tegen hem is nu al veertien keer onderbroken door zijn ziekte.

Ook de voorzitter van de drie rechters, de Brit Richard May, is ziek. Hij heeft zijn functie bij het tribunaal opgegeven en zal moeten worden vervangen.

Een van de getuigen die op de nominatie stond om te getuigen was Biljana Plavšić, oud-president van de Servische Republiek in Bosnië. Zij is door het Joegoslavië-tribunaal tot elf jaar gevangenisstraf veroordeeld wegens oorlogsmisdaden en ze zit haar straf uit in Zweden.

Onlangs werd ze naar Nederland overgebracht om te getuigen, maar na een gesprek met Del Ponte zag de hoofdaanklager daarvan af. Vorige week werd ze teruggebracht naar de vrouwengevangenis in het Zweedse Hinseberg.

Milošević is aangeklaagd wegens genocide, misdaden tegen de menselijkheid en oorlogsmisdaden, gepleegd tijdens de oorlogen in Kroatië (1991-1995), Bosnië (1992-1995) en Kosovo (1998-1999). In het team van de aanklagers neemt de twijfel toe of Milošević wel veroordeeld kan worden voor genocide op moslims en Kroaten. Na bijna driehonderd getuigen is de bewijsvoering daarvoor niet overtuigend, zo vinden sommige medewerkers van Del Ponte.

De tribunaalrechters hebben gisteren bepaald dat Milošević op 8 juni met zijn verdediging moet beginnen. Vanaf die datum heeft Milošević – die zich niet laat vertegenwoordigen door een advocaat omdat hij de bevoegdheid van het hof niet erkent – negentig zittingsdagen de tijd voor zijn verdediging. Dat is de tijd die de aanklagers de afgelopen twee jaar hebben gebruikt, zo is uitgerekend door de griffie van het tribunaal.

Door de ‘driedaagse werkweek’ van Milošević, op doktersadvies, en door de vakanties van het VN-hof komt dat neer op vijftig zittingsweken.

In dat geval zou de vroegere president van Joegoslavië zijn verdediging voor het zomerreces van 2005 kunnen afronden. Dan kunnen aanklagers en verdediging in een tweede ronde opnieuw getuigen oproepen. Ook de rechters kunnen nog hun eigen getuigen oproepen.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: donderdag 26 februari 2004 1:17
Onderwerp: CDSM:Fw: [icdsm-italia] Communique of the Russian National Committee to Defend Slobodan Milosevic

<http://www.icdsm.org/more/russia1202.htm>

COMMUNIQUE OF THE RUSSIAN NATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC

At The Hague, in the NATO's "Tribunal" for the former Yugoslavia, unscrupulous violence is continuing, not only against Slobodan Milosevic but also against the very notion of international judiciary.

President Milosevic has been banned from contacting with the outside world, once more and for another month's extension, under the pretext of him being able to influence the circumstances in Serbia. This is an absurd pretence, because nobody has ever deprived President Milosevic of his unalienable political rights. In accordance with the principle of the presumption of innocence, he is innocent until a court has proved otherwise.

In full view of everybody, the proceedings at The Hague are a fiasco on account of the utter lack of any evidence to support the accusations against Slobodan Milosevic. But this is precisely the reason why the repression is intensifying. They are trying to bury him alive in prison.

Already for more than three months the "Tribunal" has been blocking the visits to President Milosevic by his friends, Party colleagues, representatives of the organizations that support him. His telephone contacts with the outside world have been banned. And the visitation time for the members of his family, instead of 15 days a month as for all other detainees, has stuck to three days – only for Slobodan Milosevic, ever since the first day of his stay in prison.

And this is just a part of the measures that drastically abridge his rights and that are not applied to other detainees. It is insufficient for the "Tribunal" to make its own "rules" (which is otherwise in contravention of the generally accepted principles of law), it even breaks them by itself.

The grueling everyday court sessions have undermined the health of Slobodan Milosevic. However, the "Tribunal" refuses to provide him with medical treatment in a specialized clinic. The "Tribunal" covers up information on the health condition of President Milosevic and it bans the physicians visiting him from publishing the results of their examinations. Recently, the proceedings were interrupted again because of the illness of Slobodan Milosevic, but they have resumed before he

restored to health. At the same time, a previous decision made at the request of the physicians, to reduce the duration of the court proceedings, has been violated.

Soon President Milosevic will begin to present his case to accuse NATO of war crimes. The "Tribunal" is doing everything to prevent him in this. The huge bureaucratic machinery of the "Tribunal" (more than 1,000 people) took four years to write up hundreds of volumes of lies. And Slobodan Milosevic is supposed to get prepared alone, in a prison cell, with the tightest restrictions in contacting witnesses for the Defense, in just three months in order to refute gigantic deposits of slander presented.

We condemn the refusal of the "Tribunal" to allot Slobodan Milosevic sufficient time to prepare his defense, as an open violation of equality of arms principle in court proceedings and as an admission of the "Tribunal" to being afraid of the Accused.

We most categorically condemn the continuation of keeping President Milosevic in custody even after the Indictment ended in failure, as well as the cruel measures that impose on him the isolation from the outside world and represent a criminal threat to his health and his life.

We call upon the UN and the organizations for the protection of human rights and justice to get involved without delay, in order to prevent settling up with a political prisoner. The institution operating at The Hague is no international tribunal whatsoever – it is a lynch law.

We demand Slobodan Milosevic to be released forthwith, because the accusations against him have failed to be proven. He should be urgently provided with medical treatment in a specialized cardiology clinic.

In Moscow, 12 February 2004

CHAIRMAN OF THE COMMITTEE

Alexander Zinoviev

STRUGGLE FOR FREEDOM AND TRUTH ABOUT THE SERBIAN PEOPLE AND YUGOSLAVIA IS IN THE CRUCIAL PHASE. NATO AND ITS SERVICES IN BELGRADE AND THE HAGUE HAVE NO INTEREST TO SUPPORT IT.

SO IT TOTALLY DEPENDS ON YOU!

A SMALL TEAM OF PRESIDENT MILOSEVIC'S ASSISTANTS, WHICH IS BECOMING INTERNATIONAL, HAS TO HAVE CONDITIONS TO WORK AT THE HAGUE IN THE TIME OF INTENSIVE PREPARATIONS FOR THE FINAL PRESENTATION OF TRUTH AND DURING THAT PRESENTATION.

...DONATE, PLEASE CONTACT SLOBODA OR THE NEAREST ICDSM BRANCH, OR
...the instructions at:
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To join or help this struggle, visit:

<http://www.sloboda.org.yu/> (Sloboda/Freedom association)
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Slobodan Milosevic)

<http://www.free-slobo.de/> (German section of ICDSM)
<http://www.icdsm-us.org/> (US section of ICDSM)
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http://www.geocities.com/b_antinato/ (Balkan antiNATO center)

ICDSM - Sezione Italiana
c/o GAMADI, Via L. Da Vinci 27
00043 Ciampino (Roma)
email: icdsm-italia@libero.it

Conto Corrente Postale numero 86557006
intestato ad Adolfo Amoroso, ROMA
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Sagittarius

Van: "Andy Wilcoxson"
Aan: <sagitar@hetnet.nl>
Verzonden: vrijdag 27 februari 2004 21:08
Onderwerp: A Question
Nico,

Thank you for contacting Ivan. He told me that you called him. He is very excited to be working on this with you.

The work you are doing for the victims of the NATO aggression is God's work. The Serbian people are lucky to have you on their side.

I was also speaking with Jared Israel about our last conversation, specifically the part where I asked you about Mr. Verges, and a question arises. In the ICDSM's press release (<http://www.icdsm.org/more/haguepress1702.htm>) Jacques Verges is billed as "attorney, counsel of President Milosevic out of ICTY."

But in a letter you wrote (that I didn't know about when I spoke to you) you said that: "with regard to cooperation in the field of legal action, no communication with Ramsey Clarke and Verges. They only make statements, but do not react on appeals for co-operation."

"They claim both, periodically, in public statements to do legal work for Mr. Milosevic, but in fact they do nothing at all, else than, occasionally, usurp the work that I have done on his behalf, before the European Court of Human Rights."

What we are wondering is this: Has the position changed? Is Verges doing any legal work that you know of, or is this just another empty boast, another example of him stealing the credit for your hard work?

Best regards,
Andy

P.S. If there is ever anything that I can do to assist you just let me know.

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PRESS RELEASE

JANUARY 26, 2004

ARE THE YUGOSLAV VICTIMS OF WARFARE, REPRESENTED HERE, VICTIMS OF LEGAL WARFARE IF IT WILL NOT BE EVIDENCED THAT THE ACTS OF WARFARE, HERE INVOLVED, WERE WAR CRIMES? NO, THEY ARE NOT. IF THEY WERE VICTIMS OF A WAR OF AGGRESSION THEY WILL REMAIN NEVERTHELESS VICTIMS OF ILLEGAL WARFARE. TO OBFUSCATE THIS LEGAL PRINCIPLE IS EXACTLY THE REASON WHY THE STATE OF THE NETHERLANDS VEHEMENTLY TRIES TO PREVENT ANY LEGAL ASSESSMENT AS TO WHETHER A SPECIFIC WAR HAS TO BE CONSIDERED A WAR OF AGGRESSION OR NOT. THE EXAMINING JUDGE IS COLLABORATING WITH THE STATE IN ACHIEVING THIS GOAL.

THE CONTINUATION OF THE HEARINGS IS SUSPENDED NOW AS A RESULT OF CHALLENGING THE COMPETENCE OF THE JUDGE IN CHARGE. DOUBT HAS BEEN CASTED ON HIS IMPARTIALITY BECAUSE OF HIS CONSISTENT REFUSAL TO ALLOW THE COUNSEL OF THE YUGOSLAV VICTIMS TO ASK QUESTIONS TO THE WITNESSES CONCERNING THE LEGALITY OF THE BOMBARDMENTS, SUPPOSED THAT THESE WERE NOT WAR CRIMES, LIKE THE WITNESSES SAID, BUT NEVERTHELESS THESE ACTS MIGHT BE CONSIDERED AS ACTS OF AGGRESSION.

IN OTHER WORDS: THE EXAMINING JUDGE MR. P.A. KOPPEN CONSISTENTLY EXCLUDED AS A SUBJECT OF THIS HEARING THE EXAMINATION OF THE ISSUE WHETHER THE VICTIMS OF THESE BOMBARDMENTS MIGHT BE CONSIDERED AS VICTIMS OF AGGRESSION.

BY TAKING THIS POSITION THE EXAMINING JUDGE FULLY MEETS THE WISHES OF THE STATE OF THE NETHERLANDS, WHICH HAS ALWAYS STRESSED THAT THE JUDICIARY SHOULD REFRAIN FROM ANY ASSESSMENT WHETHER OR NOT ANY SPECIFIC WAR SHOULD BE A WAR OF AGGRESSION. THIS BOWING TO THE WILL OF THE STATE BY THE EXAMINING JUDGE ALSO HAPPENS IN CONTRAVENTION WITH THE COURT OF APPEAL'S VERDICT, STATING THAT THE FIELD OF THE ASSESSMENT SHOULD BE:

"ARE THERE VIOLATED NORMS OF INTERNATIONAL LAW, WITH RESPECT TO THE RTS-BOMBARDMENT AND THE CLUSTERBOMB BOMBARDMENTS ON NIS, FOR WHICH THE STATE OF THE NETHERLANDS SHOULD ACCEPT CO-RESPONSIBILITY?" NOT HAS BEEN STATED BY THE COURT OF APPEAL THAT THE EXAMINATIONS SHOULD BE RESTRICTED TO THE QUESTION WHETHER, AS FAR AS THESE BOMBARDMENTS

Kritiek op aanklager tribunaal

Door een onzer redacteuren
DEN HAAG, 28 FEBR. De manier waarop hoofdaanklager Carla Del Ponte van het Joegoslavië-tribunaal leiding geeft, stuit bij haar medewerkers op kritiek. Het is een van de redenen waarom haar plaatsvervanger, Graham Blewitt, opstapt.

Del Ponte leidt volgens medewerkers een geïsoleerd bestaan in het VN-hof, met slechts een paar Franssprekende adviseurs om zich heen. Naaste medewerkers die ze niet vertrouwt worden ontslagen.

Del Ponte wilde niet dat het contract van haar plaatsvervanger, de Australiër Graham Blewitt, zou worden verlengd. Blewitt en Del Ponte hebben al lange tijd nauwe-

lijks contact met elkaar. Hij verlaat het tribunaal in juni. Ook een andere prominente medewerker, de Amerikaan Michael Johnson die 'hoofd van de aanklachten' was, vertrekt. „We doen nu maar wat”, zegt een aanklager die niet met naam genoemd wil worden. „Er wordt geen leiding meer gegeven.”

Del Ponte heeft vaak ruzie met de aanklager die het Milošević-proces leidt, de Brit Geoffrey Nice. Het eerste deel van het proces werd deze week afgesloten. Volgens medewerkers van Del Ponte valt de zaak tegen Milošević langzaam uit elkaar.

In een e-mail aan de medewerkers van het tribunaal schreef Blewitt, die al tien jaar plaatsvervan-

gend hoofdaanklager is, over zijn vertrek: „Het feit dat ik met de huidige aanklager niet dezelfde relatie heb als ik had met de heer Goldstone en mevrouw Arbour (de voorgangers van Del Ponte, red.) heeft een rol gespeeld, maar geen doorslaggevende.”

Kort daarna zei Blewitt in een Bosnische krant dat in het westen de wil ontbreekt om de vroegere Bosnisch-Servische leider Radovan Karadžić te arresteren, een van de belangrijkste verdachten van het tribunaal. Del Ponte was woedend en zei een dag later in dezelfde krant dat Karadžić heel snel gepakt zou worden.



Sagittarius

Van: "R" <despot@tiscali.nl>
Aan: "Nico Varkevisser" <office@globalreflexion.org>; "Nico & Neeltje" <sagitar@hetnet.nl>;
 <hans.hupkes@planet.nl>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Jan Beentjes"
 <jbeentjes@mac.com>
Verzonden: zaterdag 28 februari 2004 22:22
Onderwerp: Fw: - Ljudska prava - Fw: ARTEL: The Madness of Carla Del Ponte !

— Original Message —

From: ARTEL
To: Undisclosed-Recipient;
Sent: Monday, February 23, 2004 11:15 AM
Subject: - Ljudska prava - Fw: ARTEL: The Madness of Carla Del Ponte !

Geopolitika by ARTEL

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 Date: Belgrade, 23. february 2004

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The Madness of Carla Del Ponte !

http://www.artel.co.yu/en/glas_dijaspore/2004-02-23.html

<http://www.antiwar.com/malic/>
ANTIWAR
 Thursday, February 19, 2004
Balkan Express
 by *Nebojsa Malic*

Out In the Open At Last

Louise Arbour had it easy. She followed NATO's instructions, made only as much fuss as she was told, and retired to the Canadian Supreme Court. It fell on Carla Del Ponte, her successor as the Head Inquisitor of the Hague kangaroo court, to actually put together and prosecute a case against Slobodan Milosevic and the entire Serbian political leadership. By the time Milosevic was seized and delivered to Imperial troops in chains, Del Ponte's nerves were already frayed. By the time the "trial" began, she was unstable.

As it went on, with increasingly disastrous results, she began to slip. And now as the prosecution's farcical proceedings come to an end, she boldly leaped right over the edge of sanity.

The Plunge

The defining moment came last Wednesday, when she claimed that Radovan Karadzic and Ratko Mladic, the wartime political and military leaders of Bosnian Serbs, were both living in Belgrade, and that Serbia was a "safe haven for fugitives."

Del Ponte has specialized in making unsubstantiated allegations, in the press as well as the courtroom, and the media have become used to it. But this was so shocking, only the dedicated ICTY supporters such as the London IWPR embraced it enthusiastically. Serbian politicians laughed at the accusation. One anonymous Reuters source termed it "science fiction," while Radical leader Tomislav Nikolic dismissed it with sarcasm: were Karadzic truly in Belgrade, he said, the "pro-American government... would

and him over (and) extradite him in the blink of an eye. How can it be when he's not hiding here? She might as well say he's in London."

In the persistent failure of NATO's occupation troops to find Slobodan Karadzic or Mladic, and the growing frustration with the ongoing spectacle that is the Milosevic trial, must have driven the Swiss Inquisitor past the brink of sanity. It doesn't help that she was slightly nutty to begin with in the perceptive description of Christopher Deliso, "a zealot whose statements often indicate she would like the entire population of Serbia in jail, just to be on the safe side."

[Caption: A devastated bridge in Serbia is mockingly called "Ponte di Carla" Carla's bridge), in a pun on the Head Inquisitor's name implying she is a NATO puppet; from the anti-ICTY demonstration in The Hague, 28 June 2003]

Don't Rock The Boat!

Del Ponte's histrionics got so far out of hand that the establishment felt the need to send her a message via the New York Times' European conduit. In the International Herald Tribune on Monday, historian and interventionist Misha Glenny complained that Del Ponte's "often unsubstantiated public claims" have a political impact adverse to the Tribunal.

Noting that the Chief Inquisitor offered "no evidence for her dramatic claim" that Karadzic was in Belgrade, he argues that "Del Ponte's actions reinforce another popular belief, that Serbia has been singled out for punitive treatment by the international community," which gives political capital to the Radicals (in addition to being true, Glenny's insinuations to the contrary notwithstanding).

After reiterating his support for the ICTY and Del Ponte, Glenny nonetheless advises the Inquisitor to revisit her style, because:

"everybody in the international community should be engaging in a positive and encouraging manner with Belgrade in order to ensure Serbia's continuing commitment to reform and democracy, and its long-term cooperation with institutions like the War Crimes Tribunal."

Obviously, Glenny believes (as do many others in the West) that the Empire's stranglehold on Serbia is in real danger and that Del Ponte's recent outburst might hurt it further. This explains a similar, though veiled, message sent this week in an editorial by Transitions Online (TOL), a media outlet established and funded by the Open Society Institute of George Soros. Many sources have claimed that Soros is one of the major contributors to the Tribunal's perennially needy coffers, which could mean that TOL was chosen as a conduit to tell Del Ponte to calm down.

A Travesty of Pretense

But the damage may already be beyond repair. As it happens, this week marked the end of the Prosecution's case against Slobodan Milosevic. Del Ponte predictably claimed victory, telling AFP: "We have succeeded in showing the responsibility of Milosevic." After two years of continual embarrassments and bitter defeats, the statement has all the ring of wishful thinking, though the press took it at face value. In fact, Del Ponte and her fellow Inquisitors have done nothing of the sort.

Writing in The Guardian last Thursday, commentator Neil Clark argued that "things have gone horribly wrong for Ms. Del Ponte":

"not only has the prosecution signally failed to prove Milosevic's personal responsibility for atrocities committed on the ground, the nature and extent of the atrocities themselves has also been called into question."

us, he says, that the Prosecution has been "working towards making charges and then trying to find evidence." He does not mention specific details, but there are plenty. In the last two months of the process, the Prosecution's witnesses were seemingly random men and women, dragged into the courtroom to offer baseless allegations and fourth-hand hearsay, though one would expect a strong case to save its most damaging witnesses for the very end.

Witness Disasters

The Inquisitors' choice of witnesses has always been poor, from the hapless Mahmut Bakalli at the very beginning, through the conman Ratomir Tanic and pompous show-off Wesley Clark, to French general Philippe Morillon, whose attempts at incriminating Milosevic got too tangled in truth.

Morillon, revered by the Bosnian Muslims for saving their troops in Srebrenica from defeat in 1993, ended up enraging them by his testimony last week. While trying to make it seem as if Milosevic could have prevented the alleged events of 1995, Morillon let it slip that the Serbs were out for blood because of Muslim massacres of Serb civilians. The enraged Muslims announced they would sue the French general as accessory to genocide.

This tragic farce aside, the twisted logic of Morillon and the Prosecutors would have someone who stopped a potential massacre in 1993 before sanctions and threats had caused a bitter split between Milosevic and the Bosnian Serbs therefore held responsible for the alleged massacre two years later, when he emphatically lacked influence in Bosnia. And as Hague arguments go, that's fairly typical.

Even Biljana Plavsic, whose infamous "confession" in December 2002 smeared the Serb people as a whole (which it was supposed to do) and earned her a life term in a Swedish prison, seems to have finally seen the ICTY's true colors. It was said that she was transferred back to Holland last weekend, in preparation to testify against Milosevic but the report was denied after she made public her refusal.

Some day, there will be a book with all the outrageous witness moments from the Milosevic trial. A lengthy one, given that there are 290 prosecution witnesses alone. It will make for fascinating reading sordid, but fascinating.

An Endeavor in Ruins

Declaring the trial a "travesty," Clark explains that the ICTY is a "blatantly political body set up and funded by the very [NATO] powers that waged an illegal war against Milosevic's Yugoslavia," and as such, cannot possibly render an impartial verdict: "political necessity dictates that [Milosevic] will be found guilty, if not of all the charges, then enough for him to be incarcerated for life."

That actually explains the Inquisitors' dreadful performance, which they try to cover up with bluster: the verdict has already been reached, the sentence determined Del Ponte and the "judges" are simply going through the motions, giving lip service to the legal process which, like the truth, has nothing to do with their work.

It was known from Day One that the Milosevic proceedings would be a show trial. For all its ostensible purpose to find out the truth and punish the individual perpetrators of atrocities, thus enabling reconciliation, the ICTY has set out to conjure a grand conspiracy headed by Milosevic that would provide a single explanation for Yugoslavia's breakup and the Succession Wars, and the justification for all Imperial interventions: no less than a wholesale falsification of history. As Deliso puts it, "reality has to be force-fit into a costume it can't quite wear. The point here is to stage a kind of morality play, an instructive fable to reinforce the

discourse of political responsibility."

Milosevic hired a lawyer and played by the Inquisition's rules, but the plan would have been well along by now. But for once he did the unexpected, and over the past two years he has made mincemeat out of the Prosecutors' case by himself.

It is beyond embarrassing for Del Ponte and her supporters that despite their millions of dollars in funding, hundreds of zealous lawyers and investigators, cases of intelligence files, hundreds of witnesses willing to make things up as they go, the ability to make up procedures on the fly and that the three-judge panel is firmly on their side, they have suffered a defeat after defeat at the hands of an elderly man with a heart condition, imprisoned, cut off from his family and friends, under constant surveillance and lacking any money or power.

On October 6, 2000, Slobodan Milosevic was a political washout with a questionable legacy, accused of war crimes. Three years later, thanks to the Hague Inquisition, he can justifiably claim to be a champion of truth.

No wonder Carla Del Ponte went insane.

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Kritiek op aanklager tribunaal

Door een onzer redacteuren

DEN HAAG, 28 FEBR. De manier waarop hoofdaanklager Carla Del Ponte van het Joegoslavië-tribunaal leiding geeft, stuit bij haar medewerkers op kritiek. Het is een van de redenen waarom haar plaatsvervanger, Graham Blewitt, opstapt.

Del Ponte leidt volgens medewerkers een geïsoleerd bestaan in het VN-hof, met slechts een paar Franssprekende adviseurs om zich heen. Naaste medewerkers die ze niet vertrouwt worden ontslagen.

Del Ponte wilde niet dat het contract van haar plaatsvervanger, de Australiër Graham Blewitt, zou worden verlengd. Blewitt en Del Ponte hebben al lange tijd nauwe-

lijks contact met elkaar. Hij verlaat het tribunaal in juni. Ook een andere prominente medewerker, de Amerikaan Michael Johnson die 'hoofd van de aanklachten' was, vertrekt. „We doen nu maar wat”, zegt een aanklager die niet met naam genoemd wil worden. „Er wordt geen leiding meer gegeven.”

Del Ponte heeft vaak ruzie met de aanklager die het Milošević-proces leidt, de Brit Geoffrey Nice. Het eerste deel van het proces werd deze week afgesloten. Volgens medewerkers van Del Ponte valt de zaak tegen Milošević langzaam uit elkaar.

In een e-mail aan de medewerkers van het tribunaal schreef Blewitt, die al tien jaar plaatsvervan-

gend hoofdaanklager is, over zijn vertrek: „Het feit dat ik met de huidige aanklager niet dezelfde relatie heb als ik had met de heer Goldstone en mevrouw Arbour (de voorgangers van Del Ponte, red.) heeft een rol gespeeld, maar geen doorslaggevende.”

Kort daarna zei Blewitt in een Bosnische krant dat in het westen de wil ontbreekt om de vroegere Bosnisch-Servische leider Radovan Karadžić te arresteren, een van de belangrijkste verdachten van het tribunaal. Del Ponte was woedend en zei een dag later in dezelfde krant dat Karadžić heel snel gepakt zou worden.

• ZAAK-MILOŠEVIĆ: pagina 4

Zaak tegen Milošević 'valt uit elkaar'

Het proces-Milošević rammelt. Aanklagers maken onderling ruzie. Bij het tribunaal gelooft bijna niemand meer dat Milošević wordt veroordeeld wegens genocide.

Door onze redacteuren
CEES BANNING en
PETRA DE KONING

DEN HAAG, 28 FEBR. Carla del Ponte, hoofdaanklager van het Joegoslavië-tribunaal, deed twee jaar geleden geen moeite om haar triomfantelijke gevoel te onderdrukken. Het was op de eerste dag van het proces tegen ex-president Slobodan Milošević. Die zat in de beklagdenbank tegenover haar, maar hij keek haar niet aan. Carla del Ponte glimlachte vaak, ze zag er tevreden uit. „Met dit proces”, zei ze in haar openingstoespraak, „wordt geschiedenis geschreven.”

Het eerste deel van het proces, waarin de aanklagers hun bewijsmateriaal presenteerden, is deze week afgesloten. Van het triomfantelijke gevoel is weinig overgebleven. De rechtszaak tegen Milošević, zeggen medewerkers van Del Ponte, „valt langzaam uit elkaar”. Ze hebben het dan niet over de slechte gezondheid van Milošević, waardoor het proces vaak moest worden onderbroken, en ook niet over de ziekte van rechter Richard May – hij moet worden vervangen.

Ze hebben het vooral over zichzelf, over hun optreden in de rechtszaal, over het bewijs, en over de manier waarop het proces wordt gevoerd. Want het gaat niet goed. Bij het tribunaal gelooft bijna niemand dat Milošević zal worden veroordeeld voor genocide in Bosnië en Kroatië, het zwaarste onderdeel van de aanklacht tegen hem. En hoe zal 'de geschiedenis' oordelen als de aanklagers hun bewijs op dat punt niet rond hebben gekregen?

Carla del Ponte, zeggen andere aanklagers nu, had die genocide eruit moeten laten. Er zijn er die zeggen dat zij haar nog zo hadden gewaarschuwd: we hebben het bewijs niet. Del Ponte zou hebben gezegd: dan vinden we het nog wel. Maar er zijn ook aanklagers die toegeven dat niemand haar heeft gewaarschuwd, en dat Del Ponte nu de schuld krijgt voor een mogelijke mislukking van het proces omdat er nog maar weinig aanklagers zijn die graag bij haar in de buurt zijn.

Del Ponte leidt een geïsoleerd bestaan in het tribunaal. Ze heeft een paar adviseurs om zich heen die allemaal Frans spreken, net als zijzelf, en met wie ze iedere dag vergadert. Verder praat ze met bijna niemand. „We doen nu maar wat”, zegt een van de aanklagers. „Er wordt geen leiding meer gegeven.” Carla del Ponte heeft een van haar naaste medewerkers, de Amerikaan Michael Johnson, 'hoofd van de aanklachten', ontslagen omdat ze hem niet vertrouwt. In

juni vertrekt ook haar plaatsvervanger, de Australiër Graham Blewitt, die vanaf de oprichting (in 1994) voor het tribunaal werkte. Ze wilde niet dat zijn contract werd verlengd. Blewitt en Del Ponte hadden al heel lang nauwelijks contact met elkaar, ook al liggen hun werkkamers naast elkaar en delen ze een secretariaat. In een e-mail aan de medewerkers van het tribunaal schreef Blewitt over zijn vertrek: „Het feit dat ik met de huidige aanklager niet dezelfde relatie heb als ik had met de heer Goldstone

Del Ponte leidt een geïsoleerd bestaan bij het tribunaal

ne en mevrouw Arbour (de voorgangers van Del Ponte, red.) heeft een rol gespeeld, maar geen doorslaggevende.”

Kort na die aankondiging zei Blewitt in een Bosnische krant dat in het Westen de wil ontbreekt om de vroegere Bosnisch-Servische leider Radovan Karadžić te arresteren, een van de belangrijkste verdachten van het tribunaal. Del Ponte was woedend. Een dag later zei ze in dezelfde krant dat Karadžić heel snel gepakt zou worden.

Del Ponte had de afgelopen maanden ook zo vaak ruzie met de aanklager die het Milošević-proces

leidt, de Brit Geoffrey Nice, dat bijna iedereen dacht dat hij de volgende zou zijn die werd ontslagen. Nice zelf suggereerde onlangs tijdens een bijeenkomst met zijn team dat hij ermee op zou houden. Hij zei: „Deze zaak is groter dan een persoon.” Iemand anders, bedoelde hij, zou er ook wel mee kunnen doorgaan. Maar volgens medewerkers van het tribunaal blijft Nice voorlopig toch in Den Haag.

Nice, speciaal benoemd voor dit proces, kwam in juni 2001, eerder dan de onderzoekers van het tribunaal hadden gedacht. Ze waren nog lang niet klaar. De manier waarop ze hun bewijs sindsdien presenterden, maakte vaak een rommelige indruk en de rechters reageerden daar geïrriteerd op.

In het begin was het vooral Milošević die indruk maakte. Hij was scherp, hij had zich goed voorbereid op de kruisverhooren. Maar na een paar maanden begon hij voorspelbaar te worden, hij gebruikte de rechtszaal als politiek podium, gedroeg zich soms agressief tegen getuigen, tegen de rechter – „Don't even think to switch me off, Mr. May” –, en wist geen raad met belastende verklaringen. Hij raakte uitgeput, hij werd ziek.

De aanklagers in zijn zaak maakten vanaf het begin weinig indruk. Er waren onderlinge conflicten, ze informeerden elkaar slecht waardoor ze in de rechtszaal soms geen antwoord hadden op vragen van de rechters. Het meest recente voorbeeld van de manier waarop de aanklagers te werk gingen, deed

zich deze maand voor. Ex-president Biljana Plavšić van de Servische Republiek in Bosnië zou tegen Milošević komen getuigen. Dat stond in de 'deal' die er was gemaakt tussen haar advocaten en de aanklagers. Plavšić had schuld bekend, ze kreeg een lage straf en zou in ruil in de rechtszaal getuigen. Maar Plavšić had, toen ze die lage straf eenmaal binnen had, geen zin meer om te getuigen, en ze vindt ook niet, zegt ze nu, dat ze echt schuldig is. Carla del Ponte besloot begin deze maand na een gesprek met haar dat Plavšić toch maar niet zou moeten optreden in de rechtszaal. De aanklagers zouden niets aan haar hebben.

Er is de laatste tijd steeds meer kritiek van juristen. Tijdens de rechtszaak, zeggen ze, worden de spelregels veranderd. Zo kwam in de aanklacht tegen Milošević het begrip 'joint criminal enterprise' niet voor. Nu concentreert het vervolgingsbeleid van Del Ponte zich daarop, omdat het concept geschikt lijkt om misdrijven die door anderen zijn gepleegd toe te rekenen aan het brein achter die misdrijven (lees: Milošević). Het proces duurt ook erg lang. Als Milošević een advocaat zou hebben benoemd, zou die daarover zeker al een procedure zijn begonnen. Volgens het Europees Verdrag van de Rechten van de Mens heeft een verdachte „het recht binnen een redelijke termijn berecht te worden”. Nu wordt een vonnis op z'n vroegst in 2006 verwacht.

Sagittarius

Van: "R" <despot@tiscali.nl>
 Aan: "Nico & Neeltje" <sagitar@hetnet.nl>; "Jan Beentjes"
 Verzonden: zaterdag 28 februari 2004 1:55
 Onderwerp: Fw: By charging Slobodan Milosevic

— Original Message —

From: R
 To: R Despotovic
 Sent: Saturday, February 28, 2004 1:50 AM
 Subject: By charging Slobodan Milosevic

<http://news.bbc.co.uk/2/hi/europe/3512951.stm>

By charging Slobodan Milosevic with genocide, the prosecutors at his trial set the bar as high as they could in international law.

Under the 1948 UN Genocide Convention, there are two constituent elements to establish.

One, the physical killing of members of a racial, national or ethnic group.

The second, an intention to destroy, in whole or in part, such a group.

Now that the prosecution has completed its case after 295 court days, the judges in The Hague will have to determine firstly whether Yugoslav and Bosnian Serb forces set out to destroy Muslims and Croats "as such" - or whether the deaths were an unpremeditated result of their aim to establish Serb control over territory they coveted.

And then, of course, there is the question of how far Mr Milosevic has been shown to have exercised de facto authority over the Bosnian Serbs from his base in Belgrade.

Legal sources in The Hague suggest that the prosecution would be feeling more optimistic about its chances if it had been given longer to make its case.

Chief prosecutor Carla del Ponte and her team are also said to be displeased and nervous about a "no case to answer" plea on the genocide charge which it seems the judges will hear.

Baggage

There are few observers who have written or commented on the Milosevic trial without trailing some baggage behind them.

The international lawyer, Geoffrey Robertson QC, believes the trial has been scrupulously fair to the defendant.

But then, Mr Robertson is president of the Special Court for Sierra Leone and a fervent advocate of UN-established war crimes tribunals.

Balkan affairs specialist Neil Clark has described the prosecution case as "flagging".

But he has long argued that the tribunal is a blatantly political body, a creature of Nato.

What is uncontentious is the assessment that the prosecution has not



Milosevic has now three months to prepare his case

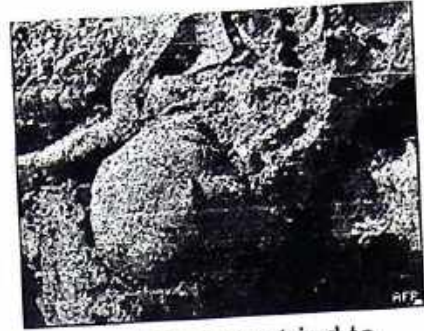
“ The prosecution has not delivered the spectacular knockout punch which it trailed before the trial began by promising insider evidence of Milosevic's culpability ”

”

delivered the spectacular knockout punch which it promised before the trial began by promising insider evidence of Mr Milosevic's culpability.

No former aide of Mr Milosevic has provided a "smoking gun", not even Rade Markovic, the former head of the Serbian security service, on whom many prosecution hopes rested.

On the other hand, there has been a powerful accumulation of detail, both in relation to Kosovo and events in Croatia and Bosnia, which have linked Mr Milosevic to crimes against humanity.



Prosecutors have tried to prove a Srebrenica link

Milosevic's turn

It is also fascinating to note that Milosevic has not played what many thought would be his "nuclear option", refusing, in practice, to acknowledge the authority of the court.

This is probably because when it came to it, he could not resist the opportunity to show that he was a better advocate than his opponents.

Now, he has three months in which to prepare his own case.

In six weeks' time, he must present the court with a list of witnesses he wishes to call. Some may well be disallowed on grounds of relevance.

Assuming his health holds up under the strain of representing himself, and many days have been lost because of his physical ailments, he will open his defence in mid-May.

He will be entitled to as much time as the prosecution - so it is likely to be at least another two years before the judges are required to consider their verdict.

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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: zaterdag 28 februari 2004 18:28
Onderwerp: CDSM:Fw: Press Release: Judge May Resigns Hague Tribunal

Sent: Saturday, February 28, 2004 1:39 PM
 Subject: Press Release: Judge May Resigns Hague Tribunal Position

- > PRESS RELEASE - OPEN STATEMENT - 24.2.2004
- >
- > JUDGE MAY RESIGNS HAGUE TRIBUNAL POSITION
- >
- > From the International Committee for the Defence of Slobodan Milosevic (Irish Section)
- > Contact: June Kelly - Mobile - 086 1963 134 -Tel/Fax: + 044 45787 - email: cdsmireland@eircom.net
- > <http://www.icdsmireland.org>
- >
- > The proceedings of the Hague Tribunal's trial of former Yugoslav President Slobodan Milosevic has effectively collapsed with the retirement, ostensibly on health grounds, of trial "judge" Richard May, according to the International Committee for the Defence of Slobodan Milosevic - Irish Section (ICDSM-Ire).
- > The ICDSM-Ire is the Irish branch of a world wide campaign group which is working to ensure Mr. Milosevic gets a fair trial and which believes the Hague Tribunal is a biased mechanism of the United States and its NATO allies who five years ago dropped 25,000 tons of bombs on Yugoslavia and were involved in the plot to remove democratically elected President Milosevic from power.
- > "Judge May has retired, apparently on 'health grounds', and conveniently does so after the end of over two years of biased testimony against Mr. Milosevic. We would invite any independent medical practitioner to examine the health of both Judge Richard May and President Slobodan Milosevic. We are absolutely convinced that any doctor would find that Mr. Milosevic's life was in more danger than Judge May's."
- > "If Judge May can retire on health ground, then surely the trial against President Milosevic should be abandoned given the serious state of his own health".
- >
- > Life and Death under Judge May and the Head Inquisitor Carla Del Ponte
- >
- > Persecution of Prisoners of War in The Hague
- > Prepared by International Committee to Defend Slobodan Milosevic (Irish Section)October 2003
- >
- > * Seven innocent Serbian prisoners of war have died whilst in detention in The Hague Court prison in
- > The Netherlands.
- > * Health care for prisoners is virtually non existent.
- > * President Milosevic suffers from malignant hypertension and his heart is damaged. He is in
- > permanent risk of a heart attack or a brain-stroke.

- visits to prisoners by family and friends and legal advisors are made extremely difficult or totally
- > blocked by prison authorities. Visitors to President Milosevic, to include visits by his family, friends,
 - > and legal assistants have always been monitored by prison authorities. Monitors take notes during
 - > visits by President Milosevic's legal assistants - The notes are handed to the Prosecution.
 - > * In August, the Hague Tribunal authorities imposed a blanket ban on visits to President Milosevic
 - > by his family, to include his wife, friends, supporters and the media. As the Legal Committee for the
 - > ICDSM has stated in their letter to the Hague Tribunal on 26th August 2003: "The blanket prohibition
 - > of personal visits is also a flagrant violation of Article 10 of the European Convention For The
 - > Protection of Human Rights and Fundamental Freedoms, of Rule 92 of the UN Standard Minimum
 - > Rules For the Treatment of Prisoners, Principle 15 of the UN Principles of Detention and the
 - > Tribunal Rules of Detention themselves".
 - > * The light is kept on 24 hours per day in President Milosevic's cell. He is permitted either a 20 minute
 - > evening break or an evening meal on return to prison from the "court".
 - > * The Prosecution has this year increased documentation to President Milosevic on
 - > top of the already existing 500,000 pages, not to mention the 5,000 video and audio tapes he must study in
 - > preparation for his "trial".
 - > * President Milosevic often has no idea who is to be "witness" on any one day until "court"
 - > proceedings begin. Many "witnesses" give "evidence" from behind a panel and are identified by
 - > "court" staff only by a number.
 - > * The Prosecution has so far presented 230 "witnesses" testifying against President Milosevic.
 - > Not one "witness" so far has proved their case against President Milosevic.
 - > THE ICDSM (IRISH SECTION) STATES:
 - > "Clearly the purpose of these actions is to undermine President Milosevic's capacity to defend himself in the face of trumped up charges in this contemporary version of the Inquisition. Common decency demands that President Milosevic be granted proper medical care and attention and adequate time to prepare his brief in order to defend himself in the face of overt hostility and bias against him evidenced by The Hague tribunal. Common humanity decrees that President Milosevic be released immediately to take his place again with his family. Given the stress inflicted on President Milosevic be released immediately to take his place again with his family. Given the stress inflicted on the President we believe that he should be released on humanitarian grounds for at least two years to
 - > regain his health and prepare his defense. This as the most immediate priority".
 - > Update - By February 19th 2004, 290 prosecution witnesses had testified at The Hague Tribunal.
 - > (Ends Press Statement by ICDSM(Irish Section) 24.2.2004)

-
- >
 - > SLOBODA | FREEDOM
 - > udruzenje | association
 - > Member of the World Peace Council
 - > YUGOSLAV COMMITTEE FOR THE LIBERATION OF
 - > SLOBODAN MILOSEVIC
 - > Belgrade, Rajiceva 16, tel./fax +381 11 630 549
 - > Belgrade, 09 February 2004
 - > TO THE ORGANIZATION OF THE UNITED NATIONS - TO ALL ITS ORGANS, AGENCIES AND BODIES;
 - > TO THE GOVERNMENTS AND PARLIAMENTS
 - > OF ALL UN MEMBER STATES;
 - > TO ORGANIZATIONS FOR HUMAN RIGHTS, LAW AND PEACE;
 - > TO POLITICAL PARTIES, MEDIA AND GENERAL PUBLIC
 - > Freedom Association from Belgrade, acting as National Committee for the Liberation of President Slobodan Milosevic has honour to submit to your attention the document entitled "MEASURES TAKEN ONLY AGAINST SLOBODAN MILOSEVIC IN THE SCHEVENINGEN PRISON AND AT THE HAGUE TRIBUNAL, IN CONTRAVENTION OF THEIR OWN RULES, GUARANTEES AND RIGHTS" written by our organization and by the family of President Milosevic.
 - > For the sake of peace, human rights, legality and justice, in the name of the International Law and democracy in the international relations, respecting the UN Charter, the Universal Declaration of Human Rights and other international instruments protecting human rights and principles of judiciary and for the pure humanitarian reasons, we expect your immediate reaction to the facts described in the document.
 - > We call upon the UN Security Council to act now against the severe violations of human rights performed by its subsidiary organ, ICTY. We will welcome all reactions aiming to accelerate such a move of the Security Council.
 - > Please inform us about your reactions. Our contacts: phone: +381 63 88 62 301; fax: +381 11 630 549 and e-mail: slobodavk@yubc.net are 24 hours available also for obtaining additional information.
 - > With due respect, on behalf of the Freedom Association Managing www.wpc-in.org www.sloboda.org.yu www.icdsm.org
 - >
 - > MEASURES TAKEN ONLY AGAINST SLOBODAN MILOSEVIC IN THE SCHEVENINGEN PRISON AND AT THE HAGUE TRIBUNAL, IN CONTRAVENTION OF THEIR OWN RULES, GUARANTEES AND RIGHTS
 - > Obstructing and avoiding visits of physicians.
 - > Banning the physicians from publishing their findings on his health condition and on the causes of its deterioration.
 - > Preventing the family from visiting in the duration allowed to all other detainees (between 7 and 15 days a month) and reducing it to 3 days a month.
 - > Refusing almost all visits of the world public figures, acquaintances, friends, politicians etc.
 - > Censoring and restricting visits from Yugoslavia - of friends, Party colleagues, SLOBODA National Committee members engaged in defending Slobodan Milosevic in Yugoslavia.
 - > Preventing the members of ten different national committees for the

- ...ence of Slobodan Milosevic that have been established in the world, as well as the members and the leadership of the International Committee for his defence from contacting and visiting
- > Preventing the family from being alone with him, which is not otherwise a practice when other detainees are concerned.
 - > Banning the family from visiting at the time of the Serbian elections.
 - > Banning all telephone communications before, during and after the Serbian elections, except with the family.
 - > Obstructing contacts and the work with lawyers.
 - > Listening in to conversations with the lawyer.
 - > Deliberately keeping him for many hours within the court building with the explanation that "the transportation was being late".
 - > Unannounced alterations in the sequence of witnesses.
 - > Closing the proceedings for the public during the examination of witnesses who might compromise NATO and the Tribunal.
 - > For nearly two years the trial is being held day in and day out. Such a practice has never been recorded in the history of the judiciary since it came into existence. Only as of a month ago the trial was being held for three days a week, after the physicians had emphasized that he cannot withstand it, but he is hardly withstanding even that effort, because his health has been severely damaged in prison.
 - > On account of the whole-day sojourn at the court, he has no time at all to rest during the trial days, nor to go out and have some fresh air and walk (exercise), nor to have regular meals.
 - > He has no conditions for work and trial preparations either. His cell has been swamped with trial materials, often received in the evening, on the eve of a trial day. This excludes the possibility of a timely and proper preparation for the trial. At the same time, such practice is in contravention of the Tribunal's rules.
 - > He has been often given materials in English, although according to their own rules each detainee has to be given materials required for his defence in his mother tongue.
 - > The trial materials are of such volume that he would need another 50 years to make a full use of it.
 - > Preventing the Defence from preparing, as compared to the preparation of the Prosecution. The preparation of the Prosecution lasted at least 4 years, he was allotted 3 months to prepare! In addition to this, the Prosecution was being prepared by several hundreds of people, and him alone is to prepare the Defence.
 - > by several hundreds of people, and him alone is to prepare the Defence.
 - > Moreover, he has been brought to The Hague by force, illegally and in contravention of the Constitution of the Federal Republic of Yugoslavia. The materials had been handed over to him, requiring by its volume a multi-year labour of a large expert team, as was the case with the Prosecution, prepared for at least 4 years with the logistic, financial, organizational and personnel support of the governments of NATO member states. The Prosecution's case has been prolonged several times, and he was allotted three months to prepare his defence alone, in prison, without personal and telephone contacts and with no time nor conditions for medical treatment. A large number of witnesses were employees of the Prosecution, which is in contravention of their own rules. Even larger number of witnesses was bribed or blackmailed people. Without adjudication, the Tribunal reached a decision to prevent his Party from contacting him at the time of the elections, which is a direct interference of an institution otherwise illegitimate with the politics and the internal affairs

sovereign state and in this case with its citizens' will. Visits and contacts assessed as unsuitable by the Tribunal are banned with no explanation, again in contravention of their own rules. Slobodan Milosevic has been brought to The Hague with poor health condition, and in the Scheveningen prison it has been ignored, inadequately treated and drastically deteriorated under the inhuman treatment (for several months, cameras and spotlights had been constantly on in his cell) and by the lack of medical treatment during his stay there. Nothing has been done to improve his health condition, quite the contrary. The Tribunal banned all the physicians, the Yugoslav as well as the Dutch ones, from publishing their reports on his condition. Only after the physicians' warning that his life has been directly threatened the workload at the Tribunal itself was reduced. For what reason such savage and inhuman measures were taken consciously and deliberately under the auspices and in the name of the United Nations?

> For what reason his defence has been prevented so obviously and brutally? Why ONLY he has the right to visits for just three days a month when all other detainees at The Hague have 15 days each month? Why the Tribunal officials have to be present ONLY at his visits? Has the United Nations given the mandate to the Tribunal and entitled it to interfere also with the internal Yugoslav politics and even with the election? If The Hague Tribunal is a UN institution, is this organization aware of the treatment given in its name to a human being, a sick man, a former head of state? As a founder of The Hague Tribunal, the Organization of the United Nations is directly responsible for the operations, operating procedures and methods applied by its institution. Therefore, it bears responsibility also for any wrong done and harm caused by its institution to any one man and people in general. The Organization of the United Nation is obliged to provide public answers to these questions.

> The UN Commission for Human Rights in Geneva has not done much for the protection of human rights over the past years, but while "protecting" this heritage it has caused a lot of misfortune throughout the world. We demand for this institution to speak out now in relation to the illegal, inhuman treatment of Slobodan Milosevic in their own institution. How is justice being defended by the United Nations with publishing every word presented by the Prosecution and its collaborators and at the same time hiding and censoring everything coming from the Defence? Complete testimonies of the witnesses for the Prosecution have been published, blackmailed and corrupt as a rule and mainly untruthful individuals, and the public has been denied the expounding of Slobodan Milosevic, a brilliant defence admired by anyone who heard it. On this occasion we are not raising a question of the rationale and legitimacy of The Hague Tribunal, because it has no legitimacy, its rationale is nowadays already c

> lear to everybody and it will go into history as black as it is, together with all its protagonists. We demand for the UN and the UN Commission for Human Rights, as well as all international organizations for the protection of human rights to react to a crime that was being perpetrated against Slobodan Milosevic in its most brutal form, unknown to modern civilization.

> In Belgrade, 09 February 2004

> SLOBODA/Freedom Association - National Committee for the Liberation
> of President Slobodan Milosevic
> and

> the family of President Milosevic

>

> (Ends Statement by the Sloboda/Freedom Association and family of President

sevic)

>
 > **THREE MONTHS TO PREPARE THE DEFENCE IN THE "TRIAL OF THE CENTURY": AN ATTEMPT TO SILENCE THE TRUTH**

>
 > Statement of the Quebec-Canada section of International Committee to Defend Slobodan Milosevic (Quebec-Canada Section), drafted by ICDSM lawyer and candidate for President Milosevic's legal associate Ms. Tiphaine Dickson.

>
 > URL for this article is <http://www.icdsm.org/more/canada2909.htm>

>
 > **ICJ EXTENDS GAGGING ORDER ON MILOSEVIC**

>
 > <http://www.jang.com.pk/thenews/feb2004-daily/21-02-2004/main/update.shtml#22>

>
 > Jang (Pakistan)
 > February 21, 2004

>
 > **THE HAGUE:** The International Criminal Tribunal for the former Yugoslavia (ICTY) on extended a gagging order on Slobodan Milosevic, the former Yugoslav president and accused war criminal who has been newly elected to parliament in Serbia, a foreign news agency reported on Saturday.

>
 > The court also extended the gagging order on a fellow war crimes defendant, the ultra-nationalist politician Vojislav Seselj, who along with Milosevic was elected to the Serbian parliament on December 28, 2003.

>
 > In both cases, the order was extended for a month, barring the men from unauthorized outside communications from the jail in the Netherlands where they are being held. The two were forbidden to contact the media or their political supporters. The court first imposed the order December 12 to prevent them campaigning for the election, in which Milosevic headed the list of the Socialist Party of Serbia and Seselj ran on the ticket of the Serbian Radical Party.

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 >

>
 > "Milosevic Has the Truth on His Side"
 > **FORMER U.S. ATTORNEY GENERAL RAMSEY CLARK** in an interview with Cathrin Schutz in Junge Welt, June 18, 2003 - "Milosevic has the truth on his side".
 > Cathrin Schutz: "Mr Clark, when former Yugoslav President Slobodan Milosevic was being extradited to The Hague in June 2000, you rushed to Belgrade to try to stop this from happening. As a political activist, what were your arguments for supporting Mr Milosevic?"

Ramsey Clark: "First you have to go back 10 years, long before his illegal tradition to the International Criminal Tribunal for the Former Yugoslavia in The Hague.

> Yugoslavia was a country that the United States and the great powers of Europe intended to destroy, Mr Milosevic was its president and led its heroic defence." For full interview "Ramsay Clark: Milosevic Has The Truth On His Side" visit <http://www.icdsmireland.org> or http://www.jungewelt.de/beilage/index.php?b_id=12

>
>

> "Ramsey Clark Letter to the UN, February 12th 2004"
> Re: The Trial of Slobodan Milosevic, Former President of the Federal Republic of Yugoslavia before the International Criminal Tribunal for the Former Yugoslavia in The Hague. <http://www.icdsmireland.org/milosevic.html>

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Europe - AP

Experts Predict Acquittal of Milosevic



Sat Feb 28, 1:49 PM ET

By ANTHONY DEUTSCH, Associated Press Writer

THE HAGUE, Netherlands - When U.N. prosecutors opened their case against Slobodan Milosevic ([news - web sites](#)) two years ago, they set out to get him convicted of genocide. The consensus today is, they failed.



AP Photo

Legal experts say prosecutors at the U.N. war crimes tribunal have assembled solid evidence on lesser charges against the former Yugoslav president. But acquittal on the genocide charge — the crime of all crimes, experts say — would have far-reaching implications.

Many Serbs would cheer it as vindicating their view that Serbia stands wrongly accused. Others likely will see it as a distortion of Europe's darkest chapter since World War II. And it may provide important lessons for those planning a trial for Saddam Hussein ([news - web sites](#)).

On Wednesday, after calling 296 witnesses, prosecutors abruptly rested their case earlier than planned, seeking to avoid further delays caused by Milosevic's illness, which has interrupted the trial nearly 20 times and cost it 65 days.

The trial, troubled from the start, suffered a further setback with the unexpected announcement Feb. 22 that presiding British judge Richard May, 65, is ill and will resign.

Whoever succeeds him will have to catch up on about 60,000 pages of documentary evidence and courtroom transcripts.

Milosevic's defense will open June 8. With or without a conviction in the 1995 genocide of Bosnian Muslims, he faces possible life imprisonment.

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Milosevic, 62, has high blood pressure and has suffered repeated bouts of exhaustion from the strain of conducting his own defense and preparing cross-examinations.

"His health has deteriorated since the beginning of the trial and it is much worse than he would like to admit," one of his legal associates, Zdenko Tomanovic, told The Associated Press.

"The defense case is very important, not only for Milosevic, but for entire Serbia because of the potentially large psychological, historical, economical and legal consequences."

Milosevic faces 66 counts including war crimes, genocide and complicity in genocide in the 1992-1995 Bosnian war. The most serious relate to the July 1995 killing of at least 7,500 Muslims in the eastern Bosnian enclave of Srebrenica.

"The prosecution was underwhelming," said Michael Scharf, international law professor and author of books on Balkan war crimes.

"But bit by bit, piece by piece, they proved their case, at least for many of the charges. It will at least be enough to put him in jail for the rest of his life," Scharf said in a telephone interview from Cleveland.

"The genocide was the key charge. If Milosevic was acquitted of genocide it would send a misleading signal about the nonexistence of genocide. I believe it did occur."

From the outset, prosecutors faced challenges in proving Milosevic guilty, not least because as president of Serbia he had no formal ties to murderous Bosnian Serb forces.

The prosecutors fought Serbian officials endlessly to call insiders to testify and obtain important documents, and were frequently rebuffed.

Trial-watchers believe the prosecutors built an impregnable case that Milosevic was involved in war crimes in Croatia, Bosnia and Kosovo during the wars of the 1990s that tore apart the Yugoslav federation.

But they failed to show an intent to commit genocide, experts said.

Judith Armatta of the Washington-based Coalition for International Justice, who closely follows Milosevic's trial, said a genocide conviction seemed unlikely, but "we might get complicity in genocide."

To convict a suspect of genocide, there must be proof of a plan to wipe out "in whole or in part" an ethnic or religious group.

The court already has ruled in another case, against Gen. Radislav Krstic, that what happened in Srebrenica was genocide. Krstic was sentenced to 46 years in prison. He is appealing the conviction.

But prosecutors have found no smoking gun linking Milosevic to the Srebrenica massacres. The closest evidence was an order, not issued by Milosevic, to deploy Serbian troops in the area.

Yet Serbian political insiders, in their testimony, described Milosevic as a leader who wielded unrivaled influence over the Serbian army, police


and special forces responsible for a campaign of murder and persecution to create a larger, united Serb state.

"They were damning. They showed Milosevic was there dictating what happened. They showed he had direct-control lines of authority through the Serbian police and security service and the army," Armatta said.

Balkan peace envoys testified that Milosevic knew Bosnian Serb President Radovan Karadzic and his top general, Ratko Mladic, intended to slaughter Srebrenica's Muslims and did not stop them. Both men top the tribunal's list of most-wanted fugitives.

If the judges accept the view of Milosevic as omnipotent, it could produce a conviction for complicity in genocide, Armatta said.

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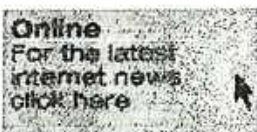
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The Milosevic trial is a travesty

Political necessity dictates that the former Yugoslavian leader will be found guilty - even if the evidence doesn't

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Neil Clark

Thursday February 12, 2004

[The Guardian](#)

It is two years today that the trial of Slobodan Milosevic opened at The Hague. The chief prosecutor, Carla Del Ponte, was triumphant as she announced the 66 counts of war crimes and crimes against humanity and genocide that the former Yugoslavian president was charged with. CNN was among those who called it "the most important trial since Nuremburg" as the prosecution outlined the "crimes of medieval savagery" allegedly committed by the "butcher of Belgrade".

But since those heady days, things have gone horribly wrong for Ms Del Ponte. The charges relating to the war in Kosovo were expected to be the strongest part of her case. But not only has the prosecution signally failed to prove Milosevic's personal responsibility for atrocities committed on the ground, the nature and extent of the atrocities themselves has also been called into question.

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Numerous prosecution witnesses have been exposed as liars - such as Bilal Avdiu, who claimed to have seen "around half a dozen mutilated bodies" at Racak, scene of the disputed killings that triggered the US-led Kosovo war. Forensic evidence later confirmed that none of the bodies had been mutilated. Insiders who we were told would finally spill the beans on Milosevic turned out to be nothing of the kind. Rade Markovic, the former head of the Yugoslavian secret service, ended up testifying in favour of his old boss, saying that he been subjected to a year and a half of "pressure and torture" to sign a statement prepared by the court. Ratomir Tanic, another "insider", was shown to have been in the pay of British intelligence.

When it came to the indictments involving the wars in Bosnia and Croatia, the prosecution fared little better. In the case of the worst massacre with which Milosevic has been accused of complicity - of between 2,000 and 4,000 men and boys in Srebrenica in 1995 - Del Ponte's team have produced nothing to challenge the verdict of the five-year inquiry commissioned by the Dutch government - that there was "no proof that orders

for the slaughter came from Serb political leaders in Belgrade".

To bolster the prosecution's flagging case, a succession of high-profile political witnesses has been wheeled into court. The most recent, the US presidential hopeful and former Nato commander Wesley Clark, was allowed, in violation of the principle of an open trial, to give testimony in private, with Washington able to apply for removal of any parts of his evidence from the public record they deemed to be against US interests.

For any impartial observer, it is difficult to escape the conclusion that Del Ponte has been working backwards - making charges and then trying to find evidence. Remarkably, in the light of such breaches of due process, only one western human rights organisation, the British Helsinki Group, has voiced concerns. Richard Dicker, the trial's observer for Human Rights Watch, announced himself "impressed" by the prosecution's case. Cynics might say that as George Soros, Human Rights Watch's benefactor, finances the tribunal, Dicker might not be expected to say anything else.

Judith Armatta, an American lawyer and observer for the Coalition for International Justice (another Soros-funded NGO) goes further, gloating that "when the sentence comes and he disappears into that cell, no one is going to hear from him again. He will have ceased to exist". So much then for those quaint old notions that the aim of a trial is to determine guilt. For Armatta, Dicker and their backers, it seems that Milosevic is already guilty as charged.

Terrible crimes were committed in the Balkans during the 90s and it is right that those responsible are held accountable in a court of law. But the Hague tribunal, a blatantly political body set up and funded by the very Nato powers that waged an illegal war against Milosevic's Yugoslavia four years ago - and that has refused to consider the prima facie evidence that western leaders were guilty of war crimes in that conflict - is clearly not the vehicle to do so.

Far from being a dispenser of impartial justice, as many progressives still believe, the tribunal has demonstrated its bias in favour of the economic and military interests of the planet's most powerful nations. Milosevic is in the dock for getting in the way of those interests and, regardless of what has gone on in court, political necessity dictates that he will be found guilty, if not of all the charges, then enough for him to be incarcerated for life. The affront to justice at The Hague over the past two years provides a sobering lesson for all those who pin so much hope on the newly established international criminal court.

The US has already ensured that it will not be subject to that court's jurisdiction. Members of the UN security council will have the power to impede or suspend its investigations. The goal of an international justice system in which the law would be applied equally to all is a fine one. But in a world in which some states are clearly more equal than others, its realisation looks further away than ever.

• Neil Clark is a writer specialising in east European and Balkan affairs

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No smoking gun for 'Balkan butcher'

The prosecution has ended its case against Slobodan Milosevic, but is unlikely to prove genocide

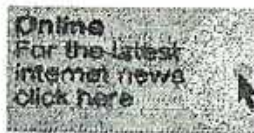
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Ian Traynor in The Hague
Saturday February 28, 2004
[The Guardian](#)

The last prime minister of the former Yugoslavia was stunned to see his long-lost diaries being pored over by the war crimes suspect sitting opposite him in the dock.



Slobodan Milosevic relished the moment. He might be isolated and in disgrace as the first sitting European head of state to be tried for war crimes before an international court. But the former president of Serbia and then Yugoslavia gleefully displayed his power over Ante Markovic, the ageing liberal reformer he destroyed 13 years ago.



The two again came face to face a few weeks ago at the war crimes tribunal in The Hague.



In a poignant scene, Mr Markovic was reduced to pleading the defendant for the return of his personal papers. "I would ask you kindly, if I could have a copy of those documents which belong to me. Maybe I will need them when I decide to write my memoirs," he pleaded.

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Mr Milosevic taunted him, affecting a show of magnanimity. "I absolutely don't mind that Mr Markovic should receive a copy, because it will certainly be useful to him when he writes his memoirs," he told the judges. "But ... since these are originals, I would like copies returned to me."

Mr Milosevic's wife and son are in hiding in Russia, and he spends his days in a Dutch prison cell by the North Sea. But the scene in Courtroom Number One exemplified his sheer chutzpah. It also showed how he still has channels to information and documents back home, despite his apparent solitude.

If Mr Milosevic humiliated Mr Markovic, his talent for cruelty has frequently been on display in the court. The former foreign minister of Montenegro Nikola Samardzic has had both legs amputated. When he testified against Mr Milosevic, the

defendant rounded on the witness: "You know, there's an old saying in Serbian: lies have short legs."

Such quips have his supporters back home applauding their hero, cheering Mr Milosevic's defiance of the world in the biggest "show trial" of modern times. But is such conduct serving the defendant well before a bench of respected international jurists, who are unlikely to be impressed by such showmanship?

"I've seen him go in for a lot of character assassination and some foul-mouthing," said a tribunal insider regularly critical of the prosecution. "But I haven't seen Milosevic addressing the charges against him."

Case IT-02-54, the marathon trial of Mr Milosevic on 66 counts of genocide, complicity in genocide, war crimes, and crimes against humanity reached the halfway point this week when the prosecution, frustrated by repeated delays due to the accused's ill-health, rested its case a few days early, forfeiting its final four witnesses.

More than two years after the former Yugoslav president entered the dock, denouncing an international conspiracy against the Serbs and refusing to acknowledge the tribunal's legitimacy, while contradictorily opting to conduct his own defence, the pundits are pondering whether the prosecution has nailed him.

Diplomats and journalists following the wars of the 1990s have long viewed Mr Milosevic as the prime villain. The volume of analysis devoted to the "butcher of the Balkans" runs to millions of words.

But does all this opinion and knowledge translate into a watertight case for a criminal conviction in an international court?

"We've nailed him," said one prosecution official confidently.

"I have no problem getting a conviction," said Carla Del Ponte, the driven Swiss magistrate who is the chief prosecutor in The Hague.

"It's not an easy case, but we have shown that Milosevic was the mastermind of everything," said Florence Hartmann, Ms Del Ponte's spokeswoman.

Political strategy

While Mr Milosevic's strategy has been political, using the courtroom as a pulpit, Geoffrey Nice, the formidable British barrister who leads the prosecution team, has used the past two years to build a minutely detailed picture of 10 years of Milosevic rule and alleged crimes.

"It's about the vagaries of political decision-taking," Mr Nice said, "the usual things that politicians do and where to draw the demarcation line separating normal political behaviour from criminal activity."

The case entails three indictments rolled into one for masterminding alleged crimes in Kosovo, and earlier in the wars in Croatia and Bosnia.

He is charged with being the leader and linchpin of a "joint criminal enterprise" involving top Serbian political, security, and military officials in Croatia, Bosnia, and Serbia. The aim was a Greater Serbia, or maximising Mr Milosevic's and Serbian territorial and political control in a collapsed Yugoslavia. The means were criminal - terror, mass murder, deportation, ethnic cleansing and, in the case of Bosnia's Muslims, genocide.

The conspiracy entailed four wars, all lost by Mr Milosevic, 300,000 lives and made 3 million people homeless.

To try to prove their case, the prosecutors have called almost 300 witnesses, from Albanian farmers to US presidential candidates, from anonymous insiders fearful for their safety to serving presidents, former prime ministers and international dignitaries.

More than 200 telephone intercepts have been heard, damningly revealing Mr Milosevic plotting military action in Bosnia and Croatia. The judges have yet to rule whether the taps are acceptable.

The evidence also includes tens of thousands of pages of documents and written testimony. In short, the prosecution case represents the most detailed record ever of the Milosevic years in power.

The Kosovo case is the most straightforward because, as president of Serbia in 1998-99, he had direct authority over the military and police forces in a province that was formally part of Serbia. But his complicity in war crimes in Croatia and Bosnia also looks compelling.

Mirko Klarin, a Yugoslav analyst who has followed every trial since the tribunal's inception more than 10 years ago, breaks the case into four elements:

- The crime base, following on from the guilty verdicts in dozens of lesser trials, cannot be disputed;
- The testimony of prominent international figures, including General Wesley Clark and Lord Owen, has established that Mr Milosevic was the indispensable authority during the wars, that when they needed something to happen there was no point in talking to anyone else;
- The telephone intercepts and testimony of régime insiders or his former allies have also persuasively established his links with, and authority over, key Serb war leaders in Croatia and Bosnia;
- Political and military testimony has confirmed the existence of the Greater Serbia project and the criminal means through which it was to be effected.

"It has been established beyond reasonable doubt that he was

the puppet master," Mr Klarin said.

Potential debacle

But if Ms Del Ponte's team has presented a formidable case, after what insiders admit was "an appalling start", a potential debacle awaits her, none the less.

Of the 29 charges related to Bosnia, counts one and two accuse Mr Milosevic of genocide or complicity in genocide, the gravest crime and the hardest to prove.

Ms Del Ponte is already conceding that she has not proved genocide.

"One problem is the most important: it is the count of genocide," she said. "We know it was genocide in Srebrenica [where the Serbs murdered more than 7,000 Bosnian Muslim men and boys in July 1995]. But some of our evidence and documents we could not present in court."

A genocide verdict requires proof of "specific intent" in pre-planning the murder or removal of an ethnic or religious group. The consensus is that this has not been proved in the case of Mr Milosevic, although there are many who believe that the lesser charge of complicity in genocide has been demonstrated.

Only one case in The Hague has returned a verdict of genocide: that of the Bosnian Serb general Radislav Krstic, for his role at Srebrenica. That verdict is under appeal.

There is ample evidence indicating that Mr Milosevic knew about Srebrenica in advance and failed to prevent the slaughter. That could bring a finding of complicity, but for that, the genocide verdict in Krstic's case must be upheld.

While she may not be able to prove genocide, Ms Del Ponte argues that she would have performed a grave disservice to the victims of Srebrenica and elsewhere had she not indicted Mr Milosevic for genocide. "People are always expecting smoking guns," her spokeswoman complained. "But proving genocide is not easy. Hitler didn't write down in black and white on paper that he wants to exterminate the Jews of Europe."

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Speech delivered by Professor Velko Valkanov, Founder and Co-Chairman of ICDSM, Chairman of the Bulgarian Commission for Human Rights, honorary Chairmen of the Bulgarian Antifascist Alliance, former member of Parliament and Presidential Candidate, at the ICDSM Press Conference at The Hague on February 17, 2004

Ladies and Gentlemen,

The so-called tribunal for the former Yugoslavia sits for almost three years in the Milosevic process. That tribunal is illegal. Illegal not just because it was created by a body that lacks power to establish judicial bodies. It is illegal also because its own work is illegal. The whole work of the tribunal proceeds under constant violation of generally acknowledged rules for criminal trials.

Most of all it is violating the principle of equality of both parties in a criminal trial. The prosecution-power with its huge apparatus-got more than two years to collect and present evidence. The accused Milosevic got three months for the same task.. And one cannot forget that he is defending himself in person.

The tribunal uses every occasion to confine the rights of the accused Milosevic. The tribunal used the elections in Serbia as occasion to restrict Milosevic's rights to communicate with the outside world. That is very base. Those measures are aimed to make Mr. Milosevic feel isolated and forgotten, aimed to weaken his defense psychological. By that, the tribunal turned into a direct participant in the Serbian elections und proved that it is more concerned about the outcome of the elections than about the legal development of the criminal trial against Milosevic. In criminal trials the search for the truth is paramount. All other circumstances cannot be relevant. Legally, they are absolutely irrelevant. The decision of the tribunal to abandon all communications of Mr. Milosevic serves as evidence of the thesis that the tribunal is not led by the inner-rules of criminal procedures but dominated by external circumstances that are totally extraneous to the criminal process. We have all reason to claim that the tribunal is not a court but an instrument of dark political forces, a instrument of political revenge.

We can also state that the tribunal constantly violates the presumption of innocence of the accused. It considers Mr. Milosevic as sentenced. It may be worth to think about the fact that last year, an amicus of the tribunal, Mr. Michail Wladimiroff, stated publicly that Mr. Milosevic will be found guilty in any case.

The tribunal acts irresponsible in the matter of Mr. Milosevic's health. It ignores all signals showing that the health of the accused is extremely weak. One can ask whether Mr. Milosevic will survive the trial. One can also ask whether that might be the aim of the tribunal.

The process against Mr. Milosevic is going on for more than two years. That extensive time was not enough for the big apparatus of Carla del Ponte to prove the guilt of Mr. Milosevic. That is really strange. Please, listen to what I say: The Nurenberg tribunal was able to prove the guilt of 24 Nazis in less than one year. But the Hague tribunal cannot prove the guilt of just one person in its third year. The presentation of the prosecution's evidence has gone well beyond any reasonable period of time and yet the evidence is no more compelling today than it was on the first day of the trial. What does it mean, the obvious impotence of the prosecution-power? It can only mean one thing: that they do not obtain real evidence of the guilt of Mr. Milosevic. Can there be evidence for a guilt, if the guilt itself does not exist?

So we come to the conclusion that that there is an innocent person in the Hague detention. That is not only a crime against justice but also a sin against human kind. It is a duty to fight for this persons freedom. It is a duty of conscience. We have no other choice.

ARE CONCERNED, ARE COMMITTED "WAR CRIMES", BUT CLEARLY WHETHER THERE ARE COMMITTED "VIOLATIONS OF NORMS OF INTERNATIONAL LAW", WHICH IS, OF COURSE, MUCH BROADER.

THE PROHIBITION OF THE CRIME OF AGGRESSION IS DOUBTLESS "A NORM OF INTERNATIONAL LAW" IN THE SENSE OF THE COURT OF APPEAL'S DEFINITION.

AND CONSEQUENTLY SHOULD BE SUBJECT OF ASSESSMENT IN THESE HEARINGS.

BY PROHIBITING THAT, A MAJOR PART OF THE FIELD OF ASSESSMENT HAS, ACCORDING TO THE WISHES OF THE STATE OF THE NETHERLANDS, BEEN ABORTED BY THE EXAMINING JUDGE.

THE PERMANENT COMMISSION WITH RESPECT TO WESTERN WAR CRIMES
(PC)

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THE PERMANENT COMMISSION WITH RESPECT TO WESTERN WAR CRIMES
(PC)

Thank you for your attention.

**THE DECISIVE BATTLE FOR TRUTH
NEEDS YOUR HELP NOW!**

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: maandag 1 maart 2004 20:29
Onderwerp: CDSM:Fw: ICDSM-US Update for 28 Feb

----- Original Message -----

Sent: Saturday, February 28, 2004 12:28 AM
 Subject: ICDSM-US Update for 28 Feb 2004

> Dear ICDSM-US Colleagues and Friends,

>

> The ICDSM-US website has been updated by the webmaster
 > and now has some 35 days of Hague Tribunal testimony, cross-
 > examination, etc., with another 5 or 6 days worth to be added
 > next week. Everything is searchable.

>

> The "Milosevic Speaks" section has been updated and soon
 > should have all of his important speeches/statements in English from 1987
 > through 1997. (We will work on completing 1998-2000 a little later.)
 > Some other updates have been added, but please provide some
 > feedback on what could or should be added, changed, etc.
 > Many thanks to Greg Elich and George Szamuely for their work
 > on the website, and especially Jean Neftin for the excellent website.

>

> The website is: www.icdsm-us.org <<http://www.icdsm-us.org>>

>

> As some of you already know I applied to meet with President Milosevic
 > when I visited the Hague in January. Due to the ban on visits and
 > communication imposed on President Milosevic, the joint requests of
 > the President and myself for the visit were denied. Following that
 > I discussed with the defense team (attorneys assisting Milosevic)
 > the idea of submitting a motion to protest the banning of all visits
 > and communications. This motion was in fact written by Attorney
 > Tiphaine Dickson of the defense team and submitted by me with some
 > minor alterations to the ICTY registry on Thursday. Our motivation
 > of course is to end this violation of President Milosevic's rights and the
 > violation of the sovereignty of the Serbian people as well, as well as
 > to contest the illegal and illegitimate use of this tribunal as a
 > political

> tool.

>

> Yesterday, Friday, I received confirmation from the ICTY registry that
 > the motion has been filed by the court and is to be decided upon next
 > week.

> We shall see.

>

> The ICTY must be brought down by every means necessary and the
 > illegal imprisonment of President Milosevic ended. I do believe more
 > motions

- > challenging the court need to be made, especially at this juncture when
- > the prosecution's case against Milosevic has fallen apart, the chief
- > judge has resigned and even Del Ponte is conceding failure.
- >
- > Please feel free to comment, agree, disagree, or not comment.
- >
- > Otherwise, I hope to see you on Sunday at 4 PM at 39 W. 14th St
- > 2nd floor for our discussion on the trial and showing of portions of the
- > Dutch documentary: The Case Milosevic.
- >
- > Best regards,
- > Barry Lituchy
- >

----- End of Forwarded Message

Deze e-mail is door E-mail Virus Scan van Het Net gecontroleerd op virussen. Zie voor meer informatie: <http://www.hetnet.nl/evs/>

Sagittarius

Van: "Andy Wilcoxson"
Aan: <sagitar@hetnet.nl>
Verzonden: maandag 1 maart 2004 22:20
Onderwerp: Dubrovnik
Nico,

The man who visited Dubrovnik and has the video tapes to prove that the old city was not destroyed is:

Name:
John Petar Maher

Address:
4960 N. Marine Dr.
Chicago, Illinois 60640
United States of America

Phone Number:
1 (773) 728-0125

E-mail:
jpmaher@neiu.edu

Please forward this information to President Milosevic's legal associates at the tribunal.

Best regards,
Andy Wilcoxson

Deze e-mail is door E-mail Virus Scan van Het Net gecontroleerd op virussen. Zie voor meer informatie: <http://www.hetnet.nl/evs/>

'Ik loop niet weg voor het Tribunaal. Ik zal ze vernietigen'

VAN DE REDACTIE

Toen twee jaar geleden, op 12 februari 2002, de aanklagers van het Joegoslavië Tribunaal hun zaak tegen de Joegoslavische president Slobodan Milosevic begonnen, lieten zij er geen twijfel over bestaan dat hun zaak een gelopen race was. Milosevic zou hangen, met als zwaarste misdaad het begaan van genocide. Men zou voldoende bewijzen hebben om Milosevic te veroordelen.

De aanklagers hebben twee jaar de tijd gekregen en hebben 296 getuigen laten opdraven. Het resultaat: de aanklacht stort als een kaartenhuis in elkaar.

De 'vrienden van het Hof' - een drietal waarnemers die moeten waken over 'de eerlijkheid' van het proces - hebben moeten verklaren dat er geen enkel bewijs is voor de beschuldiging van genocide. Tegelijkertijd nam de Engelse 'rechter' Mae, die het proces leidde, de benen. De stugge zelfverzekerdheid van zowel functionarissen van het Tribunaal als de verschillende Tribunaal-watchers en de media dat Milosevic toch wel levenslang zal krijgen, kan niet verhullen dat het proces in grote problemen is gekomen.

Showproces

Men hoeft geen jurist te zijn om te kunnen vaststellen dat dit zogenaamde proces in feite een schijnvertoning is en een verkrachting van elementaire principes van onpartijdige rechtspraak. Aanklager Del Ponte en opperrechter Mae hebben in nauwe samenwerking een machinerie geleid die moest leiden tot het breken van Milosevic om hem voor de publieke opinie overtuigend te kunnen veroordelen. Het moest vooral een showproces worden, om Milosevic als schuldige te brandmerken.

Alleen de show verbleekte snel. Al bij het eerste optreden van de aanklagers werd duidelijk dat zij bitter weinig in handen hadden. Onder de aanwezige internationale pers was van menig journalist te horen hoe zwak het optreden van de aanklagers was in vergelijking met Milosevic. Onder het motto 'The show must NOT go on' werden snel de knoppen voor televisieopnamen omgedraaid.

Op zichzelf volstrekt begrijpelijk. Jarenlang is Slobodan Milosevic beschuldigd van de meest gruwelijke misdaden. Zonder het minste gevoel voor waarheid en objectiviteit, en niet gehinderd

door welk weerwoord dan ook, werd Milosevic door politici en de media systematisch als een monster afgeschilderd. 'De slager van de Balkan' en de Serviërs als 'nieuwe fascist' zijn schuldig, moeten worden aangepakt en boeten. Zo werd onder de publieke opinie een klimaat gecreëerd voor steun aan een 'humanitaire missie', het 78 dagen lang platbombarderen van Joegoslavië.

Uit de stelligheid waarmee Milosevic al vanaf het begin van de jaren negentig als hoofdschuldige van de oorlogen in het voormalig Joegoslavië werd aangewezen en in 1999 officieel door het Tribunaal werd aangeklaagd, zou je mogen concluderen dat er keiharde bewijzen waren. Maar nee, bij de opening van het proces hadden de aanklagers nog niet eens de volledige aanklacht rond.

Voor de 'rechters' was dit geen probleem, evenals het feit dat de uitlevering van Milosevic in feite een kidnapping was, in strijd met de Joegoslavische grondwet. Waar 'rechters' en aanklagers het verder ook snel over eens waren, was dat de NAVO niet ter discussie kon worden gesteld en dat de misdaden van het bondgenootschap niet ter tafel mochten worden gebracht.

Regie

Het voeren van een proces dat door het grote publiek gevolgd kan worden en van succes verzekerd is, zonder overtuigende bewijzen, is een hachelijke zaak en vereist een strakke regie. Wat media en public relations betreft heeft het Tribunaal twee belangrijke troeven. Met CNN en Georges Soros als financiers moet je veel kunnen bereiken.

Maar er blijven onzekere factoren. Wat doet Milosevic? Jarenlang via de media zonder weerwoord iemand beschuldigen, is wanneer je die media controleert geen probleem. Maar in een proces kan men hem moeilijk laten zwijgen, wanneer je althans de schijn van rechtspraak wilt ophouden. Hoe kan Milosevic zoveel mogelijk het zwijgen worden opgelegd en zijn deelname aan de show

beperkt worden tot passief lijdend voorwerp?

De aanklagers hebben dit trachten te bereiken door te eisen dat Milosevic zich liet vertegenwoordigen door een advocaat, desnoods opgelegd door het Tribunaal. Deze kwestie is één van de belangrijkste strijdpunten geweest, voordat het proces een aanvang nam. Milosevic werd van alle kanten onder zeer grote druk gezet om een advocaat aan te wijzen en werd het voorwerp van ongeken- de manipulaties. Pas toen Milosevic eind novem- ber 2001 in een verklaring in het Tribunaal duidel- ik maakte dat hij geen advocaat zou aanwijzen, werd het duidelijk dat de aanklagers met een com- plicatie te maken kregen die zij wellicht niet voor- zien hadden, in elk geval zeker niet wensten.

Dat Milosevic dit gevecht heeft gewonnen, is van fundamentele betekenis geweest voor de ver- dere ontwikkeling van het proces. Het niet benoe- men van een advocaat, heeft het hem mogelijk ge- maakt directe invloed uit te oefenen op het proces.

Nogal wat juristen hebben zijn verdedigings- strategie bekritiseerd en verklaard dat hij geen schijn van kans zou maken. Daarbij redeneerden zij alsof we hier met een echte rechtbank te maken hebben. Het Tribunaal is echter geen rechtbank waar recht gesproken wordt, maar een politiek in- strument waar de machtigste landen van de wereld hun 'recht' spreken.

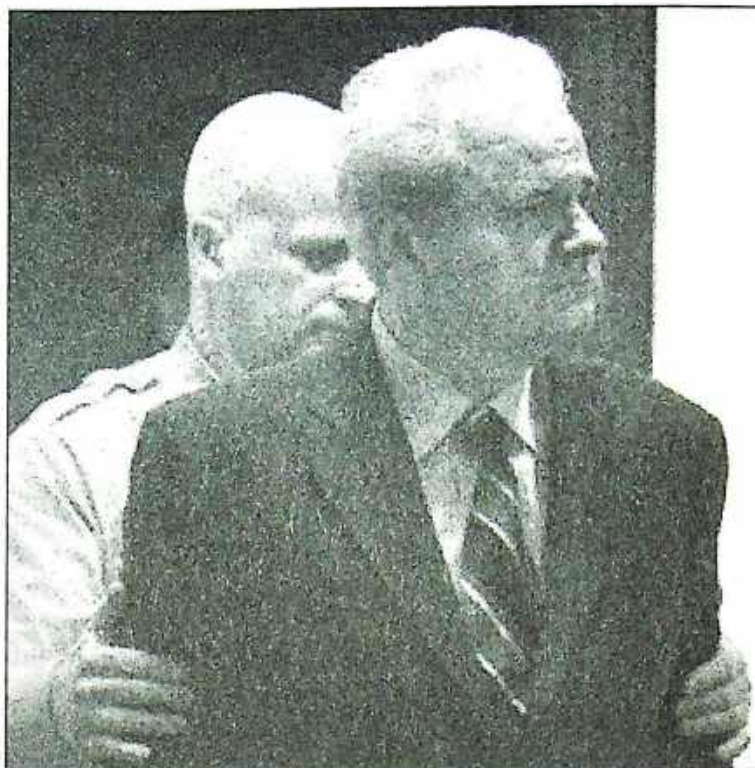
Milosevic heeft dan ook vanaf het begin dit proces benaderd als een politiek proces. Procedu- rele kwesties deed hij af met 'that is your pro- blem'. De aanklagers omschreef hij steevast als 'de andere kant' en Mae moest het doen met aange- sproken te worden als Mr. Mae.

Ondanks het feit dat zijn interventies vrijwel voortdurend door Mae werden afgekappt, slaagde hij er diverse malen in 'rechters' en aanklagers in grote verlegenheid te brengen.

Door zelf zijn verdediging te voeren en dus zelf het woord te voeren tijdens het proces heeft Milosevic zichzelf niet monddood laten maken. Dat hij daarin behoorlijk succesvol optrad, maak- te dat al heel snel de televisie-uitzendingen werden gestaakt. Milosevic mocht niet gehoord worden.

Afmatting

Mae en Del Ponte stuurde het proces in de richting van een doelbewuste afmatting. De aan- klagers konden maar liefst bijna driehonderd ge- tuigen oproepen en zelfs toen kon men nog niet met afdoende bewijzen komen. Verschillende ju- risten hebben hun kritiek hierover niet onder stoe- len of banken gestoken. Hun redenatie is dat wan-



neer de aanklagers er zo van overtuigd waren dat zij bewijzen hadden voor hun beschuldigingen, dan hadden de rechters het aantal getuigen drastisch moeten beperken.

Wanneer we met een eerlijk en onpartijdig pro- ces te maken hebben, zou een dergelijk staaltje van samenwerking tussen aanklagers en rechters on- denkbaar zijn. Geen rechtbank zou er genoegen mee nemen dat de aanklagers honderden getuigen konden dagvaarden zonder met harde bewijzen te komen. Omdat het doel van het Tribunaal echter is Milosevic te veroordelen en men wist dat er geen bewijzen voor een veroordeling waren, koos men voor de strategie om zoveel mogelijk getui- gen te laten opdraven, omdat er dan wel altijd iets uitrolt om als kapstok voor een veroordeling te dienen. Dat is nu de teneur in de media en de ver- dedigers van het Tribunaal.

De Nederlandse advocaat Wladimirov, die als troostprijs voor het niet aangesteld worden als ad- vocaat van Milosevic tot lid van de 'vrienden van het Hof' werd benoemd, heeft dit in de media openlijk toegegeven. Het maakt niet uit of alle be- schuldigingen bewezen kunnen worden, er blijft altijd wel iets over om hem te hangen. Wladimirov had dit niet mogen zeggen en moest vanwege zijn loslippigheid het veld ruimen. Arrogante demon- stratie van macht heeft nu eenmaal zijn grenzen, het moet voor het oog van de publieke opinie wel geloofwaardig blijven.

Getuigen

Wanneer we kijken met wat voor getuigen de aanklagers op de proppen kwamen en hoe de verhalen verliepen, dan wordt het beeld nog onthutsender. Sommige getuigen, zoals de 'insider' Ratomir Tanic, bleken op de loonlijst van de Britse geheime dienst te staan. Een groot aantal bleken notoire leugenaars of bedriegers, in sommige gevallen zelfs te erg voor de 'rechters' en werden gediskwalificeerd. Maar niet allemaal.

Zo kon Bilal Avdiu getuigen dat hij een half dozijn verminkte lichamen bij Racak, dat als aanleiding voor de luchtoorlog werd aangegrepen, had gezien. Uit forensisch onderzoek bleek echter dat er geen enkel verminkt lijk was.

Een Kosovaarse Albanees kwam getuigen over een moordaanslag op hem door Servische politie. Hij zou door een zwaar machinegeweer op drie meter afstand zijn beschoten en overhandigde de 'rechters' als bewijsstuk zijn shirt met kogelgaten. Op de vraag van Milosevic hoe het kwam dat hij niet gewond was geraakt - een salvo van een machinegeweer op drie meter afstand laat meestal niet veel heel van de persoon - antwoordde hij: 'Allah heeft me beschermd. Hij heeft zich over mij gebogen.' Het shirt werd als bewijsstuk geaccepteerd.

Daar was de Engelse specialist inzake de Servische media, die geen Servisch-Kroatisch kon lezen en op geen enkele vraag van Milosevic antwoord kon geven. Mr. Nice, de aanklager, zichtbaar in verlegenheid gebracht, probeerde na afloop van het kruisverhoor van Milosevic zijn getuige te red- den. Hij stelde een opmerkelijke vraag en kreeg een even opmerkelijk antwoord. 'Als u geweten had wat u nu niet weet, zou dit dan in het voordeel of het nadeel van de aangeklaagde zijn?' Het antwoord luidde 'in het nadeel'.

Deze getuige verklaarde wel dat de Joegoslavische media de oorlogsgebeurtenissen zeer eenzijdig verslagden hebben. Zo zouden zij de dood van tienduizend mensen in een Bosnische stad als gevolg van Servische aanvallen verzwegen hebben. Na deze getuige beklom de doodgraver van de plaats de getuigenbank en verklaarde op de vraag van Milosevic hoeveel mensen hij in totaal - zowel moslims als Serviërs - na de gevechten had begraven, 'vijftig'. Toen Milosevic 'rechter' Mae wees op de bewering van tienduizend doden van de Engelse specialist, verklaarde Mae dat dit de vorige getuige was en daarom nu niet ter zake doende was.

Hoe duidelijk het Tribunaal met verschillende maten meet en een instrument is van de NAVO,

blijkt uit de wijze waarop de getuigenis van voormalig NAVO-opperbevelhebber Wesley Clark werd afgenomen. Clark werd het niet alleen toegestaan achter gesloten deuren te getuigen, zoals overigens regelmatig ook met andere getuigen gebeurde, de Amerikaanse regering kreeg ook nog eens het recht om in het getuigenverslag onwettelijke onderdelen te schrappen. Een waarlijk hoogstandje van onpartijdige rechtspraak.

Hozeer de aanklagers ook gepoogd hebben met zogenaamde 'betrouwbare' getuigen te komen, tijdens het proces kon niet verhuuld worden hoe schandalig zij te werk zijn gegaan. Omkoping, chantage, tot het regelrecht martelen moesten de bewijzen opleveren. Daarbij kon het Tribunaal rekenen op volledige medewerking van de na de coup van oktober 2000 aan de macht gekomen DOS-regering in Belgrado. Het voormalige hoofd van de Joegoslavische geheime dienst, Rade Markovic, verklaarde dat hij anderhalf jaar in de gevangenis in Belgrado onder zware druk is gezet en gemarteld is om een verklaring te ondertekenen die door het Tribunaal was opgesteld. Markovic werd geld, een nieuwe identiteit en een huis in een ander land geboden, maar hij was niet bezweken en getuigde ten gunste van Milosevic. Na zijn terugkeer in Joegoslavië heeft hij een jarenlange gevangenisstraf gekregen uit wraak voor zijn gebrek aan medewerking.

Behandeling

Zou de gang van zaken in 'de rechtbank' al voldoende moeten zijn om het Tribunaal onmiddellijk op te heffen, wanneer we zien hoe Milosevic persoonlijk behandeld wordt, dan wordt de criminele aard van deze verdedigers van gerechtigheid en mensenrechten pas echt duidelijk. Werkelijk alles is toegepast om de man te breken, te kwellen en zijn verdediging onmogelijk te maken. Het begon al zodra hij in Den Haag aankwam, door zijn cel 24 uur per dag te verlichten, waardoor zijn ritme ernstig verstoord raakte.

Milosevic is een hartpatiënt, maar hij kreeg het eerste jaar geen andere behandeling dan een aspirientje per dag. Pas heel laat kregen zijn Joegoslavische artsen toestemming om hem te onderzoeken. Zowel de Joegoslavische artsen als de Nederlandse artsen van het Tribunaal is het niet toegestaan informatie te geven aan de media. Na de 'aspirine'-behandeling kreeg hij een behandeling met medicamenten die hem duizelig maakte, slapeloosheid veroorzaakten en tot concentratieverlies leidden. Het NRC heeft hierover in het na-

jaar van 2002 al bericht. Pas in het voorjaar van 2003 werd zijn behandeling aangepast.

Ook zijn recht op bezoek en contacten met de buitenwereld zijn voortdurend gebruikt om Milosevic te breken. In het begin waren er de moeilijkheden van de Nederlandse ambassade bij het verstrekken van visa voor familieleden en advocaten. De macht van het Tribunaal ging zo ver dat het visabeleid van het Nederlandse ministerie van Buitenlandse Zaken ondergeschikt aan het Tribunaal was gemaakt.

De aanklagers kregen alle ruimte om in de media hun aantijgingen te doen, Milosevic en zij die hem bezochten was het ten strengste verboden mededelingen aan de media te doen. Op zijn vrouw is een ware heksenjacht geopend en zij werd op valse beschuldigingen op de lijst van Interpol geplaatst, waardoor bezoek onmogelijk werd. Leden van zijn partij, de SPS, werd toegang ontzegd omdat zij in de media uitspraken hadden gedaan die het Tribunaal niet bevielen. Tenslotte werd hem een totaal communicatieverbod opgelegd, behalve met z'n advocaten, omdat hij kandidaat stond bij de laatste parlementsverkiezingen in Servië.

Tegenover de machinerie van het Tribunaal, met zo'n tweeduizend functionarissen en een miljoenenbudget, moet Milosevic het doen met een publieke telefoon. Het aantal pagina's dat door hem moet worden gelezen loopt tegen een miljoen, met nog eens tweeduizend videobanden en duizend dvd's om te bekijken. Dit materiaal wordt door het Tribunaal in een dermate chaotische wijze aangeboden, dat eerder genoemde Wladimirov zich in de media beklagde en verklaarde tenminste twee studenten te hebben moeten inhuren voor enkele weken om alleen de papieren in de juiste volgorde te leggen.

Milosevic kan niemand inhuren en zijn cel puilt uit van de papieren. Vaak komen de stukken van het Tribunaal op het laatste moment, bijvoorbeeld de avond voor het moment dat een getuige voor het Tribunaal verschijnt. En zelfs dan kan er nog van alles fout gaan. Menigmaal is Milosevic in het Tribunaal verschenen en dan blijkt dat een aangekondigde getuige niet komt en in plaats daarvan een andere. Milosevic moet dan een kruisverhoor afnemen zonder zich te hebben kunnen voorbereiden.

Een veelvuldig toegepaste pesterij is ook hem na een zitting, die meestal om 14.00 eindigt, urenlang - soms wel tot 18.00 uur - op een houten bank laten wachten, zonder drinken of wat dan

ook, omdat er geen transport zou zijn.

De aanklagers hebben jarenlang de tijd gehad om hun zaak voor te bereiden. Milosevic krijgt drie maanden. Op 8 juni moet hij met zijn getuigen komen en omdat hij het Tribunaal niet erkent, moet hijzelf de reis en verblijfskosten van de getuigen financieren.

Dit zijn gruwelijke methoden waarmee het Tribunaal poogt de man te breken. Het is ronduit schokkend en tegelijk veelzeggend dat de media hierover zwijgen en dat er nog geen kamerlid in Den Haag is opgestaan om deze verkrachting van recht, deze schending van fundamentele mensenrechten op Nederlands grondgebied aan de kaak te stellen.

Ondanks de manipulaties, de uitputtingslag waaraan 'rechter' Mae zelf bezwiken is, en de onmenselijke behandeling is Milosevic ongebroken. Het is waar, hij kampt met ernstige hartproblemen en het voortdurende verblijf in de gevangenis en de zittingen van het Tribunaal hebben onmiskenbaar sporen achtergelaten. Maar zijn geest en strijd lust zijn ongebroken.

De hoofdredacteur van dit blad heeft hem het afgelopen jaar een aantal malen kunnen bezoeken. In de gesprekken bleek duidelijk dat hier geen geslagen man zit, maar een vechter tot het bittere einde.

Het gevecht is ook geen persoonlijk zaak, maar een politiek gevecht. Wat op het spel staat, gaat veel verder dan de belangen van Milosevic zelf. Wanneer hij veroordeeld wordt, wordt het Servische volk als schuldige van de oorlog gebrandmerkt. Te verwachten valt dat Servië dan zal kunnen opdraaien voor de schade. Bosnië en Kroatië hebben al claims van bijna 100 miljard ingediend. Servië heeft geen geld en zal gedwongen worden om van het Westen te lenen om aan Bosnië en Kroatië te betalen, die dat geld kunnen afdragen aan hun westerse schuldeisers. Zo sluit de cirkel zich en de Balkan wordt tot in lengte van jaren geplunderd, beroofd van alles wat het heeft en in de financiële wurggreep gehouden. Dat is de 'gerechtigheid' die de NAVO nastreeft.

Milosevic wil dit proces niet ontlopen. Het enige wat hij vraagt is om de minimale condities te krijgen om zijn verdediging naar behoren te kunnen doen. Nog voor het proces begon heeft hij gevraagd: haal me uit de gevangenis en geef me een huis. Ik zal niet weglopen. In de gesprekken heeft hij dit herhaald. 'Ik loop niet weg voor het Tribunaal. Ik zal ze vernietigen.'

Sagittarius

Van: "Ruza" <despot@tiscali.nl>
Aan: "Meindert Stelling" <meindert.stelling@planet.nl>; <hans.hupkes@planet.nl>; "Nico & Neeltje" <sagitar@hetnet.nl>; "Jan Beentjes" <jbeentjes@mac.com>
Verzonden: maandag 1 maart 2004 3:34
Onderwerp: Fw: [sim] Milosevic outlasts May

— Original Message —

From: Miroslav Antic-SNN
To: Balkan News ; NATO ; News Antic ; News@Siem. Net ; SerbianNewsNetwork-SNN SNN-Yahoo
Cc: Hydro ; NSP ; 'SIM' ; globalobserver@Yahoogroups.com ; targets-news@Yahoogroups.com
Sent: Sunday, February 29, 2004 5:12 PM
Subject: [sim] Milosevic outlasts May

Milosevic outlasts May - 02/28/2004 13:39

Hague Tribunal Farce: Richard may to resign due to health problems.

The proceedings at the International Criminal Court at The Hague go from the sublime to the ridiculous. Firstly, its jurisdiction is not recognized by all countries, foremost among those which refuse to recognize it being the United States of America. Secondly, if this kangaroo court does not have unanimous recognition, what jurisdictional authority can it wield?

No jurisdiction

Under Yugoslav Federal law and Serbian law, which govern the person of Slobodan Milosevic, the man and the Head of State, there is no call whatsoever for the ICC to try him because the legal institutions exist inside the country to judge the former President, if and when a case is made against him, which to date has not been the case.

Under the same two legal systems, the decision to kidnap Slobodan Milosevic and bundle him out of the country was illegal, since it was not taken by a majority of cabinet Ministers. Therefore, the ICC, even if it were internationally and unequivocally recognized, has no legal jurisdiction over Slobodan Milosevic because his appearance in the Netherlands is the result of kidnapping by forces loyal to the USA-which ironically, does not recognize the court it had Mr. Milosevic taken to.

Political tool, not jurisdictional institution

That said, Slobodan Milosevic has spent the last two years complying with the court, although he has stated that the ICC is a political tool, not a jurisdictional institution.

The ?trial? was opened in February 2002. Two years on, how much nearer is it to completion? The resignation of Judge Richard May on 31st May, 2004 for undisclosed health reasons creates another blocking point in these farcical proceedings, which began with a public declaration by the prosecuting attorney, Carla del Ponte, that Mr. Milosevic was guilty, even before the trial had begun.

The case for mistrial

Slobodan Milosevic now has the chance to contest the replacement of Richard May on the grounds of incompetence or impartiality (who would not be influenced by public opinion?), or call for a retrial or dissolution, due to mistrial.

The ICC does not have a jury and so the decision is taken by three judges. With a three-month recession due to be called shortly for Mr. Milosevic to prepare his defence, how can a new judge

up on two years of proceedings in one eighth of that time and be as well prepared for judgment as the other two judges?

The Charges. Genocide: No case to answer

One charge against Slobodan Milosevic is genocide, which under the UN Genocide Convention of 1948, is described as the physical killing of members of a racial, national or ethnic group and the intention to destroy such group(s) in whole or in part. The geographical area in question in this case is Bosnia-Herzegovina, 1992-1995.

1. How much authority did Mr. Milosevic have over the Bosnian Republika Srpska and how much of what happened was due to the orders of Radovan Karadzic and Ratko Mladic?

2. Were the deaths in this war the result of a determination to destroy the Croats and Muslims or were they the unplanned result of the desire to protect Serb communities in this region, given the ferocity of the attacks against Serbs by Croats and Muslims, backed by external influences, including the West?

3. Did Carla del Ponte have the right to publicly declare that Slobodan Milosevic was guilty before the trial began?

4. The court v NATO-s puppet v has to prove that Slobodan Milosevic in fact commanded the Serb forces in a campaign to willingly destroy Croat and Muslim communities in Bosnia-Herzegovina.

To date, the prosecution has presented hearsay and gossip, no insider evidence as to Milosevic's guilt. No smoking gun.

The Charges. Crimes against Humanity: No case to answer

The charge that Slobodan Milosevic was responsible for Crimes against Humanity in Croatia in 1991 and 1992 and in Kosovo in 1999 hits the same stumbling block as the genocide charge.

1. How much authority did Mr. Milosevic wield over the Serb forces in Croatia?

2. Were the Croats and Albanians themselves not fighting the Serbs?

3. Had the Croats and Albanians not been aided, supported, trained and financed by foreign powers? Were the **USA and Canada** not actively helping the Croats? Were the UCK terrorists not received on Capitol Hill and wined and dined by US Congressmen?

4. How then can the Serbs be blamed for everything when in fact the area was a free-for-all?

5. What right did these foreign powers have to intervene? Should they not be the defendants and not Slobodan Milosevic?

Ball in Milosevic's Court

The prosecution has decided to file a motion with the UN panel of judges to end the case. There will now be a recess of three months for the defendant to prepare his defence. In six weeks- time, he must provide a list of witnesses and will have at least two years, the same time as the prosecution had, to defend himself.

NATO v the real culprit.

...es two sides to wage a war. The Croats were armed and fighting, the Muslims were armed and fighting, the Albanians were armed and fighting, all of these groups supported from abroad.

The Serbian army and authorities were no more guilty than the other elements involved, the difference being that the West (Washington) had already decided to humiliate Serbia.

NATO was spoiling for a fight. The resulting massacres of civilians in Yugoslavia and Kosovo by this organization were no less war crimes or crimes against humanity than those with which Mr. Milosevic is being charged.

In comparison, **it is Slobodan Milosevic who comes across as the victim and NATO as the culprit.** Therefore, the trial should be immediately declared as void and those guilty put on trial for the war crimes they committed: NATO and its leaders at the time.

Why do all roads always lead to Blair?

Timothy Bancroft-Hinchey

Pravda.Ru

http://english.pravda.ru/printed.html?news_id=12176

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Sagittarius

Van: "Ruza" <despot@tiscali.nl>
Aan: <hans.hupkes@planet.nl>; "Jan Beentjes" <jbeentjes@mac.com>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Nico & Neeltje" <sagitar@hetnet.nl>
Verzonden: maandag 1 maart 2004 3:36
Onderwerp: Fw: [sim] Professor Velko Valkanov: Letter to UN Secretary General Mr. Kofi ANNAN,

— Original Message —

From: Miroslav Antic-SNN

To: [Balkan News](#) ; [NATO](#) ; [News Antic](#) ; [News@Siem.Net](#) ; [SerbianNewsNetwork-SNN](#) [SNN-Yahoo](#)

Cc: [NSP](#) ; ['SIM'](#) ; [globalobserver@Yahoogroups.com](#) ; [targets-news@Yahoogroups.com](#) ; [Ljudska Prava](#) ; [srbija_medjuslivama@Yahoogroups.com](#) ; [ujedinjeno_srpstvo@Yahoogroups.com](#)

Sent: Sunday, February 29, 2004 5:25 PM

Subject: [sim] Professor Velko Valkanov: Letter to UN Secretary General Mr. Kofi ANNAN,

TO H. E. Mr. Kofi ANNAN,

UN Secretary General,

New York

Distinguished Mr. Secretary General,

I address to you as to one of the world personalities bearing responsibility for actions committed on behalf of the Organization of the United Nations.

The International Criminal Tribunal for the former Yugoslavia founded by the Security Council works at The Hague. That Tribunal is illegitimate, since the Security Council has no right to create international judicial organs. But even more important is that the practice of the Tribunal is also illegitimate. It acts in violation to all generally accepted norms of the criminal judiciary.

For the third year already the process against the former Yugoslav President Slobodan Milosevic goes on. The very fact that the Prosecution for more than two years of its presentation could not prove the guilt of the accused, Mr. Milosevic, clearly shows that such guilt does not exist at all. The crimes for which Mr. Milosevic is accused are such that there should not be any difficulty to prove them. It has to be noted that Nuremberg Tribunal (1945-1946) in less than one year succeeded to convict twenty-four prosecuted Nazis. On the other hand, the Hague tribunal in the third year of the Prosecution case remains unable to prove any guilt of Mr. Milosevic. It becomes apparent that a completely innocent man is imprisoned at The Hague. It is necessary for him to be immediately released. That would be not only an expression of a real judiciary, but also an act of self-respect. A high morality assumes ability to recognize committed mistakes.

In the Hague process there are serious violations of the rights of the Defendant.

In the first place, the "equality of arms" principle is violated. The Prosecution had more than four years for preparation and presentation of evidence against Mr. Milosevic, and Mr. Milosevic himself is allowed only three months for mounting his case. Without any ground in the last three months Mr. Milosevic has been deprived of the contacts with his friends and associates. He is deliberately isolated from the outside world in order to produce psychological strain to his defense.

The signals about the worsened health situation of Mr. Milosevic are being overlooked. There is a serious ground for a fear that Mr. Milosevic would not survive until the close of this disgraceful process. The question arises – isn't that the true aim of those who organized the persecution of the former President of Yugoslavia.

1-3-04

. any event, the presumption of innocence is severely violated. He is treated as already convicted person, which explains the unjustified restrictive regime applied against him.

Respectful Secretary General,

I wholeheartedly request you to use your powers to put an end to the mutilation of the judiciary. Don't let the crime against judiciary is committed in the name of judiciary!

Yours truly,

Professor Velko Valkanov,

Co-chairman of the International Committee to defend Slobodan Milosevic,

Chairman of the Bulgarian Committee for Human Rights,

Honorary President of the Bulgarian Antifascist Alliance

<http://www.icdsm.org/more/velkoUN.htm>

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Regeringsverklaring: Servië wil VN-hof 'niet slaafs' volgen

BELGRADO, 3 MAART. De toekomstige Servische premier, Vojislav Koštunica, heeft gisteren in het parlement zijn ministersploeg voorgesteld en zijn programma gepresenteerd en daarbij duidelijk gemaakt dat hij de samenwerking met het Joegoslavië-tribunaal wil beperken.

Koštunica gaat een minderheidsregering leiden die kan rekenen op de steun van zijn eigen Democratische Partij van Servië (DSS), die rion van de negentien ministersposten krijgt, de partij van radicale hervormers G17 Plus (vijf ministersposten) en de nationalistisch-monarchistische coalitie SPO-NS (drie portefeuilles). In het parlement heeft de regering de steun van 109 van de 250 parlementariërs en is ze – tot ongenoegen van de internationale gemeenschap – afhankelijk van de steun van de socialisten, de partij van Slobodan Milošević.

Koštunica zei dat de samenwerking met het Joegoslavië-tribunaal „in twee richtingen” moet verlopen en „niet slaafs” zal zijn. Hij wil Servische verdachten van oorlogsmisdaden in eigen land berechten in plaats van ze uit te leveren en hij wil met het Joegoslavië-tribunaal praten over de vraag of veroordeelde Serviërs hun straf in Servië mogen uitzitten. In een eerste reactie noemde de woordvoerder van het Joegoslavië-tribunaal, Jim Landale, die uitlatingen gisteren „teleu-

stellend en betreunswaardig” omdat „alle staten verplicht zijn met het tribunaal samen te werken”.

In de nieuwe regering worden Mitrojub Labus en Mladjan Djindjic, radicale hervormers en de leiders van G17 Plus, respectievelijk vice-premier en minister van Financiën. Die benoemingen zijn internationaal verwelkomd. Minister van Economie wordt de pas tot parlementsvoorzitter gekozen Dragan Maršićanin, van Koštunica's DSS.

Controversieel is de kandidaat-minister van Justitie, Zoran Stojković. Hij was de rechter die nog in 1984 – jaren na de dood van Tito – zes dissidenten tot gevangenisstraffen veroordeelde wegens zisnnoemde „verbalde daden”, een indertijd zeer vaag omschreven vergrijp waarmee politiek onwettelijke personen zonder moeite naar de gevangenis konden worden gestuurd. De zes dissidenten hadden gepleit voor vrije vakbonden. In 1998 werd voor het laast in Servië een boek verboden – door rechter Stojković. (VIP)

Koštunica in greep van socialisten

De nieuwe Servische premier Koštunica heeft een dubbele boodschap: hij wil naar Europa – maar hij wil de samenwerking met het Joegoslavië-tribunaal beperken. Een recept voor moeilijkheden.

Door onze redacteur

PETER MICHIELSEN
ROTTERDAM, 3 MAART. Als Vojislav Koštunica zich als premier van Servië gaat houden aan zijn eigen regeringsverklaring van gisteren staat de relatie van Servië met de internationale gemeenschap zwaar weer te wachten. Koštunica's regering wil krachtiger hervormen dan de vorige, ze wil de weg naar Europa op, ze wil Servië richting EU-lidmaatschap, ze erkent ook het recht van de Veiligheidsraad om de status van Kosovo te bepalen (al mag het van Belgrado niet onafhankelijk worden, maar dat wisten we al).

Maar aan de andere kant wil Koštunica de samenwerking met het Joegoslavië-tribunaal beperken: Serviërs moeten niet worden uitgeleverd, maar in eigen land worden berecht en al in Den Haag veroordeelde Serviërs zouden best in hun eigen land hun straf kunnen uitzitten.

Het is een recept voor moeilijkheden. De internationale gemeenschap eist van Servië onvoorwaardelijke medewerking met het VN-hof, op straffe van sancties. Als minister Colin Powell eind deze maand het Amerikaanse Congres gaat melden dat het Servië van premier Koštunica niet met het Haagse VN-tribunaal meewerkt, kan Servië honderd miljoen dollar aan Amerikaanse hulp mislopen. En dat is dan nog maar het begin van de sancties.

Nu zit Servië niet meer zo om die hulp verlegen als in het verleden. Meevalters bij de privatisering van staatsbedrijven leverden vorig jaar 350 miljoen dollar méér op dan verwacht. Maar het gaat om meer dan geld: de weg naar Europa gaat ook dicht als Servië doet wat het het liefst doet, mee zeggen tegen het tribunaal.

Koštunica is altijd een tegen-

sander geweest van het tribunaal: hij vindt het een politiek en anti-Servisch hof. Hij was als president van Joegoslavië al tegen de uitlevering van zijn voorganger Slobodan Milošević, maar moest in 2001 machteloos toezien hoe de toenmalige premier Zoran Djindjic – onder druk van dreigende sancties – hem naar Den Haag stuurde. Ook onlangs heeft de strille nationalist en jurist Koštunica van zijn hart geen moordkuil gemaakt: Servië, zei hij vorige week, heeft brandender problemen dan als „leverancier van menselijke goederen naar Den Haag” op te treden, zei hij. „Geef de regering de kans de vele problemen die ze heeft te lijf te gaan. We moeten overleggen over oplossingen die niet zwart-wit zijn en ons in staat stellen te overleven.”

Maar zelfs als Koštunica zelf anders over het tribunaal zou denken, zou uitlevering van verdachten aan Den Haag heel moeilijk zijn. Zijn coalitie van zijn eigen gematigde nationalist, de harde hervormers van G17 Plus en de monarchisten van de partijcoalitie SPO-NS heeft slechts de steun van 109 van de 250 parlementariërs en is in het parlement afhankelijk van de SPS, de socialistische partij van Milošević.

Dat heeft de Europese Unie onmiddellijk gearmd. Zowel Javier Solana, EU-buitenlandcoördinator, als de verzamelde ministers van Buitenlandse Zaken van de EU-landen hebben Koštunica aan zijn mouw getrokken. Die van zijn kant heeft geroepen dat de SPS géén voorwaarden voor haar parlementaire steun heeft gesteld en bovendien niet zo erg is als ze onder Milošević was: Milošević is erevoorzitter van de SPS, maar politiek is hij dood, zo is de boodschap.

Of dat klopt is de vraag. SPS-leider Milorad Vučićevićer ook geen gras over groeien. De SPS, zei hij een paar dagen geleden heel openhartig, zal Koštunica's regering „onmiddellijk” ten val brengen als er nog Serviërs worden uitgeleverd; Bovendien moet Koštunica de mensenrechten die Milošević „gekidnapte en illegaal naar Den Haag hebben gestuurd”. Koštunica lijkt aldus knel te zitten tussen de Scylla van Milošević's socialisten en de Charibdis van de internationale gemeenschap.

Milošević krijgt eigen kantoor

Door een onzer redacteurs
DEN HAAG, 2 MAART. In de gevangenis van het Joegoslavië-tribunaal in Scheveningen krijgt Slobodan Milošević, om zich voor te bereiden op zijn verdediging, een kantoorje van ongeveer twaalf vierkante meters. Milošević heeft dan drie 'kamers': zijn cel, een cel waar hij processtukken bewaart, en het kantoorje waar hij potentiële getuigen kan ontvangen. Het kantoor krijgt een telefoon en een draagbare computer zonder internetverbinding. Er zijn twee sleutels van het kantoor, een voor Milošević, een voor de VN-clippers. Het tribunaal kan daardoor nooit zonder toestemming van Milošević toegang krijgen tot het kantoor.

3-3-2004

Andy Wiloxson heeft eenmaal de
video-games heeft gemaakt van

Duikvormel, het na de zijn koninkrijke

De enige echte slachtoffer van de Seivrah
orthodoxe kerk.

→ belooft om te geven aan
Melrose - club.

Nieuw Servisch bewind

keert zich tegen tribunaal

⁴⁻⁵⁻²⁰⁰⁷
BELGRADO - Vojislav Kostunica is woensdag door het Servische parlement tot premier gekozen. Hij verklaarde dat medewerking aan het Joegoslavië-Tribunaal geen prioriteit meer krijgt. De vroegere Joegoslavische president leidt een minderheidskabinet met steun van de aanhangers van oud-president Milosevic, die voor het tribunaal terechtstaat. (Reuters)

Sagittarius

Van: "Ian Johnson" <i-
Aan: <Undisclosed-Recipient:;>
Verzonden: maandag 8 maart 2004 2:19
Onderwerp: CDSM: Letter to the UN

Below we publish a copy of the letter we have sent to Kofi Annan Secretary General of the United Nations and to the Security Council members of the UN.

7th March 2004.

Dear Sir,

Re: The Trial of Mr Slobodan Milosevic at the ICTY in The Hague.

It is with deep concern that we write to express our grave misgivings about the current trial of Mr Slobodan Milosevic as conducted by the International Criminal Tribunal for the former Yugoslavia (ICTY).

We understand that the defendant has been given a mere three months to prepare the case for his defence and furthermore that the witnesses he wishes to call upon will be subjected to the discretion of the tribunal itself. This is in stark contrast to the many years and unlimited finance that was at the disposal of the prosecution for the preparation of its case and the permission it received to add to its list of witnesses on almost a day to day basis throughout the last two years. Clearly the legal requirement for an 'equality of arms' between the prosecution and defence is absent from these proceedings.

Legal observers of the trial have commented that the ICTY creates its own rules and regulations, which alarmingly have been amended no less than twenty-eight times during the course of the prosecution case, and that the tribunal is subject to no external regulatory body. In the interests of justice 'being seen to be done' this is clearly unacceptable.

Moreover the imposition of the three-month time limit allows no consideration for the poor health condition of the defendant. Even the ICTY appointed doctors have confirmed that Mr Milosevic suffers from malignant hypertension and a damaged heart.

We submit that the sheer volume of court documents, videos and cassettes, that the defendant is obliged to study in such a short period of time, will damage his health even further.

The court proceedings over the last two years have demonstrated two things.

One: that the prosecution, reliant primarily on hearsay and circumstantial evidence, has significantly failed to prove its case on any of the charges levelled against the defendant.

Two: that Mr Milosevic is not merely defending himself, but courageously defending first and foremost his country and its people against a level of propaganda and misinformation that has not been witnessed for many decades.

In view of the above and in consideration of upholding the established principles of international law and the reputation of the United Nations, we respectfully request that the trial of Slobodan Milosevic be adjourned and that he be released into an environment that would allow the defendant the adequate time and conditions to prepare his defence and recuperate his health.

It is our belief that in the interests of truth and justice this is the only honourable course of action to take.

History will be a harsh judge on the people and institutions which allows the current travesty to continue.

Yours sincerely,

Ian Johnson. UK Co-ordinator /Committee to Defend Slobodan Milosevic. (CDSM)

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