

# Milosevic & Aanklachten

Map 6C

ASHDOWN'S LIES AT THE HAGUE TRIBUNAL.

21 NOV 2005

> In March 2002 Paddy Ashdown appeared as a prosecution witness in the  
> trial of Slobodan Milosevic. He gave evidence about his four day visit to  
> Kosovo in 1998 and claimed he was a witness to atrocities allegedly  
> carried out by the Yugoslav Army. He claimed he had witnessed these events  
> from a position above the village of Gegaj in Albania overlooking Kosovo.  
> But when he was told that from his observation point it was impossible to  
> observe the area he claimed he changed his story and said in fact he was  
> somewhere else!

> After it was proved in court that Ashdown could not possibly have  
> seen anything from the position he had previously claimed, above the  
> Albanian village of Gegaj, he supplied the court with grid co-ordinates  
> different from his original testimony, and these new co-ordinates put him  
> inside Kosovo and not in Albania. That contradicted his March 2002  
> testimony. Moreover, on the map the prosecution supplied to try and verify  
> Ashdown's testimony the village of Gegaj had been moved! When challenged  
> on this point the prosecution reluctantly admitted it may be a faulty map!  
> With such a witness and such a prosecution only the worst bigots could  
> possibly see the Hague Tribunal as other than a kangaroo court and the  
> worst example of "victors justice" - victors, indeed, in an illegal war.

> Ashdown omitted to mention that his frequent, expenses paid, trips to

23-11-05

> This complaint is reminiscent of the US Ambassador to Belgrade in  
> 1947 John Moors Cabot who wrote to his superiors in Washington (who then  
> as now were appeasing the fascist elements in Europe)

> "I gather that some arrangement has been worked out with the Vatican  
> and Argentina protecting not only Quislings but also those guilty of  
> terrible crimes committed in Yugoslavia"

> In 2000 Ashdown demonstrated clearly his euro-federalist imperial  
> ambitions. In an article in the Independent newspaper he wrote:

> 'Yet today Europe undoubtedly is a power, even a superpower. It has  
> the world's second most powerful currency (no - don't laugh) and arguably

23-11-05

> the Balkans were courtesy of George Soros's Open Society Institute, the  
 > very same institute that provides funding and staff for the ICTY itself  
 > The Open Society is a corporatist, euro federalist organisation devoted to  
 > destroying the nation states of Europe in the name of the European Union  
 > In Yugoslavia it saw an opponent of everything Soros stood for

>  
 >  
 > Furthermore, Ashdown testified about his visit to Studencani where he  
 > met villagers who talked to him and verified Ashdown's further claims  
 > regarding the actions of the Serbian police in that village. But in fact  
 > Ashdown's visit to Studencani was not to meet the villagers but to meet  
 > the terrorist organisation, the KLA. A video was shown at the Hague Court  
 > of Ashdown's meeting in which Ashdown is heard assuring the KLA that he  
 > will 'do his best' to get assistance for them

>  
 >  
 > There are few more ruthless terrorist organisations in Europe than  
 > the KLA which was responsible for the deaths of Serbs and Albanians alike  
 > As Michael Levine, former U.S. counter-narcotic agent and one of its most  
 > decorated officers, stated:

>  
 >  
 > "(T)he KLA is tied in with every known Middle and Far Eastern drug  
 > cartel. Interpol, Europol, and nearly every European intelligence and  
 > counter-narcotics agency has files open on drug syndicates that lead right  
 > to the KLA, and right to Albanian gangs in this country. My contacts  
 > within the DEA are, quite frankly, terrified, but there's not much they  
 > can say without risking their job. The Albanian mob is a scary operation  
 > In fact, the Mafia relied on Albanian hit men to carry out a lot of their  
 > contracts. And now, according to my sources in drug enforcement, they  
 > are politically protected."

>  
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 > 'Yet today Europe undoubtedly is a power, even a superpower. It has  
 > the world's second most powerful currency (no don't laugh) and arguably

> the world's biggest single market. And so it has an economic space to  
> protect and interests to pursue'

> Like his "Liberal" predecessor in British politics, Lloyd George who  
> admired Hitler so much, with words like the above Ashdown would make a  
> wonderful modern day orator at the equivalent of a Nuremberg rally! As  
> John Laughland wrote in a recent article on Bosnia

> " Ashdown's so called 'exit strategy' is in fact simply an entry  
> strategy - into the European Union. The dictatorial powers of the High  
> Representative will be abolished only when Bosnia has signed an  
> Association Agreement with Brussels. Power will simply be transferred from  
> one undemocratic structure to another, and self government will be  
> returned to Bosnia only when it is no longer self-governing "

> How typical of the modus operandi used by the European Union to  
> ensnare the newly liberated countries of Eastern Europe - out of the  
> Soviet Union frying pan into the European Union fire. Few figures have  
> represented the new dictatorship with more conviction than Lord "Paddy"  
> Ashdown

> [http://www.freenations.freeuk.com/news/2005\\_11\\_14.html](http://www.freenations.freeuk.com/news/2005_11_14.html)

Sagittarius

**Van:** "Vladimir Krsljanin" <slobodavk@yubc.net>  
**Aan:** "sagitar" <sagitar@hetnet.nl>  
**Verzonden:** maandag 21 november 2005 15:02  
**Onderwerp:** Urgent Appeal by German Doctors for Life and Health of

Urgent Appeal by German Physicians to safeguard the life and health of Slobodan Milosevic

To: Mr. Fausto Pocar,  
 Mr. Patrick Robinson,  
 Mr. Timothy McCormack

20 November 2005

Dear Sirs,

Three years ago, on 11 November 2002, we made our first submission to the President of the ICTY, the Presiding Judge of Trial Chamber III and the Amici Curiae in the case against Slobodan Milosevic, expressing our deep concern about the treatment, which Mr. Milosevic is receiving from the ICTY

We stated then:

"It is not only incomprehensible, but outrageous, that Mr. Milosevic is not under constant medical observation and check-ups and does not get adequate medical treatment.

This way of dealing with a person whose life is - with all consequences - in your responsibility, can only be called irresponsible and leads to the question of motives. It is in total contradiction to various documents and resolutions of the United Nations concerning the treatment of imprisoned persons. Those regulations should be fully recognized by representatives of UN institutions."

Later on the Trial Chamber received a report of the medical examination of Mr. Milosevic conducted by the cardiologist Dr. P. R. M. van Dijkman, confirming "essential hypertension with secondary organ damage", mentioning "the possibility of coronary disease, cerebrovascular accident, heart attack and death"

On 18 September 2003, we again addressed the ICTY, demanding that "Mr. Milosevic should be provisionally released for an adequate, longer period of time, so that during the preparation of his defence he can have medical treatment and control by his long time doctors in Belgrade"

Not only did the Tribunal not grant Mr. Milosevic provisional release, but instead, his health situation was used as an excuse to deprive him of his basic rights as an accused person, when the Trial Chamber imposed counsel on Mr. Milosevic against his will on September 2, 2004, and when the Appeals Chamber on November 1, 2004, ruled that "the presence of Assigned Counsel will enable the trial to continue even if Milosevic is temporarily unable to participate"

The threat, that in case of his illness his Defence case would be conducted by Assigned Counsel against his will and in violation of his basic rights,

has imposed even more mental stress on Mr. Milosevic, as he is being faced with the constant fear of not being able to be present in the courtroom for medical reasons.

On 4 November 2005, a medical examination of Mr. Milosevic was conducted by three international specialists, who in essence came to the conclusion that court proceedings would have to be interrupted, in order to allow Mr. Milosevic a period of total physical and mental rest of at least six weeks.

The Trial Chamber being aware of this conclusion nevertheless let the proceedings continue as usual, which led to Mr. Milosevic demanding the court session to be ended on Wednesday last week.

We, the undersigning physicians practising in Germany, demand that the advice of the international specialists, who have examined Slobodan Milosevic, be observed and the court proceedings be halted for at least six weeks, whereas we confirm our opinion that the most adequate solution would be a provisional release of Mr. Milosevic for an extended period of time.

Once again we express our concern about the treatment which Slobodan Milosevic is receiving from the ICTY, as no due attention is being paid to his precarious health situation.

In our view the only responsible solution for dealing with the constraints of court proceedings caused by the ill health of the accused is a proper medical treatment, not deprivation of his basic rights before the court. We strongly oppose any move to put Assigned Counsel in charge of the Defence Case, as long as Slobodan Milosevic is not able to attend the courtroom for health reasons.

Respectfully

Dr. med. Uta Mader  
on behalf of signatories

Initiative von in Deutschland praktizierenden Ärzten und Therapeuten  
Initiative of medical Doctors and Therapists practising in Germany

DR. MED. UTA MADER, MATTHIAS JOCHHEIM, PROF. DR. MED. HABIL. ILSE  
EISEN-HAGEMANN, DR. PHIL. HANS-PETER BRENNER, PROF. DR. MED. HABIL. INGEBORG  
RAPOPORT, PROF. DR. MED. DR. PHIL. DR. HC. MULT. SAMUEL MITJA RAPOPORT  
(verst.), DR. MED. CHRISTA ANDERS, DR. MED. ERNST BELLMER, DR. MED. IRIS  
JONKANSKI, DR. MED. MICHEL HÜHN, BARBARA MÜHLFELD, DR. MED. HERBERT WOLF

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**URGENT FUNDRAISING APPEAL**

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President Milosevic has the truth and law on his side. In order to use that advantage to achieve his freedom, we must fight this totally discredited tribunal and its patrons through professionally conducted actions which

would involve the Bar Associations, the European Court, the UN organs in charge and the media

Our practice has shown that ad hoc voluntary work is not enough to deal properly with these tasks. The funds secured in Serbia are still enough only to cover the expenses of the stay and work of President Milosevic's legal associates at The Hague (one at the time). The funds secured by the German section of the ICDSM (still the only one with regular contributions) are enough only to cover minimal additional work at The Hague connected with contacts and preparations of foreign witnesses. Everything else is lacking.

Recently, the fundraising activity of the German section was a target of a groundless attack of the customs police in Germany. This makes the need for your extraordinary effort dramatically urgent! Even the basic defence activities at The Hague are at stake!

As a most practical way to send your donations, we are able to offer now the account of a friendly organization in Austria (see below). Please send your donations

to that account now, to fill the gap made after the German account was frozen. Have in mind that all bank transfers within the EU are now at the same price like within any of its countries.

\*\*\*\*\*

3000-5000 EUR per month is our imminent need

Our history and our people oblige us to go on with this necessary action. But without these funds it will not be possible.

Please organize urgently the fundraising activity and send the donations to the following account:

Jugoslawisch-Österreichische  
Solidaritäts-Bewegung (JÖSB)  
Bank Austria  
IBAN AT49 1200 0503 8030 5200  
BIC BKAUATWW

\*\*\*\*\*

All of your donations will be used for legal and other necessary accompanying activities, on instruction or with the consent of President Milosevic. To obtain additional information on the use of your donations or to obtain additional advice on the most efficient way to submit your donations or to make bank transfers, please do not hesitate to contact us:

Peter Betscher (ICDSM Treasurer) E-mail: [peter\\_betscher@freenet.de](mailto:peter_betscher@freenet.de)  
Phone: +49 172 7566 014

Vladimir Krsljanin (ICDSM Secretary) E-mail: [slobodavk@vuhc.net](mailto:slobodavk@vuhc.net)  
Phone: +381 63 8862 301

\*\*\*\*\*

For truth and human rights against aggression!  
Freedom for Slobodan Milosevic!  
Freedom and equality for people!

On behalf of Sloboda and ICDSM,

Vladimir Krsljanin,  
Foreign Relations Assistant to President Milosevic

\*\*\*\*\*

SLOBODA urgently needs your donation.  
Please find the detailed 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.free-slobo-uk.org/> (CDSM UK)  
<http://www.icdsm-us.org/> (US section of ICDSM)  
<http://www.icdsmireland.org/> (ICDSM Ireland)  
<http://www.pasti.org/milodif.htm> (ICDSM Italy)  
<http://www.wpc-in.org/> (world peace council)  
[http://www.geocities.com/b\\_antinatio/](http://www.geocities.com/b_antinatio/) (Balkan antiNATO center)

**Sagittarius**

**Van:** "R Despotovic" <despot@tiscali.nl>  
**Aan:** "Nico en Neeltje" <nico.s@slobodan-milosevic.org>  
**Verzonden:** maandag 21 november 2005 1:24  
**Onderwerp:** Fw: Serbian doctors call for suspension of Milosevic

----- Original Message -----

**From:** "Vladimir Krsljanin" <slobodavk@yubc.net>  
**To:** "despot" <despot@wish.net>  
**Sent:** Monday, November 21, 2005 12:41 AM  
**Subject:** Serbian doctors call for suspension of Milosevic process

Belgrade, 20 November. Two most famous Serbian cardiologists, together with five other renown Serbian university professors of medicine, appeared today in a press conference in Belgrade raising their voice against threatening the life and health of President Milosevic by the Hague "tribunal". They issued a written appeal and invited all colleagues - medical doctors to join it. In the press conference, the statement of 120 members Medical Academic Forum was also presented. English translation of the both texts is given below.

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#### APPEAL TO PROTECT HEALTH AND LIFE OF SLOBODAN MILOSEVIC

The reports on deteriorating health condition of the former president of Serbia and Yugoslavia Slobodan Milosevic have been followed with deep concern.

The findings of the international medical team, after examination of 4 November 2005 additionally troubled us. They clearly show that Slobodan Milosevic needs a break for additional medical check and appropriate medical treatment but not in prison conditions.

We, doctors and humanists were appalled by the fact that the trial chamber in charge of the case against president Milosevic failed to seriously consider the medical findings and recommendations of our colleagues who attended him, opting for continuing the process until he almost collapsed in the very court room.

Such a conduct by the members of the chamber is inadmissible.

The right to life and the right to health supersede any other right, supersede the very court itself. No court is entitled to try anyone at the cost of one's health and one's life.

Further to the above we call for:

1) Suspension of trial to Slobodan Milosevic for six weeks as proposed by the international team of medical doctors, composed of university professors from France, Russia and Serbia, specialists in cardiology,

ogy and otorhinolaryngology.

Treatment during suspension of trial as the international team of  
ctors proposed, and make additional examinations as they recommended;

b) The medical doctors, possibly, designated by the trial chamber  
should be at least of the same scientific and professional level as the  
members of the international team, including those to be proposed by  
Slobodan Milosevic, himself;

4) Treatment of Slobodan Milosevic must fully comply with the  
international norms on human and civil rights including the respect for the  
Lisbon Declaration concerning the freedom of choice of the doctor and the  
institution the patient confides.

Failing to stop the process at the moment when health and very  
life of Slobodan Milosevic are at risk is an inadmissible and drastic  
example of violation of his basic human rights. Permanent threat of  
activating an imposed defense counsel, not acknowledged by himself, in the  
case of his illness, amounts to an extortion of partaking in the process at  
the cost of own health. Slobodan Milosevic must be given a chance to recover  
and restore his capacity to participate in the process, which must be  
suspended till then.

We call on all our colleagues - doctors to join us in this  
appeal in the name of humanities and defense of the fundamental human  
rights.

In Belgrade, 20 November 2005

Prof. Dr. Sc. Med. SRECKO NEDELJKOVIC, cardiologist, full member of the  
Academy of Medical Sciences, Serbian Medical Society

Prof. Dr. Sc. Med. SVETOMIR STOZINIC, cardiologist, full members of the  
Academy of Medical Sciences, Serbian Medical Society

Prof. Dr. Sc. Med. VLADA SLAVKOVIC, internist

Prof. Dr. Sc. Med. VASILIJJE DRECUN, internist

Prof. Dr. Sc. Med. MILOS JANICJEVIC, brain surgeon, full member of the  
Academy of Medical Sciences, Serbian Medical Society, member of the Science  
Society of Serbia

Prof. Dr. Sc. Med. VOJISLAV SUVAKOVIC, epidemiologist, full member of the  
Academy of Medical Sciences, Serbian Medical Society

Prof. Dr. Sc. Med. MOMCILO BABIC, specialist in social medicine

\*\*\*\*\*

## MEDICAL ACADEMIC FORUM

Belgrade, 20 November 2005

Today we have come together in a quest to publicly voice our deep concern  
over the violation of human rights, among them the right to life and medical  
care of a sick man.

Intolerance, demonstrated by a judge of the Hague tribunal in the last few  
days, towards apparently ill President Milosevic, due to his refusal to be  
represented by a counsel, culminated in the blunt negligence of evident

ptoms of illness and request to Slobodan Milosevic to continue with  
ess examination.

the counsel of defense has been taken ill, honorable justice, the best one  
that Mr. Milosevic could have possibly chosen. Or has he no right to get  
ill, by the way, judge alike?

Hence, the trial must be urgently suspended in our view and further to the  
medical findings, for 6-8 weeks, minimum.

And moreover, a medical expertise of his illness must be provided, by  
specialist ready to undertake it voluntarily and at no cost for the court,  
either here or there.

Under the supervision of official doctors who evidently have no high  
credentials.

This association counts 120 medical doctors of academic provenance from  
Serbia, Montenegro and the world.

We, in the association, voice our protest and request to stop further  
prostration of an ill man because it can amount to an execution.

Provide him with medical care - immediately and without any delay - you are  
aware of your obligation to do so under any judicial standards, because if  
not you are accomplices in a premeditated killing, which we hope you won't  
dare.

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Phone: +49 172 7566 014

Vladimir Krsljanin (ICDSM Secretary) E-mail: [slobodavk@yubc.net](mailto:slobodavk@yubc.net)  
Phone: +381 63 8862 301

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On behalf of Sloboda and ICDSM,

Vladimir Krsljanin,  
Foreign Relations Assistant to President Milosevic

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to join or help this struggle, visit:

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- <http://www.free-slobo-uk.org/> (CDSM UK)
- <http://www.icdsm-us.org/> (US section of ICDSM)
- <http://www.icdsmireland.org/> (ICDSM Ireland)
- <http://www.pasti.org/milodif.htm> (ICDSM Italy)
- <http://www.wpc-in.org/> (world peace council)
- [http://www.geocities.com/b\\_antinato/](http://www.geocities.com/b_antinato/) (Balkan antiNATO center)

BIJLAGE II BIJ PERSBERICHT

Mr. Milosevic over de ineenstorting van de aanklacht tegen hem, als fundament onder alle beschuldigingen, dat hij bij alles handelde vanuit de misdadige intentie naar een Groot-Servië

(letterlijk ontleend aan het transcript van de zitting van 29 november 2005)

(Milosevic stelt dit punt aan de kaak in het kader van zijn verzet tegen de op dat moment door de aanklagers gewenste ontkoppeling van de verschillende aanklachten, die de aanklagers eerst zo graag gekoppeld wilden zien, wat aan het begin van het proces op hun verzoek ook gebeurde was)

"I would particularly like to highlight the issue of a Greater Serbia in that context. This was represented by the other side four years ago when they asked for a joinder of trials, that that was the red thread bringing all parts of the case together, and the Trial Chamber agreed to that. So then you cannot talk about severing the case without dealing with the destiny of that particular issue.

On the 25th of August this year, Mr. Nice, after three and a half year of trial, said that he was not prosecuting me on account of a Greater Serbia, and he ascribed that idea to me from the very outset, from his introductory remarks and then through the testimony of almost half or even more than half of his witnesses who -- his witnesses, who spoke of a Greater Serbia as my objective and answered questions put by him to them in that context.

So how can you talk about severance, then, before giving answers to certain questions ? What is the fate of these proceedings that have been going on for over three years where you and I, and probably the other side, thought that I was being tried for a Greater Serbia, which was the objective of some kind of alleged joint criminal enterprise. So that was what we tried to deal with when putting questions to the witnesses and in dealing with all the evidence, because that is what Mr. Nice was alleging through his witnesses.

So, then, what is the legal validity of that part of the proceedings, when we are all being deluded into believing that this was the main objective of the Prosecution ? So what's the point of all these witnesses who talked about a Greater Serbia as my primary goal here ? Are you going to take that out of the evidence, or are you going to let me examine them further?

Also what about this joint criminal enterprise ? And what would its objective be after this change ? And what is this phantom of a joint criminal enterprise that is being discussed here ?

And what is it that is exactly being alleged ? People who are sitting here, including me, including you, on the one hand, simply cannot know all the things that are referred to in all these documents that Mr. Nice served - a million pages, no less - and no one knows what the Prosecutor is prosecuting, including the Prosecutor herself. She doesn't know it either. Ik think even Franz Kafka would feel that he did not have great imagination compared to this."

# 'Aparte berechting Milošević voor Kosovo'

## Aanklagers vrezen dat van uitstel vonnis over Kroatië en Bosnië afstel komt

Na een procesgang van bijna vier jaar willen de rechters in het Milošević-proces haast maken door snel een vonnis over Kosovo te vellen. Verdachte én aanklagers zijn tegen.

Door onze redacteurs  
**CEES BANNING**  
en **PETRA DE KONING**

DEN HAAG, 30 NOV. Strijdlustig, maar bleek en broos. Zo ziet Slobodan Milošević eruit als zijn proces voor het Joegoslavië-tribunaal wordt hervat, na de tweeëntwintigste schorsing. Het is een bijzondere dag in de rechtszaak die nu al bijna vier jaar duurt: de verdachte en de aanklagers maken samen één vuist tegen de rechters. Medewerkers van de rechters noemen het een 'duivelspact'. De rechters willen dat het proces wordt opgesplitst en dat er snel een oordeel komt over misdaden die onder verantwoordelijkheid van Milošević zouden zijn gepleegd in Kosovo. Het oordeel over misdaden in Kroatië en Bosnië zou dan pas later komen. Maar Milošević zelf en ook de aanklagers willen dat niet.

De eerste aanklacht van het tribunaal tegen de Joegoslavische ex-president Milošević ging over Kosovo. Na zijn arrestatie, in de zomer van 2001, kwamen daar de aanklachten bij voor oorlogsmisdaden

in Kroatië en genocide in Bosnië. Openbaar aanklager Carla del Ponte wilde dat er één proces kwam voor de drie aanklachten. Haar adviseurs vonden dat geen goed idee omdat de zaak daardoor te ingewikkeld zou worden. Maar Del Ponte kreeg haar zin. In hoger beroep dwong ze af dat er één proces zou komen. De rechters waarschuwden toen al voor een „lange en complexe” rechtsgang.

De rechters hebben nu voorgesteld dat er toch eerst een uitspraak komt over Kosovo. Ze denken dat ze over een half jaar al met zo'n uitspraak kunnen komen. In de tijd dat hun medewerkers dat vonnis schrijven, zouden de rechters zelf kun-

nen doorgaan met het procesdeel over Kroatië en Bosnië. Of het proces zou tijdelijk onderbroken kunnen worden om Milošević, die lijdt aan hoge bloeddruk, rust te geven. Drie artsen uit Rusland, Frankrijk en Duitsland die Milošević recent hebben onderzocht vinden dat hij ten minste zes weken rust nodig heeft.

Maar de rechters hebben haast. Het proces, dat in februari 2002 begon, zou door de slechte gezondheid van de verdachte nog lang kunnen duren. Vorige week werd de rechtszaak voor de tweeëntwintigste keer geschorst omdat Milošević zich ziek voelde. Zijn bloeddruk was opnieuw te hoog. Volgens de artsen ver-

toont hij uitputtingsverschijnselen, ook al is het aantal zittingsdagen per week teruggebracht van vijf naar drie.

Milošević, die zichzelf verdedigt omdat hij het tribunaal niet erkent, gebruikt de zitting om een lange schorsing te eisen. „Ik verwerp dit hof, maar ik heb het recht om mijn eigen gezondheid te verdedigen.” Hij noemde het voorstel van de rechters „onwettige acrobatiek” en „een sabotage” van zijn verdediging.

Om aan te tonen hoe hoog zijn werkdruk is, vertelde Milošević dat hij 1,2 miljoen A4-tjes aan documenten en transcripties heeft ontvangen over zijn zaak. Aanklager Geoffrey Nice adviseerde hem

om meer gebruik te maken van de Britse advocaten die de rechters hebben toegevoegd. De advocaten Steven Kay en Gillian Higgins volgen het proces in de rechtszaal, maar kunnen niets doen omdat Milošević weigert met hen te werken.

Volgens Milošević is het „geen toeval” dat de rechters opeens snel met een Kosovo-vonnis willen komen nu de onderhandelingen over de definitieve status van de Servische provincie gaan beginnen. Hij zei dat de rechters „bevelen” krijgen van de NAVO, die pleit voor onafhankelijkheid van Kosovo. „De rechters moeten nu het Joegoslavische leger en de Servische politie schuldig verklaren om de afsplit-

sing te rechtvaardigen”, aldus Milošević.

In zijn pleidooi om de aanklacht niet te splitsen uitte aanklager Nice de vrees dat het na het Kosovo-oordeel bij één vonnis zal blijven. Hij vindt dat alle aanklachten behandeld moeten worden. Volgens Nice verliep de ontmanteling van Joegoslavië via een patroon dat relevant was voor alle drie de oorlogen: in Kroatië (1991-1995), Bosnië (1992-1995) en Kosovo (1998-1999). De aanklager noemde met name Bosnië, waarbij Milošević medeverantwoordelijk wordt gehouden voor genocide door onder andere de moord op 7.500 moslims na de val van de enclave Srebrenica. „Wij kennen onze plicht jegens de slachtoffers van Srebrenica”, zei Nice.

Medewerkers van Carla del Ponte zijn bang dat er van de Verenigde Naties geen geld meer komt voor het proces als Milošević voor een van de oorlogen is veroordeeld. De VN vinden dat het ad-hoc opgerichte tribunaal al lang genoeg heeft bestaan. Zo hekelde Ralph Zacklin, de belangrijkste juridisch adviseur van VN-secretaris-generaal Kofi Annan, eerder dit jaar „de enorme bureaucratische en dure organisatie”. Hij noemde het „een schande” dat 10 procent van het VN-budget wordt besteed aan de Joegoslavië- en Rwanda-tribunalen.

De rechters nemen een beslissing over de splitsing en de voortgang van het proces als er nieuwe medische rapporten over de verdachte zijn.

### 'Het proces is een uitputtingsslag en u bent daar verantwoordelijk voor'

Citaten van Slobodan Milošević tijdens de zittingsdag van het Joegoslavië-tribunaal gisteren.

• Over de rechtszaak:

„Mijnheer Robinson [de voorzitter van de drie rechters in het proces, red.], over de hele wereld wordt deze rechtszaak van u beschouwd als een farce. U bent bezig met een schertsvertoning. Ik voorspel u dat de zaak uiteen zal barsten als een zeepbel. U verspilt uw tijd.”

• Over zijn gezondheid:

„Ik voel mij vandaag erg ziek, maar ik

ben toch gekomen. Ik heb het recht om mijn eigen gezondheid te verdedigen. U bekommert zich daar niet om. Het is een uitputtingsslag en u bent daar verantwoordelijk voor.”

• Over de aanklagers:

„Mijnheer Robinson, hebt u dan geen oog voor het megalomane optreden van de aanklager? Dit zogenaamde proces is een martelgang. En u bent daar mede verantwoordelijk.”

• Over de voorgestelde afsplitsing van Kosovo in het proces:

„Ik ben daar tegen. [...] De aanklagers willen bewijzen dat de Groot-Servische gedachte mijn drijfveer was. Dat speelt in alledrie de zaken. Dan kunt u Kosovo toch niet scheiden? Die kans mag u ze toch niet ontnemen?”

• Over zijn verdediging:

„Uw voorstel is een sabotage van mijn verdediging. Hoe kunt u nou met zo'n voorstel komen, terwijl deze schertsvertoning al meer dan drieënhalve jaar aan de gang is. [...] Moet u de NAVO weer geruststellen? [...] De NAVO betaalt toch uw salaris?”



Slobodan Milošević (Foto Reuters)

## Met gezondheid van Milosevic wordt geen rekening gehouden



Het ITCY (Haagse NAVO schijntribunaal) kondigde opnieuw een week uitstel aan van het proces voor de vroegere Joegoslavische president Slobodan Milosevic vanwege zijn gezondheidsproblemen. De zittingen werden vorige week opgeschort en zouden weer starten op dinsdag 29 november jl.

Wil van der Klift

De schorsing houdt verband met de hoge bloeddruk van Milosevic en de slechte conditie van zijn hart. De ex-president, nu 64 jaar, verdedigt zichzelf tegen de beschuldigingen die hem onterecht ten laste worden gelegd. Verzoeken om uitstel en een minder zwaar programma worden stelselmatig afgewezen, ondanks het feit dat talloze artsen uit binnen- en buitenland zo'n uitstel aanraden. Milosevic verwerpt terecht ook het verwijt dat hij de veroorzaker is van de desintegratie van het land. De invloed van westerse machten laat over deze vraag geen enkele twijfel bestaan. Joegoslavië is doelbewust uit elkaar geslagen door het Westen.

Milosevic verwerpt de wettigheid

van het misdadige NAVO-tribunaal, dat door de Veiligheidsraad, waarin de VS een doorslaggevende positie hebben, werd opgericht en niet door de Algemene Vergadering van de VN. De financiering is voor het grootste deel een Amerikaanse aangelegenheid. Van enige onpartijdigheid is absoluut geen sprake. De zwakke gezondheid van het ex-staatshoofd heeft inmiddels geleid tot 22 onderbrekingen sinds het begin van het proces in februari 2002. De ex-president werd in april 2001 uit zijn huis in Belgrado gekidnapt en aan het tribunaal uitgeleverd. Verzoeken over een verlenging van het proces en een minder hoog tempo van het proces worden voortdurend van de hand gewezen. Veel mensen zou er heel wat aan gelegen zijn als Milosevic voor het einde van het proces zou komen te overlijden.

Del Ponte, geheel aan de leiband van de VS/NAVO, één van de echte boeven van het Tribunaal.

**Sagittarius**

**Van:** "R Despotovic" <despot@tiscali.nl>  
**Aan:** "Jan Beentjes" <jbeentjes@mac.com>; "Hans Hupkes" <hans.hupkes@planet.nl>; "Ksenija Sigulinski" <lizamia@zonnet.nl>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Nico en Neeltje" <nico.s@slobodan-milosevic.org>  
**Verzonden:** dinsdag 6 december 2005 0:13  
**Onderwerp:** International Law is an Ass

> The Spectator (London)  
 >>> November 19, 2005  
 >>>  
 >>> INTERNATIONAL LAW IS AN ASS  
 >>>  
 >>> John Laughland says that the trial of Slobodan Milosevic is a travesty  
 >>> of  
 >>> justice  
 >>>  
 >>> By: John Laughland  
 >>>  
 >>> Slobodan Milosevic was ahead of his time. When he made his first  
 >>> appearance  
 >>> in the courtroom of the International Criminal Tribunal for the former  
 >>> Yugoslavia at The Hague, President George W. Bush's seat in the Oval  
 >>> Office  
 >>> was barely warm. The 'war on terror' was but a twinkle in Dick Cheney's  
 >>> eye;  
 >>> the 9/11 attacks had not yet occurred; the invasions of Afghanistan and  
 >>> Iraq  
 >>> lay in the future; and torture in Abu Ghraib and the torching of Muslim  
 >>> insurgents in Fallujah with chemical weapons were as yet unknown. Slobodan  
 >>> had  
 >>> by then spent ten years fighting and helping to fight Muslim insurgents,  
 >>> first in Bosnia and later in Kosovo. But the only thanks he has had is  
 >>> four  
 >>> years' incarceration in Holland.  
 >>>  
 >>> That incarceration is almost certain to lead to a life sentence. Even  
 >>> though  
 >>> the former Yugoslav head of state has always pleaded his innocence,  
 >>> producing scores of witnesses to prove it, the trial is still not due to  
 >>> end  
 >>> until 2010. With the budget of The Hague tribunal running at nearly \$300  
 >>> million a year, this is doubtless a comfortable sinecure for the lawyers  
 >>> involved, most of whom had pretty unsuccessful careers at home. But such  
 >>> a  
 >>> long trial is by definition a travesty of justice: the Nuremberg trials  
 >>> lasted just over ten months, from 20 November 1945 to 30 September 1946.  
 >>>  
 >>> As the hearings have dragged on remorselessly the prosecution took over  
 >>> two  
 >>> years to make its case it has become obvious that the lawyers are  
 >>> struggling  
 >>> with the impossible task of converting Western politicians' war  
 >>> propaganda  
 >>> into legal propositions which can stand up in court. They might as well

>> have  
>>> tried to prove the existence of weapons of mass destruction in Iraq. The  
>>> trial has heard more than 100 prosecution witnesses, and not a single  
>>> one  
>>> has testified that Milosevic ordered war crimes. On the contrary: only  
>>> last  
>>> Tuesday, a Muslim captain in the Yugoslav army testified that no one in  
>>> his  
>>> unit had ever committed systematic harassment of Albanian civilians in  
>>> Kosovo, and that he had never heard of any other unit doing so either.  
>>> On  
>>> 9  
>>> November the former head of security in the Yugoslav army, General Geza  
>>> Farkas, an ethnic Hungarian, testified that all Yugoslav soldiers in  
>>> Kosovo  
>>> were handed a document explaining international humanitarian law, and  
>>> that  
>>> they were ordered to disobey any orders which violated it. What a  
>>> contrast  
>>> with US army practice!  
>>>  
>>> Instead, what has emerged from the trial to the general indifference of  
>>> the  
>>> world's media is that the Serbs were subject to horrendous provocations.  
>>> In  
>>> March, the tribunal indicted the Prime Minister of Kosovo, Ramush  
>>> Haradinaj,  
>>> a former commander of the Kosovo Liberation Army affectionately known as  
>>> 'Smile' to his comrades. Among many other atrocities, the indictment  
>>> recounts how in August 1998 Haradinaj's number two and co-indictee,  
>>> Idriz  
>>> Balaj, who commanded a paramilitary unit called 'The Black Eagles',  
>>> tortured  
>>> three Albanian gypsies to death. According to the indictment, the brave  
>>> freedom fighters, on whose side Nato was later to fight, cut off the  
>>> nose  
>>> of  
>>> one of their detainees; slashed them in the neck, arms and thighs;  
>>> rubbed  
>>> salt into their wounds; sewed up the wounds with a needle; wrapped the  
>>> three  
>>> men in barbed wire; drove the barbs into their flesh with 'an  
>>> implement';  
>>> tied them to the back of their vehicle and dragged them behind it until  
>>> they  
>>> died. In June the same tribunal which had refused Milosevic's request  
>>> for  
>>> bail allowed Mr Haradinaj to return home pending trial, having spent  
>>> barely  
>>> four months in The Hague.  
>>>  
>>> In any proper court of law, the Milosevic trial would have collapsed  
>>> long  
>>> ago; for instance, when the previous presiding judge, Sir Richard May,  
>>> unexpectedly died in July 2004. Since there are only three judges, this  
>>> is

>>> equivalent to the sudden disappearance of four jurors, which would cause  
>>> a  
>>> criminal trial in this country to be abandoned or restarted. So  
>>> determined,  
>>> however, are the judges to obtain a conviction of their prize defendant  
>>> that  
>>> they have even ruled that he can be tried in absentia if he is too ill  
>>> to  
>>> defend himself in court. The judges themselves admitted that their  
>>> ruling  
>>> had no precedent in law, but legality has never bothered them much: ever  
>>> complicit with the prosecutor, they allowed the addition of new  
>>> indictments  
>>> after Milosevic's transferral to The Hague in 2001, even though this  
>>> violates the key tenet of extradition law that a defendant may not be  
>>> tried  
>>> for charges other than those for which he was originally extradited.  
>>>  
>>> Transparency is not of much interest to the judges either: when I asked  
>>> to  
>>> see the medical evidence which, they claimed, showed that Milosevic was  
>>> too  
>>> sick to defend himself but not so sick that the trial should be  
>>> abandoned, I  
>>> was told it was confidential. And when on Tuesday Milosevic pleaded that  
>>> he  
>>> was too sick to continue, presiding judge Patrick Robinson simply  
>>> barked,  
>>> 'Are you deaf? I told you to call the next witness.' However, even more  
>>> than  
>>> the gross abuses of due process which it is committing, the Milosevic  
>>> trial  
>>> has shown the futility of trying to submit political decisions to the  
>>> judgment of criminal law. Because it seeks to comprehend war as the  
>>> result  
>>> of the decisions of individuals, and not as the consequence of conflict  
>>> between states, modern international humanitarian law sees trees but no  
>>> wood. In the Milosevic trial, the role of the other Yugoslav leaders in  
>>> starting the war especially those who declared secession from Yugoslavia  
>>> is  
>>> grossly obscured, as is that of the countless Western politicians and  
>>> institutions who were intimately involved at every stage of the Yugoslav  
>>> conflict, and who encouraged the secessions.  
>>>  
>>> The trial of the first head of state since Marshal Petain therefore now  
>>> recalls not so much Nuremberg, but rather the infamous Riom trial held  
>>> by  
>>> Vichy France in 1942, when months were spent trying to demonstrate that  
>>> Edouard Daladier, Lion Blum and others were criminally guilty of  
>>> plunging  
>>> France into war unprepared.  
>>>  
>>> Moreover, instead of individualising guilt, The Hague trials have in  
>>> fact  
>>> reinforced the very sense of collective victimhood which they were  
>>> supposed

>>> to dissipate. Opinion polls show that Serbs hate The Hague more than  
>>> they  
>>> hate Nato, the military alliance which bombed them in 1999: men can more  
>>> easily accept defeat by a stronger opponent than judicial national  
>>> humiliation.

>>>  
>>> Anthropology teaches us that when violence breaks out, it spirals  
>>> precisely  
>>> because each side thinks of itself as the victim. The key, therefore, is  
>>> to  
>>> prevent anyone from casting the first stone. So whereas Nuremberg ruled  
>>> that  
>>> war should never be started, contemporary humanitarian law implies that  
>>> Nato's attacks on the Bosnian Serbs in 1995 and on Yugoslavia in 1999  
>>> were  
>>> justified after all.

>>>  
>>> Both those Nato wars were conducted without the agreement of the United  
>>> Nations Security Council, and they thus provided the legal precedent for  
>>> the  
>>> 2003 attack on Iraq.

>>>  
>>> The rest, now, is history.

>>>  
>>>

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>  
>

**Sagittarius**

**Van:** "Ian Johnson" <i-  
**Aan:** <Undisclosed-Recipient;>  
**Verzonden:** donderdag 8 december 2005 19:14  
**Onderwerp:** CDSM: Athens Statement  
 \*Athens Meeting 18- 20 November 2005, Statement: \*\*Freedom To Slobodan Milosevic\*\*\*

\*\_\_\_\_\_\*\*\*

\*From: SolidNet, \*\*Wednesday, December 07, 2005\*\*\*

=====

\*Statement: Freedom To Slobodan Milosevic\*

Slobodan Milosevic is prosecuted by the Hague tribunal because he defended his country and his people, because he did not betray Yugoslavia, because he did not submit to the US aggressive globalism.

He is being persecuted because NATO wants to conceal their crimes and to show to the world what will happen to those who will refuse to submit to their orders.

He is the only head of state who under the enormous pressure was resisting the rude force and NATO aggression. He is not defending himself. He is defending the independence of Yugoslavia and of its people.

We demand:

1. Freedom to Slobodan Milosevic
2. Disband the Inquisition-like, illegal the Hague tribunal.
3. Prosecute the leaders of 19 States that participated in the aggression against Yugoslavia.

#### PARTIES

1. Communist Party of Australia
2. Democratic Progressive Tribune, Bahrain
3. Workers Party of Belgium
4. Communist Party of Brazil
5. New Communist Party of Britain
6. Bulgarian Communist Party «Georgi Dimitrov»
7. Communist Party of Bulgaria
8. Communist Party in Denmark
9. Communist Party of Egypt
10. Communist Party of Macedonia
11. Unified Communist Party of Georgia
12. Communist Party of Greece
13. Hungarian Worker' Party
14. Communist Party of India (Marxist)

15. The Worker's Party of Ireland
16. Communist Party of Luxembourg
17. Communist Party of Malta
18. Party of the Communists of Mexico
19. Popular Socialist Party of Mexico
20. New Communist Party of Netherlands
21. Communist Party of Norway
22. Communist Party of Poland
23. Portuguese Communist Party
24. Romanian Communist Party
25. Socialist Alliance Party, Romania
26. Communist Party of Russian Federation
27. Communist Workers Party of Russia - Party of the Communists of Russia
28. New Communist Party of Yugoslavia
29. Communist Party of Sweden
30. Communist Party of Tadjikistan
31. Communist Party of Ukraine

\*End\*

SOURCE: <http://www.solidnet.org>

**Sagittarius**

**Van:** "Ian Johnson" <i-johnson@lineone.net>  
**Aan:** <Undisclosed-Recipient:;>  
**Verzonden:** donderdag 8 december 2005 19:21  
**Onderwerp:** CDSM: Russian Law experts on 'fairness' of Milosevic  
 For truth and human rights against aggression!  
 Freedom for Slobodan Milosevic!  
 Freedom and equality for people!

On behalf of Sloboda and ICDSM,

Vladimir Krsljanin,  
 Foreign Relations Assistant to President Milosevic

Subject : Russian Law Experts on 'Fairness' of Milosevic Trial

On 29 November 2005, during the 'debate on his health and severance of the indictments' before the ICTY, President Milosevic gave a powerful lesson of law and politics to his inquisitors. The 'judges' made no decision yet, waiting for further medical reports, in spite it was lauded in the debate that all medical experts, including the ones appointed by the ICTY, agree that a period of rest for President Milosevic is absolutely needed. Instead, the proceedings continued. During the yesterday's debate, President Milosevic presented the written conclusions of a group of renown Russian International Law experts on 'fairness' of the Hague proceedings. Below we offer for the first time to the public the English translation of that important document.

#### DECLARATION

of the Group of members of the Russian Association of International Law for Monitoring the Process Prosecutor v. S. Milosevic in the International Criminal Tribunal for the former Yugoslavia

Group of members of the Russian Association of International Law for Monitoring the Process Prosecutor v. S. Milosevic in the International Tribunal for the former Yugoslavia is expressing its concern over the violation of the fundamental right of the accused - the right to fair trial.

The right to a fair trial was set out in a series of international legal acts (Art. 10 of the Universal Declaration of Human Rights, 1948; Art. 14 of the International Covenant of Civil and Political Rights, 1966; Art. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950; Art. 75.4 of the Additional Protocol I to the Geneva Convention on the Protection of the Victims of War, 1977 and other), and in the Statute of the very Tribunal (Art. 21.2). Hence, the assurance of that right is obligatory in any process ongoing in ICTY.

The international legal term of "fairness" of court proceedings includes a number of elements, primarily the right of the defendant: to have adequate time and facilities for the preparation of his defense; to defend himself in person; to be tried in his presence; to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

1. Right of the accused to "to have adequate time for the preparation of his defense".

Since the signature of the first indictment against S. Milosevic till the beginning of the Prosecution Case two years and eight months have passed. All that time was used up for the preparation of the Prosecution Case. The preparation of the Prosecution Case went on even for eight months after detention of the accused in prison.

Five months were allowed to S. Milosevic for the preparation of defense.[1] After certain prolongation of that period due to the illness of the defendant, the whole time for the preparation of defense came to six months. However, a considerable part of the prolongation could not be used for the preparation of defense because the Secretariat of the Tribunal kept denying to S. Milosevic to meet with his witnesses on the grounds of his ill health.

It is absolutely clear that the period of time for the preparation of defense in the most complex international criminal case, which contains 66 counts and several thousand of episodes is inadequate, moreover in prison conditions. In compliance with the principles of equality of the parties in the process, the defendant must get at least the same time for the preparation of his defense as the prosecution had for the preparation of its Case - from the moment of signature of the Indictment till the onset of the trial. In compliance with the principle of granting the defendant an adequate time for the preparation of his defense, and taking into consideration the extraordinary complexity of the case, S. Milosevic must be given an adequate time span, because less than six months allowed can't be considered adequate.

The appeal by the defendant to have more time was rejected by the Appeals Chamber too, stating "by choosing to conduct his own defence, the Accused deprived himself of resources a well-equipped legal defence team could have provide" and that he "must be reciprocated by the acceptance of responsibility for the disadvantages this choice may bring"[2]. In support to this "conclusion" the Appeals Chamber invoked four decisions of the national courts, but forgot to refer to the valid norms of the international law. So the highest chamber of the Tribunal, which is obliged to protect the violated rights of the defendant, confirmed illegal decision of the Trial Chamber, by having punished the defendant for choosing to defend himself in person, without quoting legally convincing arguments. The right to an adequate time for the preparation of defense belongs to the defendant not to the lawyers! Besides, that right is on the list of rights without limitations.[3]

Hence, the Group finds the violation by ICTY of the right of the defendant to be accorded adequate time to prepare his defence.

## 2. The right of the accused to "defend himself in person".

The right of the accused to his own defense in person is under no limitation, likewise and hence a forceful imposition of counsel constitutes a breach of the norms of the international law. No argumentation of the court, the least the temporary illness of the defendant, may serve as the grounds for depriving him of that right.

The forced imposition of counsel for the accused provoked serious concerns that it has been concocted to conduct the defense of S. Milosevic in his absence, if his health gets worse.

Hence, the Group finds that ICTY violates the right of the accused to defend himself in person.

## 3. The right of the defendant "to be tried in his presence".

This right is subject to no limitation, either. The invocation of both chambers of the Tribunal to time efficiency is unacceptable in terms of international legal norms, because any interpretation of a norm is possible only in the case of its vagueness. In the case of the minimum rights of the accused, and which were worded quite clearly, such an interpretation is contrary to the general principle of law: *in claris non fit interpretatio*. General principles of law are binding on all the courts and consequently on the International Criminal Tribunal for the former Yugoslavia.

Further to that, the so called "case" of the defense witness K. Bulatovic, who refused to testify in the absence of the accused, could not have possibly be taken as the contempt of the court. The witness K. Bulatovic

to speak up for the right of the defendant to be tried in his presence, and was completely groundlessly sentenced to 4 months of imprisonment. The witness K. Bulatovic didn't "refuse to reply to the questions" in general, rather refused to reply to the questions in the absence of the defendant. The session of the court on 19th April 2005, when the trial chamber grossly violated one of the fundamental elements of the right to a fair trial, was illegal, and the witness K. Bulatovic was not obliged to reply to questions during such a session.

Hence, the Group finds that ICTY violates the rights of the defendant to be tried in his presence.

Besides, the action of the Trial Chamber v. defense witness raises doubts about impartiality of the court. The contempt of the court is not defined by personal feeling of the Judges, but the norms of the international law. Punishment of the witness, who had acted in compliance with the international law, was absolutely contrary to law. The doubt of the impartiality of the court has been caused by the fact that a series of the prosecution witnesses, particularly the witness A. Zekiri and the witness K-12, who indeed rejected to testify before the court, were not sentenced to prison terms and one of them was not even declared guilty for contempt of the court.[4]

4. The right of the accused to "to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him".

The Prosecution received 300 days from the Trial Chamber for the presentation of its case, while S. Milosevic only 150 days for the presentation of his defense.

Regrettably, the United Nations General Assembly and Security Council were misled by the ICTY report which claimed that "the Trial Chamber has ordered that the accused have the same amount of time to present his defence case as the prosecution had to present its case"[5]. That allegation aimed at persuading the United Nations General Assembly and the Security Council that in the Defense Case of the process that is ongoing, the basic elements of the right to a fair trial had been assured, which is far from the truth.

The defendant S. Milosevic was accorded twice less time than the Prosecution. The argumentation of the court intended for the international public that 150 days are equal to 300 days is not only unconvincing but illegal. The allegation that S. Milosevic during the Prosecution Case used more time than the Prosecution is no basis for cutting the time for his defense, because S. Milosevic "spent" the time not on his witnesses, but on the witnesses of the Prosecution. That manipulation must attract special attention of the international community in general and of United Nations General Assembly and Security Council in particular, since that fact also makes the impartiality of the court doubtful.

Moreover, it was planned to separate in the nearest future the Kosovo part of the trial from the rest of the indictments in the course of ongoing defense, which also constitutes the violation of the right of the defendant to a fair trial. The Prosecution invited witnesses on more than one occasion made depositions simultaneously on the Kosovo and all other Indictments. Separation of the trial at the time of ongoing defense, under whatever grounds, will violate the right of the indicted to a fair trial and bring the defense witnesses in inequitable position compared to the prosecution witnesses.

Hence, the Group finds the violation by ICTY of the principle of equality of the parties and breach of the presumption of innocence.

The Russian Association of International Law adopted on 30 June 2005 the Declaration in which it unanimously qualified the decision of the Trial Chamber to accord to S. Milosevic twice less time than the Prosecution had as a gross violation of the international law.[6]

ence, the Group qualifies the course of the process against Slobodan Milosevic as NOT in accord to the requirement of assurance of the right of the accused to a fair trial and draws the attention of the United Nations General Assembly and Security Council to that fact, and the whole international public opinion alike. The Group demands the International Criminal Tribunal for the former Yugoslavia to assure the right of the accused to a fair trial.

The members of the Group of Russian Association of international law for monitoring the process Prosecutor v. Slobodan Milosevic in the International Criminal Tribunal for the former Yugoslavia:

1. J.M. Kolosov, Doctor of International Law, Professor at the Department of International Law of the Moscow State Institute for International Relations of the Russian Ministry for Foreign Affairs, member of Executive Committee of the Russian Association for International Law, member of UN Committee for Economic, Social and Cultural Rights; Editor-in-Chief of the "Moscow Journal of International Law";
2. S.V. Chernichenko, Doctor of International law, Professor, Head of the International Law Center of the Diplomatic Academy of the Russian Ministry for Foreign Affairs, Vice-president of the Russian Association for International Law;
3. G.V. Ignatenko, Doctor of International Law, Professor, Vice-president of the Russian Association of International Law, Editor-in-Chief of the "Russian Law Journal", former Head of the Department of International law of Ural State Law Academy;
4. G.I. Kurdukov, Doctor of International Law, professor, Head of the Department of Constitutional and International Law of the Kazan State University, Vice-President of the Russian Association of International Law;
5. L.N. Galenskaya, Doctor of International Law, Professor at the Department of International Law St.Petersburg State University, member of the Executive Committee of the Russian Association of International Law, Editor-in-Chief of the "Russian Yearbook of International Law";
6. A.J. Kapustin, Doctor of International Law, Professor, Head of the Department of International Law of the Russian University of Friendship of Nations, Dean of the Law Faculty of RUDN, Member of the Executive Committee of the Russian Association of International Law;
7. E.S. Krivchikova, Doctor of International Law, Professor at the Department of International Law of the Moscow State Institute of International Relations of the Russian Ministry for Foreign Affairs;
8. L.H. Mingazov, Doctor of International Law, Professor, Head of Department for Human Rights of UNESCO of the Kazan State University;
9. R.M. Valeev, Doctor of International Law, Professor at the Department of Constitutional and International Law of the Kazan State University, Vice-president of the Russian Association of International Nuclear Law, former Judge of the Supreme Court of the Republic of Tatarstan;
10. P.N. Birukov, Doctor of International Law, Professor, Head of Department of International Law of Voronez State University;
11. S.J. Marochkin, Doctor of International Law,

Professor, member of the Executive Committee of the Russian Association of International Law, Head of Department of the International Law of the Tumen State University;

12. N.I. Kostenko, Doctor of International Law, Professor, the leading science associate of the Center for the international law studies of the Institute of State and Law of the Russian Academy of Science;

13. A.B. Mezyaev, Doctor of International Law, docent, Deputy Head of the Department of Constitutional and International law of the faculty of Law of the Academy of management, member of Expert Council of the Ombudsman of the Republic of Tatarstan, Executive Secretary of the Group of members of Russian Association of International Law for monitoring the process against S. Milosevic in ICTY.

25 November 2005

Notes:

[1] [Trial Chamber] Order Concerning the Preparation and Presentation of the Defence Case of September 17, 2003.]

[2] [Appeals Chamber] Decision on the Interlocutory Appeal by the Amici Curiae against the Trial Chamber Order Concerning the Presentation and Preparation of the Defence Case of January 20, 2004, para 19

[3] Article 14.3 of the International Covenant on Civil and Political Rights states: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees"

[4] Transcript of the court session of 22 February 2002 and of 3 and 4 June 2002.

**Sagittarius**

**Van:** "Ian Johnson" <i-johnson@lineone.net>  
**Aan:** <Undisclosed-Recipient;>  
**Verzonden:** zaterdag 10 december 2005 19:18  
**Onderwerp:** CDSM: ICTY get Blair and Schroder off the

For the record we are circulating the ruling from the International Criminal Tribunal for the former Yugoslavia (ICTY) that, unsurprisingly, denies the right of Mr Milosevic to call Tony Blair and Gerhard Schroder as witnesses.

The lengthy ruling is an exercise in legal gymnastics and the ICTY never had any intention, nor would they dare, to subpoena its own masters.

Though not explicit in its current ruling the ICTY position since the start of the 'trial' has been that the Nato aggression against the sovereign state of Yugoslavia is 'irrelevant' and therefore the leaders of that aggression have no case to answer.

This is the complete opposite to the Nuremburg ruling following World War Two which stated that a war of aggression is the supreme war crime because it is the crime from which all other crimes flow. Thus the ICTY and its creators both ignore and make a mockery of international law.

IJ

Case No. IT-02-54-T

**IN THE TRIAL CHAMBER**

**Before:**  
 Judge Patrick Robinson, Presiding  
 Judge O-Gon Kwon  
 Judge Iain Bonomy

**Registrar:**  
 Mr. Hans Holthuis

**Order:**  
 9 December 2005

**PROSECUTOR**

v.

**SLOBODAN MILOSEVIC**

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**DECISION ON ASSIGNED COUNSEL APPLICATION FOR INTERVIEW AND TESTIMONY OF TONY BLAIR  
 AND GERHARD SCHRÖDER**

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**The Accused:**

**Mr. Slobodan Milosevic**

**Court Assigned Counsel:**

**Mr. Steven Kay, QC  
 Ms. Gillian Higgins**

**Government of the Government of the United Kingdom:**

12-12-05

Federal Republic of Germany:

Dr. Edmund Duckwitz  
Professor Dr. Christian Tomuschat

**I. Introduction**

1. This Trial Chamber is seized of applications by the Assigned Counsel of the Accused, Slobodan Milosevic, for the testimony (and pre-testimony interview) of Tony Blair, the Prime Minister of the United Kingdom, and Gerhard Schröder, former Chancellor of the Federal Republic of Germany. The Trial Chamber expresses its gratitude to the Assigned Counsel for these applications, which deal with issues that have been raised by the Accused on many occasions in an inappropriate, informal way.
2. Assigned Counsel argue that these two individuals possess information that is necessary for the resolution of specific issues relevant to the Kosovo indictment against the Accused, and request either a binding order to the governments of the United Kingdom and Germany directing them to provide the witnesses, or a subpoena to Mr. Blair and Mr. Schröder to compel their attendance at the Accused's trial. The two states argue in response that calling Mr. Blair and Mr. Schröder as witnesses serves no legitimate forensic purpose and that the official capacity of the prospective witnesses entitles them to certain immunities which may prevent the issuance of a subpoena against them. The Trial Chamber has considered all the arguments made by the parties and renders the following decision.

**II. Procedural History**

3. On 18 August 2005, Assigned Counsel filed a confidential and *ex parte* application requesting a binding order to be issued to the government of the United Kingdom ("United Kingdom" or "UK") which would:
  - (a) order the Government of the United Kingdom to arrange for the Assigned Counsel and an Associate of the Accused to interview the United Kingdom State Official: the Prime Minister the Right Hon. Mr Anthony Blair MP[, and]
  - (b) order the Government of the United Kingdom to make arrangements with the Assigned Counsel and an Associate for the Accused for the witness ... to give evidence in the defence stage of the trial of Slobodan Milosevic if the Accused decides to call the same as a witness.<sup>1</sup>
4. One week later, Assigned Counsel filed a request for a binding order to be issued to the government of the Federal Republic of Germany ("Germany") which would, as with the UK application, order the government to "arrange for the Assigned Counsel and an Associate of the Accused to interview" certain named witnesses and to "make arrangements" for those witnesses "to give evidence in the defence stage of the trial of Slobodan Milosevic if the Accused decides to call the same as witnesses."<sup>2</sup> The prospective witnesses named in the German application are Gerhard Schröder (former Chancellor), Helmut Kohl (former Chancellor), Joschka Fischer (former Minister of Foreign Affairs), Hans- Dietrich Genscher (former Minister of Foreign Affairs), and Klaus Kinkel (former Minister of Foreign Affairs).
5. On 9 September 2005, the United Kingdom responded to the application made against it,<sup>3</sup> and Assigned Counsel filed a reply on 16 September.<sup>4</sup> One week later Germany filed its response,<sup>5</sup> and Assigned Counsel filed a reply on 30 September 2005.<sup>6</sup>
6. That same day, the Trial Chamber issued two preliminary orders (one regarding the application against the UK and the other regarding the application against Germany ) requesting further submissions from the parties on two specific issues:
  - (i) Whether the Motion, which states that it is filed under Rule 54 and Rule 54 *bis* of the Rules of Procedure and Evidence of the Tribunal, seeks a binding order pursuant to Rule 54 *bis* or a subpoena *ad testificandum* pursuant to Rule 54, paying particular attention to the holding of the Appeals Chamber in *Prosecutor v. Krstic*;<sup>7</sup> and
  - (ii) Whether the status of the prospective interviewees and/or witnesses as [senior state officials] ... gives them immunity from a subpoena compelling them to attend an interview and/or testify in a trial before the Tribunal.<sup>8</sup>
7. Assigned Counsel filed a separate response to the preliminary order for each application on 30 September 2005,<sup>9</sup> and the two states filed their responses two weeks later.<sup>10</sup>
8. Then, on 17 October 2005, the Accused filed an updated witness list, naming the witnesses he intends to call for the remainder of the case. Mr. Blair and Mr. Schröder, but none of the other German officials listed in the application for a binding order against Germany—Kohl, Genscher, Fischer and Kinkel—are on the list. As a result, on 7 November 2005, Assigned Counsel filed a notice withdrawing its application for a binding order in relation to those other German officials.<sup>11</sup> The witnesses that are

now the subject of the applications are therefore Tony Blair, the head-of-government of the United Kingdom, and Gerhard Schröder, the former head-of-government of Germany.

### III. Procedure for Summoning a State Official to Interview or Testify before the Tribunal: a Binding Order to the State Under Rule 54 *bis* or a Subpoena Ad Testificandum to the Individual Official Under Rule 54?

#### A. Introduction

9. Rule 54 of the Tribunal's Rules of Procedure and Evidence ("Rules") provides as follows:

Rule 54  
General Rule

At the request of either party or proprio motu, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.

Rule 54 *bis* of the Rules provides in relevant part as follows:

Rule 54 bis  
Orders Directed to States for the Production of Documents

(A) A party requesting an order under Rule 54 that a State produce documents or information shall apply in writing to the relevant Judge or Trial Chamber and shall:

- (i) identify as far as possible the documents or information to which the application relates;
- (ii) indicate how they are relevant to any matter in issue before the Judge or Trial Chamber and necessary for a fair determination of that matter; and
- (iii) explain the steps that have been taken by the applicant to secure the State's assistance.

10. A preliminary issue which the Chamber must resolve is whether an application for the testimony of a state official falls under the provisions of Rule 54 (the "general rule" that contemplates the issuance of subpoenas) or Rule 54 *bis* (the rule that applies specifically to orders directing states to produce "documents or information").

11. The Appeals Chamber in the *Blaskic* case held that the term "subpoena" necessarily contemplates the imposition of a criminal penalty and that since "States, by definition, cannot be the subject of criminal sanctions ... [.] the term 'subpoena' is not applicable and ... only binding 'orders' or 'requests' can be addressed to them."<sup>12</sup> For state officials, the reasoning was the same: they are mere instruments of the state and therefore a subpoena could not be issued to them for information obtained in the course of their official duties. The Appeals Chamber concluded on this basis that it was not possible to issue a subpoena under Rule 54 to Croatia, Croatia's Defence Minister, or a state official from Bosnia-Herzegovina.<sup>13</sup> It issued instead a binding order to Croatia and Bosnia-Herzegovina, requiring that each state produce certain specified documents through an official of their choosing.<sup>14</sup> Rule 54 *bis*, adopted two years after *Blaskic*, codified the *Blaskic* decision that the procedure for obtaining documents from states or state officials is through a binding order issued to the state.<sup>15</sup>

12. In the *Krstic* case in 2003, the Appeals Chamber (i) clarified that the *Blaskic* prohibition on issuing a subpoena to a state official was limited to applications for state documents, and (ii) specifically held that, where a party sought to have a state official testify as a witness, or to have a state official who was a prospective witness interviewed, it should do so by applying for a subpoena ad testificandum under Rule 54.<sup>16</sup> In *Krstic*, the accused had applied for subpoenas to be issued to two prospective witnesses—each a state official described by the Appeals Chamber as "an officer in the Army of a State or Entity"<sup>17</sup>—to attend an interview with defence counsel. He made his application for subpoenas under Rule 54, which gives a trial chamber the power to "issue such orders, summonses, subpoenas, [or] warrants ... as may be necessary for ... the preparation or conduct of the trial." In the Appeals Chamber's view,

[s]uch a power clearly includes the possibility of a subpoena being issued requiring a prospective witness to attend at a nominated place and time in order to be interviewed by the defence.<sup>18</sup>

13. Thus the Appeals Chamber ordered that subpoenas be issued requiring the two prospective witnesses "to attend ... a location in Bosnia and Herzegovina ... at a time ... to be nominated by the Krstic defence ... to be interviewed there by the Krstic

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14. Judge Shahabuddeen dissented in *Krstic* on two grounds. First, he did not believe that *any* witness—whether a state official or not—could be compelled to attend an interview. He acknowledged that the powers of a Chamber to issue orders and subpoenas under Rule 54 were broad, and encompassed the power to compel a witness to testify, but found that they did not encompass the power to compel a witness to attend an interview. According to him, there is no precedent in either domestic or international jurisprudence for issuing a subpoena to a potential witness requiring that person to attend a defence interview under criminal sanctions, and using Rule 54 to achieve this purpose represents an unwelcome “invasion of the right to privacy.”<sup>20</sup>

15. Second, Judge Shahabuddeen did not agree that a Chamber had the power to subpoena a state official to testify about what he has seen and heard in his official capacity. The *Blaskic* decision did, he conceded, deal with documents, but “it seems ... that ... the reasoning logically extends to *any other information* acquired by the official in his official capacity as a State official,” including information to be conveyed through testimony.<sup>21</sup>

16. In spite of this vigorous dissent, the holding of the majority in *Krstic* was that (i) a subpoena is the correct procedural mechanism for seeking to compel a state official to testify, and (ii) a subpoena is also the correct mechanism for seeking to compel a state official to attend a pre-testimony interview. As a result, a number of trial chambers have, since the *Krstic* Appeal Decision, issued subpoenas to state officials for both testimony and pre-testimony interviews.<sup>22</sup>

## B. Parties' Submissions

### Assigned Counsel

17. Assigned Counsel submit that for both applications, they request as a “first stage” a binding order against the states and not a subpoena to the prospective witnesses. This, according to the Assigned Counsel, “demonstrates appropriate respect towards the State and provides it with an opportunity to comply with its obligations pursuant to Security Council Resolution 827 and Article 29 of the Statute.”<sup>23</sup> However, “[i]n the event that the Trial Chamber issues a specific binding order to the [state] and the latter refuses to cooperate in facilitating communications with the named individual, the Assigned Counsel will seek a subpoena ad testificandum.”<sup>24</sup> In addition, they make clear that “[i]n the event that the Trial Chamber (i) disagrees with the manner in which the Assigned Counsel seek to apply these enforcement mechanisms, or (ii) considers that the more appropriate method of obtaining the information/testimony at this stage of the proceedings is by the issuing of a subpoena pursuant to Rule 54, the Trial Chamber may follow that course of action.”<sup>25</sup>

18. For Assigned Counsel, there is in effect little difference between a subpoena and a binding order because a request for a binding order, while addressed to the state, does not preclude a request for the testimony of *specific individuals*; indeed, they are emphatic that this is the relief being sought:

The proposition in the *Blaskic* Subpoena Decision that ‘States, being the addressees of [the] obligation [to cooperate with the Tribunal] have some choice or leeway in identifying the person responsible for, and the method of, its fulfilment’ applies to situations where the precise identity of the individual is not relevant. *Blaskic* was concerned with the production of State documents. The identity of the producing witness was not crucial to the production of evidence. In the circumstances, the State clearly had some choice or leeway in the manner in which the requested documentation was to be produced. However, in the present case, where the aim of the application is to obtain specific witness testimony from a named individual ... the leeway argument is not applicable. *The state is not permitted to select the witnesses to be heard by the Trial Chamber.*<sup>26</sup>

19. Assigned Counsel therefore suggest that the Trial Chamber issue a binding order to the UK and Germany instead of a subpoena to Mr. Blair and Mr. Schröder, but that the binding orders require each state to produce the requested individual for testimony. In the alternative, they seek to have their applications interpreted as requests for a subpoena.

### United Kingdom

20. The UK’s position is that the application made against it should be interpreted as one for a binding order to the state under Rule 54 *bis*. The *Krstic* Subpoena Decision—issuing a subpoena ad testificandum to compel a state official’s attendance at a pre-testimony interview—“is distinguishable”, in the UK’s view, from the present case.<sup>27</sup> While it admittedly concerns “the issue of a subpoena to a prospective witness to be interviewed in anticipation of tendering that person’s evidence,” it should, according to the UK, be distinguished from the application for the interview and testimony of Mr. Blair because the *Krstic* decision concerned “a witness who [was] expected to give evidence of what he *saw or heard* at a time when he was a State official and in the course of exercising his official functions,”<sup>28</sup> whereas here there is no suggestion that the British Prime Minister is able to give “*direct visual or auditory evidence* of any of the events which are the subject of the prosecution of the defendant, nor that he is able to give an appreciation of events which occurred on the ground.”<sup>29</sup> For this reason, *Krstic* does not apply; *Blaskic* does; and the request remains within the purview of Rule 54 *bis*.

21. In the UK’s submission, Rule 54 is “a general rule about the making of orders, etc.,” whereas “Rule 54 *bis* then makes additional provision where the order sought is to be directed to a State. Thus, any application for production of documents or information from a State must be made under Rule 54 *and* 54 *bis*.”<sup>30</sup> In this instance the request is one for information from a state and thus, the UK says, it comes under Rule 54 *bis*. This is true, the UK insists, regardless of the official manner in which the request was filed or presented. “[E]ven if in form” the application by Assigned Counsel is “a request ... directed to an identifiable human being, that request must fall under Rule 54 *bis* if in substance the request is for the State to produce

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documents or information.”<sup>31</sup>

22. In sum, the UK accepts that *Krstic* establishes an exception to the Rule 54 *bis* regime by requiring a subpoena to be issued when there is a request for a state official’s testimony rather than a request for state documents; it argues, however, that this exception is narrowly circumscribed to the situation where the official is expected to testify about things that he “saw or heard” in the course of exercising his official functions.

#### Germany

23. Germany agrees with the UK that Rule 54 *bis*—and not Rule 54—should apply to the Assigned Counsel’s request. According to Germany, “there can be no doubt regarding the legal classification of the motion introduced by the Defence on 25 August 2005...[:] the Defence proceeds exclusively on the basis of Rule 54 *bis*. It has not requested that the Tribunal issue orders directly against the potential witnesses; rather, it demands that the Trial Chamber order the German government to “make arrangements permitting it to interview the... persons concerned.”<sup>32</sup> Because “the only legitimation for issuing an order paving the way for testimonial evidence is the duty of cooperation set forth in Article 29 of the Statute... such orders should be addressed to the State concerned pursuant to [Rule] 54 *bis* of the Rules of Procedure and Evidence. All the subsequent steps must be left to the sovereign discretion of that State.”<sup>33</sup>

24. Germany does not explicitly argue, as does the UK, that the *Krstic* Appeals Chamber instruction that a subpoena be used to secure official testimony applies only in the situation where the prospective witness has eye-witness knowledge, but it argues for the same result when it stresses that, in its application for Mr. Schröder’s interview and testimony, “[w]hat the Defence wishes to obtain is general information about the foreign policy of Germany” and not the “personal knowledge” of Mr. Schröder.<sup>34</sup> Thus it states that “[d]ozens of other high-ranking governmental officials have the same knowledge as” he has and, as a consequence, “the *Blaskic* jurisprudence must apply [and] [n]o subpoena may be directed” against Mr. Schröder as an individual.<sup>35</sup>

25. Finally, Germany also argues that, as a matter of principle, the protections granted to states in Rule 54 *bis* should not be allowed to be circumvented by allowing a party to seek a subpoena for testimony under Rule 54:

The dominant procedural principle is enshrined in Article 29 of the Statute. States are bound to cooperate with the Tribunal, but it is their right to determine how the requisite cooperation should be effected. By invoking [Rule] 54 of the Rules of Procedure and Evidence and requesting the Tribunal to proceed against individual State officials identified by it, the defence of an accused could circumvent any of the devices designed to protect the sovereign prerogatives of the State concerned.<sup>36</sup>

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#### C. Discussion

26. Although there is no substantive difference between the requirements that must be satisfied for issuance of a binding order to a state and the requirements that must be satisfied for issuance of a subpoena to a state official,<sup>37</sup> there are differences in the effect of the two processes. First, a subpoena would be addressed to Mr. Blair or Mr. Schröder, as opposed to the United Kingdom or Germany, and the individuals—as opposed to their state—would be the subjects of the legal obligations contained therein. Second, the sanction that would apply in the event of non-compliance would be, in the case of a subpoena, a finding of contempt under Rule 77<sup>38</sup> and, in the case of an order, a reporting (via the Tribunal President) of the state’s non-compliance to the Security Council under Rule 7 *bis* of the Tribunal’s Rules.

27. The Trial Chamber finds that where, as here, it is seized of an application for an interview with and testimony from a specific state official—as opposed to an application for information from a state which does not seek to summon a specific official as a witness—the appropriate procedural mechanism for summoning the official to interview and testify is a subpoena addressed to the individual official and not a binding order addressed to the official’s state.

28. In the view of this Chamber, the holding of the Appeals Chamber in *Krstic* is clear: a subpoena under Rule 54, not a binding order under Rule 54 *bis*, is the mechanism that should be used to secure testimony from state officials, and this mechanism includes the power to compel state officials to attend a pre-testimony interview. Rule 54 *bis* is limited to applications for state documents and does not cover applications for oral testimony by state officials, even if it relates to “information” obtained in an official capacity. Indeed, the approach taken by the parties—that essentially all requests for “information” from a state, whether documentary or testimonial, ought to fall under the provisions of Rule 54 *bis*—is consistent with the *dissent* in *Krstic*, and not the majority view that prevailed.<sup>39</sup>

29. This majority view in *Krstic* distinguished the *Blaskic* Appeal Decision (requiring a binding order to the state to compel the production of state documents) on the basis that there is an inherent distinction between *documents* and *testimony*. Although, as the Appeals Chamber held, it is for the state itself to determine which officials are responsible for the requested documents, witness testimony is necessarily specific to that particular individual and thus a subpoena addressed to that individual is appropriate. In the words of the Appeals Chamber:

The justification for the [*Blaskic*] ruling that a subpoena could not be addressed to State officials acting in their official capacity was stated to be that “[s]uch officials are mere instruments of a State and their official action can only be attributed to the State”. Such a statement is very relevant to a custodian of State documents, but it is not apt in relation to a State official who can give evidence of something he saw or heard (otherwise, perhaps, than from a State document). *Unlike the production of State documents, the State cannot itself provide the*

evidence which only such a witness could give.<sup>40</sup>

30. This reasoning applies to all types of testimony. As a result, the Trial Chamber rejects the argument made by the UK and Germany that, under *Krstic*, a subpoena should be issued only when a witness is to testify about things he has seen and heard.<sup>41</sup> Although the Appeals Chamber does repeatedly refer in its *Krstic* decision to testimony about what an official "saw or heard," there is nothing to suggest that the Chamber intended to limit the decision to this type of testimony. The full phrase used throughout the decision is "evidence of what [an official] saw or heard in the course of exercising his official functions," and, in context, the relevance of the phrase appears to be that the evidence concerns "official" as opposed to "private" activity and thus triggers immunity considerations. Indeed, the Appeals Chamber made no explicit finding that the information requested related to what the witnesses had seen or heard and instead held generally that a subpoena was the correct mechanism for compelling pre-testimony interviews, even when a party "[was] unaware of the precise nature of the evidence the prospective witness can give."<sup>42</sup>

31. Finally, the Trial Chamber rejects the argument by the UK<sup>43</sup> and Germany<sup>44</sup> that, if subpoenas for the testimony of state officials were issued under Rule 54, the detailed Rule 54 *bis* protections available to states would be circumvented. According to the two states, parties could always by-pass the requirements of a Rule 54 *bis* document-request (such as identifying with specificity the documents required, showing that the documents are necessary for a fair determination of a matter in issue before the trial chamber, and showing the steps that have been taken to secure the state's assistance) by merely subpoenaing a state official to give the information contained in the document, thus making the protections available under 54 *bis* (such as closed-session hearings for documents that implicate a state's national-security concerns) ineffectual.

32. This seemingly legitimate fear is unwarranted, however, for two reasons. First, the requirements for issuing a subpoena under Rule 54 are as stringent as those for a binding order under Rule 54 *bis*.<sup>45</sup> Second, as the Appeals Chamber in *Krstic* made clear, the protections afforded to state documents under Rule 54 *bis* apply *mutatis mutandis* to a state official giving evidence before the Tribunal. Thus, if a state official were to be asked "questions which raise issues of national-security, then a procedure analogous to Rule 54 *bis* may have to be adopted."<sup>46</sup> As a result, the states' concern that operating under Rule 54 rather than Rule 54 *bis* would deprive them of their ability to seek protection for their national -security interests is unfounded.

#### Conclusion

33. In sum, the decision of the Appeals Chamber in *Krstic* requires that requests for testimony from state officials be governed by Rule 54. This has been confirmed by the recent practice of trial chambers.<sup>47</sup> In addition, applying the *Krstic* dichotomy between documents and testimony would not leave states' national-security interests unprotected because the protections available to official documents in Rule 54 *bis* also apply to official testimony under Rule 54. For these reasons, the Trial Chamber concludes that the Assigned Counsel's application for the interview and testimony of Mr. Blair and Mr. Schröder is an application for a subpoena under Rule 54 and should be assessed according to the standard set out in that rule.

#### IV. Merits

##### A. The Standard for Issuing a Subpoena to a Prospective Witness under Rule 54

34. Having decided that the Assigned Counsel's request is governed by the provisions of Rule 54, it is next necessary to assess whether the requirements for a Rule 54 subpoena have been met.

35. A "Trial Chamber is vested with discretion in determining whether [an] applicant [has] succeeded in making the required showing for a subpoena, this discretion being necessary to ensure that the compulsive mechanism of the subpoena is not abused."<sup>48</sup> "Subpoenas should not be issued lightly", the Appeals Chamber has warned, "for they involve the use of coercive powers."<sup>49</sup> Moreover, "[p]articular caution is needed where the [party] is seeking to interview a witness who has declined to be interviewed."<sup>50</sup>

36. In entertaining an application for a subpoena, a trial chamber should consider two factors: (1) whether the information in the possession of the prospective witness is necessary for the resolution of specific issues in the trial (the "legitimate forensic purpose" requirement), and (2) whether the information in the possession of the prospective witness is obtainable by other means (the "last resort" requirement).<sup>51</sup>

##### *Legitimate Forensic Purpose*

37. The issuance of a subpoena to a prospective witness for either an interview or testimony is subject to the condition set out in Rule 54 that it be "necessary" for "the preparation or conduct of trial."

38. The Appeals Chamber has explained that, in the context of a pre-testimony interview, this means that:

a subpoena pursuant to Rule 54 would become 'necessary' for the purposes of that Rule where a *legitimate forensic purpose* for having the interview has been shown. An applicant for such an order or subpoena before or during the trial would have to demonstrate a reasonable basis for his belief that there is a good chance that the prospective witness will be able to give information which will materially assist him in his case, in relation to clearly identified issues relevant to the ... trial.<sup>52</sup>

This requirement applies equally to a subpoena seeking to compel a witness to testify at trial.

39. The Chamber draws attention to the Appeals Chamber's holding that the information sought from the prospective witnesses must not only be of assistance; it must be of *material* assistance. Thus it is not enough that the information requested may be "helpful or convenient" for one of the parties: it must be of substantial or considerable assistance to the Accused in relation to a clearly identified issue that is relevant to the trial.<sup>53</sup>

40. As a result, an applicant for a subpoena must be specific about the information sought from the prospective witness and must demonstrate a nexus between this information and the case against the accused. Factors that may be relevant to establishing this nexus include the position held by the prospective witness in relation to the events in question; any relationship the witness may have had with the accused which is relevant to the charges; any opportunity the witness may have had to observe or to learn about those events, and any statements the witness made to the Prosecution or others in relation to them.<sup>54</sup>

#### *Last Resort*

41. Even if a party satisfies a chamber that a subpoena for a witness' testimony has a legitimate forensic purpose, however, issuing a subpoena would still be inappropriate if the information sought through testimony is available through other means. As the Appeals Chamber has warned, a trial chamber's consideration of an application for a subpoena "must focus not only on the usefulness of the information to the applicant" but also on "its overall necessity in ensuring that the trial is informed and fair."<sup>55</sup>

### **V. Do the Applications Meet the Standard for the Issuance of a Subpoena?**

#### **A. Parties' Submissions**

##### *Assigned Counsel*

42. In their application for the testimony of Mr. Blair, Assigned Counsel provide a "schedule" outlining the following nine categories of proposed testimony: (1) communications between Mr. Blair and the Accused as well as "other leading persons involved in issues relevant to the Kosovo indictment against the Accused"; (2) NATO's involvement in "supporting, arming and training the Kosovo Liberation Army" ("KLA") to "carry out" attacks within Kosovo between 1997 and 1999; (3) the UK Government's involvement in the diplomatic initiatives and negotiations concerning Kosovo that took place with the Federal Republic of Yugoslavia ("FRY") and the Republic of Serbia between 1997 and 1999; (4) the UK Government's participation in and acquisition of intelligence from the Kosovo Verification Mission between 1997 and 1999; (5) the UK Government's involvement in the negotiations concerning Kosovo that took place in Rambouillet and Paris in 1999; (6) NATO's "decision to arm and attack the FRY in 1998 and 1999 and the explanation for the targets and purpose of the attacks"; (7) cooperation between NATO and the KLA in operations against the FRY between 1998 and 1999; (8) the "inaccurate information given by the UK Government to the media" concerning events in the FRY between 1997 and 1999, and (9) the "cessation of the NATO campaign against the FRY in June 1999" and the implementation of UN Security Council Resolution 1244.<sup>56</sup>

43. The application for Mr. Schröder's testimony contains the same proposed subject-matter of testimony as the application for Mr. Blair's except that (i) the application for Mr. Blair's testimony contains two additional areas of proposed testimony, numbers (8) and (9), (ii) the application for Mr. Blair's testimony relies, as support for the first proposed subject-matter of testimony (communications with the Accused and others involved in issues relevant to the Kosovo indictment) on a letter sent by Mr. Blair to the Accused, whereas there is no such letter from Mr. Schröder, and (iii) there are other differences of a primarily semantic nature.<sup>57</sup>

##### *United Kingdom*

44. The UK argues that the Assigned Counsel application should be denied because the requirements for relief under Rule 54 have not been met in the present case.<sup>58</sup> According to the UK, "[t]he use of the word 'necessary' in [Rule 54] imposes a high threshold before a Trial Chamber may issue an order or a subpoena."<sup>59</sup> And yet, according to the UK, the Assigned Counsel's request "is couched in the broadest of terms" and "in effect" seeks "an order which would enable a fishing expedition in the form of taking the testimony of a head of government on any and every aspect of his government's policy regarding the Kosovo conflict."<sup>60</sup> Much of the information requested in the application for Mr. Blair's testimony is also, according to the UK, "plainly irrelevant" to the determination of any of the charges made against the Accused.<sup>61</sup>

45. In addition, the UK argues that the application "is not being made as a last resort" because there was no "serious attempt to secure voluntary cooperation in the provision of information."<sup>62</sup>

##### *Germany*

46. Germany also complains of a lack of specificity in the Assigned Counsel application. The application in relation to Mr. Schröder does not, in Germany's view, "specify the facts in relation to which testimony of the ... potential witness[] is sought."<sup>63</sup> Indeed, Germany states, the "reader is at a loss to guess what impact any answers to the subject matter of testimony could have on the adjudication of the charges by the Tribunal."<sup>64</sup>

47. Instead of establishing a plausible link between the information that the Accused seeks to extract from former Chancellor Schröder and the charges which the Accused is facing, the Defence, Germany argues, "ha[s] chosen two different counter-

strategies. On the one hand, it makes unfounded allegations about policies of the German Government during the relevant years" and on the other "it delves into the general history of 'Yugoslavia', trying to shift the blame for the disintegration of the unity of the State on NATO and Germany in particular."<sup>65</sup> Apart from "being groundless and partly absurd", Germany stresses, "all of these submissions are absolutely irrelevant for the trial [of] the Accused."<sup>66</sup> Thus, it concludes, the application for Mr. Schröder's testimony should be denied.

## B. Discussion

48. The Trial Chamber finds that the applications for subpoenas in this case fail to identify with sufficient specificity either the particular indictment-related issues to which the proposed testimony is relevant or, indeed, how this testimony would "materially assist [the Accused] in his case."<sup>67</sup> This lack of specificity is, in itself, a sufficient basis upon which the Trial Chamber could deny the applications.<sup>68</sup> However, for the sake of completeness, the Chamber will assess whether any of the categories of proposed testimony put forward by the Assigned Counsel (nine categories in the case of Mr. Blair; seven for Mr. Schröder) pass the test for the issuance of a subpoena under Rule 54.<sup>69</sup>

### *Argument that the Accused had a Policy to Create Peace in the Region*

49. The first category of testimony identified by Assigned Counsel in its schedules concerns "direct or indirect communications" between Mr. Blair/Mr. Schröder and the Accused which reveal that the Accused's policy was "to create peace in the region" of Kosovo.<sup>70</sup>

50. According to Germany, this subject-matter is entirely irrelevant to the charges against the Accused and thus has no connection to any live issue in the trial. As Germany puts it,

the fact that peace may have been a subject of some conversations is not suited to prove that the Accused did not commit the offences with which he has been charged or that his culpability, should he be convicted, is of lesser weight.<sup>71</sup>

51. The Trial Chamber notes that Assigned Counsel do not specify a single direct or indirect communication between the Accused and Mr. Schröder and that in neither application do the Assigned Counsel explain how proving that the Accused had a policy to "create peace" might impact upon the Trial Chamber's findings on any element of any crime with which the Accused is charged in the Kosovo indictment. Thus this category of proposed testimony does not constitute a legitimate forensic purpose for the subpoenas.

52. In their application for the testimony of Tony Blair, Assigned Counsel do specify one direct communication between the proposed witness and the Accused—a letter dated 24 September 1998 from Mr. Blair to Mr. Milosevic—but this does not change the result.

53. The letter has been admitted into evidence as a Prosecution exhibit and states in relevant part as follows:

I wrote to you in June to express my deep personal concern about the situation in Kosovo and to appeal to you to take the necessary steps to work for a peaceful resolution of this difficult problem ... I have continued to take a close personal interest in developments in Kosovo. I have to say that I have been disturbed and perplexed by the evidence of continuing hostilities and the rapidly worsening humanitarian crisis. As I said in my previous letter, no one disputes your right to deal with security problems. But the excessive and indiscriminate use of force by your security and armed forces is having an intolerable impact on innocent civilians who are being forced to flee their homes and whose livelihoods are being destroyed.<sup>72</sup>

54. Assigned Counsel use the 24 September 1998 letter to support their application for Mr. Blair's testimony by arguing that "[t]he Prosecution have alleged that this letter put the Accused on notice that his forces were abusing the human rights of the Kosovan Albanians" and that, because the "terms of that letter are disputed" by the Accused, he should be allowed to "put his case to [Mr. Blair] and question him about the sources of his information."<sup>73</sup> But whether the Accused was in fact put on notice is not affected by any evidence that Mr. Blair can give from his personal knowledge. Thus Assigned Counsel's request that the Accused be allowed to question Mr. Blair about his sources serves no legitimate forensic purpose.

55. Of course, the truth of the factual assertions in the letter—namely that FRY forces were using "excessive and indiscriminate force" against civilians—would be relevant, but since there is no suggestion that Mr. Blair has personal knowledge about what happened "on the ground" so that he could be asked to verify these facts, there is no legitimate forensic purpose in calling him to verify these facts. For the same reason, a subpoena for his testimony on this basis—where the information is clearly obtainable through other, better, means such as eye-witnesses—would also not be a "last resort" and the Chamber declines to issue the subpoena on this basis as well.<sup>74</sup>

56. In sum, with regard to the first proposed subject of testimony (including the letter from Mr. Blair), there is no evidence that the information sought from either of the proposed witnesses affects any issue relevant to the determination of the guilt or innocence of the accused in relation to any of the charges in the Kosovo indictment; therefore the request does not satisfy the requirements for the issuance of a subpoena.

57. The third and fifth categories of testimony sought from the prospective witnesses also centre on the Accused's argument that

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he was a peacemaker whilst other states—including the UK and Germany—were the aggressors in Kosovo.<sup>75</sup> Thus the Assigned Counsel seek information about the diplomatic negotiations on Kosovo that took place between 1997 and 1999 (third category), and, in particular, the negotiations on Kosovo that took place at Rambouillet and Paris in 1999 (fifth category). This information is said to be relevant because “the Accused’s case is that since the Dayton Accord he took all proper steps to ensure peace and stability in the region of the FRY [and that notwithstanding] this ... there was a policy to cause the diminution of the State of Serbia pursued by the [UK and Germany].”<sup>76</sup> As heads-of-government of the UK and Germany, the Assigned Counsel conclude, Mr. Blair and Mr. Schröder were “aware of the policy to reduce the State of Serbia and approved the steps necessary to pursue it.”<sup>77</sup>

58. Again, this is not a legitimate ground for compelling Mr. Blair or Mr. Schröder to attend an interview or testify. General references to the policy of the governments of the UK or Germany regarding Kosovo, and to the alleged policy regarding the “diminution of the State of Serbia” in particular, do not constitute “necessary” information for the defence of any of the charges in the Kosovo indictment. Nor, more specifically, have the Assigned Counsel shown that the prospective witnesses’ “awareness” of such policies is something which, if proved, would affect the Accused’s defence case in relation to any particular charge. Therefore the third and fifth categories of testimony identified by the Assigned Counsel as justifying a subpoena do not pass the “legitimate forensic purpose” test for issuance of a subpoena under Rule 54.

#### *Argument that the UK and German Governments Supported NATO/KLA Aggression*

59. The second category of testimony sought from the prospective witnesses—the alleged NATO involvement in the supporting, arming and training of the KLA to carry out attacks within Kosovo between 1997 and 1999—is said to be relevant to the Accused’s defence for two reasons. First, it is said that “the Accused’s case [is] that acts committed in Kosovo were in self-defence against acts of the KLA,” because the latter’s “aim ... was to make Kosovo an independent State and to remove all Serbian people from the territory.”<sup>78</sup> Second, Assigned Counsel argue, crimes in the indictment such as the forcible transfer and deportation of civilians alleged to have been committed as a result of the criminal responsibility of the Accused were in fact caused by the “activities of NATO and the KLA.”<sup>79</sup> Mr. Blair and Mr. Schröder, it is alleged, were “aware of this policy to support the KLA” and NATO, and thus their testimony is required.<sup>80</sup>

60. Similarly, the fourth, sixth and seventh areas of testimony outlined by the Assigned Counsel in the schedules to their applications centre on the UK and German governments’ involvement in the NATO bombings. It is argued for instance that these governments collaborated with the Kosovo Verification Mission [of the OSCE], the purpose of which was to “enable NATO to attack FRY civilian and military targets in Kosovo.”<sup>81</sup> And it is stressed that the UK and German governments, “as significant members of NATO, led the agenda within NATO to attack the FRY in pursuit of that policy” of attack. Again, the Assigned Counsel state, the attack by NATO was a planned act of aggression that “caused [the FRY] to act in self-defence” and “caused the migration of the population as a reaction to the bombing campaign.”<sup>82</sup> And since the two prospective witnesses were “aware of this NATO policy” and “sanctioned it,” a subpoena for their testimony is warranted.<sup>83</sup>

61. In response to the claim that the activities of NATO and the KLA are relevant to the Accused’s argument that he acted in self-defence, Germany states that the “Defence seems to be unaware of the basic [distinction between *jus ad bellum* and *jus in bello*] which inexorably leads to the conclusion that the alleged necessity to hear the [prospective witness] cannot be justified by invoking self-defence. The Yugoslav armed forces were bound to remain within the confines of the applicable rules of humanitarian law, in the same way as the NATO forces during their air operations, regardless of whether the FRY had been unlawfully attacked or not.”<sup>84</sup> Similarly, in response to the claim that the activities of NATO and the KLA are relevant to the Accused’s case that the forced migration of Kosovo-Albanian civilians from Kosovo was caused not by him but by NATO, Germany states that, even if these issues are relevant, “the witnesses identified in the [applications] are unable, by their testimony, either to confirm or to deny that the line of argument of the Defence is correct or false.”<sup>85</sup>

62. The Trial Chamber is not convinced by the Assigned Counsel’s argument that the testimony of the prospective witnesses is “necessary” in regard to these matters because the proposed witnesses are not alleged to have personal knowledge of events “on the ground.” Thus, while certain alleged activities of NATO and/or the KLA may be relevant to the trial because they may provide an exculpatory explanation for the migration of civilians from Kosovo and other allegations in the indictment, Mr. Blair and Mr. Schröder’s “awareness” of a UK or NATO policy to support the KLA or NATO would not, even if proved, buttress the Accused’s arguments on any matter relevant to a determination of his guilt or innocence in relation to these allegations. Thus there is no legitimate forensic purpose for the information sought and as a result no basis for the issuance of a subpoena on these grounds.

#### *Other Proposed Testimony for Mr. Blair*

63. The eighth and ninth categories of testimony identified by Assigned Counsel are sought only from Mr. Blair, but neither constitutes a legitimate basis for a subpoena to be issued to him. The eighth category of proposed testimony relates to the allegation that the UK Government “deliberately fed the media unsubstantiated and false news reports concerning the living conditions and migration of the Kosovo Albanians which were critical of the FRY and Serbia” and that “[d]uring the NATO attack on the FRY the destruction of civilian targets was intentionally denied to give a false and misleading impression of the validity of the war.”<sup>86</sup>

64. The UK response to these claims is that “even if [this allegation] were correct, it would have no bearing on the question of the Accused’s guilt or innocence of the charges against him.”<sup>87</sup> The Chamber agrees, and as a consequence, the eighth category of information does not justify a subpoena for Mr. Blair to interview or testify.

65. Finally, the ninth category of testimony proposed by Assigned Counsel—“[t]he cessation of the NATO campaign against the

FRY in June 1999 and the implementation of U.N. Security Council Resolution 1244<sup>88</sup> — is outside the temporal scope of the indictment and thus is not relevant to any charges made against him. Indeed, in the application for a binding order to Germany, Assigned Counsel “conced[ed] that this matter ... does not relate sufficiently to matters within the Indictment.”<sup>89</sup> Thus, no subpoena can issue on this basis.

### Conclusion

66. A party seeking to secure the testimony or pre-testimony interview of a state official must apply for a subpoena under Rule 54. According to the provisions of this rule, a subpoena for testimony must be “necessary” for “the preparation or conduct of trial”, which in turn means that the application for testimony must have a legitimate forensic purpose and should only be used as a “last resort.” The Trial Chamber has examined the Assigned Counsel’s applications, including the attached schedules of proposed testimony, and finds that the issuance of a subpoena is not warranted in relation to either Mr. Blair or Mr. Schröder.

67. Because the applications fail on their merits, no issue arises as to whether the status of the prospective witnesses as senior state officials would have given them immunity from a subpoena compelling them to attend an interview or testify in a trial before the Tribunal.

68. Finally, because there is nothing in the present decision that necessitates a confidential filing, and because the issues which the applications raise are of some significance to the Tribunal’s procedures generally, the present decision is given publicly notwithstanding that the applications and subsequent pleadings were filed on a confidential basis.

### VI. Disposition

69. For these reasons, pursuant to Rules 54 and 126 *bis*, the Trial Chamber hereby ORDERS as follows:

- (a) The Trial Chamber GRANTS, *proprio motu*, leave to Assigned Counsel to file their Reply to UK Response;
- (b) The Trial Chamber DENIES the Assigned Counsel application for the testimony and pre-testimony interview of Tony Blair, and
- (c) The Trial Chamber DENIES the Assigned Counsel application for the testimony and pre-testimony interview of Gerhard Schröder.

Done in both English and French, the English text being authoritative.

Judge Robinson  
Presiding

Dated this 9th day of December 2005  
At The Hague  
The Netherlands

[Seal of the Tribunal]

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1 - Request for Binding Order to be Issued to the Government of the United Kingdom for the Cooperation of a Witness pursuant to Rule 54 *bis*, 18 August 2005 (“UK Application”), para. 19.  
 2 - Request for Binding Order to be Issued to the Government of the Federal Republic of Germany for the Cooperation of Certain Witnesses pursuant to Rule 54 *bis*, 26 August 2005 (“Germany Application”), para. 17.  
 3 - Written Response of the Government of the United Kingdom to the Request for a Binding Order for the Cooperation of a Witness pursuant to Rule 54 *bis*, 9 September 2005 (“UK Response”).  
 4 - Reply by Assigned Counsel to Written Response dated 9 September 2005 of the Government of the United Kingdom to the Request for a Binding Order to be Issued to the Government of the United Kingdom for the Cooperation of a Witness Pursuant to Rule 54 *bis* (“Reply to UK Response”). This Reply was not accompanied by a request for leave, as required by Rule 126 *bis*. The Trial Chamber notes this non-compliance with the Tribunal’s procedures but decides in this instance to grant, *proprio motu*, pursuant to Rules 126 *bis* and 54, leave to Serbia and Montenegro to file it.  
 5 - Answer to the Request for Binding Orders to be Issued to the Government of the Federal Republic of Germany for the Cooperation of Certain Witnesses Pursuant to Rule 54 *bis*, 23 September 2005 (“Germany Response”).  
 6 - Reply by Assigned Counsel to the “Answer to the Request for Binding Orders to be Issued to the Government of the Federal Republic of Germany for the Cooperation of Certain Witnesses Pursuant to Rule 54 *bis*”, 30 September 2005.  
 7 - *Prosecutor v. Krstic*, Case No. IT-98-33-A, Decision on Application for Subpoenas (“Krstic Appeal Decision”), 1 July 2003.  
 8 - Preliminary Order on Request by Assigned Counsel for a Binding Order to be Issued to the Government of the United Kingdom for the Cooperation of a Witness, 30 September 2005; Preliminary Order on Request by Assigned Counsel for a Binding Order to be Issued to the Government of the Federal Republic of Germany for the Cooperation of Certain Witnesses, 30 September 2005.  
 9 - Assigned Counsel Response to ‘Preliminary Order on Request by Assigned Counsel for a Binding Order to be Issued to the Government of the United Kingdom for the Cooperation of a Witness’, 7 October 2005 (“Assigned Counsel Response to Preliminary Order Against UK”); Assigned Counsel Response to ‘Preliminary Order on Request by Assigned Counsel for a Binding Order to be Issued to the Government of the Federal Republic of Germany for the Cooperation of Certain Witnesses’, 7 October 2005 (“Assigned Counsel Response to Preliminary Order Against Germany”).  
 10 - Response of the Government of the United Kingdom to the Trial Chamber’s Preliminary Order Dated 30 September 2005, 14 October 2005 (“UK

- Response to Preliminary Order"; Comments on the Preliminary Order of Trial Chamber III of 30 September 2005 for Clarification of Motion of Defence, 14 October 2005 ("Germany Response to Preliminary Order").
- 11 - Assigned Counsel Notice of the Revision to the Request for Binding Orders to be Issued to the Government of the Federal Republic of Germany for the Cooperation of Certain Witnesses pursuant to Rule 54 *bis*, 7 November, 2005.
- 12 - *Prosecutor v. Blaskic*, Case No. IT-95-14-AR 108 *bis*, Judgement on the Request of the Republic of Croatia for Review of the Decision of Trial Chamber II of 18 July 1997, 29 October 1997 ("Blaskic Appeal Decision"), para. 27.
- 13 - *Blaskic Appeal Decision*, para. 21.
- 14 - *Prosecutor v. Blas*, *supra* n. 12, Order on the Motion of the Prosecutor for the Issuance of a Binding Order by the Republic of Croatia for the Production of Documents, 30 January 1998, Decision on the Order on the Motion of the Prosecutor for the Issuance of a Binding Order to Discover Information for the Production of Documents, 17 October 1997.
- 15 - *See Prosecutor v. Kordic*, Case No. IT-95-9-P, Decision (Trial Chamber III) Application by Stevan Testovic to Re-Open the Decision of 27 July 1997, 14 November 1997, 29 October 1997 ("Kordic Appeal Decision"), para. 27.
- 16 - *Prosecutor v. Kordic*, Case No. IT-95-9-P, Decision (Trial Chamber III) Application by Stevan Testovic to Re-Open the Decision of 27 July 1997, 14 November 1997, 29 October 1997 ("Kordic Appeal Decision"), para. 27.
- 17 - *Prosecutor v. Kordic*, Case No. IT-95-9-P, Decision (Trial Chamber III) Application by Stevan Testovic to Re-Open the Decision of 27 July 1997, 14 November 1997, 29 October 1997 ("Kordic Appeal Decision"), para. 27.
- 18 - *Prosecutor v. Kordic*, Case No. IT-95-9-P, Decision (Trial Chamber III) Application by Stevan Testovic to Re-Open the Decision of 27 July 1997, 14 November 1997, 29 October 1997 ("Kordic Appeal Decision"), para. 27.
- 19 - *Prosecutor v. Kordic*, Case No. IT-95-9-P, Decision (Trial Chamber III) Application by Stevan Testovic to Re-Open the Decision of 27 July 1997, 14 November 1997, 29 October 1997 ("Kordic Appeal Decision"), para. 27.
- 20 - *Prosecutor v. Kordic*, Case No. IT-95-9-P, Decision (Trial Chamber III) Application by Stevan Testovic to Re-Open the Decision of 27 July 1997, 14 November 1997, 29 October 1997 ("Kordic Appeal Decision"), para. 27.
- 21 - *Prosecutor v. Kordic*, Case No. IT-95-9-P, Decision (Trial Chamber III) Application by Stevan Testovic to Re-Open the Decision of 27 July 1997, 14 November 1997, 29 October 1997 ("Kordic Appeal Decision"), para. 27.
- 22 - *Prosecutor v. Kordic*, Case No. IT-95-9-P, Decision (Trial Chamber III) Application by Stevan Testovic to Re-Open the Decision of 27 July 1997, 14 November 1997, 29 October 1997 ("Kordic Appeal Decision"), para. 27.
- 23 - Assigned Counsel Response to Preliminary Order against UK, para. 4; Assigned Counsel Response to Preliminary Order against Germany, para. 9.
- 24 - *Id.*
- 25 - Assigned Counsel Response to Preliminary Order against UK, para. 16; Assigned Counsel Response to Preliminary Order against Germany, para. 17. Assigned Counsel also point out that the Trial Chamber has the power *proprio motu* "to summon witnesses and order their attendance" pursuant to Rule 98 of the Rules. *Id.*
- 26 - Assigned Counsel Response to Preliminary Order against UK, para. 11; Assigned Counsel Response to Preliminary Order against Germany, para. 12 (emphasis added).
- 27 - UK Response to Preliminary Order, para. 19.
- 28 - *Id.* at para. 4(a), citing *Krstic Appeal Decision*, paras. 22, 24, 25 and 27.
- 29 - *Id.* at para. 7 (emphasis added).
- 30 - *Id.* at para. 5.
- 31 - *Id.* at para. 12. See also *Id.* at para. 6.
- 32 - Germany Response to Preliminary Order, para. 5.
- 33 - *Id.* at para. 9.
- 34 - *Id.*
- 35 - *Id.*
- 36 - *Id.* at para. 3.
- 37 - Compare Rule 54 *bis* (A) with Rule 54. See also pp. 16-18, *infra*.
- 38 - Rule 77 provides that a Trial Chamber "may hold in contempt those who knowingly and willingly interfere with its administration of justice, including any person who ... without just excuse fails to comply with an order to attend before or produce documents before a Chamber" (emphasis added).
- 39 - See Germany Response to Preliminary Order, para. 3 ("Germany is not persuaded by the reasoning of the Appeals Chamber in *Krstic* of 1 July 2003. In his dissenting opinion, Judge Shahabuddeen has convincingly shown that to draw a distinction between the issuance of a subpoena in connection with the production of documents, on the one hand, and testimony as witness, on the other hand, has no valid justification.")
- 40 - *Krstic Appeal Decision*, para. 24 (emphasis added).
- 41 - UK Response to Preliminary Order, paras. 4(a) and 7 (testimony must relate to what a witness has "seen or heard" to come under Rule 54); Germany Response to Preliminary Order, para. 9 (testimony must relate to witness' "personal knowledge" to come under Rule 54).
- 42 - *Krstic Appeal Decision*, para. 9.
- 43 - UK Response to Preliminary Order, para. 9.
- 44 - Germany Response to Preliminary Order, para. 3.
- 45 - See fn. 37, *supra*.
- 46 - *Id.* at para. 28 (emphasis added). See also *Prosecutor v. Milosevic*, Case No. IT-02-54-T, Decision on the Application from the Federal Republic of Yugoslavia in Relation to the Testimony of a Former Head of State, 31 July 2002, paras. 18-20.
- 47 - See fn. 22, *supra*.
- 48 - *Halilovic Appeal Decision*, para. 6 (internal citations omitted). See *Martic Trial Decision*, para. 18 ("The subpoena is an instrument of judicial compulsion and is backed by the threat and the power of criminal sanctions for non-compliance. It is, therefore, to be used sparingly. Although a Trial Chamber should not hesitate to use this instrument when it is necessary to elicit information of importance to the case and to the presentation of one of the parties' cases, it must guard against the subpoena becoming a mechanism which is used routinely as part of trial tactics.")
- 49 - *Halilovic Appeal Decision*, para. 6.
- 50 - *Id.* Dissent of Judge Weinberg de Roca, para. 4 (internal citations omitted).
- 51 - *Krstic Appeal Decision*, para. 10 and *Halilovic Appeal Decision*, para. 7. Cf. *Martic Trial Decision*, para. 10 ("Under Rule 54, the party applying for a subpoena ... must show that the measure requested is necessary and that it is for the purposes of an investigation or for the preparation or conduct of the trial. There are, therefore, two requirements which must be met under Rule 54, the 'purpose' requirement and the 'necessity' requirement.")
- 52 - *Krstic Appeal Decision*, para. 10. The Appeals Chamber has also phrased this as: an "applicant seeking a subpoena must... demonstrate a reasonable basis for his belief that the prospective witness is likely to give information that will materially assist the applicant with respect to clearly identified issues in the... trial." *Halilovic Appeal Decision*, para. 6 (emphasis added).
- 53 - *Martic Trial Decision*, para. 12. See also *Krstic Appeal Decision*, para. 11 (The defence "will not be permitted to undertake a fishing expedition", for instance where the defence "is unaware whether the particular person has any relevant information, and it seeks to interview that person merely in order to discover whether he has any information which may assist the defence.")
- 54 - *Halilovic Appeal Decision*, para. 6.
- 55 - *Id.* at para. 7 (internal citations omitted). See also *id.* ("In deciding whether the applicant has met the evidentiary threshold, the Trial Chamber may properly consider both whether the information the applicant seeks to elicit through the use of subpoena is necessary for the preparation of his case and whether this information is obtainable through other means. The background principle informing both considerations is whether, as Rule 54 requires, the issuance of a subpoena is necessary 'for the preparation or conduct of the trial.'")

- 64 - UK Application, Schedule of Testimony; Germany Application, Schedules of Testimony.
- 65 - For instance, in the application against the UK, the first area of proposed testimony for Mr. Blair is stated to be "[c]ommunications with Slobodan Milosevic" whereas the application for Mr. Schröder's testimony describes the information requested as "[m]eetings and communications with Slobodan NATO support and is limited to the period "1997-1999", whereas in the Schröder application it relates to the German government's support and is not limited in time. Similarly, the fourth area of proposed testimony is described in the application for Mr. Blair's testimony as "U.K. Government participation in and acquisition of intelligence from the Kosovo Verification Mission (KVM) in the period 1998-1999" whereas in the application for Mr. Schröder's testimony it is described as "[t]he involvement of the Government of the Federal Republic of Germany in the acquisition of intelligence from the Kosovo Verification Mission (KVM) in the period 1998-1999."
- 66 - The UK primarily argued that the requirements of Rule 54 *bis* were not satisfied, but it made clear that if the application were to be considered under Rule 54, it should fail for the same reasons. See UK Response to Preliminary Order, paras. 8-9.
- 67 - *Id.* at para. 8.
- 68 - UK Response, para. 22.
- 69 - *Id.* at para. 24.
- 70 - *Id.* at para. 26.
- 71 - Germany Response, para. 1.
- 72 - *Id.* at para. 5.
- 73 - *Id.* at para. 6.
- 74 - *Id.* at para. 11.
- 75 - *Krstic* Appeal Decision, para. 10.
- 76 - *Halilovic* Appeal Decision, para. 8 ("In this case, the Trial Chamber concluded, in its initial analysis of the Defence application for a subpoena, that the Defence failed to provide information specific enough to satisfy the evidentiary threshold. In the Trial Chamber's conclusion, the Defence 'has only provided a general basis in making its request for subpoenas,' and its request lacked the requisite specificity. If accurate, this conclusion could be a sufficient basis for the rejection of the Defence request.") (internal citations omitted).
- 77 - See paras. 37-41, *supra*.
- 78 - UK Application, Schedule of Testimony, p. 12; Germany Application, Schedule of Testimony, p. 13.
- 79 - Germany Response, para 15
- 80 - Ex. 75.
- 81 - UK Application, Schedule of Testimony, p. 12 (emphasis added).
- 82 - See fn. 55, *supra*.
- 83 - UK Application, Schedule of Testimony, pp. 13-14; Germany Application, Schedule of Testimony, pp. 15-16.
- 84 - UK Application, Schedule of Testimony, p. 13; Germany Application, Schedule of Testimony, p. 15.
- 85 - UK Application, Schedule of Testimony, p. 13; Germany Application, Schedule of Testimony, p. 15.
- 86 - UK Application, Schedule of Testimony, pp. 12-13; Germany Application, Schedule of Testimony, p. 14.
- 87 - Germany Application, Schedule of Testimony, p. 14; See also UK Application, Schedule of Testimony, p. 13.
- 88 - *Id.*
- 89 - UK Application, Schedule of Testimony, pp. 13 and 15; Germany Application, Schedule of Testimony, pp. 15 and 17.
- 90 - UK Application, Schedule of Testimony, pp. 13-14.
- 91 - UK Application, Schedule of Testimony, pp. 14, 15, 16; Germany Application, Schedule of Testimony, pp. 17 and 18. See also *Id.* at p. 16 (Chancellor Schröder was "aware of this NATO policy" and "approved it.").
- 92 - Germany Response, para. 17.
- 93 - *Id.* at para. 19.
- 94 - UK Application, Schedule of Testimony, p. 16.
- 95 - UK Response, para. 24.
- 96 - *Id.*
- 97 - Germany Application, para. 16. See also UK Response, para. 25 ("paragraph 3.9 of the Schedules refers to an allegation of continued support for the KLA after the cessation of the NATO operations in June 1999. Even if there were any substance in this allegation, it could have no bearing on the charges, which relate to events that had already occurred by then.").



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1 Monday, 12 December 2005

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.02 a.m.

5 JUDGE ROBINSON: Mr. Milosevic, I understand you wish to address  
6 the Chamber.

7 THE ACCUSED: [Interpretation] Mr. Robinson, very briefly. Since  
8 the winter recess is about to begin, as you know full well, I wanted to  
9 ask you to make it possible for me to take advantage of this recess so  
10 that I could go to Moscow to the Bakulev Scientific Institute of  
11 academician Professor Bockeria for health reasons. See far I've been  
12 examined by two experts from that institute, and I have full trust in this  
13 institute. It is the top-notch medical institution in Russia. It would  
14 not affect your programme in any way, because I would be back here again  
15 before this is resumed in accordance with your programme, so I'm asking  
16 you to make this possible for me for health reasons. I don't see any  
17 hindrance in the way of this because it really would not disturb your  
18 programme in any way.

19 So that would be it in the briefest possible terms.

20 JUDGE ROBINSON: Mr. Milosevic, I've been fairly flexible in  
21 relation to the presentation of motions by you orally because the Rules  
22 allow for it and there is an advantage to be gained by an oral submission  
23 in certain circumstances, but this is, in effect, an application for  
24 provisional release, which should be made in writing, and you -- I think  
25 you very well know that.

1 THE ACCUSED: [Interpretation] Mr. Robinson, I assume that what I  
2 say here and what is recorded in the transcript has the same effect as any  
3 written submission would.

4 [Trial Chamber confers]

5 JUDGE ROBINSON: Mr. Milosevic, if we are to even begin to  
6 consider this application, there's a host of matters that you'd have to  
7 attend to antecedent to our consideration of it. For one, we'd need a  
8 medical report in relation to the particular condition that affects you  
9 and which you say can be treated adequately in Moscow. Secondly, it's an  
10 application for provisional release, which would have to be covered by  
11 adequate guarantees. None of that you have presented. So I can't believe  
12 that you are serious in making this presentation.

13 I advise that you consult Mr. Kay as to how to put in a proper  
14 application, and we'll consider it.

15 Let the witness be called.

16 MR. NICE: Your Honour, I also have a matter to raise in private  
17 session, with the Court's leave.

18 JUDGE ROBINSON: In private session?

19 MR. NICE: Yes.

20 JUDGE ROBINSON: Yes.

21 [Private session]

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

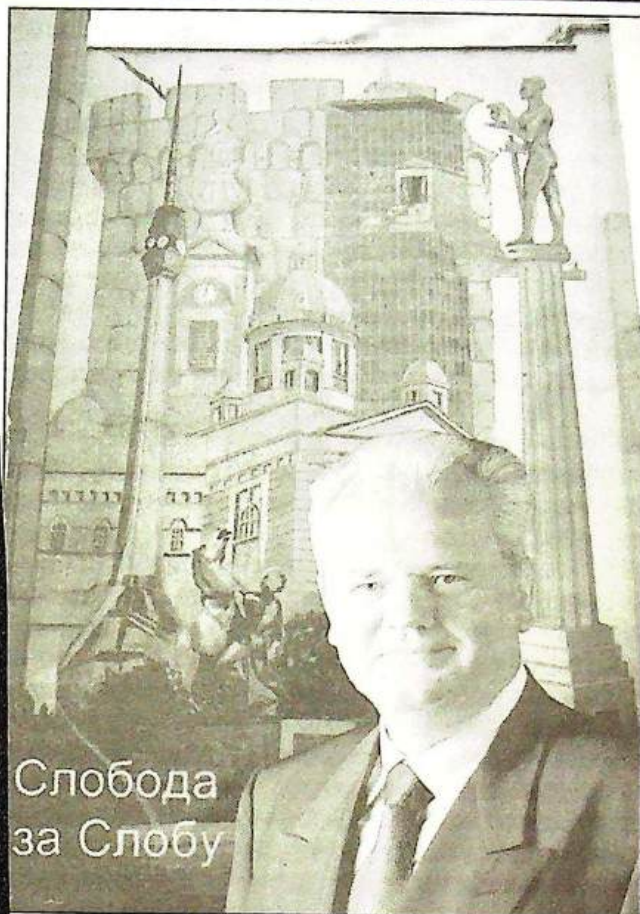
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## Steun campagne juristen Milosevic

15-12-2008

Het proces tegen Slobodan Milosevic wordt niet verlengd en eindigt daarom in maart 2006. De mensen die Milosevic helpen bij zijn verdediging (juristen en andere steunverleners) zetten alles op alles om de steun te maximaliseren, want het is nu of nooit. Dat kost handenvol geld. Donaties zijn daarom dringend noodzakelijk. Ex-president Milosevic strijdt voor een terechte zaak. Het gaat niet alleen om zijn persoon, maar om de teloorgang van een soevereine staat, veroorzaakt door het Westen. Het gaat ook om de ontkrachting van het internationaal recht.



Слобода  
за Слобу

### Rekeningnummer:

Comité INTERSOL, postbanknummer 4766774, in Amsterdam.  
(voor het buitenland: IBAN NL07 PSTB 0004766774. BIC PSTBNL21)

On top of the trial chamber's fallacious reasoning that 360 hours for the defense and 360 hours for the prosecution automatically equals to a fair trial. The ruling on the severance of the Kosovo indictment has clearly exposed the political nature of the Tribunal. The trial chamber's ruling reads: "In light of the foregoing decision [not to extend the time allotted for the defense case], which should lead to the conclusion of the trial within the anticipated time scale, the Trial Chamber does not consider it appropriate to sever the Kosovo indictment."

Bear in mind that it was the trial chamber's idea to sever the Kosovo indictment and render an early judgment in the first place. The defense and the prosecution have both consistently opposed severing the indictment.

When the trial chamber first hatched the scheme to sever the Kosovo Indictment a couple of weeks ago, I wrote an article accusing the tribunal of wanting to render an early verdict on Kosovo in order give political ammunition to those advocating independence during the negotiations on Kosovo's final status. [See: <http://www.slobodan-milosevic.org/news/smorg112405.htm> ]

Severing the indictment would have allowed the tribunal to render an early verdict on the Kosovo part of indictment, without putting them in such an absurd position in relation to the Bosnia and Croatia indictments. Politics dictate that Milosevic be convicted for Bosnia and Croatia, but a conviction will not appear legitimate unless Milosevic is given the opportunity to call evidence to refute the charges against him.

Clearly, if Milosevic had gone along with the severance of the Kosovo indictment, then the tribunal would have granted him more time to defend himself against the Bosnia and Croatia indictments. Otherwise they never would have brought the issue up. As this latest ruling makes clear, the trial is going to end soon enough without extending the time so why would the trial chamber bother severing the indictment without extending the time?

Politics dictate that Milosevic be convicted over Kosovo – and soon. NATO can not keep the Kosovo-Albanians at bay much longer. The Kosovo-Albanians are armed to the teeth and they aren't afraid to use violence against NATO and UN personnel in the pursuit of Kosovo independence.

NATO occupies Kosovo based on the lie that it's protecting the Kosovo-Albanians. It would look really bad politically if the Kosovo-Albanians launched a war against NATO.

Politically, NATO's only option is to give the Kosovo-Albanians what they want. Legally, NATO can not make Kosovo independent. UN Security Counsel Resolution 1244, which ended the Kosovo war, guarantees Serbia's territorial integrity and envisions the return of Serbian police and military forces to the province.

By convicting Milosevic for crimes in Kosovo the Tribunal hopes to provide NATO and the Kosovo-Albanians with the political justification to violate Resolution 1244 and change Serbia's borders without Serbia's consent.

The tribunal's only problem is that Kwon, Bonomy, and Robinson got caught with their dxxxs in the wind on this one. It's obvious that they would have granted Milosevic extra time to address the Bosnia and Croatia indictments if he had agreed to accept the severance of the Kosovo indictment – otherwise they never would have brought the issue of severance up to begin with.

Because Milosevic refused to accept the severance of the Kosovo indictment, the tribunal has been forced into a position where it must render a premature judgment on all of the indictments in time to serve NATO's political needs in Kosovo.

Milosevic is a political genius. He has outwitted the tribunal yet again and exposed Kwon, Bonamy, and Robinson as the NATO lackeys they are. The decision on the severance of the Kosovo indictment can not be explained by any terms other than politics. By forcing the tribunal to make this ruling, Milosevic has proven beyond any doubt that politics is the primary concern of the Hague Tribunal.

**Sagittarius**

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**Van:** "Ian Johnson" <i-johnson@lineone.net>  
**Aan:** <Undisclosed-Recipient:;>  
**Verzonden:** zaterdag 17 december 2005 2:29  
**Onderwerp:** CDSM: ICTY ruling refuses more time for Milosevic  
**IN THE TRIAL CHAMBER**

**Before:**  
Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Iain Bonomy

**Registrar:**  
Mr. Hans Holthuis

**Decision of:**  
12 December 2005

**PROSECUTOR**

v.

**SLOBODAN MILOSEVIC**

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**DECISION IN RELATION TO SEVERANCE, EXTENSION OF TIME AND REST**

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**Office of the Prosecutor:**

Ms. Carla Del Ponte  
Mr. Geoffrey Nice

**The Accused:**

Mr. Slobodan Milosevic

**Court Assigned Counsel:**

Mr. Steven Kay, QC  
Ms. Gillian Higgins

**Amicus Curiae:**

Prof. Timothy McCormack

**THIS TRIAL CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("the International Tribunal"), hereby renders its Decision in relation to applications by the Accused for a period of rest and an extension of the time allotted him in which to conclude the presentation of his defence, and on whether to sever the Kosovo Indictment and conclude that part of the trial.

**I. APPLICATION BY THE ACCUSED FOR A PERIOD OF REST**

1. The Accused was absent from court on 11 November 2005, Dr. Falke stating that the Accused "appears very tired and I consider that he is unfit to attend court".<sup>1</sup> On 14 November 2005, Dr. Falke submitted a more detailed medical report in which he indicated the Accused's fitness to return to court the following day. In a hearing on 15 November

2005, the Accused referred to the opinion of his experts that a six week rest period was recommended,<sup>2</sup> stating that his intention in presenting these reports was "Something other than asking the Trial Chamber not to ignore what it says in the doctors' report, and that means that they said quite specifically suspension of all physical and mental activities for a minimum period of six weeks".<sup>3</sup> The Trial Chamber by a majority determined that the submission of the Accused amounted to an application for a period of rest and the same day issued an "Order for Expert Medical Reports" directed to the treating cardiologist, Dr. van Dijkman and the treating Ear, Nose and Throat specialist for further expert medical opinion.<sup>4</sup>

2. During the hearing on 16 November, the Accused complained that he was not well enough to continue the hearing. Following the examination of the Accused by the ICTY Doctor, the hearing was adjourned<sup>5</sup> and the trial did not reconvene until 29 November 2005.<sup>6</sup>

3. On 29 November 2005, during a hearing on the question of severance,<sup>7</sup> the Accused made a clear application for a period of rest,<sup>8</sup> which he based on a recommendation by three experts whose reports the Accused produced to the Trial Chamber,<sup>9</sup> and medical opinion expressed in a report of Dr. van Dijkman, the Accused's treating cardiologist.

4. The Trial Chamber has had the benefit of a considerable number of expert medical reports. Apart from the reports of the three experts presented by the Accused, the Trial Chamber has received reports from specialists treating the Accused, namely Dr. van Dijkman (Cardiologist),<sup>10</sup> Dr. Spoelstra (Ear Nose and Throat physician),<sup>11</sup> Dr. de Laat (Physicist-Audiologist),<sup>12</sup> and also from Dr. Aarts (Neurological radiologist).<sup>13</sup> The medical issues investigated concern the ongoing cardiovascular condition of the Accused, the existence of a cochleovestibular disorder and any link between these two conditions. The medical opinion received indicates that the Accused does have a hearing disorder, but does not establish a conclusive link between that condition and the Accused's cardiovascular condition. The Trial Chamber is satisfied that the Accused is receiving optimal medical advice and treatment in relation to these matters.<sup>14</sup>

5. In relation to the application by the Accused for a period of rest, the Trial Chamber notes the following medical opinion. The joint opinion of the three medical experts produced by the Accused recommends a six week period of rest. Dr. van Dijkman has confirmed his advice that the Accused be given sufficient periods of rest, and explained that the weekly four-day rest period built into the trial sitting regime should be sufficient if used appropriately by the Accused for resting. He also noted the upcoming Christmas recess which, in the Trial Chamber's view, will allow a significant period of rest.

6. The Trial Chamber has considered all this medical advice and concludes that it is appropriate that the Accused should have some period of rest at this time. The Trial Chamber considers that it is important the Accused take account of the advice of Dr. van Dijkman that he should set aside adequate time in the four non-sitting days each week to rest. The winter recess period is scheduled to commence on 15 December 2005. The Trial Chamber has accordingly ordered that the trial be adjourned until Monday, 23 January 2006.<sup>15</sup>

## II. SEVERANCE OF THE KOSOVO INDICTMENT

7. On 22 November 2005, the Trial Chamber issued an "Order Scheduling a Hearing", to "hear the submissions of the parties on severing the Kosovo Indictment and concluding that part of the trial, and further submissions in relation to the medical condition of the Accused".<sup>16</sup> The Trial Chamber noted that it had, in July 2004, already considered "ways in which the trial may be concluded in a fair and expeditious manner, including the possibility of severing one or more of the Indictments".<sup>17</sup> At that time, it considered submissions from the parties on the possibility of severing one or more of the indictments, noted the opposition of the parties and decided not to give further consideration to that matter for the time being, but rather<sup>18</sup> determined that it could endeavour to conclude the trial in a fair and expeditious manner by assigning counsel to the Accused.<sup>19</sup> The Appeals Chamber reversed the Trial Chamber's decision in respect of modalities.<sup>20</sup> Thereafter, the issue of severance was not considered further.

8. The Trial Chamber heard oral submissions on this issue on 29 November 2005. The Prosecution submitted a 50 page filing on the day of the hearing<sup>21</sup> and made lengthy oral submissions. Its position can be summarised as complete opposition to severance of the Kosovo indictment.<sup>22</sup> The Accused also expressed his profound opposition to severing the Kosovo indictment.<sup>23</sup> The Assigned Counsel rebutted some of the Prosecution arguments and focussed on the unmanageability of the trial as caused by the presentation of the Prosecution case.<sup>24</sup> The *Amicus Curiae* submitted that severance was an appropriate mechanism for the Trial Chamber to bring an important aspect of the case to an expeditious conclusion.<sup>25</sup>

9. The question of severance is closely related to the time that is likely to be necessary for the conclusion of the whole trial. The Trial Chamber will therefore consider the question of an extension of time before concluding on this matter.

### III. APPLICATION BY ACCUSED FOR AN EXTENSION OF TIME

#### A. Background

10. On 5 October 2005, the Trial Chamber, considering that the Accused had exceeded two-thirds of his allotted 360 hours for the presentation of his defence case-in-chief,<sup>26</sup> decided that it was appropriate for the Accused to provide specific information concerning the witnesses he intended to call in the time remaining to him, and ordered him to provide the following information :

1. The witnesses he intends to call during the remainder of his allotted time;
2. Which remaining witnesses he intends to introduce by way of written evidence, whether by way of Rule 92 *bis* or Rule 89 (F); and
3. The time he estimates each witness will take.<sup>27</sup>

11. On 17 October 2005, the Accused produced a list of 199 witnesses, additional to the 39 witnesses already called by that time, which amounted to over 450 hours of estimated evidence-in-chief, and none of whom were listed as witnesses to be presented pursuant to Rules 89(F) or Rule 92bis of the Rules of Procedure and Evidence ("Rules").<sup>28</sup>

#### B. Application for extension

12. In a Status Conference held on 20 October 2005, the Accused made an application for an extension of time.<sup>29</sup> The application was resisted by the Prosecution, which argued that the Accused had been repeatedly warned about the running of time, the failure to use testimony in written form, the leading of irrelevant evidence, as well as non-or insufficient-use of assigned counsel and other available resources. The Trial Chamber determined an application for an extension at that time to be premature,<sup>30</sup> and stated that the Accused would be required to organise his defence to enable him to present his witnesses in the time allocated to him, including using written evidence and the resources available to him.<sup>31</sup>

13. On 8 December 2005, a hearing took place on the question of an extension of time for the presentation of the defence case.<sup>32</sup> The Trial Chamber had already heard considerable argument from the Accused, Prosecution and Assigned Counsel during the 29 November hearing on severance. At the 8 December hearing, the Accused made an application for an additional 380 hours of time for questioning witnesses.<sup>33</sup> In doing so, he stated that this contemplated an average of two hours per witness for his proposed remaining 190 witnesses.<sup>34</sup> Assigned counsel buttressed the Accused's arguments by submitting that there was an "inequality in strength" between the Prosecution and Accused, and that this inequality had to be taken into account in determining the question of time allocated to the Accused to present his case.<sup>35</sup> The Prosecution argued that there should be no extension of the time allotted, unless the Trial Chamber concluded that the Accused were "disabled...because he *cannot* apply his intelligence and reason to the forensic situation in which he finds himself".<sup>36</sup> The Prosecution also argued that the Accused's estimate of 2 hours per witness was inconsistent with the reality of Defence witnesses to date, which averaged around six hours. The Prosecution also reiterated its arguments that the Accused has been put on considerable notice of the time limitations imposed, ordered to bring his evidence within that time and to use the facilities and resources available to him to achieve this.<sup>37</sup>

14. The Trial Chamber notes that 380 hours is 20 more than the 360 hours already allotted him to present his case. Taking into account time for examination, cross-examination and re-examination, as well as administrative matters, this would amount to an addition of a period approaching 18 months.

#### C. Calculation of time

15. The Trial Chamber determined as far back as February 2004 that the Accused should have the same time as the Prosecution was given to present his case in chief.<sup>38</sup> The Trial Chamber repeatedly emphasised the time allocated to the Accused to present and conclude his case, and regularly issued details of the use by the parties of the time allocated and provided for them to challenge any aspect of this calculation.<sup>39</sup> In its "Third Order on the Use of Time in the Defence Case and Decision on Prosecution's Further Submissions on the Recording and Use of Time During the Defence Case", issued on 19 May 2005, the Trial Chamber, while maintaining the period of 360 hours allocated to the Accused for the presentation of his defence case, revised the system for the allocation of time used in the Defence case, ordering:

1. The 360 hours, or 90 sitting days, allotted to the Accused in the [ "Order Re- Scheduling and Setting

the Time Available to Present the Defence Case" of 25 February 2004] for the presentation of his case-in-chief, i.e. for examination-in-chief and re-examination of Defence witnesses and which includes procedural issues arising directly therefrom, such as discussion of the admissibility of exhibits, remains unchanged.

2. The revised Prosecution allocation is 216 hours or 54 sitting days, being 60 percent of the time allotted to the Accused, for cross-examination of Defence witnesses and procedural issues arising directly therefrom, such as discussion of the admissibility of exhibits.

3. A separate record of time spent on administrative matters shall be kept, but shall not be counted against the time allotted to either Party. Administrative matters are those which do not fall into the category of procedural issues arising from the examination-in-chief, cross-examination or re-examination of Defence witnesses, including discussion of the admissibility of exhibits and other matters as determined by the Trial Chamber.

16. As at 30 November 2005, the Accused had used 75.35% of the 360 hours allotted to him. In that time, he has led almost entirely Kosovo-related evidence. The Trial Chamber has repeatedly had cause to warn the Accused not to waste time and that he needed to use the time available to address evidence in relation to all three indictments against him.<sup>40</sup> It has also repeatedly counselled and warned the Accused that he should make use of the facility of written testimony, pursuant to Rules 89(F) and 92bis, to enable him to lead a reasonable amount of evidence in the time allotted to him.<sup>41</sup>

#### D. Challenge to calculation of time

17. The Accused has orally challenged the calculation of the time that was provided to the Prosecution to lead its case, persistently referring to the Prosecution having 300 days in which to lead its case. At the hearing on 20 October 2005, the Chamber felt obliged to caution the Accused that he well knew the basis upon which the calculation was made and describe the "continued reference to 300 days SasC mischievous if not malicious".<sup>42</sup> The Chamber ordered the Registry to provide the Accused with the same calculations upon which the Chamber based its determination that the Accused would have 360 hours to present his case.<sup>43</sup>

18. The Accused has, since receiving these calculations, twice asserted that he has been allocated some 70 days less than the Prosecution.<sup>44</sup> On the first occasion this was raised, the Chamber invited the Accused to put any application in writing. None was received. On the second occasion, it asked the Accused to explain what he meant. His response did not clarify the basis for his assertion. The Trial Chamber has again reviewed the figures provided to the Accused and has identified a few omissions in time taken in Prosecution witness testimony. Any shortfall will be a matter of a minor adjustment, which the Chamber will itself make to the time allotted to the Accused.

19. The Chamber has repeatedly explained to the Accused the methodology for calculating the allocation and use of time. The reasons for there being a greater number of witnesses led by the Prosecution and a greater number of actual court days being used during the Prosecution case, while the amount of time taken in evidence-in-chief remains the same, are that: (1) the Prosecution led a significant quantity of its evidence in writing; and, (2) the Accused and *Amici* used up approximately 55% of the overall time in cross-examination of Prosecution witnesses, whereas the Prosecution is allocated 37.5% of the overall time to cross-examine Defence witnesses.

#### E. Use by the Accused of Rules 89(F) and 92bis

20. The Accused had, until 18 October 2005, always maintained that the use of written statements in lieu of oral testimony was contrary to the principle of a public trial.<sup>45</sup> At the hearings on 18 October, 20 October and 8 December, the Accused made it clear that he also challenges his ability to prepare written testimony pursuant to Rules 89(F) and 92bis because he has insufficient time and resources to prepare such evidence. Assigned Counsel, at the hearing on 8 December, supported this argument, stating that all Defence teams find it difficult in relation to the resources available to them to avail themselves of this form of evidence.<sup>46</sup> The Prosecution, on the other hand, argues that the Accused has the resources and, if at any time he considered that this was not the case, he could have requested assistance from the Chamber.<sup>47</sup>

21. The Chamber has stated above that it has repeatedly counselled and warned the Accused to make use of the facility of written testimony, pursuant to Rules 89(F) and 92bis.<sup>48</sup> The Prosecution used extensive written testimony in its case, as follows:

Total number of Prosecution witnesses: **352**

Total number of viva voce witnesses: **114 (32.4%)**

Total number of Rule 92bis witnesses: **189 (53.7%)**

With Cross-examination: 135 (38.4%)

Without Cross-examination: 54 (15.3%)

Total number of Rule 94bis witnesses: **20 (5.7%)**

Total number of Rule 89(F) witnesses: **26 (7.4%)**

Total number of Rules 92bis/89(F) witnesses: **3 (0.9%)**

Furthermore, the Accused has considerable resources at his disposal. As the Chamber stated, in its Assignment of Counsel Decision:

This Trial Chamber, and the International Tribunal as a whole, has gone to great lengths to accommodate the right of this Accused to represent himself. The Chamber, for its part, has upheld his strongly expressed desire to represent himself, even in circumstances where his health required substantial adjournments. The Chamber accommodated the assignment of three legal associates to assist the Accused outside of the courtroom in the preparation of his cross-examination of Prosecution witnesses, and preparations for the presentation of his defence; it also expanded the role of *Amici Curiae* to undertake substantial work in the character of defence counsel of which the Accused has clearly availed himself. The Chamber ordered the Registrar to provide the Accused with adequate facilities to conduct his defence.<sup>49</sup> The Registrar has, in response, fully implemented these orders, making substantial facilities and resources available to the Accused so that he may have every opportunity to prepare and present his defence. Wide-ranging efforts have been made to assist the Accused. In the view of the Chamber, the time had come, however, to take further steps to ensure the fair and expeditious conclusion to this trial.<sup>50</sup>

To be added to the list of resources set out in the footnote [49], two Counsel and their team have been assigned to assist the Accused in the preparation and presentation of his case, and the Registry has also created a *Pro Se* Legal Liaison Office, staffed by several people to assist the Accused in preparing and presenting his defence.

22. It is apparent that the Accused has sufficient resources to make use of written testimony. The fact is that he has made no effort to do so. His submissions are not that he would like to present evidence in writing but has experienced the difficulties alluded to by Assigned Counsel. On the contrary, he relies on the misguided view of what is required for a trial to be public. Evidence presented in writing, subject to public scrutiny, is no less public than *viva voce* evidence.<sup>51</sup>

#### F. Is fairness achieved by equality of time?

23. Assigned counsel rightly submit that "[t]he question of the fairness of the time allocated to [the Accused]... should be to enable him to present an effective defence".<sup>52</sup> The Chamber put to the Prosecution this argument that equality of time does not necessarily add up to fairness. The Prosecution response was that, if the Accused had made genuine efforts to lead his evidence in the time allocated then it would be possible to determine whether that equated to fairness or, as might be the case, the Accused should be entitled to some additional time to be given a fair opportunity to lead his case.<sup>53</sup>

24. Equality of time is one basis on which fair and equal treatment of parties in the presentation of their respective cases can be achieved. Had the Accused made a genuine effort to present his defence in the time allotted to him, by using the resources available and the means of presenting evidence available within the Rules, he might be able to demonstrate that equality of time does not in this instance achieve fairness. However, he has presented no basis on which the Trial Chamber could conclude that this is unfair or that some other allocation of time or other arrangement for the presentation of the Defence case is necessary to achieve fairness. The Trial Chamber is satisfied, on its experience of the Accused in this case,<sup>54</sup> that he has deliberately used the time available to him so that at the end of that time he would have led little or virtually no evidence on the Croatia and Bosnia parts of the case, thus seeking to provide a foundation for a request for additional time.

25. The proper test must be whether the Accused has been given a reasonable and adequate opportunity to present his case. The Trial Chamber considers, for all the reasons set out above, that the Accused has failed to take a reasonable approach to the presentation of his case. The Chamber considered equality of time to be an appropriate

measure of fairness when it allocated the time and continually reviewed the time used and counselled the Accused accordingly. On the basis of the present circumstances, that remains the position. On 12 February 2006, this trial will have been running for four years. The conclusion of the Accused's allotted time will take the trial well into March 2006. Once rebuttal and rejoinder cases are heard and concluding arguments made, it is likely the trial hearings would still not conclude until the middle of 2006. Judgement drafting will occupy a further substantial period. The Trial Chamber's fundamental obligation is to bring this trial to a fair and expeditious conclusion.

26. The Trial Chamber will therefore not allow the Accused any additional time, other than that to deal with minor adjustments to its initial calculation, and the Accused's application for additional time is denied. He is strenuously urged to move on to deal with his case on the Croatia and Bosnia indictments forthwith. The position might have been different had the Accused shown a willingness to act reasonably in the presentation of his case. Should there be a clear indication in the future that he makes proper and efficient use of time the Chamber might reconsider the position.

#### G. Conclusion on severance

27. In light of the foregoing decision, which should lead to the conclusion of the trial within the anticipated time scale, the Trial Chamber does not consider it appropriate to sever the Kosovo indictment.

PURSUANT TO Rules 54 and 73 *ter* of the Rules

#### HEREBY ORDERS AS FOLLOWS:

(1) The application of the Accused for a period of rest will be **GRANTED**. The trial, having adjourned on 12 December 2005, will recommence on 23 January 2006 ;

(2) The application of the Accused for an extension of the allotted time is **DENIED**.

Done in English and French, the English text being authoritative.

\_\_\_\_\_  
Judge Robinson  
Presiding

Dated this twelfth day of December 2005  
At The Hague  
The Netherlands

[Seal of the Tribunal]

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- 1 - Confidential medical report of Dr. Falke, 11 November 2005.
  - 2 - Dr. Shumilina (an Angiologist); Professor Vukasin Andric (an Otorhinolaryngologist), and Professor F. Leclercq (a Cardiologist), whose reports were filed confidentially on 15 November 2005, and who attached to their reports a "Joint Opinion on the Combined Medical Examination...", which concluded, in part, that "the patient should be prescribed a period of rest, i.e. the suspension of all physical and mental activities [sic] a minimum of 6 weeks, which will probably reduce - or at least stabilize - the symptoms"
  - 3 - *Milosevic*, Transcript, T. 46484 (15 November 2005).
  - 4 - Judge Bonomy issued a Dissenting Opinion, in which he expressed the view that the Accused should, if he wanted the Chamber to act, make a written application setting out the relief he seeks: "Dissenting Opinion of Judge Iain Bonomy in Relation to the Order of the Trial Chamber for Expert Medical Reports", 17 November 2005.
  - 5 - *Milosevic*, Transcript, T. 46636 (16 November 2005).
  - 6 - A short procedural hearing took place on 21 November 2005, in the absence of the Accused and at which no evidence was heard.
  - 7 - This issue is dealt with further in paragraphs 7-9 below.
  - 8 - *Milosevic*, Transcript, T. 46671 (29 November 2005) ("THE ACCUSED: ...[I]t is my right to demand of you to enable me to have the right to protect my own health, and I think it is your duty to protect that right and support it. And that right is over and above all the other preoccupations for which you have convened these proceedings here this morning .... So my request is this—I hope it is sufficiently clear—and I request that you enable me to have a pause, that is to say, a period of rest in which to recuperate.")
  - 9 - *Supra* note 2..
  - 10 - Confidential reports dated 18 November, 23 November and 1 December 2005.
  - 11 - Confidential report dated 21 November 2005.
  - 12 - Confidential report dated 28 November 2005.
  - 13 - Confidential report dated 6 December 2005.
  - 14 - For example, Dr. de Laat is making arrangements for an appropriate in-court hearing to ameliorate the Accused's discomfort.
  - 15 - Oral order of the Trial Chamber at the conclusion of the proceedings on 12 December 2005.
  - 16 - *Milosevic*, Scheduling Order for a Hearing, 22 November 2005, p. 4.
  - 17 - *Milosevic*, Further Order on Future Conduct of the Trial Relating to Severance of One or More Indictments, 21 July 2004 ("July 2004 Order Relating to Severance").
  - 18 - *Milosevic*, Scheduling Order Concerning Recommencement of the Trial, 25 August 2004.
  - 19 - See *Milosevic*, Reasons for Decision on Assignment of Defence Counsel, 22 September 2004 ("Assignment of Counsel Decision").
  - 20 - *Milosevic*, "Decision on Interlocutory Appeal of the Trial Chamber's Decision on the Assignment of Defence Counsel", 1 November 2004.

- 21 - *Milosevic*, Prosecution Submission in Response to the Trial Chamber's 22 November 2005 "Scheduling Order for a Hearing" on Severing the Kosovo Indictment, 29 November 2005 ("Prosecution November 2005 Submission on Severance").
- 22 - *Ibid.*, paras. 42 *et seq.*; *Milosevic*, Transcript, T. 46640-T. 46641 (29 November 2005).
- 23 - *Milosevic*, Transcript, T. 46696 (29 November 2005).
- 24 - *Milosevic*, Transcript, T. 46697-T. 46711 (29 November 2005).
- 25 - *Milosevic*, Transcript, T. 46714-T. 46715 (29 November 2005).
- 26 - *Milosevic*, Order Re-Scheduling and Setting the Time Available to Present the Defence Case, 25 February 2004 ("Order Setting Time") (Trial Chamber ordered that "the Accused should have the same time as the Prosecution had to present his case in chief", being 360 hours).
- 27 - *Milosevic*, Order to the Accused to Produce the List of Witnesses He Intends to Call for the Remainder of His Case, 5 October 2005 ("October 2005 Order to Produce Witness List").
- 28 - The list was produced as an *ex parte* and confidential list, a redacted version of which was later provided to the Prosecution and Assigned Counsel. At a hearing on 18 October 2005, the Accused asserted that the estimated evidence-in-chief amounted to only 422 hours. *Milosevic*, Transcript, T. 45315 (18 October 2005). The Trial Chamber notes this is inaccurate and that the estimate does not include time for named "hostile witnesses" on the list.
- 29 - *Milosevic*, Transcript, T. 45531 (20 October 2005) ("JUDGE ROBINSON: Mr. Milosevic, you say it's reasonable and fair that more time should be accorded. Are you making an application for an extension of the time that was allocated to you? THE ACCUSED: [Interpretation] Well, I hope, Mr. Robinson, that that is quite obvious.").
- 30 - Transcript, T. 45537-45538 (20 October 2005).
- 31 - *Ibid.*
- 32 - This followed an oral order scheduling the hearing: *Milosevic*, Transcript, T. 47050 (7 December 2005).
- 33 - *Milosevic*, Transcript, T. 47223 (7 December 2005).
- 34 - *Ibid.*
- 35 - *Milosevic*, Transcript, T. 47230.
- 36 - *Milosevic*, Prosecution November 2005 Submission on Severance, *supra* note 21, para. 21 (see also paras. 24, 27); Transcript, T. 47231-47232.
- 37 - See *Milosevic*, Submissions by the Prosecution on 29 November 2005 and 8 December 2005; Prosecution November 2005 Submission on Severance, *supra* note 21.
- 38 - Order Setting Time, *supra* note 26.
- 39 - See Order Setting Time, *supra* note 26; *Milosevic*, Order Concerning the Time Available to Present the Defence Case, 10 February 2005 ("February 2005 Order on Time Available") (time used as of 24 January 2005); *Milosevic*, Order Recording Use of Time Used In The Defence Case, 1 March 2005 ("First Use of Time Order") (confirming time used as of 24 January 2005); *Milosevic*, Second Order Recording Use of Time in the Defence Case, 22 March 2005 ("Second Use of Time Order") (time used as of 10 March 2005); *Milosevic*, Third Order on the Use of Time in the Defence Case and Decision on Prosecution's Further Submissions on the Recording and Use of Time During the Defence Case, 19 May 2005 ("Third Use of Time Order") (time used as of 18 May 2005); *Milosevic*, Fourth Order Recording Use of Time in the Defence Case, 1 July 2005 ("Fourth Use of Time Order") (time used as of 30 June 2005); *Milosevic*, "Use of Time During Defence Case; Period Ending 20 July 2005" (Internal Memorandum from Senior Legal Officer to Parties), 21 July 2005; *Milosevic*, "Use of Time During Defence Case; Period Ending 31 August 2005" (Internal Memorandum from Senior Legal Officer to Parties), 6 September 2005; *Milosevic*, "Use of Time During Defence Case; Period Ending 30 September 2005" (Internal Memorandum from Senior Legal Officer to Parties), 4 October 2005; *Milosevic*, "Use of Time During Defence Case; Period Ending 31 October 2005" (Internal Memorandum from Senior Legal Officer to Parties), 1 November 2005; *Milosevic*, "Use of Time During Defence Case; Period Ending 30 November 2005" (Internal Memorandum from Senior Legal Officer to Parties), 8 December 2005.
- 40 - See *Milosevic*, Transcript, T. 46975, T. 46991-T. 46995, T. 46700, T. 47003, T. 47005-T. 47006, T. 47018-T. 47020, T. 47033, T. 47039, T. 47041, T. 47045 (6 December 2005); T. 46020-T. 46022 (31 October 2005); T. 45529-T. 45538 (20 October 2005); T. 45314-T. 45320, T. 45330 (18 October 2005); T. 43335 (30 August 2005); T. 41938 (6 July 2005); T. 41741-41742, T. 41745 (5 July 2005); T. 41654, T. 41659-T. 41661 (1 July 2005); T. 41400-T. 41408 (29 June 2005); T. 41291, T. 41295-T. 41296 (22 June 2005); T. 41194 (21 June 2005); T. 40763 (15 June 2005); T. 40679 (8 June 2005); T. 39826-T. 39838, T. 39872-T. 39873, T. 39880 (25 May 2005); T. 39782-T. 39783 (19 May 2005); T. 39604, T. 39625-T. 39626, T. 39630 (18 May 2005); T. 39491-T. 39492 (17 May 2005); T. 38932 (4 May 2005); T. 38898 (27 April 2005); T. 38830-38836 (26 April 2005); T. 38445-T. 38448, T. 38450-T. 38452, T. 38464-T. 38467, T. 38476-38479 (14 April 2005); T. 38144-T. 38148 (8 April 2005); T. 37726-T. 37738 (23 March 2005); T. 37288-T. 37291 (14 March 2005); T. 37167 (9 March 2005); T. 37054-T. 37055 (8 March 2005); T. 36813-T. 3814 (28 February 2005); T. 36506-T. 36508, T. 36509-T. 36514 (23 February 2005); T. 36277-T. 36282, T. 36345-T. 36347 (16 February 2005); T. 36166-T. 36167 (15 February 2005); T. 36060-T. 36061 (14 February 2005); T. 35751-T. 35752, T. 35807 (26 January 2005); T. 35396 (20 January 2005); T. 35200-T. 35201 (18 January 2005); T. 35103-T. 35106 (13 January 2005); T. 34644-T. 34648 (16 December 2004); T. 34178 (2 December 2004); T. 34011 (1 December 2004); T. 33786 (24 November 2004); T. 33732-T. 33733 (23 November 2004); T. 33591-T. 33593, T. 33608-T. 33610 (22 November 2004); T. 33367-T. 33368 (16 November 2004); T. 33354-T. 33358, T. 33360-T. 33364 (11 November 2004); T. 33040-T. 33050, T. 33053-T. 33057 (13 October 2004); T. 32837-T. 32839, T. 32883-T. 32884 (15 September 2004); T. 32724-T. 32725 (9 September 2004); T. 32356-T. 32359 (2 September 2004); T. 32128-T. 32133 (17 June 2004); T. 25941-T. 25942, September 2004); T. 20788 (20 May 2003); T. 2506-2507 (8 April 2002). See also *Milosevic*, List of Witnesses, 17 October 2005 (Defence Filing); October 2005 Order to Produce Witness List, *supra* note 27; *Milosevic*, Third Use of Time Order, *supra* note 39; *Milosevic*, Omnibus Order of Matters Arising out of Status Conference on the Defence Case, 22 April 2005; February 2005 Order on Time Available, *supra* note 39; *Milosevic*, Order to Accused to Produce a List of his Next 50 Witnesses and Finalise Compliance with Rule 65ter Obligations Regarding Exhibits, 7 December 2004; *Milosevic*, Order on Application by the Accused to add Four Witnesses to his Witness List, 3 December 2004; Assignment of Counsel Decision, *supra* note 19; *Milosevic*, Order on the Modalities to be Followed by Court Assigned Counsel, 3 September 2004; *Milosevic*, Further Order on Future Conduct of the Trial Concerning Assignment of Defence Counsel, 6 August 2004; *Milosevic*, Order on *Amici Curiae* Motion in relation to Accused's Disclosure Obligations and Request for Additional Time, 28 July 2004; July 2004 Order Relating to Severance; *Milosevic*, Order on Future Conduct of the Trial, 6 July 2004; *Milosevic*, Order to the Accused on Compliance with Disclosure Obligations, 6 July 2004; *Milosevic*, Order to the Accused Concerning Applications for Safe Conduct, 17 June 2004; *Milosevic*, Omnibus Order on Matters Dealt with at the Pre-Defence Conference, 17 June 2004 ("Pre-Defence Omnibus Order"); *Milosevic*, Order to the Accused on Protective Measures for Defence Witnesses, 27 May 2004; Order Setting Time, *supra* note 26; *Milosevic*, Order of Further Instruction to the *Amici Curiae*, 6 October 2003; *Milosevic*, Order Concerning the Preparation and Presentation of the Defence Case, 17 September 2003 ("Order on Defence Presentation").
- 41 - See T. 45530, T. 45535-T. 45537 (20 October 2005); T. 45314-T. 45319 (18 October 2005); T. 41654 (1 July 2005); T. 41295-T. 41296 (22 June 2005); T. 38448-T. 38448, T. 38450-T. 38452, T. 38464-T. 38467, T. 38476-T. 38482 (14 April 2005); T. 36813-T. 36814 (28 February 2005); T. 36509-T. 36514 (23 February 2005); *Milosevic*, Omnibus Order of Matters Arising out of Status Conference on the Defence Case, 22 April 2005; Pre-Defence Omnibus Order, *supra* note 40; Order on Defence Presentation, *supra* note 40.
- 42 - *Milosevic*, Transcript, T. 45536 (20 October 2005).
- 43 - *Milosevic*, Transcript, T. 45529 (20 October 2005).
- 44 - *Milosevic*, Transcript, T. 47223-T. 47224 (8 December 2005); T. 45754 (26 October 2005).
- 45 - See, e.g., *Milosevic*, Transcript, T. 38477 (14 April 2005) ("In the total, as you yourself said, only one-third of the witnesses testified live, *viva voce* [in the Prosecution's case in chief]. I think that that goes to the detriment of the principle of the public nature of the trial and greatly so. ... However, the general public doesn't use that type of information, and it is only what is going on here live and what is stated here *viva voce* can truly be considered to be public and open to the public. So that you know my position full well. I would like witnesses who testify here to testify publicly.")
- 46 - *Milosevic*, Transcript, T. 47227-47228.
- 47 - *Milosevic*, Transcript, T. 47235-47236.
- 48 - See *supra* note 41 and accompanying text.
- 49 - With regard to facilities at UNDU, the Registry reported that the Accused is, *inter alia*, entitled to: receive and send uncensored mail and facsimile messages from and to his legal associates on weekdays; conduct unmonitored communications by telephone with his legal associates during all days of the week; receive scheduled visits of his legal associates during weekdays; make use of the photocopying facility of UNDU; review video evidence on VCR at UNDU; use his own portable computer in UNDU and, if he so wishes, install a printer to it. While appearing in court, the Accused is also allowed to access a privileged phone line during the trial breaks. The Accused is also able to send facsimiles and use photocopying facilities if urgently needed.
- 50 - Assignment of Counsel Decision, *supra* note 19, para. 65.
- 51 - As with *viva voce* testimony, written testimony may be subject to privacy to, for example, protect victims and witnesses.
- 52 - *Milosevic*, Transcript, T. 47230 (8 December 2005).
- 53 - *Milosevic*, Transcript, T. 47234ff (8 December 2005).



## Sagittarius

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The Hague Tribunal: The Political Economy of Sham Justice

Carla Del Ponte Addresses Goldman Sachs on Justice and Profits

By Edward S. Herman

November 20, 2005

On October 6, 2005, Carla Del Ponte, prosecutor of the International Tribunal for the Former Yugoslavia (ICTY), gave a talk before an audience at Goldman Sachs in London that throws light on the role of the ICTY as well as the character and qualities of Ms. Del Ponte and her efforts. [1]

Speaking before this business audience, Ms. Del Ponte emphasized that the ICTY and other UN organizations are not profit-making bodies, but that they, and the ICTY specifically, facilitate profit-making for others. "Preventing wars or bringing justice doesn't fill the UN or anybody's bank accounts," she said. The private sector can't carry out these functions. But Ms. Del Ponte claims that such services not only save lives, reduce human suffering and destruction, they also help bring stability: "This is where the long-term profit of the UN's work resides. We are trying to create stable conditions so that safe investments can take place." This will make for "a reasonably prosperous democracySa factor of peace and stability in the world."

In trying to sell the ICTY to this business group as a partner or servant of neoliberalism, Del Ponte runs into the difficulty that the actual work of her organization has been highly destabilizing, did not "save lives" or diminish human suffering and destruction, and that it has left its main areas of intervention--Bosnia/Herzegovina, Serbia and Montenegro, and Kosovo-- in a state of semi-permanent crisis and with conditions singularly unattractive to private investment (except for the drug and sex trades, which thrive in Kosovo). [2] On the other hand, insofar as the ICTY contributed to the real ends sought by Clinton, Blair, and other major NATO powers, which included helping NATO celebrate its 50th anniversary in 1999 and showing that NATO still had a role to play, as a U.S.-dominated organization; destroying an independent and socialist-inclined Yugoslavia and bringing its constituent parts into the NATO orbit of influence; and preparing the ground for further "humanitarian interventions," [3] the ICTY could be said to be an agent of the dominant Western powers and therefore of neoliberalism broadly viewed.

In her opening remarks, Del Ponte says that the ICTY is tasked with "bringing peace, security and justice," but shortly thereafter "peace"

and "security" fade out and she asserts that "our primary objective is to bring justice." Justice ranks high, she says, because it "contributes to the reconciliation between peoples who have been torn apart by the wars of the nineties." Before I explain why this is a fallacy, especially with justice perceived in the one-sided and highly politicized fashion of Del Ponte, the ICTY and NATO, it should be recognized that there may be a conflict between pursuing "justice" and "peace." It is no coincidence that just as the work of the ICTY has been associated with chronic instability in the ex-Yugoslavia, so also its work ran parallel with both outbursts of ferocious local warfare and closely linked Western wars of intervention in those areas, and certainly failed to contribute to "peace." In fact, an excellent case can be made that the ICTY's focus on "justice" was well suited to avoiding peace, and that its very design was to facilitate war, a dismantling of Yugoslavia, and a specific attack on Serbia.

This case is made compellingly by Michael Mandel in his *How America Gets Away With Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (Pluto Press, 2004), where he points out that the formation of the ICTY was immediately preceded by a December 1992 speech by the U.S. State Department's Lawrence Eagleberger, who named three top Serb leaders who needed to be brought to justice, and stated explicitly that "the international community must begin now to think about moving beyond the London [peace] agreement and contemplate more aggressive actions." [4] Even before this, the United States had sabotaged the promising Lisbon agreement of February 1992 by encouraging Bosnian Muslim leader Alija Izetbegovic to withdraw and break the plan that the Bosnian Serbs, Croats, and (previously) Izetbegovic, had accepted. [5] Following Eagleberger's talk, in February 1993, as Lord David Owen wrote bitterly, "'We have more or less got a peace settlement but we have a problem. We can't get the Muslims on board. And that's largely the fault of the Americans, because the Muslims won't budge while they think that Washington may come in on their side,' so that in reality 'the Clinton people block it.'" [6] These crucial facts and informed judgments did not interfere in the least with the established view that it was Milosevic and the Bosnian Serbs, seeking a "Greater Serbia," that made peace unattainable.

The role of the ICTY in this peace-sabotage business was to indict Serb leaders in order to demonize them and make them ineligible for any peace negotiating process—in Mandel's words, the ICTY function was to help the Americans "justify their intention to go to war by branding their proposed enemies as Nazis." [7] As presiding judge Antonio Cassese said at the time regarding Bosnian Serb leader Radovan Karadzic, "Let us see who will sit down at the negotiating table now with a man accused of genocide." [8] Later, in the 1998-1999 run-up to the NATO bombing war on Yugoslavia, the ICTY turned unremitting attention to denouncing Serbs, and as Mandel points out, its work in this period "had nothing to do with trying and punishing criminals, and everything to do with lending crucial credibility to NATO's cause." [9] During the 78-day NATO bombing war, which began on March 24, 1999, the ICTY served as an aggressive public relations arm of NATO, most dramatically in indicting Milosevic in May 1999 just as NATO was drawing criticism for extending its bombing targets to Serbian civilian facilities. In short, the ICTY, serving as an arm of NATO, helped prevent peace settlements in the Bosnian conflict in

the deadly years 1992-1994, and helped justify and sustain NATO's 1999 assault on Yugoslavia.

This ICTY service was based on structural facts: the institution was created by the NATO powers, with the United States in the lead; it was funded heavily by these powers and closely allied NGOs (Soros's Open Society Institute); it was staffed with NATO country personnel, often seconded to the ICTY, and its high officials were vetted by NATO-power leaders; and it depended on NATO for information and police service. But this meant that NATO itself would be exempt from "justice," and that it would be difficult to bring to justice NATO clients, even if they committed crimes similar to or even worse than those committed by Serbs. Mandel points out that when he presented the ICTY prosecutor with a three volume dossier and complaint on NATO war crimes in May 1999, it took a year for the prosecutor to decide to reject this application, without ever having made a formal investigation, whereas in the case of the alleged Racak massacre, attributable to the Serbs, the prosecutor declared this a war crime and rushed into action on the very same day, based solely on information supplied her by the U.S. representative in the scene, William Walker. [10] Of the leaders in the Balkan wars, Clinton, Blair, Izetbegovic and Tudjman have never been indicted by the ICTY, only Milosevic, although on the logic applied in the Milosevic prosecution, an equal or better case could be made for each of the exempted leaders. [11]

This highly politicized justice brought by the ICTY not only served war rather than peace, it cannot be regarded as justice at all. Justice that is not even-handed is deeply compromised. And if it is clearly serving a political end and meeting an external political agenda it is almost certain to be biased and fail to bring justice even in dealing with politically eligible targets. If it is politically corrupt it will do its work corruptly and bend its supposed judicial process to meeting those same political aims. This has been evident throughout the ICTY's operations-in the case of the numerous indictments that met a NATO political or PR need of the moment (e.g., the indictment of the Serb paramilitary leader Arkan in March 1999, just as the NATO bombing commenced; Milosevic in May 1999, just as NATO's bombing of civilian sites was creating a PR problem), its steady resort to publicity that compromised supposed judicial proceedings, and with endless illustrations of judicial malpractice in the ICTY proceedings themselves.

According to Michael Scharf, an ICTY supporter, over 90 percent of the evidence brought forward in the Milosevic trial was hearsay, [12] all freely admitted into the record by the judge, although almost none of it had any connection with proving orders or the sanction of war crimes by the man on trial (and all of which could be readily duplicated for Bosnian Muslim and Croat treatment of Serbs or U.S. bombing attacks on the Serbian civilian infrastructure). It did, however, set a tone in creating a moral environment of target demonization that served NATO political aims, even if it compromised the possibility of a fair trial.

From a steady stream of cases, the absence of judicial equity may be illustrated by the fact that with William Walker on the stand for the prosecution, Judge Richard May never interrupted him once as he ranged

far and wide, even covering his view of Milosevic's "general attitude"; and although the "Racak massacre" claim was the basis of 45 charges of murder against Milosevic, and Walker was a key driver of that claim, May gave the defendant a fixed time limit for questions and interrupted his questioning over 60 times in the process of preventing a serious cross-examination. Although allowing a stream of hearsay from prosecution witnesses, Judge May refused to permit Milosevic to enter into the record articles from Le Monde and Figaro that raised serious doubts about the Walker version of events at Racak. [13]

With General Wesley Clark testifying for the prosecution, the judge allowed the U.S. government to force a closed session and to redact the testimony before release, he permitted Clark to talk about anything he pleased, including ten minutes of self-adulation (without judicial interruption), and he was permitted to phone Bill Clinton to request a letter of support, contrary to the stated rule that no outside communication was permitted in the midst of testimony; whereas Milosevic was not permitted to ask questions challenging Clark's credibility or anything not directly responsive to Clark's verbal claims. [14] More recently, during the defense's presentation of its case, the ICTY judge allowed the prosecution to present a video of an alleged killing of six Bosnian Muslims back in 1995, although it had no bearing on the ongoing questioning of the defense witness and was presented without prior notice to the defense, which was not permitted to question the video presentation. However, introduction of this video did serve to dramatize claims about the Srebrenica massacre at a time when that event was being given tenth anniversary memorial publicity by the Western establishment.

Del Ponte states authoritatively in her Goldman Sachs talk that 8,000 Bosnian Muslims were slaughtered at Srebrenica in the "only genocide" in Europe since World War II. The 8,000 figure was given by the Red Cross back in July 1995 based on crude and unverified estimates of 3,000 captured by the Bosnian Serbs plus 5,000 initially claimed to be "missing." It was very soon recognized by the Red Cross and other observers that several thousand of the "missing" had escaped to Bosnian Muslim lines and to Yugoslavia itself, and that several thousand more were almost surely killed in fighting. But that 8,000 number withstood not only this needed correction, but also the fact that fewer than 3,000 bodies were found in the Srebrenica area, [15] with an unknown but probably large fraction killed in the savage July 1995 fighting or earlier. Belated claims of reburials lack plausibility, and run into the problem that although Madeleine Albright warned the Serbs that "We will be watching you," no satellite photos have ever been displayed publicly showing digging, burying, or trucks moving bodies. In short, the stable figure of 8,000 rests on a propaganda need that has sustained a politically convenient myth-inflation, supported by the combination of NATO officials, the mainstream media, and the ICTY. [16]

Del Ponte's claim in her Goldman Sachs speech that this was a case of "genocide" follows a pattern of ICTY findings and conclusion that don't withstand the slightest scrutiny and even suffer from internal contradiction. ICTY judges repeatedly stated as an established fact that 7-8,000 Muslim men had been executed, while simultaneously

acknowledging that the evidence only "suggested" that "a majority" of the 7-8,000 missing had not been killed in combat, [17] which yields a number substantially lower than 7-8,000, plus uncertainty. Can you have "genocide" in one small town? The judges suggested that pushing the Bosnian Muslim inhabitants out of the Srebrenica area while killing many males was itself genocide, and they essentially equated genocide with ethnic cleansing.

The Tribunal dealt with the awkward problem of the genocide-intent Serbs busing Bosnian Muslim women and children to safety by arguing that they did this for public relations reasons, but as Michael Mandel points out, failing to do some criminal act despite your desire--in this case entirely unproven and resting on an ideological/political premise of ICTY personnel--is called "not committing the crime." [18]

The Tribunal never asked why the genocidal Serbs failed to surround the town before its capture to prevent thousands of males from escaping to safety, or why the Bosnian Muslim soldiers were willing to leave their women and children as well as many wounded comrades to the mercies of the Serbs; and they failed to confront the fact that at 10,000 mainly Muslim residents of Zvornik sought refuge from the civil war in Serbia itself, as prosecution witness Borisav Jovic testified.

It is notable that the ICTY has never called Operation Storm, the August 1995 Croatian ethnic cleansing of some 250,000 Krajina Serbs, "genocide," although in that case many women and children were killed and the ethnic cleansing applied to a larger area and larger victim population than in Srebrenica. It was also preceded by an earlier series of Croatian army attacks, first on the Serbian villages of Medak, Citluk and Divoselo in the UN-protected Krajina region back in 1993, in which a hundred or more unarmed civilians were slaughtered, and then in the brutal ethnic cleansing trial run for Operation Storm with "Operation Flash" carried out in Western Slavonia in May 1995 with many hundreds killed. There was no ICTY response to any of these major death-dealing operations, even though a UN dossier was submitted to the ICTY that described the 1993 crimes. [19]

<sup>se</sup> The ICTY's extreme bias and politically-based double standard in treating Srebrenica and Krajina is dramatically evident in Del Ponte's discussion of the two cases before the Goldman Sachs audience. In the Srebrenica case, she transmits without question a corrupted interpretation of the word genocide and an inflated and unproven number of victims, and mentions no context, such as the fact that Srebrenica had been the base of Bosnian Muslim commander Naser Oric who had sallied forth from 1992 into 1995 in Serb massacre and destruction forays that left well over a thousand dead Serb civilians.

Her treatment of Operation Storm and the Krajina massacre makes an enlightening contrast and is worth quoting at length:

"Another typical case is Ante Gotovina. This Croatian general was indicted in 2001 for crimes committed against Serbs in 1995 [Operation Storm]. Over 100 were killed and a hundred thousand forced to leave their homes while their houses were looted or destroyed. These crimes were committed in the course of a military operation, undoubtedly legitimate as such, aimed at re-taking the part of Croatian territory

which was occupied by Serb forces. The operation was a success, and Croats remember it as one of their finest hours. Gotovina was one of the commanders and, quite naturally, he is revered as a hero. The mere mention of the war crimes committed in the course of the operation was taboo for years. The logic was: only enemy forces committed war crimes, defenders were innocent by definition. It is only recently that the government has acknowledged that, yes, crimes were committed, and those responsible for these crimes, including Gotovina, must be tried in The Hague."

This is straightforward apologetics for ethnic cleansing, with a number of omissions and serious misrepresentations of fact. She never mentions that Krajina had been a UN protected area, like Srebrenica, brazenly violated by the Croats in 1993; nor does she mention the May 1995 Operation Flash assault in which the Croats killed many hundreds of Serb civilians. She doesn't mention the fact that the UN continued to urge a negotiated settlement of the Krajina dispute, ignored by the Croats in the massive attack of August 1995. She says that these crimes "were committed in the course of a military operation," but so were the Srebrenica crimes, and in fact Srebrenica was defended (and abandoned) by a military force relatively stronger than the Krajina Serbs had maintained. Her statement that the Krajina operation was "legitimate" because it was "aimed at re-taking the part of Croatian territory which was occupied by Serb forces" gives this operation an apologetic context that involves serious lying—this was a carefully planned campaign, not mainly to remove "Serb forces"—relatively weak in Krajina and arguably there to defend a civilian population against Croatian army massacres such as occurred earlier at Medak and in Operation Flash—but to remove the Serb civilian population that had lived in that area for centuries. This was deliberate ethnic cleansing, but Del Ponte cannot admit the fact in this case. Can you imagine Del Ponte saying that the Serb attack on Srebrenica was to "remove Bosnian Muslim forces," or that the Serb operations in Kosovo in 1998 and 1999 were to "remove KLA forces"? Serb actions are invariably ethnic cleansing, Croatian actions of comparable or greater anti-civilian scope are merely "military operations," never ethnic cleansing, in accord with a clear political agenda.

Further misrepresentations are her statement that "over 100 were killed," and that "a hundred thousand" were "forced to leave their homes." Just as she swallowed the inflated 8,000 for Srebrenica, so here Del Ponte grossly underestimates the toll of the politically inconvenient victims. The Serb human rights organization Veritas estimated that 1,205 civilians were killed in Operation Storm; [20] and their list of victims included 368 women and children—the Croats didn't bus women and children to safety as did the genocidal Serbs at Srebrenica. Operation Storm may well have involved the killing of more Serb civilians than Bosnian Muslim civilians killed in the Srebrenica massacre: most of the Bosnian Muslim victims were fighters, not civilians (only one of 1,883 bodies in the graves around Srebrenica was identified as female). [21]

As to numbers expelled, even conventional studies give a figure of 200,000 or more for those driven out of Krajina. [22] Del Ponte strives to minimize these numbers because 250,000 civilians ethnically

cleansed is hard to explain away as merely part of a "military operation" to deal with "Serb forces." In contrast with her usual dramatizing of Serbian violence, Del Ponte uses gentle language in describing Croatian actions: the 100,000 were "forced to leave their homes," not "deported," "driven out," or "ethnically cleansed" as she and her allies would describe comparable Serb actions. She provides no details on the impressively ruthless Croatian actions, such as: "UN troops watched horrified as Croat soldiers dragged the bodies of dead Serbs along the road outside the UN compound and then pumped them full of rounds from the AK-47s. They then crushed the bullet-ridden bodies under the tracks of a tank." [23]

So for De Ponte this massive ethnic cleansing of civilians was reasonably seen by Croats as "one of their finest hours," because it was a military success, though some incidental "war crimes" were committed; whereas she would never suggest that the Bosnian Serb capture of the better defended Srebrenica was a creditable military success of which Serbs might properly be proud-any such success was unmentionable in the face of war crimes, and she berates the Serbs because one-third allegedly don't believe war crimes were committed at Srebrenica. She gives an apologetic context to Operation Storm to give it legitimacy; whereas she never mentions the Srebrenica background of Bosnian Muslim killings of Serbs that might suggest a vengeance motive and interfere with the ideological/political premise of pure unprovoked evil. The double standard, based in good part on misrepresentation of the facts, is gross.

Del Ponte notes that Croatian General Ante Gotovina was indicted in 2001 for war crimes in Operation Storm, but a number of questions arise: Why did it take six years after the event for Gotovina to be indicted, whereas Bosnian Serb General Mladic and President Karadzic were indicted within days of the Srebrenica massacre and before the facts of the case could be minimally verified? Why has NATO never sent military forces into Croatia to capture Gotovina as they have done on several occasions in Bosnia and Serbia seeking Mladic and Karadzic? Could this indictment have been connected to the seizure of Milosevic and the need to give the appearance of balance? Why was Croat President Tudjman not indicted for these war crimes, in parallel with Milosevic (who the ICTY has striven mightily and unsuccessfully to link to the Srebrenica massacre, whereas Tudjman's link to Operation Storm is clear)? Why were Clinton, Albright and Holbrooke not indicted for documentable approval and support for Operation Storm? [24]

The answers to these questions, and the key to Del Ponte's double standard and misrepresentations, clearly rest on the fact that the massive ethnic cleansing operation by the Croats in Krajina was carried out with U.S. approval and logistical support, whereas the Serbs were the targeted U.S. enemy. [25] Thus, just as NATO was exempt by virtue of the structure, control and purpose of the ICTY, so also are the leaders of client states, though a few bones like Gotovina may be thrown (belatedly, and with lackadaisical enforcement) to provide a not very convincing aura of fairness.

A key theme in Del Ponte's speech was the importance of "justice" for bringing reconciliation to the area. The guilty must be brought to trial and punished; the victims and/or their heirs must feel that

justice has been done to their victimizers in order to be reconciled and ready for peace. This principle is not applied in cases like Indonesia in East Timor, where a U.S. and British ally engaged in mass murder; and of course it would never even be thought of where the United States and its British ally committed aggression and killed large numbers of civilians, as in Iraq.

It has also not really been applied by the ICTY in its work in the ex-Yugoslavia, where the ICTY's selective "justice" has shown its true face as vengeance and a cover for political ends. Ethnic cleansing in Bosnia was by no means one-sided, and deaths by nationality were not far off from population proportionality; [26] the Serbs claim and have documented thousands of deaths at the hands of the Bosnian Muslims and their imported Mujahedeen cadres, and by the Croats, and they have their own group examining and trying to identify bodies at an estimated 73 mass graves. [27] This victimization has hardly been noticed by the Western media or ICTY -- the distinguished Yugoslav forensic expert Dr. Zoran Stankovic observed back in 1996 that "the fact that his team had previously identified the bodies of 1,000 Bosnian Serbs in the [Srebrenica] region had not interested prosecutor Richard Goldstone." [28] Instead, there is a steady refrain about the Serbs tendency to whine, whereas Bosnian Muslim complaints are taken as those of true victims and are never designated whining. Thus the question never arises for Del Ponte and her allies (including the Western media)--if "justice" is required for "reconciliation," what is to reconcile the victims and heirs of the thousands of Serb victims of the ethnic cleansing wars, such as the thousand or more killed and 250,000 expelled from Croatian Krajina, if their claims are ignored? Won't they be even more embittered by a one-sided pursuit of justice?

Apart from this double standard on the need for justice as a means for producing reconciliation, the claim that ICTY justice will serve that end is fraudulent anyway. Rather than producing reconciliation the steady focus on Srebrenica victims and killers has made for more intense hatred and nationalism on the part of those supposedly obtaining justice, just as the Kosovo war and its violence exacerbated hatred and tensions there and showed that Clinton's claimed objective of a tolerant multi-ethnic Kosovo was a fraud. In Kosovo, this one-sided propaganda and NATO control has unleashed serious and unremitting anti-Serb (along with anti-Roma, anti-Turk, anti-dissident-Albanian) violence, helped along by the willingness of the NATO authorities to look the other way as their allies -- the purported victims -- take their revenge and pursue their long-standing aim of ethnic purification.

In Bosnia, a British foreign office proposal to use the tenth anniversary commemoration of the Srebrenica massacre for a "statesmanlike initiative" of public reconciliation among the different groups reportedly received short shrift from Bosnian representatives on all sides. [29] David Chandler points out that "the international community's focus on the war has given succour to the most reactionary and backward political forces in Bosnia," and that "those most socially excluded from Bosnian life have been able to dictate the political agenda and oppose the politics of reconciliation, because their social weight has been artificially reinforced by the international dominance over the politics of this

tiny state. Without political, social and economic dependency on external actors that are legitimized by the idea of Bosnian victimhood, it is unlikely that the war would have remained so central in Bosnian life." [30]

In both Bosnia and Serbia, not to mention Kosovo where they are still under assault after a major bout of ethnic cleansing, the Serbs have been under steady attack, humiliated, and their leaders and military personnel punished, while those who stand accused of crimes among the Bosnian Muslims, Croats, and NATO powers, with minor exceptions suffer no investigation or penalties and may even be portrayed as dispensers of justice. The record strongly suggests that the objectives of the retribution-pushers are not justice and reconciliation -- in addition to straightforward vengeance, they are to unify and strengthen the position of the Bosnian Muslims, to crush the Republica Srpska, and possibly even eliminate it as an independent entity in Bosnia, to keep Serbia disorganized, weak and dependent on the West, to provide the basis for the formal removal of Kosovo from Serbia, and to continue to put the U.S. and NATO attack and dismantlement of Yugoslavia in a favorable light. The last objective requires diverting attention from the Clinton/Bosnian Muslim role in giving al Qaeda a foothold in the Balkans, Izetbegovic's close alliance with Osama bin Laden, his Islamic Declaration declaring hostility to a multi-ethnic state, the importation of 4,000 Mujahadeen to fight a holy war in Bosnia, with active Clinton administration aid, and the KLA-al Qaeda connection. [31]

In sum, the ICTY was created by the NATO powers, not to bring either peace or justice to Yugoslavia, but to serve the U.S. and NATO aims there, which called for the dismantlement of Yugoslavia, the crushing of Serbia, and the conversion of the new mini-states of the ex-Yugoslavia into NATO-power dependencies. As the Serbs were the main obstacle to this program, they had to be demonized, their leaders driven from office and incarcerated, and their people humiliated and punished. This called for an ICTY focus on "justice" (selective) that helped demonize and provided the justification for undermining peace settlements and making war. The ICTY has performed this service effectively, with the help of a gullible and patriotic Western media and intellectual class. The trial of Milosevic and continued pursuit of Mladic and Karadzic are the final efforts of the ICTY: the latter to justify continued pressure on the Serbs in Bosnia and Serbia and Montenegro, the former to prove that the NATO wars were based on justice, and both to put "humanitarian intervention" by the imperial powers in a good light. Carla Del Ponte and the ICTY have been useful instruments of these ends.

## Notes

1.  
<http://www.un.org/icty/pressreal/2005/speech/cdp-goldmansachs-050610-e.htm>  
 Address at Goldman Sachs, London," Carla Del Ponte, International Criminal Tribunal for the Former Yugoslavia, October 6, 2005.

2. Katarina Kratovac, "Five years after Milosevic, Serbs still await a better life," (A.P.), Philadelphia Inquirer,

Oct. 5, 2005; Ian Traynor, "Nato force 'feeds Kosovo sex trade'," Guardian, May 7, 2004; Thomas Gambill on mafia takeover of Kosovo, <http://www.newsmax.com/archives/articles/2005/9/27/101219.shtml>

3. On these objectives, see Diana Johnstone, *Fools' Crusade: Yugoslavia, NATO and Western Delusions* (Monthly Review Press: 2002), Introduction.
4. Quoted in Mandel, *How America Gets Away With Murder*, p. 125.
5. See Johnstone, p. 45.
6. Quoted in Mandel, p. 67.
7. Quoted in *ibid.*, p. 126.
8. Quoted in Johnstone, p. 95.
9. Quoted in Mandel, p. 132; for compelling details, Mandel, pp. 132-146.
10. *Ibid.*, pp. 80, 135.
11. Only in the case of Serbs has the ICTY adopted the notion of "command responsibility" extending to the highest officials.
12. Michael Scharf, "Accounting for atrocities conference," Bard College, Oct. 5-6, 1998: <http://www.bard.edu/hrp/atrocities/index.htm>; [www.bard.edu/hrp/atrocities/index.htm](http://www.bard.edu/hrp/atrocities/index.htm); cited in Kirsten Sellars, *The Rise and Rise of Human Rights* (Sutton Publishing: 2002), p. 187.
13. The judge's handling of the Walker testimony and cross-examination are discussed in detail in Mandel, pp. 168-173..
14. *Ibid.*, pp. 174-5.
15. In his testimony at the Milosevic trial on Jan, 26, 2004, ICTY investigator Dean Manning testified that 2,570 bodies had been found in total, with only 70 identified. "Milosevic Trial Transcript," Jan. 26, 2004, pp. 31428-31437.
16. See Edward Herman, <http://www.zmag.org/content/showarticle.cfm?SectionID=74&ItemID=8244> "Politics of the Srebrenica Massacre," ZNet, July 7, 2005.
17. See Mandel, pp. 155-6.
18. Michael Mandel, "The ICTY Calls It 'Genocide'." in Edward Herman et al., *Srebrenica: The Politics of War Crimes*, forthcoming.
19. "The UN dossiers, with their voluminous evidence, have been given to the Crimes Investigators (of the ICTY) on October 6, 1993. Since then there has been nothing but silence." Cedric Thornberry, "Saving the War Crimes Tribunal: Bosnia Herzegovina," *Foreign Policy*, September 1996.

20. See "Croatian Serb Exodus Commemorated," Agence France Press, Aug. 4, 2004; Veritas at <http://www.veritas.org.yu/>www.veritas.org.yu>.

21. These numbers are given in privately circulated tabulation of the characteristics of these remains by Dr. Zoran Stankovic, a longtime UN forensic specialist who worked extensively on the Srebrenica case.

22. Burg and Shoup give "several hundred thousands" as their estimate; Lord David Owen, 150,000.

23. Tim Ripley, Operation Deliberate Force (Center for Defence and Security Studies: 1999), p. 192.

24. See footnote 11.

25. On that support, see Raymond Bonner, "War Crimes Panel Finds Croat Troops 'Cleansed' the Serbs," New York Times, March 21, 1999.

26. See Ewa Tabeau and Jakub Bijak, "Casualties of the 1990s War in Bosnia-Herzegovina: A Critique of Previous Estimates and the Latest Results" (Sept. 23, 2004), Demographic Unit, Office of the Prosecutor, ICTY, Paper Presented at The IUSSP Seminar on the Demography of Conflict and Violence Jevnaker, Norway, 8 to 11 November 2003.

27. Slavisa Sabljic, "The Trade in Bodies in Bosnia-Herzegovina": <http://www.serbianna.com/press/010.html> Joan Phillips, "Victims and Villains in Bosnia's War," Southern Slav Journal, Spring-Summer 1992.

28. "Relations with Rest Of Former Yugoslavia: Yugoslav forensic expert says no proof about Srebrenica mass grave," BBC Summary of World Broadcasts, July 15, 1996.

29. David Chandler, <http://www.spiked-online.com/Articles/0000000CAC9B.htm>>Srebrenica: Prolonging the Wounds of War," Spiked Online, July 20, 2005

30. Ibid.

31. See Johnstone, pp. 51-64.

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## **3 DAYS BEFORE RACAK: OSCE/KVM PERSONNEL REPORTED THAT THE KLA WAS PLANNING TO FABRICATE "SERBIAN CRIMES" IN THE AREA**

www.slobodan-milosevic.org - January 23, 2006

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed after a 5-week recess in Courtroom 3 of The Hague Tribunal on Monday.

Col. Milan Kotur took the witness stand on behalf of the defense. He served as head of the Yugoslav Army (VJ) team for cooperation with the OSCE Kosovo Verification Mission (KVM) during 1998 and 1999.

Col. Kotur began his testimony by describing the structure of the OSCE/KVM and describing the agreement that the KVM had with the Yugoslav government.

He testified that most of the KVM staff behaved in a professional manner. However, he said that there were exceptions to this rule. He described several incidents where KVM verifiers acted outside of their mandate. Most of these incidents had to do with unauthorized KVM intrusions into the border belt and army barracks.

While Col. Kotur testified favorably about much of the KVM's lower level staff, he did offer some serious criticisms of the KVM's leadership.

He described the KVM leadership as unfair and nonobjective in its reporting. He explained that the KVM's reports were always benevolent towards the KLA and overly critical of the Yugoslav side. The KLA's version of events was believed without question, while the Yugoslav side always had to provide proof and evidence to substantiate claims about what it did or did not do.

Col. Kotur testified that the presence of the KVM had a destabilizing effect on Kosovo. Prior to the KVM's arrival the KLA was disorganized and weak, but by the time the KVM withdrew the KLA was well organized and much stronger.

Col. Kotur, based on his experience as an active duty officer in Kosovo, testified that most of the KLA's weapons came from Albania. He said that the KLA managed to loot weapons from the depots of the Albanian army when civil unrest broke-out in Albania during 1997. He said that the KLA's primary victims were disloyal Albanian civilians, non-Albanian civilians, and finally Yugoslav state security forces.

As the man in charge of cooperation with the KVM, Col. Kotur testified that the verification mission was kept fully informed about the activities of Yugoslav security forces. To bear this point out the witness exhibited a complete record of daily and weekly reports that he had submitted to the verification mission. These reports included details on all troop movements, incidents of fighting as well as general observations.

These reports showed the development of a pattern of fighting in Kosovo. The KLA would always attack first, and then the state security forces would be forced to respond. Col. Kotur testified that the response was always proportionate, and that the state security forces always treated Albanian civilians humanely.

Col. Kotur said that the most severe dispute with the KVM surrounded the events at Racak. The Yugoslav Government and the KVM had an agreement that neither side would talk to the media until a proper investigation was carried out and the facts were established.

However, KVM head William Walker held a press conference where he accused Serbian troops of carrying out mass-executions in Racak. Subsequent investigation has proven that there was no massacre in Racak. Forensic science has shown that the people who died in Racak were definitely killed while participating in armed combat – not massacred.

Col. Kotur testified that the KVM commander Gen. Drewienkiewicz called him late on the night of January 15th (the day of the Racak anti-terrorist operation). During that conversation Gen. Drewienkiewicz said that the verifiers – who had witnessed the anti-terrorist operation first hand – reported that 5 or 6 people had been killed in combat.

The very next morning Gen. Drewienkiewicz contacted the witness again. During this conversation Gen. Drewienkiewicz accused the Serbian police of massacring "women and 8-year-old children" in Racak. In reality, no 8-year-old children were killed and the only woman to lose her life was a known member of the KLA.

During the second conversation Gen. Drewienkiewicz threatened to tell the media about the alleged deeds of the Serb police. The witness urged him to wait until an investigation could be carried out in order to determine the facts. He even offered that the KVM should participate in every step of the investigation.

Gen. Drewienkiewicz refused to wait for an investigation and told Col. Kotur that William Walker was already on his way to Racak with a group of journalists.

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According to a January 12, 1999 report compiled by OSCE/KVM verifiers in Stimlje, the KLA was planning to fabricate "Serbian crimes" in order to falsely place blame on the army and police. It is worth noting that Racak is in the Stimlje municipality, and that January 12th was just three days before the Racak operation. Ironically, this document was given to Milosevic by the prosecution.

These internal KVM documents also showed that William Walker tried to suppress reports that the KLA had kidnapped MUP and VJ personnel serving in the Racak area. The documents showed that Walker was furious at the KVM staff when word reached Washington that the kidnappings had occurred.

In addition to Racak, the witness gave testimony about his dealings with senior KVM staff. He described Gen. Drewienkiewicz's behavior as arrogant. On one occasion Drewienkiewicz accused the Yugoslav Army of shooting at KVM verifiers even though the KVM officers who were targeted in the shooting insisted that the KLA were the ones who had shot at them.

When Drewienkiewicz testified as a prosecution witness he boasted of how he selflessly slept on the floor of his office for three nights by the telephone in order to arrange the release of Serbian police that were being held hostage by the KLA.

Col. Kotur explained that Drewienkiewicz did no such thing. The hostages were released when the Serbian authorities agreed to exchange captured KLA terrorists for them.

Another KVM official, the Canadian Gen. Maisonneuve, also testified for the prosecution. He testified that Gen. Krsman Jelic had refused to meet with him after the events in Racak.

Col. Kotur explained that Jelic and Maisonneuve met without any problem. In fact, as the man in charge of cooperation between the VJ and the KVM, Col. Kotur personally arranged the meeting himself. He even attended the meeting – and contrary to the testimony of Maisonneuve, both Gen. Jelic and Col. Petrovic insisted that the VJ had not taken part in the operation at Racak.

Another KVM official, Col. Richard Ciaglinski, also testified for the prosecution. During a closed-session hearing he told the tribunal that Col. Kotur had shown him a map and told him that the Yugoslav Army was going to cleanse Kosovo of its entire Albanian population.

Col. Kotur denied that he said any such thing to Ciaglinski. He said that the prosecution's witness was a liar and that the state security forces never had any plan to cleanse Kosovo of its Albanian population. With that Milosevic ended his examination-in-chief.

Mr. Nice spent the last 15 minutes of the day cross-examining the witness. The cross-examination will continue when the trial resumes tomorrow.

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**CIAGLINSKI CAUGHT IN A LIE AS KOTUR DENIES PLAN TO EXPEL ALBANIANS FROM KOSOVO**

www.slobodan-milosevic.org - January 24, 2006

Written by: Andy Wilcoxson

Col. Milan Kotur, the Yugoslav Army's former chief liaison officer to the OSCE/KVM, continued his testimony at the trial of Slobodan Milosevic on Tuesday. Most of the day was spent on Mr. Nice's cross-examination of the witness.

Mr. Nice questioned the witness for several minutes about who had given him information regarding testimony that a prosecution witness, Richard Ciaglinski, gave during a closed session hearing.

Ciaglinski had testified, during a closed-session, that during his stint as a KVM verifier Col. Kotur had described to him a secret Yugoslav Army plan to cleanse Kosovo of its ethnic Albanian population.

During the examination-in-chief Col. Kotur let it slip that he had heard about this testimony, and that his wife had contacted Ciaglinski to ask him why he would give such false testimony.

In spite of Mr. Nice's insistence, Col. Kotur declined to identify who had given him the information about the closed-session hearing.

At any rate the assertion being made by Col. Ciaglinski is absolutely false. Col. Ciaglinski was directly subordinated to Gen. Drewienkiewicz, and when Drewienkiewicz testified as a prosecution witness on April 12, 2002, he said: "My opinion was that up until the moment that we drove out of Kosovo on the 20th of March, I came across no indications that there was a plan to expel the civilian population. I was absolutely clear that there was a plan to deal with the Kosovo Liberation Army, which would involve bringing in reinforcements of the Yugoslav army, and those reinforcements had started to arrive before we – before we left. But I was not – I saw no evidence myself that such a plan to expel the civilian population existed as at the 20th of March."

Clearly, if Col. Kotur had really told Ciaglinski that a plan existed to expel Kosovo's ethnic Albanian population then Ciaglinski would have immediately forwarded such information up the chain of command to his commanding officer, Gen. Drewienkiewicz.

The fact that Drewienkiewicz didn't know about the plan goes to show that it is something that Ciaglinski invented when he took the witness stand. Obviously Ciaglinski thought that he could exploit the closed-session in order to tell lies about people who he didn't think would find out about them.

A five-week vacation did not improve Mr. Nice's behavior any. The prosecutor was his usual offensive self. While defending the process of closed-session hearings he described Serbia as a "violent" and "dangerous" country, thus insinuating that Serbs are violent and dangerous people.

Another claim that Ciaglinski made about Kotur was that he – without the permission of the VJ – gave him a VJ map that was later used by NATO for the bombing. While its interesting that a KVM officer admitted providing NATO with maps for the bombing, Kotur said that had been given authorization to give maps to the KVM. He said that the KVM didn't have proper maps, so the VJ provided them in the spirit of cooperation.

Mr. Nice wasted a great deal of time asking the witness questions that were outside his area of knowledge. He asked the witness questions about the so-called "Joint Command". At one point he was even asking questions about army officers interviewed on television program that the witness had never even seen.

The prosecutor accused the witness in taking part in what he called the "massacre in Meja and Korenica." The witness denied taking part in any massacre. He said that his unit had helped with battlefield clean up after an anti-terrorist operation had been carried out there. However, he denied seeing any traces of a massacre during the course of the operation.

Mr. Nice said that prosecution witness Nike Peraj had identified Kotur as taking part in the alleged massacre. Kotur responded that Peraj was not at Meja and was not in a position to say that there was a massacre let alone that someone had participated in one.

Mr. Nice also asked the witness questions about Racak. Mr. Nice insisted that the 243rd Armored Brigade of the Yugoslav Army had taken part in the operation at Racak. He insisted that the brigade commander, Gen. Krsman Jelic, had told Joseph Maisonneuve that the army fired on Racak.

Col. Kotur was the liaison officer who arranged the meeting between Jelic and Maisonneuve. He also attended the meeting and he insisted that Jelic never said any such thing to Maisonneuve.

During the re-examination Milosevic questioned Col. Kotur about the role of the 243rd brigade vis-à-vis Racak. The

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witness testified that the 243rd was stationed near Racak, as it had been since April 1998, more than eight months before the MUP launched the Racak operation.

Milosevic showed the witness documents from the 243rd brigade reporting that the MUP had carried out the operation in Racak alone. The documents showed that the only fighting the 243rd engaged in on that day was to return fire against a group of KLA terrorists that were shooting at them, but these KLA terrorists were not even in Racak they were firing at the army from the direction of Belince.

Col. Kotur is expected to conclude his testimony when the trial resumes on Wednesday.

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## **VIDEOTAPE FILMED IN 1990 SHOWS CROATIAN OFFICIALS PLANNING THE MURDER OF JNA SOLDIERS AND THE ETHNIC CLEANSING OF THE KRAJINA SERBS**

www.slobodan-milosevic.org - January 25, 2006

Written by: Andy Wilcoxson

Col. Milan Kotur concluded his testimony at the trial of Slobodan Milosevic on Wednesday, the former chief of the Yugoslav Army's liaison team for the OSCE/KVM picked-up where he left off on Tuesday.

Milosevic continued to re-examine the witness about Racak. He produced more documents from the 243rd Brigade of the VJ. These documents showed that the 243rd was not engaged in Racak as claimed by the prosecution.

Another claim that was debunked during the re-examination was the prosecution's assertion that the OSCE/KVM leadership was politically neutral. To the dismay of the prosecution, Milosevic produced a petition he had obtained from the web site of the AAK (Ramush Haradinaj's political party). The petition, which called for an "Independent Kosova," was signed by none other than William Walker – the former head of the OSCE/KVM.

Milosevic also had the witness read out the minutes taken at meetings between OSCE/KVM personnel and Yugoslav Army personnel. The information derived from these minutes directly refutes several assertions contained in OSCE publications, such as "As Seen As Told," and the so-called "blue book."

Col. Kotur was also questioned about events in Meja. Contrary to claims made by the prosecution, Kotur said that there was no massacre and no orders were given to torch houses.

Over the course of Col. Kotur's testimony Mr. Nice came-up with several conspiracy theories that he tried to implicate the witness in. One of these theories involved the witnesses work notebook. During his testimony Col. Kotur mentioned in passing that he still had his work notebook. The defense was not seeking to enter the notebook into evidence – in fact Milosevic didn't even know that the witness had the notebook until he mentioned it during his testimony.

Mr. Nice was very keen to see the notebook. Mr. Nice asked the witness to hand the notebook over, and the witness complied straight away. Once Mr. Nice got a hold of the notebook he must not have liked what it said because he later accused the witness of producing a counterfeit work notebook. The prosecutor said that the notebook was fake because it was in good condition. It didn't even dawn on the prosecutor that the witness didn't have any chance or motivation to produce a fake notebook.

Mr. Nice's paranoia was even too much for the judges who rebuked him for his conduct. Apparently they didn't appreciate their chief prosecutor looking like a paranoid conspiracy theorist.

After Col. Kotur concluded his evidence Milosevic asked the judges when they would rule on his request to receive medical treatment in Moscow. The judges said they had all of the documents before them and would hand down a ruling "soon".

The next witness to take the stand was Prof. Branko Kostic. Kostic served as the president of the Montenegrin state presidency in 1989 and 1990. He served as the head of the Montenegrin delegation in the SFRY assembly, and as a member of the SFRY presidency from May 16, 1991.

Kostic testified that former SFRY Prime Minister (and prosecution witness), Ante Markovic, contributed to Yugoslavia's disintegration by doing massive damage to the Yugoslav economy.

In Montenegro, Markovic's policies forced the government to borrow in Yugoslav dinars, but pay loans back in foreign currency. At that time the value of the dinar was plummeting rapidly on the foreign exchange markets and so more money had to be paid back than was actually borrowed.

Prof. Kostic testified about the situation of Montenegrins in Kosovo and Metohija during the 1980s. He said that thousands of Montenegrins were persecuted by Albanian nationalists in Kosovo and were forced to leave Kosovo and seek refuge in Montenegro.

Kostic said that the Montenegrin government was unconcerned with the persecution of Montenegrins in Kosovo until August of 1988 when mass protests forced the Montenegrin government to resign.

According to the prosecution, Milosevic arranged these protests. They say Milosevic arranged these protests to overthrow the government so that the government that came later would be indebted to him.

Kostic confirmed that the protestors had a favorable opinion of Milosevic, but he did not confirm the prosecution's

assertion that the new government was indebted to Milosevic. He said that if the new government supported Milosevic then it was Milosevic who should have been indebted to them.

The majority of Kostic's testimony dealt with the outbreak of war in Yugoslavia, specifically in Croatia, during 1991.

According to intelligence that he received while he was a member of the SFRY presidency. Tudjman's government was arming members of the HDZ and calling them "the police". He said that the number of so-called "police" in Croatia jumped from 17,000 to 92,000 over a two-month period during 1991.

He said that Croatia was establishing illegal paramilitary formations in order to attack the JNA and ethnically cleanse Croatia of its Serbian population. He testified that the weapons Croatia received were being smuggled in from Hungary.

To bear this point out he read passages from Stepjan Mesic's book, which was originally entitled, "How I Broke-Up Yugoslavia." Mesic, at the suggestion of Genscher, later changed the title to "How Yugoslavia Broke Up." But in his book he openly discusses how he allowed Croatian paramilitaries to illegally seize weapons from JNA warehouses and how he let them attack the JNA at the time that he was a member of the SFRY presidency.

To further bear this point out Milosevic played an explosive videotape that had been filmed by the 12th detachment of the Yugoslav Army's counterintelligence service (KOS).

The video, filmed in 1990 and broadcast on Yugoslav TV in January 1991, showed a conversation between Tudjman's defense Minister Martin Spegelj and his Interior Minister Josip Boljkovac.

The two men are seen discussing preparations for war with the JNA. They discuss the importation of weapons from Hungary and how they will murder JNA soldiers and their families. Spegelj says "We will kill them on their doorstep. No one will be allowed to reach the barracks alive."

Spegelj and Boljkovac agreed that killing women and children was OK. They discuss how grenades should be thrown into the family homes of JNA servicemen and that "no concern should be given to killing women and children."

Boljkovac discusses how JNA servicemen will be murdered in their barracks. He says, "shove a pistol in their stomach – one shot and that will be the end of them."

The two men also discuss their plans to deal with the Serbian population. They discuss how they will destroy Knin and Spegelj boasts, "Knin will never be Knin again. Serbs will never be in Croatia when we've finished."

Mind you this was all filmed in 1990 – BEFORE the war broke out and BEFORE the establishment of the Republic of Serbian Krajina (RSK).

As an American I found it particularly disturbing to see Spegelj and Boljkovac discussing the support they were receiving from the U.S. Government. They discussed how, the day after Milosevic was elected in Serbia, the U.S. Government contacted them to offer combat vehicles and assorted military equipment.

This video proves beyond any doubt that the Serbian war objective in Croatia was self-defense. In light of this sort of material, any theories offered by the prosecution about "greater Serbia," or Serb "aggression" against Croatia are exposed as pure nonsense. The Krajina Serbs had to go to war – they had no choice – the video makes it clear that Croatia was planning to finish what it started during World War II.

Professor Kostic was visibly shaken by the videotape, he said that it brought back a lot of bad memories. He explained how Franjo Tudjman practiced holocaust denial during his election campaign. He said that Tudjman had denied the mass killings at the Jasenovac concentration camp during World War II.

It is worth noting that Tudjman wrote a book called "Impasses of Historical Reality" where he claims that the Jews controlled the Nazi concentration camps. According to Tudjman the holocaust only killed one million Jews not the six million claimed by most historians.

Kostic testified that Nazi émigrés were brought back to Croatia under Tudjman's regime. Tudjman even appointed some of them to government posts.

Milosevic had several videotapes that he played. One of the videotapes showed an interview with Franjo Tudjman where he defends the World War II era Independent State of Croatia (NDH) as "an expression of the Croatian nation's historic desire for an independent homeland." Kostic commented on the video saying that the NDH was a Nazi satellite state during World War II.

Kostic testified that the Croats could have seceded from Yugoslavia peacefully if they had acted within the law and observed the constitution. He said that Croatia opted for war so that it would have an excuse to ethnically cleanse the Serbian population.

Kostic spent the last part of the day testifying about a 1991 initiative of the SFRY supreme defense counsel to declare a state of emergency that would have allowed the Yugoslav Peoples Army to effectively put down secessionist paramilitary groups and prevent interethnic conflict from breaking out.

Kostic testified that the presidency members from Bosnia, Croatia, Macedonia, and Slovenia opposed declaring a state of emergency, while Serbia, Montenegro, Kosovo, and Vojvodina supported declaring a state of emergency. Unfortunately, the vote was 4 to 4 so no state of emergency could be declared and the JNA was unable to act effectively.

Milosevic asked Kostic about particular passages from the Croatian indictment. In the Croatia and Bosnia indictments it says: "In a televised address on 16 March 1991, Slobodan Milosevic, in his capacity as President of the Republic of Serbia, declared that Yugoslavia was finished and that Serbia would no longer be bound by decisions of the Federal Presidency."

Milosevic, who was armed with the text of the speech, had Kostic read the speech and comment on the indictment's assertion.

Kostic read out the the speech and it turns out that the indictment is wrong. Milosevic never said that Yugoslavia was finished or that Serbia wasn't bound by the decisions of the presidency. All Milosevic did was criticize the presidency as being ineffective.

Milosevic also asked questions about the indictment's assertions about an incident at Pakrac. The indictment says, "The Serb police, headed by Milan Martic, took control of a police station in Pakrac and battles erupted when the Croatian government attempted to re-establish its authority in the area."

In fact these Serb police were the same police who had always worked at that police station. Prof. Kostic explained that Croatia attacked the police station when the Serbian officers were fired for refusing to wear the Ustasha's checkerboard emblem on their caps.

Prof. Kostic will continue his testimony when the trial resumes on Wednesday, February 1st.

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**Sagittarius**

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**Onderwerp:** CDSM: Russia awaiting Hague tribunal's decision on

[http://www.interfax.ru/e/B/politics/28.html?id\\_issue=11456748](http://www.interfax.ru/e/B/politics/28.html?id_issue=11456748)

## Politics

Jan 30 2006 7:38PM

### **Russia awaiting Hague tribunal's decision on Milosevic**

MOSCOW. Jan 30 (Interfax) - The Russian embassy in the Hague expects a decision to be made by the International Criminal Tribunal for the Former Yugoslavia this week on whether to allow ex-Yugoslav leader Slobodan Milosevic to visit Moscow for treatment at a clinic.

"We expect a decision on the matter to be made this week. However, it is difficult to say when exactly it can be expected. It may be either a negative decision, or some interim decisions will be taken that will require a few more stages of debates," a Russian embassy spokesman told Interfax on Monday.

"Should a positive decision be made, the prosecution will insist on several rounds of court hearings involving representatives of the Russian Federation and Bakulev Cardiovascular Surgery Center Director Leo Bokeria," the spokesman said.

**PROF. KOSTIC TESTIFIES THAT UNILATERAL SECESSION CAUSED WARS**

www.slobodan-milosevic.org – February 1, 2006

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Wednesday with the continued testimony of Prof. Branko Kostic, the former Montenegrin representative in the Yugoslav (SFRY) presidency.

Prof. Kostic testified that Milosevic was committed to the preservation of a multiethnic Yugoslavia.

The Prosecution has alleged that Yugoslavia fell apart because non-Serbs did not want to live in a Serb-dominated Yugoslavia. The problem with that thesis is the fact that Yugoslavia was NEVER Serb-dominated.

Kostic's testimony detailed the ethnic structure the Yugoslav People's Army (JNA). In 1991 – the year Yugoslavia's disintegration began – the JNA's most senior generals had the following ethnic affiliations: one Yugoslav, two Serbs, eight Croats, two Slovenes, two Macedonians, and one Muslim.

At the same time Yugoslavia's Prime Minister, Foreign Minister, Minister of Development, and Minister of Finance were all Croats. The President of Yugoslavia's state presidency was Stepan Mesic, also a Croat.

Clearly, fear of "Serb domination" was not the motivation behind the secessionists. Kostic testified that Slovenia and Croatia were the most economically developed regions of Yugoslavia – not Serbia.

Kostic testified that war broke out in Slovenia in 1991 when Slovene paramilitaries illegally seized control of SFRY border posts. Yugoslavia's Prime Minister, Ante Markovic (a Croat), sent JNA troops into Slovenia to retake the border posts, and that's when the fighting broke out.

The prosecution claims that Milosevic provoked the wars in Slovenia, Croatia, and Bosnia. The prosecution alleges that Milosevic was the mastermind of an enormous conspiracy, or "joint criminal enterprise." The prosecution previously claimed that the conspiracy was aimed at the creation of greater Serbia, but recently the prosecution has withdrawn that claim. It is not clear what the prosecution now believes the objective of the alleged conspiracy was supposed to have been.

Milosevic has a much simpler explanation. Milosevic claims that war broke out in Slovenia, Croatia, and Bosnia because secessionist forces illegally seized control of sovereign Yugoslav territory and unilaterally declared their secession, which violated the Yugoslav constitution as well as the rights of Yugoslav citizens (mostly Serbs) who wished to remain living in Yugoslavia.

To prove his case, Milosevic played a videotape of an interview with James Baker, the former U.S. Secretary of State (1989 – 1992).

In the interview Baker says unequivocally that civil war broke out in Yugoslavia because secessionists in Bosnia, Croatia, and Slovenia unilaterally declared independence from Yugoslavia. Baker said that their actions violated the Helsinki Final act, and caused the wars to break out.

Milosevic then played videotape of Baker's successor, Lawrence Eagleburger (U.S. Secretary of State 1992-1993). Eagleburger stated flat out that Bush recognized the secessionists simply because he was trying to win Croatian-American votes in the 1992 presidential election.

Milosevic played videotape of Franjo Tudjman speaking to a crowd of supporters on Ban Jelacic Square in Zagreb. In this videotape Tudjman admitted that there would not have been a war if Croatia had not insisted on secession from Yugoslavia.

Prof. Kostic pointed out that Alija Izetbegovic had made similar statements. He made reference to Izetbegovic's notorious statement that he would "sacrifice peace for a sovereign Bosnia." It is worth noting that Izetbegovic made that statement in February 1991, more than a year before war broke out in Bosnia.

But the cherry on the cake had to be when Milosevic read the quotes from paragraphs 19 and 20 of the prosecution's initial Kosovo indictment: "On 25 June 1991, Slovenia declared independence from the SFRY, which led to the outbreak of war." "Croatia declared its independence on 25 June 1991, leading to fighting." "On 6 March 1992, Bosnia and Herzegovina declared its independence, resulting in wide scale war after 6 April 1992."

As the text of the prosecution's own indictment makes clear unilateral secession on the part of Bosnia, Croatia, and Slovenia caused war to break out.

Prof. Kostic gave testimony about the role of the JNA in Croatia. He said that the JNA acted as a buffer between Croat

paramilitaries and Serbian villages.

He described the 1991 Krajina Serb log rebellion. He testified that the rebellion was not offensive in nature. It was called the log rebellion because the Krajina Serbs used logs to block the roads into their villages in order to keep Croatian paramilitary forces out.

Prof. Kostic noted that Croatia's population was more than 12% Serb in 1991 and is less than 4% Serb today. Kostic attributed this change in ethnic structure to the hostile actions of Croatian armed forces towards Serbian civilians.

The witness said that Tadjman provoked fighting when he announced, on May 5th 1991, that Croatia's economy should prepare for war. The very next day Croatian terrorists attacked a Yugoslav Navy facility in Split and killed a JNA soldier by pulling him from his APC and strangling him to death.

Kostic testified about the destructive and hypocritical role of the international community. In 1991 the Kosovo, Vojvodina, Serbia, and Montenegro representatives in the Yugoslav presidency blocked Stjepan Mesic's promotion to chairman of the SFRY presidency because he had made public statements that he supported secession and that he would be "Yugoslavia's last president". Unlike their counterparts, the Slovenian, Croatian, Macedonian, and Bosnian representatives supported Mesic's promotion.

The four against four tie caused a crisis in the Yugoslav presidency. The European Community (EC) intervened to resolve the crisis. The EC guaranteed that it would not recognize any of the secessionist republics if the presidency members blocking Mesic's promotion changed their votes.

Mesic was then promoted. Then when Slovenia and Croatia illegally declared their secession from Yugoslavia the EC reneged on its promise and granted them recognition.

Prof. Kostic will continue his testimony when the trial resumes tomorrow. At the end of today's hearing the trial postponed until February 6th their ruling on the possibility of Milosevic receiving medical treatment in Moscow.

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## MESIC CAUGHT ON TAPE: "I HAVE PERFORMED MY TASK YUGOSLAVIA IS NO MORE"

www.slobodan-milosevic.org – February 2, 2006

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic continued on Thursday with the continued testimony of Prof. Branko Kostic, a former member of the SFRY state presidency from Montenegro.

Kostic began the day by giving testimony about the war in Croatia. He explained that in 1991, while Yugoslavia was still an internationally recognized state, Croatian paramilitary forces attacked Western Slavonia and destroyed 28 villages where Serbs were the majority population.

He testified that the regime of Franjo Tudjman illegally armed members of the HDZ political party, and that Croatian paramilitaries blockaded JNA barracks in Croatia.

In response, to the Croatian violence the SFRY presidency issued 14 cease-fire declarations. Unfortunately the Croatian side never complied, instead it increased its offensive activities.

During his testimony as a prosecution witness, Stepan Mesic accused Milosevic of undertaking a coup, when on October 1st 1991 the SFRY presidency declared an imminent state of war in Yugoslavia.

As professor Kostic explained there was no coup. Six members of the SFRY presidency met in Belgrade on October 1st and unanimously declared an imminent state of war. These representatives were from Kosovo, Vojvodina, Montenegro, Serbia, Macedonia, and Bosnia. Slobodan Milosevic had nothing to do with it.

The representatives from Slovenia and Croatia chose not attend the presidency session. However, even if the absent members had voted against the imminent state of war the declaration still would have passed by the required two-thirds majority.

The next presidency session was scheduled for October 3rd. Unfortunately this was when the members from Macedonia and Bosnia chose to stop attending presidency sessions.

However, since Yugoslavia was officially in an "imminent state of war," the remaining four-member presidency could legally function and take decisions on behalf of the entire presidency.

As further proof that no coup had been undertaken, Kostic pointed out that Mesic himself returned to chair a presidency session on October 18th – more than two weeks after the coup he was alleging was to have taken place.

Kostic said that this four-member presidency never ordered the JNA to take any offensive actions, although it could have. Nor did it utilize its powers to govern and legislate by decree, which it also could have done.

This four-member presidency devised the Vance plan. Under the Vance plan the JNA withdrew from Croatia, and UN peacekeeping troops took their place. The peacekeepers were to remain in Croatia until a peaceful settlement could be found. Kostic testified that Milosevic enthusiastically supported the Vance plan.

Kostic testified that the Vance plan was not consistent with any aspirations for "greater Serbia." The witness said that Milosevic never advocated greater Serbia. He said that Milosevic advocated the equality of peoples and the preservation of Yugoslavia.

The Croatian indictment claims that "From 8 October 1991 an international armed conflict and partial occupation existed in the Republic of Croatia."

The indictment also claims that "The SFRY existed as a sovereign state until 27 April 1992 when the constitution of the Federal Republic of Yugoslavia was adopted, replacing the Constitution of the Socialist Federal Republic of Yugoslavia of 1974."

The absolute absurdity of the indictment is laid bare by these two passages. How can the SFRY simultaneously "occupy" Croatia since October 1991 and, at the same time, exist as the sovereign state until April 1992? Its absolute stupidity and it shows the carelessness that went into the drafting of the indictment.

If the SFRY existed as a sovereign state until mid-1992, then Croatian paramilitaries were in fact occupying part of Yugoslavia. The indictment has it completely backwards. Yugoslavia didn't occupy Croatia. Part of Yugoslavia was occupied by Croatian paramilitaries.

As further proof that Yugoslavia was not "occupying" its own territory in Croatia, Prof. Kostic pointed out that the Croat

MESIC CAUGHT ON TAPE: "I HAVE PERFORMED MY TASK YUGOSLAVIA IS NO... pagina 2 van 2  
paramilitary forces had the JNA barracks blocked. The JNA was unable to leave its barracks let alone leave Croatia.

Furthermore, on October 8th Stepjan Mesic (a Croat) was the SFRY president, and Ante Markovic (another Croat) was the SFRY Prime Minister. What sort of a moron would say that Yugoslavia was occupying Croatia while two Croats were holding the top posts in the Yugoslav government? For the answer one only needs to see that the indictment was signed by Carla del Ponte in Zagreb.

The prosecution accuses Milosevic of breaking up Yugoslavia. Kostic commented that if a tsunami hit Yugoslavia the prosecution would likely blame him for that too. To prove that Yugoslavia was not broken-up on his account Milosevic played a tape of Stepjan Mesic addressing the Croatian parliament. On December 5th 1991, Mesic got up and told a cheering Croatian parliament "I have performed my task. Yugoslavia is no more. Thank you."

Link that with Mesic's comments that he would be "Yugoslavia's last president" and his book entitled "How I Broke-Up Yugoslavia" and it becomes crystal clear who broke-up Yugoslavia.

Milosevic also played a video of an interview with Lord Carrington. In this interview Carrington explained why Yugoslavia descended into civil war. Carrington said that in Bosnia and Croatia the secessionists attempted to secede from Yugoslavia without the required agreement of all the constituent peoples. He explained that the Croatian and Bosnian constitutions required a consensus between the Serbs and Croats, and in Bosnia with the Muslims too, before any form of secession could legally be carried out.

Eva Prentice will take the witness stand tomorrow. She is expected to testify for one day. On Monday Prof. Kostic is expected to complete his examination-in-chief.

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**Onderwerp:** CDSM:The Trial the West Would Rather

<http://www.thefirstpost.co.uk/index.php?menuID=1&subID=274>

The First Post

February 1, 2006

## **The trial the West would rather forget**

Opinion

Four years ago next week, the trial of Slobodan Milosevic opened at The Hague. It was, we were told, "the most important trial since Nuremberg". But after making the world's front pages in its first week, the trial has slipped quietly off the radar. That's a great pity, because proceedings have been far from boring.

Take the case of prosecution witness Ratomir Tanic, an "insider" who claimed to be present when Milosevic gave the order for the expulsion of Albanians from Kosovo. Tanic couldn't even say what floor Milosevic's office was on and was revealed to be in the pay of British intelligence.

Then there was the testimony of Rade Markovic, the former head of the Yugoslav secret service. Markovic was supposed to spill the beans on his ex-boss, but instead claimed to have been subjected to a year and a half of "pressure and torture" to sign a document prepared by the court. And, in a further blow to the prosecution's case, a Muslim captain in the Yugoslav army testified that he had never seen - or known of - any harassment of Albanian civilians in Kosovo.

In making his defence, Milosevic has sought to expose the level of Western collaboration with Islamist militants in the Balkans. He has shown a video of Lord (Paddy) Ashdown, inspecting Kosovan Liberation Army weapons and promising members of the group that he would "do his best" to procure assistance. He has also produced an FBI document detailing the extent of al-Qaeda involvement in the region. Anyone who has followed the trial would be entitled to ask why our government sided with Muslim extremists, the very people we are told now are our deadly enemies.

Just as well for Tony Blair then that the most important trial since Nuremberg is no longer deemed quite so important.

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## BRITISH JOURNALIST EYE-WITNESSED OSAMA BIN LADEN ENTERING ALIJA IZETBEGOVIC'S OFFICE IN SARAJEVO

www.slobodan-milosevic.org - February 3, 2006

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Friday with the testimony of Ms. Eve-Ann Prentice. Ms. Prentice is a British journalist who has covered the Balkans for both *The Guardian* and the *London Times* newspapers since the 1980s. Over the course of her career she visited the former Yugoslavia at least forty times.

Ms. Prentice testified that she was concerned by non-objective reporting in the Western media. She said that Western politicians and journalists presented the conflicts in the former Yugoslavia in terms of good vs. evil. She said that Serbs were demonized and portrayed as evil while Kosovo-Albanians, Croats, and Bosnian-Muslims were portrayed as innocent victims.

Ms. Prentice made it clear that she believed that all sides had committed crimes and that all sides had innocent victims. As her book "One Woman's War" makes clear she is not an apologist for the Serbian cause.

Ms. Prentice testified that the KLA waged a terrorism war in Kosovo throughout the late 1990s. She said that Kosovo fell victim to a cycle of violence where the KLA launched attacks and the Yugoslav security forces retaliated.

Ms. Prentice was one of the few Western journalists who was actually in Kosovo during the NATO bombing campaign. She testified that she spoke to hundreds of Albanian, Roma and Turkish civilians.

She testified that the Kosovo-Albanians told her that they were leaving Kosovo primarily because they were afraid of the KLA and the NATO bombing. She only came across one Albanian who told her that he was leaving because the Serbian police had told him to.

She said that the KLA was telling the Albanian population that it was their "patriotic duty" to leave Kosovo in order to make it appear that the Serbs were victimizing the Albanians and ethnically cleansing the province.

Ms. Prentice testified that she took measures to speak to Albanian civilians at times when Serbian police were not around. Her Albanian interpreter was a lawyer who worked for Ibrahim Rugova.

She testified that Albanian civilians were afraid to speak freely in the presence of the KLA. She recounted one instance in Kosvoska Mitrovica where she was interviewing a group of Albanians and they would not speak to her once a member of the KLA came within earshot.

During her stay in Kosovo she never witnessed any inappropriate behavior on the part of the Yugoslav Army or the Serbian police. She said that she saw non-Serb civilians enjoying a relaxed relationship with the army.

She testified that she had heard from other journalists that some people had been forced to leave Kosovo due to pressure exerted against them by Serbian forces, but she never witnessed any such incidents herself.

Ms. Prentice testified that the civilian population was justifiably afraid of the NATO bombing. She witnessed the destruction of civilian targets almost daily. She saw the result of NATO's cluster bomb attack on Nis. She saw at least 30 corpses in the streets and interviewed several wounded persons in the hospital.

She also witnessed the destruction caused by NATO bombing raids in Gnjilane, Istok (Dubrava Prison), Orohovac, and Meja. In each of these cases the indictment accuses Serbia for the destruction.

In the case of Meja, the indictment accuses Serbian forces of organizing a massacre, Ms. Prentice spoke to several victims in the hospital and they told her that NATO had bombed them.

While she was in Gnjilane she did not see any evidence of the deliberate burning of shops and houses alleged by the indictment. All she saw was the destruction caused by NATO.

The indictment says that Serbian troops forced the Albanian population to leave Prizren from March 28th onwards. But Ms. Prentice said that there were a lot of Albanians in Prizren while she was there in May.

Ms. Prentice was bombed by NATO herself. At about 3 PM on May 30, 1999 she was on her way to Prizren. She was on the road about 8 km east of Prizren when NATO attacked. Her driver was killed in the attack, and a cameraman she was traveling with was blown into a river several meters away.

She said that the NATO aircraft were flying low enough that they could have easily seen the civilian cars on the road below.

<http://www.slobodan-milosevic.org/news/smorg020306.htm>

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Ms. Prentice, who has a pilot's license herself, estimated the aircraft to be flying at about 2,000 ft. Because she was traveling with a cameraman she also has videotape of the NATO aircraft. She was ultimately rescued from the scene by Yugoslav Army personnel who took her to safety and gave her medical treatment.

About two weeks after the bombing Ms. Prentice began to suffer health effects. She lost her voice. Her immune system weakened. She has had cancer twice since then, and the presence of heavy metals in her blood stream causes her to suspect that NATO used depleted uranium weapons during the attack.

NATO has publicly denied that it carried out the bombing raid, but Ms. Prentice's father (who had served a member of the British House of Lords) received information from his contacts in the British military that NATO had indeed carried out the bombing.

Ms. Prentice testified that after NATO entered Kosovo a massive exodus of the non-Albanian population occurred. She said that the KLA, together with Albanians from Albania, went around Kosovo forcing the non-Albanian population to leave. She said that NATO did nothing to protect the non-Albanian population.

The most explosive part of her testimony dealt with an interview that she scheduled with Alija Izetbegovic in November 1994. While she was waiting in Izetbegovic's foyer both she, and a journalist from Der Spiegel, saw Osama bin Laden being escorted into Izetbegovic's office. Yes \*that\* Osama bin Laden – the same Osama bin Laden who masterminded the 9/11 terrorist attacks.

Needless to say this evidence did not sit well with the tribunal. Mr. Nice immediately objected and Judge Robinson cut off the testimony immediately declaring it "irrelevant."

Milosevic tried to explain that the involvement of Islamic terrorists with the highest level of the Bosnian Muslim government shows that the Bosnian Serbs were fighting a war for self-preservation, not a war for some made-up "greater Serbia" conspiracy. Unfortunately the Judges wouldn't have any of it so he was forced to move on.

Milosevic questioned the witness questions about the Markale market. Over the course of her work, Ms. Prentice spoke with people who had access to ballistics data on the blast. According to the information she received the blast did not come from an outside projectile. The blast came from an explosive device that had been taped under one of the tables at the market.

When she interviewed Lord Owen she asked him whether he had believed that the Bosnian-Muslim government planted the bomb themselves. She said that Owen responded by refusing to confirm or deny the suggestion. The Markale Market is significant because NATO used it as the justification to bomb the Bosnian Serbs.

Ms. Prentice testified that when she visited Sarajevo in 1994 she did not find the city under siege. She said that there was some shelling but not a siege.

She said that one day while she was at the offices of the Bosnian presidency a shell exploded near the house she was staying. She observed that the shell fell in a location that was surrounded by tall buildings and narrow streets meaning that the shell could have only come in from a steep angle, which meant that it could only have been fired from a Muslim-held position.

During her time in Bosnia she visited Pale. She said that she was surprised to find that a large number of non-Serb refugees were being given shelter there. Before she actually visited Bosnia she had believed what the rest of the media told her about the Serbs.

She recounted one occasion where she tried to convince Robin Cook to visit Pale so that he could see for himself that non-Serbs were living freely in the Bosnian-Serb capital. Cook, who was on a fact finding mission, told her that he would not visit Pale because he thought the Serbs were "monsters."

Mr. Nice spent the last part of the day cross-examining Ms. Prentice. As I said in the beginning of this report Ms. Prentice is not an apologist for the Serbian cause. She wrote a lot of things that were critical of the Serbian side and Mr. Nice spent his entire cross-examination quoting every unfavorable word that she ever wrote about the Serbs. Ms. Prentice could barely get a word in edgewise.

However, it is worth noting that nearly everything Mr. Nice quoted from Ms. Prentice's work was hearsay. It was mostly information that she had heard from others – not events that she had directly witnessed herself.

At the end of the day Milosevic was left with practically no time for re-examination. He accused the prosecutor of quoting Ms. Prentice's work in a selective and misleading fashion.

The trial will resume next Monday with the continued testimony of Prof. Branko Kostic.

## **KOSTIC TESTIFIES THAT MILOSEVIC DID NOT SUPPORT PARAMILITARIES OR ADVOCATE GREATER SERBIA**

www.slobodan-milosevic.org - February 6, 2005

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Monday with the continued testimony of Prof. Branko Kostic, the former Montenegrin representative in the SFRY state presidency.

Kostic began the day by testifying about the adoption of the Vance Plan. He explained that Croatia did not want to adopt the plan, nor did Milan Babic want to adopt the plan. Kostic explained that Milosevic eventually won over the Krajina Serb leadership to support the plan.

Under the Vance plan, UN Peacekeeping troops would control the areas of Croatia where the Serbs were the majority or a significant minority. These areas, called "UN Protected Areas," were demilitarized.

Under the Vance Plan the Krajina Serbs gave their weapons to the UN peacekeepers. UN peacekeepers put the weapons in warehouses and kept the access keys.

Kostic testified that he could not think of a single instance when the Krajina Serbs violated the Vance plan. Unfortunately, he could not say the same thing about the Croatian side.

The witness commented that the Vance Plan was completely incompatible with any plan to create "Greater Serbia."

In 1992 Milan Babic, the Krajina-Serb president, announced that the RSK would be annexed to Serbia. Milosevic produced the response from the Serbian assembly. The Serbian government rejected Babic's declaration uniting Serbia and the RSK. The Serbian government expressed its view supporting the UN mission and held that a political solution had to be negotiated with the Croats.

The fact that Serbia rejected territory when it was offered proves beyond any doubt that neither Milosevic nor Serbia had any territorial aspirations towards Croatia or any other republic. This one fact alone negates the entire thesis put forward by the indictment. Prof. Kostic testified that Milosevic never advocated any form of "greater Serbia."

The indictment accuses the JNA of "occupying" Croatian territory. Prof. Kostic repeated many times during his evidence that the JNA was the only legal armed force in Yugoslavia, and as such could not be accused of "occupation" on its own territory.

Neither could the Krajina Serbs be accused of occupation. Milosevic read out a passage from Lord Owen's book "Balkan Odyssey" where he states that the Krajina Serbs had been living on that territory for several centuries. The Krajina Serbs could not be accused of occupying Croatia any more than the Dutch can be accused of occupying Holland.

The fact that the Vance Plan totally disarmed the Krajina Serbs, as well as the fact that Croatian paramilitary groups had the JNA blockaded in its barracks is further proof that there was no occupation.

Kostic pointed out that everything the Krajina Serbs did was in response to Croatian or foreign provocations. None of it was instigated by a mythical Serbian conspiracy as is alleged by the prosecution. When Croatia announced that it was suspending the Yugoslav constitution, the Krajina Serbs responded by establishing autonomous districts (the SAOs) in which Yugoslav law did apply.

When the European Community reneged on its promise not to recognize the secessionist republics and offered to illegally grant Croatia recognition, the Krajina Serbs responded by announcing their secession from Croatia.

Kostic also gave testimony about Dubrovnik. He testified that the JNA had not had an armed soldier in Dubrovnik for decades before the war. He explained that the General Staff of the JNA made the decision to remove Croatian paramilitary forces in Dubrovnik after the Croats launched attacks from there.

Kostic credited JNA action in Dubrovnik with stopping the war from spreading into Montenegro (which borders Dubrovnik).

The indictment accuses the JNA and the Serbian leadership of undertaking a conspiracy to expel the Croatian population from 1/3 of Croatian territory. Kostic conceded that there were instances when Croats were mistreated, but he insisted that such incidents were isolated and did not come about at the initiative of the Yugoslav or Serbian leadership. To prove this point he showed the court statistics that Croatia was 77.9% Croat and 12.2% Serb in 1991 vs. 89.6% Croat and 4.5% Serb today.

ne statistics prove that Croatia ethnically cleansed the Serbs. The indictment has the facts turned completely upside down. To bear this point out Milosevic read-out a passage from Lord Owen's book where he calls Croatia's Operation Storm the biggest ethnic cleansing operation in all of the Balkan wars.

The indictment says that Milosevic controlled the JNA, several paramilitary groups, the SFRY state presidency, and the Krajina-Serb leadership.

Professor Kostic dismissed the assertions dismissed by the indictment as total nonsense. Kostic testified that Slobodan Milosevic was the president of Serbia and as such he did not control the JNA, the SFRY presidency, or the Krajina Serb leadership. Kostic, who was a member of the SFRY state presidency himself, said that Milosevic neither had de jure nor de facto control over these institutions.

Kostic testified that Milosevic was opposed to paramilitary groups. He said that Serbian paramilitary groups were always under the control of Milosevic's political opponents, such as Vuk Draskovic, who hoped to use these units to forcibly overthrow Milosevic. Kostic added that the vast majority of war crimes committed by Serbs could be attributed to these illegal paramilitary formations.

Kostic will resume his testimony tomorrow. He is expected to testify about Bosnia.

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## **KOSTIC CONCLUDES HIS EXAMINATION-IN-CHIEF WITH TESTIMONY ABOUT THE WAR IN BOSNIA**

www.slobodan-milosevic.org - February 7, 2006

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Tuesday with the continued testimony of Prof. Branko Kostic, the former SFRY presidency member from Montenegro.

Milosevic spent questioned Kostic about the war in Bosnia. Kostic testified that Bosnia was a civil war, and to bear that point out Milosevic read a passage from Lord Owen's book "Balkan Odyssey" where he categorizes the war in Bosnia as a civil war between Bosnian-Serbs, Bosnian-Croats, and Bosnian-Muslims.

The indictment claims that Bosnia was an "international armed conflict" and an "occupation." Kostic dismissed the indictment's assertions as nonsensical. He pointed out that the indictment calls Bosnia an "international armed conflict" eight months before Bosnia was recognized as independent from Yugoslavia. Obviously, one can not carry out an international armed conflict with a country that does not exist.

Kostic testified that Milosevic supported the "Belgrade Initiative." The Belgrade Initiative was a plan negotiated in late 1991 between Mr. Adil Zulfikarpasic on behalf of the Bosnian Muslims, and the Serbian leadership in Belgrade.

Under the Belgrade Initiative, Bosnia would have remained in Yugoslavia. Under the plan, the first president of the new Yugoslavia would have been Alija Izetbegovic for a term of five years.

Kostic testified that Milosevic's support for the Belgrade Initiative proves that he was not trying to create Greater Serbia. Kostic rhetorically asked the tribunal "What sort of Greater-Serbia would have been possible with Alija Izetbegovic as president?"

Unfortunately, Izetbegovic opted for war and did not accept the Belgrade Initiative.

Kostic testified that Alija Izetbegovic was an Islamic fundamentalist. He quoted Izetbegovic's "Islamic Declaration" where Izetbegovic writes among other things: "There can be neither peace nor coexistence between the Islamic faith and non-Islamic social and political institutions." and "The Islamic movement must and can, take over political power as soon as it is morally and numerically so strong that it can not only destroy the existing non-Islamic power, but also to build up a new Islamic one".

In order to prove that Izetbegovic was a full-fledged Islamic fundamentalist Milosevic played a video of Izetbegovic reviewing a squadron of Arab Mujahedeens in central Bosnia.

In addition to Islamic fundamentalism, Serbs had reason to fear the prospect of out-voting in the Bosnian government. Kostic said that the decision to call the independence referendum was reached while Serbian MPs were not present in the parliament.

Kostic testified that the best chance to avoid the Bosnian war was the Cutliero Plan. Under the Cutliero Plan, Bosnia would have seceded from Yugoslavia and become an independent state made up of cantons similar to Switzerland. The cantons would correspond to the majority ethnic population in the area, and Sarajevo would have a special status as Bosnia's capital.

The leaders of all three Bosnian factions signed the Cutliero plan. Karadzic signed it on behalf of the Bosnian Serbs, Boban signed it on behalf of the Bosnian Croats, and Izetbegovic signed it on behalf of the Bosnian Muslims.

Kostic said that the Yugoslav and Serbian leadership supported the plan. He said that Slobodan Milosevic personally supported the plan, adding that the plan would have completely stymied any plans for "greater Serbia."

Kostic testified that the agreement fell through because Izetbegovic withdrew his signature at the request of the American ambassador Warren Zimmerman.

In early 1992, Kostic had a meeting with Alija Izetbegovic in Skopje. At this meeting Izetbegovic agreed that the JNA should remain in Bosnia for five years. Izetbegovic also admitted that the ethnic make-up of the JNA was predominantly Serb because the Croat, Slovene, and Muslim leadership were telling respective peoples not to send recruits. When asked, Izetbegovic did not have a single complaint about the conduct of the JNA towards the Muslims. Milosevic proved that Izetbegovic said the things he said by producing a transcript of the meeting.

Unfortunately, Alija Izetbegovic was not a man of his word. Two days after the meeting Izetbegovic, publicly accused the JNA of committing crimes and "occupying" Bosnia.

Kostic testified that the Yugoslav State presidency ordered the JNA to withdraw from Bosnia on May 4, 1992. He said

KOSTIC CONCLUDES HIS EXAMINATION-IN-CHIEF WITH TESTIMONY ABOUT ... pagina 2 van 2  
that pursuant to the order the withdrawal was completed on May 19, 1992.

Unfortunately, the JNA would not be permitted to leave Bosnia in peace. The Bosnian-Muslims attacked the JNA as it was trying to evacuate the territory.

The most serious instances occurred on May 3, 1992 as JNA column was attacked on Dobrovoljacka St. in Sarajevo as it was attempting to leave the territory, and on May 15, 1992 the JNA was attacked as it was attempting to leave Tuzla.

Kostic recalled how JNA soldiers were massacred in Muslim-ambushes. He said that hundreds of soldiers were killed. He told the tribunal that Bosnian Muslims executed wounded JNA soldiers and set others on fire, burning them alive.

While Yugoslavia was withdrawing its troops from Bosnia, Croatia was sending its troops in. Kostic testified that Croatia had tens of thousands of soldiers on Bosnian territory during the war.

To bear this point out Milosevic read a report of the UN Secretary General, which literally said that Belgrade withdrew all of its troops in May 1992, but that Croatia - in spite of its public denials - had a substantial number of troops in Bosnia.

Kostic testified that Milosevic had no control over the JNA or Bosnian-Serb troops. The indictment accuses Milosevic of carrying out a Joint Criminal Enterprise in Bosnia together with Veljko Kadijevic and Blagoje Adzic. Kostic pointed out that Kadijevic and Adzic had both retired before the war in Bosnia even started. The witness marveled at the carelessness that went into the drafting of the indictment. He rhetorically asked, "how could Milosevic carry out a JCE through pensioners who no longer had any authority?"

Kostic said that all of Milosevic's actions with respect to Bosnia were directed towards finding a peaceful solution to the conflict.

Following the conclusion of the examination-in-chief. Ms. Hildegard Uertz-Retzlaff cross-examined the witness on behalf of the prosecution.

Kostic had testified that the SFRY state presidency was the supreme commander of the JNA, not Slobodan Milosevic.

Ms. Uertz-Retzlaff tried to get Kostic to change his testimony by threatening him with criminal prosecution. Since Kostic was a member of the SFRY state presidency, Ms. Uertz-Retzlaff pointed out that he could be held responsible if the trial chamber ruled that the JNA had committed crimes.

Kostic said that he was not aware of the JNA committing any crimes, and reiterated his testimony that the SFRY state presidency was the JNA's supreme commander.

The fact that Prof. Kostic stood-up and told the truth, even-though he was being threatened with criminal prosecution, speaks volumes about the strength of his character. And the fact that Ms. Uertz-Retzlaff resorted to threatening the witness says certain things about her character too.

Kostic will continue his testimony when the trial resumes tomorrow.

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## **MS. UERTZ-RETZLAFF SPENDS A WHOLE DAY PROVING THAT MILOSEVIC WAS THE PRESIDENT OF SERBIA**

www.slobodan-milosevic.org – February 8, 2006

Written by: Andy Wilcoxson

Prof. Branko Kostic, Slobodan Milosevic's forty-eighth defense witness, was cross-examined by Ms. Hildegard Uertz-Retzlaff at the Hague Tribunal on Wednesday.

The prosecutor spent the balance of the day asking the witness to comment on text written in several books, including the writings of prosecution witness Borislav Jovic . The prosecutor was attempting use the writings to show that Milosevic exerted control over the JNA and the SFRY state presidency, but she didn't have any evidence to back-up her thesis.

Many, if not all, of the material she read wouldn't be incriminating even if proven true. Unfortunately a lot of it wasn't true so the witness had to spend a great deal of time correcting her information.

The case that Ms. Uertz-Retzlaff was advancing was practically meaningless. For example, she produced a table to show that Milosevic had frequent meetings with JNA officials, Serbian leaders from Bosnia and Croatia, and SFRY presidency members.

Even if we accept Ms. Uertz-Retzlaff's information at face value, it doesn't prove anything. All it shows is that Milosevic had meetings with people. Why wouldn't he have meetings? He was the President of Serbia; of course he had meetings.

The fact that Milosevic had meetings with people does not prove that he controlled them. Ms. Uertz-Retzlaff did not offer a single example showing that Milosevic exerted any effective control over anybody outside of Serbia. All she could offer were the opinions that other people wrote in their books, and none of those opinions were backed-up with any concrete facts.

Prof. Kostic testified that Milosevic, as the president of Serbia, had political clout but no control over the Krajina Serb or Bosnian Serb leadership. He said that Karadzic and Mladic were the ones who controlled Republika Srpska's government and military, and that Martic and Babic had control and authority in Republika Srpska Krajina.

One could just as easily argue that George W. Bush, as the president of the United States has political influence in Egypt (not to mention many of other countries), but that doesn't mean that he controls the Egyptian government or commands the Egyptian military.

The witness reiterated his testimony that the SFRY presidency (of which he was a member) controlled the JNA – not Milosevic.

Kostic did not deny that Milosevic had meetings with presidency members and JNA officials, but he said it was only natural for the president of Serbia (the largest republic in Yugoslavia) to have meetings with government and military officials because of the dire situation the country was facing.

As Ms. Uertz-Retzlaff's lengthy cross-examination makes plain, Milosevic doesn't have a case to answer for in relation to Croatia or Bosnia. There is not a single piece of evidence to show that he had command or control over any of the combatants in Bosnia or Croatia.

As far as Milosevic's personal and legal responsibility is concerned, it doesn't matter whether any of the specific crimes alleged by the Croatian and Bosnian indictments were committed or not. The combatants were not under his control, and no reasonable person could conclude that he should be held accountable for their alleged actions.

Practically the only thing that Ms. Uertz-Retzlaff managed to prove was that Milosevic was the president of Serbia.

At one point Ms. Uertz-Retzlaff sought to challenge the credibility of the witness, but she didn't have any luck in that department either. She accused the witness of being prejudiced against Muslims and, just like Mr. Nice would have done, she cut the witness off when he tried to refute her accusations.

Prof. Kostic will continue his cross-examination when the trial resumes on Monday, February 13th.

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## Sagittarius

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**Van:** "Ian Johnson" <-  
**Aan:** <Undisclosed-Recipient:;>  
**Verzonden:** donderdag 9 februari 2006 17:41  
**Onderwerp:** CDSM: Article from Balkan Analysis  
<http://www.balkananalysis.com/modules.php?name=News&file=article&sid=624>

### Hague Judge Silences Bin Laden Bosnia Testimony, as NATO's Claims Questioned

**Date:** Wednesday, February 08 @ 08:00:00 EST

**Topic:** Other Balkans Articles

Judge Patrick Robinson immediately shut down a Western journalist on the Hague Tribunal witness stand last week, when she disclosed having seen Osama bin Laden waltz into the office of late Bosnian President Alija Izetbegovic in November 1994.

Just as veteran British journalist Eve-Ann Prentice, who covered the Yugoslav conflicts for the *Guardian* and the *Times* told of the famous OBL, Prosecutor Geoffrey Nice objected, and the judge "...cut off the testimony immediately declaring it 'irrelevant,'" according to the defense's recap of a devastating day of testimony.

However, considering that the defendant, former Yugoslav President Slobodan Milosevic was trying to make a case that the Bosnian Serbs were fighting because Izetbegovic wanted to create an Islamic state that would not be particularly tolerant of Serbs, it would seem that this "explosive" mention of his connection with the world's most wanted man would in fact be quite relevant.

According to the report, while Prentice was waiting in Izetbegovic's foyer for an interview she, and a journalist from Germany's *Der Spiegel*, "saw Osama bin Laden being escorted into Izetbegovic's office... needless to say this evidence did not sit well with the tribunal."

Prentice was by no means the first to make the bin Laden-Bosnia connection. Izetbegovic's plans for making Bosnia an Islamic state were long known, and the fact that there was a strong foreign mujahedin presence in Bosnia, would both indicate that her squelched testimony was highly relevant indeed.

However, as in all the other tribunals designed to bolster the Official Truth established by government interests – not least of all the 9/11 Commission – evidence such as hers is blotted out immediately or blocked in advance.

And vitally, the mass media has lost interest too, now that the "good news" has stopped flowing in like it used to, when the prosecution against Milosevic had the momentum. Since the former Yugoslav president has taken the offensive, however, Western media coverage has stopped altogether, expect for the occasional report fearing that his various illnesses might interfere with "justice" being done.

However, though the big media did not cover the testimony, the always pro-intervention IWPR at least had to react to the damaging testimony. In a recent article, it cited Prentice's impartiality- and then proceeded to act as a mouthpiece for the prosecution, stenographing Mr. Nice's use of quotes from Prentice's own book to show that even she was aware of Serbian evils.

But the IWPR didn't mention bin Laden, nor various other important details that emerged from Prentice's most damaging testimony, on the Kosovo conflict. Unlike the Western journalists who were merely waiting on the Macedonian border to hear the after-the-fact (or fiction) testimony of refugees, she was actually *in* Kosovo. In fact, owing to her proximity to the depleted uranium bombs NATO was dropping all around her, Prentice later became ill with cancer.

Having interviewed hundreds of ordinary Albanians, Roma and Turks during the war, Prentice's first-hand fieldwork suggested that many of the Albanian refugees were forced to leave their homes not by the Serbian army but by the KLA- which cynically hoped to provoke Western outrage at an allegedly Serb-caused refugee crisis. It worked.

Prentice's first-hand experience also contradicted the Official Truth on a number of other fronts. While the Hague prosecution accused the Serbs of bombings in Gnjilane, Istok (Dubrava Prison), Orohovac, and Meja, she stated that NATO bombing raids were responsible. "In the case of Meja... Ms. Prentice spoke to several victims in the hospital and they told her that NATO had bombed them. While she was in Gnjilane she did not see any evidence of the deliberate burning of shops and houses alleged by the indictment. All she saw was the destruction caused by NATO."

Further, "...the indictment says that Serbian troops forced the Albanian population to leave Prizren from March 28th onwards. But Ms. Prentice said that there were a lot of Albanians in Prizren while she was there in May."

The disinterest of Western leaders in the full reality of the wars in Yugoslavia reappeared with one telling vignette. When speaking about Bosnia, Prentice spoke of a visit to Pale, where "...she was surprised to find that a large number of non-Serb refugees were being given shelter there. Before she actually visited Bosnia she had believed what the rest of the media told her about the Serbs." Apparently, so did her country's leaders:

*"...she recounted one occasion where she tried to convince Robin Cook to visit Pale so that he could see for himself that non-Serbs were living freely in the Bosnian-Serb capital. Cook, who was on a fact finding mission, told her that he would not visit Pale because he thought the Serbs were 'monsters.'"*

Needless to say, the IWPR report doesn't mention this vignette. Nor did it mention that Prentice contracted cancer from NATO's depleted uranium bombing. It did make a subtle but determined effort to disparage her testimony, however-just as it has in the past given sympathetic attention to prosecution witnesses who later turned out to be liars. Some things just come with the territory for media bodies funded by the same governments that created the Hague monstrosity to begin with.

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**Verzonden:** zondag 12 februari 2006 22:56  
**Onderwerp:** "The time has come"

to set a precedent for future accusations of state-sponsored genocide.]

Institute for War & Peace Reporting

10 Feb 06 | [Tribunal Update](#) 439

[http://www.iwpr.net/?p=tri&s=f&o=259505&apc\\_state=henh](http://www.iwpr.net/?p=tri&s=f&o=259505&apc_state=henh)

## Milosevic's Bosnia and Croatia Defence Takes Shape

*Trial sees rare shift in focus of evidence away from Kosovo conflict towards the wars of the early Nineties.*

By Michael Farquhar in London (TU No 439, 10-Feb-06)

The trial of Slobodan Milosevic continued to hear evidence this week on the Balkans crisis in the early Nineties which saw the collapse of the old Yugoslav order and a series of vicious wars across the region.

The former Yugoslav president is accused of responsibility for crimes including genocide during fighting in Croatia and Bosnia at the time.

But he has largely neglected these charges to date, having spent the vast majority of the hours allotted to his defence addressing separate allegations to do with his conduct during the Kosovo conflict many years later.

The recent shift in focus came with the arrival in The Hague of Branko Kostic, who was a member of the collective presidency of the Socialist Federal Republic of Yugoslavia, SFRY, in the period leading up to its collapse.

Kostic - who is mentioned in the indictment against Milosevic as one of his alleged partners in crime - has spoken about the mounting crisis, which saw moves by Slovenia, Croatia and Bosnia to split from the federation in favour of independence.

He has argued that Milosevic acted throughout as a peacemaker, whose real hope was to hold on to the old Yugoslav state.

As president of the republic of Serbia - a member of the SFRY - in the early Nineties, Milosevic had relatively limited formal powers. But prosecutors say he actually wielded enormous control over events in the Balkans via his influence over bodies such as the Yugoslav People's Army, JNA, Serb paramilitary groups and the SFRY presidency.

During his time in the witness stand, Kostic has sought to challenge such claims.

He told judges this week that the only paramilitary units formed in Serbia at the time were loyal to opponents of the president, like Vuk Draskovic and his Serbian Renewal Movement, SPO.

He also insisted that it was the SFRY presidency, not Milosevic, that was responsible for the JNA. And while he acknowledged that Milosevic had great political standing at the time, he denied that he controlled the SFRY presidency. Kostic - who represented Montenegro on the presidency - said he personally disagreed with the Serbian representative, Borisav Jovic, on many issues.

Kostic also spoke about a number of peace initiatives which he said had Milosevic's active support, including the Vance Plan which saw United Nations peacekeepers deployed in Croatia.

The witness recalled that Milosevic had backed the so-called Belgrade Initiative, which he said could have resulted in Bosnia remaining part of Yugoslavia, with president Alija Izetbegovic as the first head of state. Kostic added that Izetbegovic initially accepted this proposal, but changed his mind shortly afterwards.

The witness said Izetbegovic was also responsible for reneging on the Cutileiro Plan, an effort backed by the European Community to avoid war in Bosnia.

Kostic also insisted that far from being international conflicts, as prosecutors claim, the outbreaks of fighting in both Croatia and Bosnia constituted a clear example of "typical, textbook civil war".

Cross-examination of Kostic fell to Hildegard Uertz-Retzlaff, who played a large part in presenting the prosecution's case against Milosevic with regard to the Croatia indictment.

Uertz-Retzlaff presented the witness with a series of extracts from his own writings and from books by other individuals named in Milosevic's indictment, including Jovic and the Montenegrin president Momir Bulatovic. Quoting from these texts, she sought to show that Milosevic met constantly behind the scenes with senior political figures in an effort to control events.

At one point, she quoted Jovic as saying that Kostic was "extremely cooperative and loyal" to Milosevic at the time, and often gave more weight to the interests of Serbia than to those of Montenegro.

The cross-examination of Kostic will continue when the trial resumes on February 13.

Michael Farquhar is an IWPR reporter in London.

[http://www.iwpr.net/?p=tri&s=f&o=259503&apc\\_state=henftri259505](http://www.iwpr.net/?p=tri&s=f&o=259503&apc_state=henftri259505)

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## **PROSECUTION CASE: MILOSEVIC DESTROYED YUGOSLAVIA BY REFUSING TO ACCEPT ITS DESTRUCTION**

www.slobodan-milosevic.org - February 13, 2006

Written by: Andy Wilcoxson

Ms. Hildegard Uertz-Retzlaff continued her cross-examination of Prof. Branko Kostic, the former SFRY presidency member from Montenegro, at the Hague Tribunal on Monday.

Ms. Uertz-Retzlaff continued to waste everybody's time by spending most of the day asking questions that were completely irrelevant or that had already been discussed.

She unsuccessfully tried to paint Kostic as an extremist. She would take quotes from his speeches completely out of context, and he would reply by reading out the parts of the speech that she didn't read.

Ms. Uertz-Retzlaff attempted to show that the SFRY presidency acted illegally when, in late 1991, it convened meetings without the representatives of Croatia, Slovenia, Bosnia, and Macedonia.

Kostic reminded her that the Croatian, Slovenian, Bosnian, and Macedonian representatives were always invited to attend the meetings but that they chose not to attend. He further reminded her that an imminent state of war had already been declared and under such circumstances the presidency could legally function in a reduced composition.

Ms. Uertz-Retzlaff played intercepts of Kostic's telephone conversations. There was absolutely nothing incriminating on the tapes. In one of the intercepts he was discussing a region in southern Bosnia with Radovan Karadzic. The conversation had no relevance because, as Kostic noted, the region being discussed never saw any combat. Nor was he discussing combat operations with Karadzic. Although, at one point in the conversation he mentioned the need for the JNA to demilitarize Dubrovnik.

Ms. Uertz-Retzlaff spent the end of the day asking the witness about the Hague Conference. Although he was not present at the October 4th meeting Kostic pointed-out that a document had been drawn-up where it was decided that there would be no unilateral changes in the SFRY's borders and that the right of the people to stay in Yugoslavia would be equal to those who wished to leave.

Kostic said that Serbia and later Montenegro voted against the proposal offered at the Hague Conference on October 18th because the proposal called for the wholesale destruction of Yugoslavia. The October 18th proposal threw-out the items that had been agreed to at the previous meeting and called for an outright dissolution of Yugoslavia along its internal republican borders.

In spite of the existence of the agreements reached on October 4th, Ms. Uertz-Retzlaff tried to claim that it was Milosevic who changed his mind and derailed the peace process.

This whole issue points to the sheer stupidity of the prosecution case. According to the prosecution's logic, by refusing to accept Yugoslavia's destruction at the Hague Conference Milosevic is responsible for Yugoslavia's destruction. Heaven forbid that the blame for Yugoslavia's destruction should actually fall upon the people who advocated it's destruction.

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**Verzonden:** maandag 13 februari 2006 0:13  
**Onderwerp:** Branko Kostic: "I was not under Milosevic's control"

**BRANKO KOSTIC: "I WAS NOT UNDER MILOSEVIC'S**

*Deciding that Milosevic was "deliberately abusing the procedure", the judges brought to an end the examination-in-chief of Branko Kostic as the hearing drew to a close today. They then recanted and allowed the accused to continue tomorrow with questions about Bosnia and Herzegovina*

 Branko Kostic,  
 svjedok odbrane  
 Miloševića

THE HAGUE, 6.2. (SENSE) - Branko Kostic today went through the indictment charging Slobodan Milosevic with crimes against humanity in Croatia paragraph by paragraph, contesting all the allegations contained in them. Describing the indictment as a "replica of Stipe Mesic's book" about the breaking up of Yugoslavia, Kostic criticized the prosecution for "rewarding the criminals and punishing the victims of the greatest genocide after World War II". Milosevic joined in, noting that in the Croatia indictment, his "efforts to preserve Yugoslavia are characterized as a joint criminal enterprise, while violent secession is described as a democratic goal".

In 1991 and 1992, Branko Kostic was a member of the last full SFRY Presidency and of its rump successor. In the Croatia and BH indictments, he is listed as one of the participants in the joint criminal enterprise headed by Milosevic. Kostic claims "there was no joint criminal enterprise", that

Milosevic "did not control the 'Serbian block' in the federal presidency", that the block in fact didn't exist because he as a Montenegrin was never controlled by Milosevic but by the Montenegrin Assembly.

Kostic goes on to say that Milosevic did not have control over the JNA, that no special police units from the Serbian Interior Ministry participated in the conflicts in Croatia, that only the opposition parties had their paramilitary formations - such as Vuk Draskovic's SPO - while Seselj's Radicals sent their volunteers in an organized manner. Those volunteers were controlled by the JNA. According to Kostic, there never was a plan to remove Croats and other non-Serbs from the territory where the Republic of Serbian Krajina was declared. That territory was never "under the occupation of the Serb forces" as alleged in the indictment, because Serbs "have been living there for centuries". The Vance plan, Kostic continues, "was violated only by the Croatian paramilitary formations". Those, according to him, include not only the Croatian National Guard Corps, but the Croatian police too. The conflicts in Dubrovnik and Vukovar were caused by the Croatian president Tudjman, Kostic says, in an effort to carry the war over into the territory of Montenegro and Serbia. This was "rightly prevented" by the JNA intervention.

The judges interrupted the examination-in-chief several times, telling Milosevic this line of questioning "did not make any sense at all" and that his questions about "the general allegations, answered by the witness in equally general terms" were not of any assistance to either him as the accused or the Trial Chamber. Milosevic persisted on pursuing this line of questioning and Judge Robinson, deciding that the accused was "deliberately abusing the procedure" brought to an end the examination-in-chief of Branko Kostic as today's hearing drew to a close. Milosevic then complained he "didn't have the time to ask a single question about BH", noting that in the first half of 1992, Kostic held the top position in the FRY and that he had important information, including information about a meeting with Izetbegovic. The judges then recanted and allowed him to continue questioning his witness tomorrow about Bosnia and Herzegovina.

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 Aan: "Sagittarius" <sagitar@hetnet.nl>; "Jenny Ligtenberg"  
 Verzonden: maandag 13 februari 2006 0:27  
 Onderwerp: British journalist 'revises her memories'

Google:Eve Ann Prentice

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## BRITISH JOURNALIST REVISES HER MEMORIES

*Eve Anne Prentice's views presented in her replies to Milosevic's questions were contrasted by the prosecutor to the views of the same issues she espoused in 1993 and 2000, in her articles and the book she wrote, One Woman's War*

THE HAGUE, 3.2. (SENSE) - Sarajevo was not besieged by Serbs but was a divided city. The Markale explosion in February 1994 was not caused by a shell fired from Serb positions but by a charge placed under a market stall and the evidence of that was suppressed by the Western governments. **In late 1994, Alija Izetbegovic received Bin Laden in his office in the BH Presidency...**

It goes on: in the spring of 1999, the Albanian population left Kosovo in fear of NATO air strikes and under pressure of the KLA who told them it was "their patriotic duty". The reports of alleged mass deportations and murders were a product of anti-Serbian propaganda instigated mainly by Western politicians and generals, in collusion with some reporters and the media, such as CNN and BBC.

This is what British journalist Eve Ann Prentice said in response to Milosevic's questions today. In the nineties, she was a correspondent of the Guardian and the Times in the Balkans. She failed, however, to present any admissible and convincing evidence of her claims. As she testified, she was in Sarajevo in late 1994, she was able to move freely and to go to Pale. She was once in the BH Presidency with a German colleague, waiting to interview Izetbegovic. She then saw "an important Arab-looking person". She was told later that it was Bin Laden.

Eve Ann Prentice visited Kosovo twice during the air strikes. The first time she spent six days there in mid-May, followed by another visit in late May and early June. She did not see any destruction of houses and cultural or religious buildings that were allegedly committed by Serb forces, according to the indictment. Only one Kosovo Albanian told her he was leaving because he was afraid of the Serbian police. All the others were telling her they were leaving under KLA pressure and in fear of NATO air strikes.

In a brief cross-examination, the prosecutor showed that the British journalist used to write differently, in the same vein in fact as the reporters from Bosnia and Kosovo whom she is now blaming of being in the service of the "anti-Serbian propaganda". The prosecutor quoted her text published in the London Times in 1993, where she describes the ordeal of a Catholic priest in Omarska and Keraterm, the two notorious camps in Prijedor where the prisoners were beaten, tortured, killed, forced to sing Chetnik songs and drink their own urine.

The prosecutor found even more such examples in the book, *One Woman's War*, published by Eve Ann Prentice in 2000. Describing her first visit to Pristina in 1993, the British journalist writes about "the Serbian police on every corner", Arkan as the "owner of a part of the Grand Hotel" and the "all-pervasive smell of terror". Prentice goes on to write about the "widespread campaigns of brutal murders conducted periodically by the Serbian police and the obscure paramilitary formations in 1998"; in early 1999, "yet another fierce cleansing campaign was launched. It was only intensified when the threat of NATO air strikes became a certainty". After the prosecutor read out those parts of her book, the witness replied that she still stood behind all that. She also stood behind the views of American Paul Watson, the only Western journalist who was in Kosovo from the beginning of the air strikes. She quotes him in her book as a "reliable source". Prentice thus quotes Watson's description of a "sinister turn in the terror campaign" in Pristina, when thousands of people were escorted by police in columns to the train station and put onto railway cars heading for Macedonia. Prentice explained that she had not been in Kosovo at the time and therefore "relied on what the

es who were there saw".

<http://www.sense-agency.com/portal/htmls/englishinfo.php>

SENSE

SENSE-TV

SENSE is a specialized agency providing regular, comprehensive, unbiased and reliable information about all relevant events at the International Criminal Tribunal for the Former Yugoslavia (ICTY), International Court of Justice (ICJ), and the International Criminal Court (ICC) to daily and weekly press, radio stations, TV channels, the general public and all interested institutions in Southeast European countries. SENSE reports on other issues related to international criminal justice and the protection and promotion of human rights.

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SENSE projects are supported by the European Commission, Governments of The Netherlands, Luxembourg and Germany, and by the Open Society Institute.

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**Sagittarius**

**Van:** "Ian Johnson" <i-johnson@lineone.net>  
**Aan:** <Undisclosed-Recipient:;>  
**Verzonden:** maandag 13 februari 2006, 18:00  
**Onderwerp:** CDSM: Truth vs Crime - 4th Anniversary. Statement by ICDSM 12th February  
ICDSM – TRUTH vs CRIME: THE 4<sup>th</sup> ANNIVERSARY

INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC

ICDSM Sofia-New York-Moscow [www.icdsm.org](http://www.icdsm.org)

\*\*\*\*\*

Velko Valkanov, Ramsey Clark, Alexander Zinoviev (Co-Chairmen), Klaus Hartmann (Chairman of the Board), Vladimir Krsljanin (Secretary), Christopher Black (Chair, Legal Committee), Tiphaine Dickson (Legal Spokesperson)

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12 February 2006 Special Circular

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TRUTH vs. CRIME: THE 4<sup>th</sup> ANNIVERSARY

On 12 December 2005, President Milosevic requested to be provisionally released in order to obtain medical treatment in Bakulev Scientific Institute in Moscow, headed by Professor Leo Bockeria, Main Cardiosurgeon of the Russian Federation. On the basis of President Milosevic's request and opinions of leading international medical specialists, including Professor Bockeria himself, the Government of the Russian Federation issued appropriate state guarantees to the Hague Tribunal on 17 January 2006.

Decision of the Trial Chamber is still pending.

What preceded was a dramatic warning about the state of President Milosevic's health, made by an international doctor's consilium on 4 November 2005, recommending urgent break in the proceedings, six weeks of total rest and

additional examinations and treatment in a specialized medical institution.

That warning was echoed by the ICDSM in its special session in Belgrade on 12 November, when an urgent public appeal was signed by ICDSM co-chairs Ramsey Clark and Velko Valkanov and Vice-President of the Russian State Duma Sergei Baburin. Subsequently, groups of medical specialists from Serbia and Germany also went public with their own appeals. Sloboda collected in only two days 25000 signatures to put the issue on agenda of the Serbian

Parliament (something that never happened, in spite of the Serbian Constitution). Russian Duma unanimously adopted a resolution expressing serious concern about the President Milosevic's health.

The tribunal is acting slowly, bureaucratically and hypocritically. Six weeks of urgently necessary rest were granted to President Milosevic (who in the meantime almost collapsed in the court room) only in connection to usual

court Christmas recess. And in spite of all medical arguments and state guarantees presented, the decision on provisional release has not been made yet. All this in confirmation of Moscow Mayor Yuri Luzhkov, who, welcoming the possibility that President Milosevic comes to Moscow, stated on 21 January that President Milosevic's situation "is a disgrace for a European court, which instituted legal proceedings against him without sufficient reasons, kept him under arrest for several years and now does not know what to do. All their accusations fell apart, and now they are trying to put a good face on the matter. They do not want to apologize to Milosevic for several years that have been crossed out of his life", adding that there should be a rule in the judicial practices, under which the judges who made a mistake should be kept in custody as much time as the person, who was illegally arrested through their fault.

But the most precise summary of what the four years of the Hague proceedings represent was made by President Milosevic himself in one of his most powerful addresses in this process (of course, totally bypassed by the

Western media) - on 29 November (by chance, the National Day of Yugoslavia) 2005, when he was, ill, forced to smash (with the

help of legal arguments of ICDSM and other international lawyers) the attempt of the Tribunal to severe three indictments against him (united before the beginning of the process).

President Milosevic (don't miss to read the full transcript of his remarks further below) told the judges:

"The present situation is the direct result of a megalomaniac ambition by the other side and most probably by the desire to have the quantity of material replace any serious proof and evidence against me. Quantity over quality. Because you cannot have evidence and valid proof for untruths. And you have supported the other side through your tolerant relationship with them, and asking them to be limited in their scope.

I am the main victim of having been bombed by various documents, material witnesses, and so on, that the opposite side has been allowed to present with the go-ahead from you. I think that this is a form of torture and a form of cynicism to put that burden of responsibility upon me, all the more so if this is linked to my health situation, which has been significantly impaired because of the torture I have been exposed to.

"And what is this phantom of a joint criminal enterprise that is being discussed here? And what is it that is exactly being alleged? People who are sitting here, including me, including you, on the one hand, simply cannot

know all the things that are referred to in all these documents that Mr. Nice served - a million pages, no less - and no one knows what the Prosecutor is prosecuting, including the Prosecutor herself. She doesn't know it either. I think that even Franz Kafka would feel that he did not have great imagination compared to this.

"This entire Court was envisaged as an instrument of war against my country.

It was founded illegally on the basis of an illegal decision and carried through by the forces that waged war against my country. There is just one thing that is true here: It is true that there is a joint criminal enterprise, but not in Belgrade, not in Yugoslavia as its center, but those, who, in a war that was waged in Yugoslavia from 1991 onwards, destroyed Yugoslavia.

"Do you want to tell me who pays your salary? Do you wish to claim that you receive a salary from the United Nations? Who finances this Court, Mr. Bonomy? Who established this Court, Mr. Bonomy? Who effected an aggression against my country, Mr. Bonomy? Your country. And who am I asking to come in to testify? Your presidents and Prime Ministers. "Yugoslavia did not disintegrate or disappear in some manner, but it was

destroyed in a planned manner, forcefully, through a war, and that war is still being waged, is still going on. And one of the instruments of this war is your illegal Tribunal.

"Let me say straight away, as far as your judgements are concerned and rulings in joinders or not joinders, I'm not afraid of them at all, because if you judge according to the law and the truth, then there would never have been this trial in the first place. But as we do have a trial, it can end only in one way: A decision on the non-existence of culpability. And if you don't rule based on justice and truth, then your ruling will disintegrate and will burst like a bubble of soap, because the court of the world and the court of justice and the truth is stronger than any other court. It is up to each one of us, and each one of you gentlemen, to opt and choose what place we're going to have before that court of history, and what its decision will be. So don't harbour any illusions on that score.

"Let us hear what the truth is, and let the actual perpetrators of what happened in Yugoslavia actually be exposed, although you said yourself, Mr. Robinson, at one point in time, that you are not in charge of trying NATO for what they did, although you know what they did and you know that the basic tenet of any law in the world is that the law that does not apply to one and all is not law at all."

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FULL TEXT OF PRESIDENT MILOSEVIC'S 29 NOVEMBER REMARKS

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Tuesday, 29 November 2005

[Motion Hearing]

[Open session]

-- Upon commencing at 9.05 a.m.

JUDGE ROBINSON: The Chamber scheduled a hearing this morning to hear submissions from the parties on the question of severing the Kosovo indictment and concluding that part of the trial. We'll hear first from the Prosecutor.

MR. NICE: We filed a paper late yesterday afternoon. I don't know if the Chamber has had an opportunity to consider it. (.)

JUDGE ROBINSON: Mr. Kay.

[Trial Chamber confers]

JUDGE ROBINSON: Mr. Kay, we'll hear from the accused before you.

PRESIDENT MILOSEVIC: [Interpretation] I shall take up far less time than Mr. Nice did.

I addressed you two weeks ago with a request that you respect the position of the team of doctors from Russia, France, and Serbia to allow me a period of rest, because that was observed on the basis of their findings that my

health had not been stabilised, that the possibility of complications existed, and that a period of rest was indicated for at least a period of six weeks.

You asked to hear the views of the Dutch physicians in that regard, and now what is the state of that? What have they found? You have that in the report. Dr. van Dijkman, who is a cardiologist, a specialist, one that you

selected here, in his report, wrote, among other things, the following: "[In English] I strongly advise provision for sufficient rest."

[Interpretation] And he added: "[In English] And it seemed to me that the six-week rest period is somewhat too much." [Interpretation] So the cardiologist selected by you has confirmed the need for rest. The only question is whether six weeks is somewhat too much. So that is one fact and one point I wish to address.

Not a single one of the doctors who considered the report that you supplied them with questioned the findings of the consilium of physicians from Russia, France, and Serbia.

Otherwise, on the 15th of November -- and Mr. Nice here noted that I strolled in, and he said that I wasn't able to work. I know exactly what I said: I said that I wasn't feeling well, and that was the first time that I did so in the past four years, the first time I said that in a four-year period, the first time I asked the session to be interrupted because I

really didn't feel well. And even then this request of mine was met on your part by keeping me in that small room on this floor an hour and a half while your physician examined me. Now, all the time that you have been questioning the positions taken by the consilium, which has now been confirmed by your own doctors, the doctor at the prison forbid me to come into court, first of all on the 12th of November and then on a second occasion on the 21st of November. I had prepared myself to come in here to court. I had put on my shirt and tie, and then I was told there would be no transport and I wasn't able to come. So when Mr. Bonomy says that I didn't come, I didn't come because it was your own doctor who forbid me to come. I would like to make that quite clear.

Now, finally, this question that I complained about on the 15th and waited patiently for two months, with growing problems, health problems, that needed to be addressed, the question of my very serious symptoms, very high

pressure that I feel in my ears and oversensitivity to sound in general, at the medical centre of the Leiden University, Dr. Dalal examined me fully and wrote an objective finding. When I say "objective," I'm referring to the finding that was written without the active part of the patient, so it was only the passive participation of the patient, since the findings are based on long-term electronic examination, and he told me that those objective findings of his fully confirmed the symptoms that I complain of and the problems -- health problems that I complain of.

Therefore, the physicians of my own choice who came here because my state had not improved at all during those two months, and also the doctors you selected yourselves, have come to the same conclusions, to all intents and

purposes. Your prison doctor told me that, over the past few days, he supposed that I had managed to amass enough energy to deal

with the pressure that I have in my ears because he told me that Dr. Dalal, who is a very highly placed professional in the area, is preparing some sort of solution which will make it easier for me to deal with my health situation or do away with the symptoms at all. So that is a very interesting standpoint from the medical point of view, but I'm not going to comment on it now.

JUDGE ROBINSON: Mr. Milosevic, we have not had the benefit of seeing Dr. Dalal's report. You have been referring to it, so I just wanted you to know that.

PRESIDENT MILOSEVIC: [Interpretation] Mr. Robinson, I have not seen it myself either, but I do know what he told me, after having examined me. I was at the medical center of the university in Leiden, I underwent a lengthy

examination there. It was with the help of electronic instruments. It lasts a long time. The patient has to lie down. There are no questions and answers or anything of that kind. It is electronic sounding, using electronic instruments. And then he told me after that examination that his objective findings confirmed the symptoms that I complain of. That's what he told me, and I assume he wrote that in his report.

Dr. Falke came and told me that he has good news for me, that Dr. Dalal considers that he's going to be able to mitigate those symptoms or put them right. I asked him a logical question: When? And he said, Well, in the next

few days. We'll do our best to hurry up. So how am I expected to work in the meantime? Well, I -- he said, well, I assume you have accumulated enough strength to persevere, you've lasted that long, and things along those lines. I was in Bronovo Hospital in September for the magnetic resonance test, and before that an ENT specialist saw me. That's been going on for months, for three months, and the situation became worse and worse as time progressed.

JUDGE ROBINSON: Mr. Milosevic, I just wanted to clarify that we did not have the report to which you have been referring. Proceed with your submissions on the question --

PRESIDENT MILOSEVIC: [Interpretation] I don't have it either. Yes, I'll get to that, but it's all linked up. As I was saying, I assume you do have the Dr. van Dijkman's report, do you?

JUDGE ROBINSON: Yes, we have Dr. van Dijkman's report.

PRESIDENT MILOSEVIC: [Interpretation] And it says here -- very well. "[In English] We strongly advise provision for sufficient rest." [Interpretation] That's what it says in his report.

JUDGE ROBINSON: But as you noted, he went on to say that he did not consider a period of six weeks to be required.

PRESIDENT MILOSEVIC: "Somewhat too much." [Interpretation] That's what he said.

JUDGE ROBINSON: Yes.

PRESIDENT MILOSEVIC: [Interpretation] And I pointed that out. I didn't want to quote it one-sidedly, quote what he said one-sidedly. Therefore, gentlemen, it is my right to demand of you to enable me to have the right to protect my own health, and I think it is your duty to protect that right and support it. And that right is over and above all the other preoccupations for which you have convened these proceedings here this morning. So my request is this - I hope it is sufficiently clear - and I request that you enable me to have a pause, that is to say, a period of rest in which to recuperate. I understand that your basic preoccupation ...

[Trial Chamber confers]

JUDGE ROBINSON: Proceed, Mr. Milosevic.

PRESIDENT MILOSEVIC: [Interpretation] Yes, I was waiting for you to finish your discussion.

Mr. Nice, among other things, mentioned the question of whether I was taking my medicaments or not. That can only be said by somebody who doesn't know what prison procedure is like. You have to take your pills in front of

the guards in prison. That does not only apply to me, it applies to everyone. And then the time at which you took your medications is recorded into a log book.

I myself requested Falke to carry out a laboratory analysis to see how my medicines were working, within the context of all my general efforts to help myself. And I should like to mention the doctors that I invited came more

than two months after I put in a request to Falke and from the time they sent me for my first examination. So all this was organised without upsetting any of your plans.

So let's make each other understood there, let's be clear on that point. I don't want to hear any more of the nonsensical kinds of things that Mr. Nice has been saying.

Gentlemen, your principal preoccupation is time, and you have been devoting such great effort to the question of time that when you speak of my health state, you are looking at it exclusively, as it says in paragraph 6 of your

guidelines, the state of factors that upset these proceedings, the time factors upsetting these proceedings, in your order. So that I think that the protection of health and the measure to which this megalomaniac procedure, with your permission, has been pursued by the opposite side is upsetting my health, that, judging by all factors, doesn't seem to be important to you.

I would like to remind you gentlemen of the following: In paragraph 4 of your order, which we have here before us on the table, you put forward the chronology of your efforts to ensure expediency of this trial. I'm not going to quote those passages because you have them in front of you. However, it is interesting to note, and also indicative, that that chronology of events - that is to say, that enormous wish to have expediency - begins in July 2004, and that is what your chronology shows, which is a point in time when it is up to me to present my Defence case. And the time I was given by you was 150 days, and you said that that was the same as the 300 days allocated to the other side. Several weeks ago, I mentioned here that the number of hours which I was given by the opposite side shows the sum of -- which is lacking in 72 days. You didn't allow me to continue along those lines, so I stopped, and I'm not going to talk about that now either, but I'd just like to say that that remains as a fact.

So your concerns over expediency and efficiency started when my half time began, and to my detriment. And the speed at which the proceedings have been evolving became important when it came to my presentation of facts, and took precedence over those facts and precedence over my state of health as well.

Now, had you expressed such concern over expediency during the time of Nice's and Del Ponte's Prosecution case, then you would not have allowed different witnesses to appear. Mr. Robinson, Mr. Kwon, you will remember full well that we had witnesses here such some institute established in haste in the space of a few days, right near here in Amsterdam, and they held a report about genocide against the Armenians in Turkey and the genocide in Rwanda and some other third place, I can't remember which now, and that Dutchman talked about that at length, and you would never have allowed things like that even to be presented here at a place like this, including many other irrelevant witnesses. So we heard about the Armenians, but we didn't hear about examples which the Dutch institute and the only Dutch word that everybody knows in the world, the word "apartheid," how that came into being. They didn't deal with the question of apartheid, but they did deal with the Armenians in Turkey and Turks. So that was part of his procedure, let alone other witnesses who came to waste time here and talk about minor issues.

So you showed an enormous amount of understanding for the megalomaniac ambitions of the opposite side to -- Yes, Mr. Robinson.

JUDGE ROBINSON: You are now wasting our time. We are here to consider two issues: The question of severance and the medical -- and your medical condition. Confine your submissions to those two issues.

PRESIDENT MILOSEVIC: [Interpretation] Well, Mr. Robinson, you did not interrupt Mr. Nice when he was making the most absurd claims here, and I think that these absurd claims of his can be responded to --

JUDGE ROBINSON: If you're going to continue like this, I will stop.

PRESIDENT MILOSEVIC: [Interpretation] All right.

JUDGE ROBINSON: You told us you wish to make submissions. If I did not interrupt Mr. Nice, it was because there was no reason to interrupt him. Let us proceed.

PRESIDENT MILOSEVIC: [Interpretation] Let us proceed. I'm referring to what it says here in your own decision concerning the order that we're discussing today. So the time lost, you say, due to my health, in the period when you

started expressing this intense interest in the expeditiousness of the trial.

I want to draw your attention to the fact that this time that you call lost or wasted is much shorter than time wasted due to another matter, and that is when you unlawfully took away my right to self-representation last year.

Because of what you did, some of the deadlines that you had set yourselves and that you mention in this chronology were simply not met at the moment when my Defence case finally started after the decision made by that Appeals

Chamber of yours. So, gentlemen, do not blame my health - and I'm not to be blamed for the state of my health - for time wasted, when you're the ones who wasted the time. As for all the time that's been taken up, and in terms of my health, the other side there is also to be blamed, because of the torture that they have been exposing me to due to their megalomaniac designs. And you never oppose that.

In paragraph 5 from the end of your order, your scheduling order for this hearing, today's hearing, you deal with the positions taken by the Appeals Chamber. I think that, due to the importance of what you note here, it is necessary to see what it says there in paragraph 26. It says that: "[In English] If the prosecution fails to discharge this responsibility, the Trial Chamber has sufficient powers under the Rules of Procedure and Evidence to order the prosecution to reduce its list of witnesses to ensure that the trial remains as manageable as possible.

Finally, if with the benefit of hindsight it becomes apparent to the Trial Chamber that the trial has developed in such a way as to become unmanageable - especially if, for example, the prosecution is either incapable or unwilling to exercise the responsibility which it bears to exercise restraint in relation to the evidence it produces - it will still

be open to the Trial Chamber at that stage -" [Interpretation] I emphasise that - "at that stage," just like I pointed out the Prosecution a moment ago - "[In English] to order a severance of the charges arising out of one or more of the three areas in the former Yugoslavia."

[Interpretation] So what is referred to here are the resources that you have available if the other side, and that is what is emphasised, does not act in accordance with its obligation in paragraph 25, where it says that the Prosecution has a great responsibility to prevent the trial from being unmanageable due to an overabundance of material, et cetera, et cetera. So your very own Chamber here says that: "The prosecution will bear a heavy responsibility to ensure that the single trial ..." et cetera, et cetera, that the trial is manageable.

It's not only that example, but also the systematic interpretation of what the Appeals Chamber said in the context where the severance of trials is discussed. Obviously, they took into account the situation that came to pass

a long time ago because of the megalomaniac ambitions of the Prosecution in these proceedings that you call a trial.

I also want to note here that the Appeals Chamber did not look at my health at all, and I don't think that they needed to look at it at all, at that time, that is. But not even bearing that in mind, they emphasised need to rest. Please, in paragraph 27, it says: "[In English] As has been shown to be necessary in all long trials before this Tribunal, the Trial Chamber will from time to time have to take a break in the hearing of evidence to enable the parties to marshal their forces and, if need be, for the unrepresented accused to rest from the work involved."

[Interpretation] So, gentlemen, the only effect that my health can have on these proceedings is the fact that breaks are taken if my health gets worse, or, with any luck, to have proper short rest periods so that any worsening of my health is prevented. However, I am quoting your own decision when you say that these are factors that constantly impede the trial. And I have read out paragraph 26 to you, and you say -- you quote paragraph 26 when you say

that the trial becomes unmanageable, but it is the other way around. I have quoted paragraph 26 to you, and the Appeals Chamber has instructed you how to make the trial more manageable: To give breaks from time to time, and so on and so forth.

Now, gentlemen, do you really think that somebody would be crazy enough to believe that the Appeals Chamber would, in paragraph 26, instruct measures to be taken that would be in contravention of paragraph 26 of their own

decision? Do you think that your colleagues are that unreasonable that they call for pauses in the trial, breaks in the trial, and that that is counter-productive? That's the way it should be, according to what Mr. Nice said here too. Of course, that's wrong. The right way of interpreting it is that by severing the trial, you are actually acting against the decision of the Appeals Chamber and you are incorrectly interpreting their words. So that would be an abuse of a document in order to violate that same document, which is quite unbelievable. It is illogical and unlawful acrobatics. Also, for years, you have been violating --

JUDGE BONOMOY: Mr. Milosevic, what you ignore entirely in that submission is that these words of the Appeal Chamber were pronounced when this trial could sit five days a week, and elaborate arrangements have been made to give you rest throughout the period since 2003.

PRESIDENT MILOSEVIC: [Interpretation] When was it that you gave me a break, a rest? Just remind me, please.

JUDGE BONOMOY: Every week you get a rest, because you can only do three days a week.

PRESIDENT MILOSEVIC: [Interpretation] No one works five days a week here, especially for such a long period of time, so please don't count on me -- please, in Dr. Van Dijkman's report, in a part that I did not quote, in the

paragraph that precedes the one that I quoted, it says: "In view of the current work schedule [In English] it is understandable -- In view of the current work schedule, it is understandable that the patient feels fatigued.

He has three court sessions per week and spends the rest of the time preparing for them, including interviewing witnesses."

[Interpretation] So how is it that you think that I can interview witnesses during these remaining days if I'm supposed to get some rest then?

JUDGE ROBINSON: You can get the rest -- you could get the rest if you utilised the services that are available to you. You do not have to interview witnesses. That could be done by assigned counsel. You have chosen to do that.

PRESIDENT MILOSEVIC: [Interpretation] I have seen how the assigned counsel work with witnesses when you made it possible for them to question witnesses, by force, and I concluded that it was absolutely inadequate.

JUDGE ROBINSON: Mr. Milosevic, what comes to mind -- what comes to my mind are the words of Marc Antony in his funeral oration for Julius Caesar: "Ingratitude, more strong than traitors' arms ..." You are an ingrate in relation to the work of the assigned counsel and the help they have given you. It does you no credit for taking that approach to assigned counsel. Continue.

PRESIDENT MILOSEVIC: [Interpretation] I do not wish to insult Ms. Higgins or Mr. Kay, not in the least bit. But they know full well that they know very little about the situation in the territory of the former Yugoslavia, especially regarding issues that I am being indicted for here by Mr. Nice and this entire side that he represents. Mr. Nice made absurd assertions here, allegations regarding my alleged participation in various things in Bosnia, and during the presentation of his case, he did not give a shred of evidence about my alleged crimes in Bosnia-Herzegovina. He talked about events that occurred in Bosnia-Herzegovina. But, on the other hand, there is ample evidence that my greatest efforts over all those years was to attain peace, and I was given credit for that by all sorts of Western leaders as the person who gave the greatest contribution to that and --

JUDGE ROBINSON: Mr. Milosevic, I have stopped you. I want submissions on the two issues before us: Severance and, to the extent relevant, your health. We'll take an adjournment for 20 minutes.

--- Recess taken at 10.39 a.m.

--- On resuming at 11.07 a.m.

JUDGE ROBINSON: Just to make sure that the transcript is correct in relation to my reference to Marc Antony, it's: "Ingratitude, more strong than traitors' arms ..." You can at least get it correct in the English. Mr. Milosevic, there's a matter in which I think you can help us. You have 37 or 45 witnesses outstanding for Kosovo. How, in the light of the remaining days left for your case, do you plan to manage your case so as to complete Kosovo as well as Bosnia and Croatia? And, please, I don't want to hear the refrain that this merely shows how little time or how inadequate is the time that has been allocated to you.

THE INTERPRETER: Microphone, please.

PRESIDENT MILOSEVIC: [Interpretation] The microphone wasn't switched on. What I was saying was this: Mr. Robinson, the question of time you seem to be placing in first place, so I assume you won't have anything against me having comments to make with respect to that issue.

I should like to remind you, Mr. Robinson, that a certain amount of time ago, I did indicate the need to give me adequate time. Had you personally -- and that you personally said at the time that it was too early to discuss

the matter, that is to say, to give me adequate time.

Now, to carry on from where you interrupted with your comment that I should use imposed counsel, let me present my position and you do with it what you will and make your own conclusions as you desire. But I don't think you'll be able to topple that position.

It is my right to represent myself, and that right emanates from international law and is contained in your Statute as well. Therefore, you are duty-bound to enable me to make effective use of that right. That right cannot be made up for by some sort of assigned or imposed counsel.

It is my right to be able to present my own Defence, and it is grounded in the documents that are well known to you all. So it is your duty to enable me to use that right effectively and not some fictitious right which is accorded me in formal terms whereas it is withheld in realistic terms. If I have that right, then you must enable me to use it effectively and to avail myself of that right.

And the comment that I don't have to proof witnesses myself is the same as saying that I don't have to avail myself of the right

accorded me and that I have chosen to use my right to my own detriment. So the substance of the

matter is that I should be allowed to use that right effectively.

Now, with regard to the question of time, once again, Mr. Nice quoted different documents and so you'll allow me to do the same, to quote from various documents. And I have sufficient examples for you, although in Serbian because it is a Serbian translation, it is a statement by a group of members of the Russian Association of International Law for Monitoring the Process of the Prosecutor versus Slobodan Milosevic in the International Tribunal for the former Yugoslavia, which a few days ago was published by the Moscow Journal of International Law and it was translated from that Moscow Journal. It is the largest and most important forum of that nature in Russia, and the most important journal for international law in Russia as well.

Among others, in point 1, which they discuss, it is the right of the accused to have sufficient time. Now, this term "sufficient time" means for the preparation of his Defence. That has been extracted from "international documents," and this is what it says:

"After the signing of the first indictment raised against S. Milosevic by the Prosecutor up until the start of the Prosecution case, two years elapsed and eight months. Throughout that time, time was used to prepare the

indictment. Preparations of the indictment went on eight months after the accused was in prison. Now, for the preparation of the Defence case, Slobodan Milosevic was given three months."

And then they go on to quote your order concerning the preparation and presentation of the Defence case of September 17th, 2003. "After an extension of the time limit with respect to the accused's health, the Defence case, as a whole, amounted to six months, but that extended time was not used to prepare the Defence because the Registry of the Tribunal denied Milosevic the right to meet with witnesses in connection with his health. It is quite clear that the time for the preparation of the Defence case in the most complex international crimes contained in 66 charges and 1.000 events in prison conditions is inadequate. In keeping with the principle of fair play and equality of arms, the accused must be accorded at least as much time for his Defence case as the Prosecution had for the Prosecution case from the time the indictment was signed until the case went to trial. In conformity with giving the accused sufficient time for preparation of his Defence case, and taking into consideration the complexity of the case itself, S. Milosevic must be given adequate time, and six months cannot be termed adequate time. The request by the accused to be granted more time was turned down by the Appeals Chamber as well, who said that, 'choosing to represent himself, the accused has given up the right of enjoying the benefits of the Defence team set up for him,' and that he himself, 'will bear the brunt of not accepting the services of assigned counsel.'"

That is the decision of January 2004. In this connection, the Appeals Chamber referred to four decisions made by national courts, but it forgot to refer to the norms of international law which are in force, and the most senior Chamber of the Tribunal, which was duty-bound to protect the rights of the accused, confirmed the unlawful decision by the Trial Chamber to the detriment of the accused for having opted to represent himself without

providing legal arguments in sufficient scope.

"Apart from that, this right is part of the rights that do not have a time limit," and it says, "see Article 3 of international -- covenant of international laws where everybody has the right, as a minimum, to the following guarantees and conditions." And the conclusion is, of this group, that is to say, the group of the Russian International Law Association, is that: "The Tribunal has violated the rights of the accused to be given sufficient time to prepare his defence case."

I won't continue quoting. I will ask you to take up this decision, and I'm sure your translators will be able to translate it into English for you. They contain many other points, but I think it would be beneficial for you to read it.

JUDGE ROBINSON: Did I understand you correctly to read from the Journal of International Lawyers that this right is part of the rights that do not have a time limit? Is that what you read?

THE INTERPRETER: Statute of limitations, interpreter's note.

PRESIDENT MILOSEVIC: [Interpretation] I read what it says exactly in that statement. I'll go back to that. Let me just see.

JUDGE ROBINSON: What right are they referring to? Is it the right to a defence? Is it the right of an accused to put up his defence?

PRESIDENT MILOSEVIC: [Interpretation] The right of the accused, and then they quote "to have sufficient time and possibility for preparation of his defence." That is point 1, which I quoted.

JUDGE ROBINSON: And is that the right which they say is without a time limit? I'm trying to understand what you just read.

PRESIDENT MILOSEVIC: [Interpretation] Well, Mr. Robinson, they don't say that it has a time limit. What they say is, the amount of time that was necessary and accorded to the opposite side for writing the indictment, and

claim that I must be given that same amount of time. And they quoted exactly when the indictment was signed and how long it took them to prepare for the Prosecution case to go ahead with the trial. So it's no fluid category that

we're dealing with here, without boundaries. They are talking and comparing the time that the other side had at its disposal and the time accorded to me by you. And those six months, or barely six months, cannot be compared to a

period of three years, let alone compared to the fact that I am managing my Defence myself, whereas Del Ponte and Nice have an enormous machinery at their disposal, including all their services and experts and so on and so forth.

JUDGE ROBINSON: Thank you.

PRESIDENT MILOSEVIC: [Interpretation] And when I mentioned -- Mr. Robinson, when I mentioned the NATO pact officers, let me remind you, since Mr. Nice is talking about proof and evidence, I would like to remind you that their military expert, Mr. Theunens, said here on behalf of the whole group working on the subject matter, that they studied thousands of documents, and I asked him here, "Do you have any document of mine?" if you remember, Mr.

Robinson, and he said, "Yes, I do." And I asked him to place it on the overhead projector.

JUDGE ROBINSON: Mr. Milosevic --

PRESIDENT MILOSEVIC: [Interpretation] Do you remember that?

JUDGE ROBINSON: -- I can understand the submission that an accused person is entitled to sufficient time, but I do not accept a submission that there is no time limit for putting a defence. You're entitled to a reasonable time. If your Russian association of lawyers said that there is no time limit in putting a defence, and if by that they meant that an accused person would be entitled to put a defence ad infinitum, I utterly reject that.

You're entitled to a reasonable time to put your Defence. Continue.

PRESIDENT MILOSEVIC: [Interpretation] Mr. Robinson, in responding to your question, I precisely said that that is not what they claim, that the accused has limitless rights. All they claim is that the accused must be given the same amount of time as given to the Prosecution for preparing the indictment. And they were able to establish that time in quite exact terms by comparing the date in which the indictment was raised and the date when the trial started here, and that was a period of time that was exactly established, let alone the fact that before they actually wrote the indictment, they had to have done some preparatory work as well.

So you did not understand the explanation and quotation that I read out to you properly, so I suggest that you take this report and read it for yourself, because I think that they are leading international lawyers who took part in writing it, and I wish to add to this that we are not only speaking -- although this is a statement by the International Russian Federation legal minds, but of course there is a series of broad circles of experts for international law from other countries, including those countries who wrote the petition to Kofi Annan with respect to your conduct

towards me from some 30-odd countries that signed it and went to visit the Secretary-General of the Security Council. So this is a position that is widespread in the world, and it would suffice, if I were in your place, if I

were to read this position elaborated by the experts from the Russian Federation that rank among the top professionals in the world in their field.

As I was saying - let me continue - the present situation is the direct result of a megalomaniac ambition by the other side and most probably by the desire to have the quantity of material replace any serious proof and evidence against me. Quantity over quality. Because you cannot have evidence and valid proof for untruths. And you have supported the other side through your tolerant relationship with them, and asking them to be limited in their scope.

I am the main victim of having been bombed by various documents, material witnesses, and so on that the opposite side has been allowed to present with the go-ahead from you. I think that this is a form of torture and a form of cynicism to put that burden of responsibility upon me, all the more so if this is linked to my health situation, which has been significantly impaired because of the torture I have been exposed to.

And I would like to remind you that when General Stevanovic testified here, in some context or other - it's not important now; we can look at the transcript if we want to see the exact context - I said that the opposite side served over a million pages of material

on me. Mr. Nice intervened at that point and said it was only 600.000, and with respect to the others it was copies supplied twice.

Now, without entering into whether I was served double copies, and would have to read through all the material to see whether that was true, and there's no justification for that either, but nonetheless it's an enormous amount of material. And that every participant in this trial had to read 500 to 1.000 pages per day every day over the space of three and a half years, without exception and without all their other obligations. And a normal human being is quite certainly not able to read even a small portion of that. And as I believe that nobody could claim to be a superpowerful human in any sense here, then we come to the conclusion that the situation is quite unrealistic and in this hall for three and a half years we have had a group of people taking part in something that we can call or is called a trial, whereas none of the participants in the proceedings knows what it says in the files on the basis of which the discussions are being held here. Please, to a certain extent, it is not only that that people don't know

about; they don't know what the other side is prosecuting me for. I would particularly like to highlight the issue of a Greater Serbia in that context. This was represented by the other side four years ago when they asked for a joinder of trials, that that was the red thread bringing all parts of the case together, and the Trial Chamber agreed to that. So then you cannot talk about severing the case without dealing with the destiny of that particular issue.

On the 25th of August this year, Mr. Nice, after three and a half years of trial, said that he was not prosecuting me on account of a Greater Serbia, and he ascribed that idea to me from the very outset, from his introductory

remarks and then through the testimony of almost half or even more than half of his witnesses who -- his witnesses, who spoke of a Greater Serbia as my objective and answered questions put by him to them in that context.

So how can you talk about severance, then, before giving answers to certain questions? What is the fate of these proceedings that have been going on for over three years where you and I, and probably the other side, thought that

I was being tried for a Greater Serbia, which was the objective of some kind of alleged joint criminal enterprise. So that was what we tried to deal with when putting questions to the witnesses and in dealing with all the evidence, because that is what Mr. Nice was alleging through his witnesses.

So, then, what is the legal validity of that part of the proceedings, when we were all being deluded into believing that this was the main objective of the Prosecution? So what's the point of all these witnesses who talked about

a Greater Serbia as my primary goal here? Are you going to take that out of the evidence, the body of evidence, or are you going to let me examine them further?

Also, what about this joint criminal enterprise? And what would its objective be after this change? And what is this phantom of a joint criminal enterprise that is being discussed here? And what is it that is exactly being alleged? People who are sitting here, including me, including you, on the one hand, simply cannot know all the things that are referred to in all these documents that Mr. Nice served - a million pages, no less - and no one knows what the Prosecutor is prosecuting, including the Prosecutor herself.

She doesn't know it either. I think that even Franz Kafka would feel that he did not have great imagination compared to this.

So now, gentlemen, after almost four years of a joined trial, after omitting to exercise your own responsibilities and duties and to bridle the other side, as instructed by the Appeals Chamber, so perhaps you could have even severed the trial at some point earlier on, but now you want to do it four years later. Four years later. And during those four years, this was a whole, an entity, not only from the point of view of process, but also from the material point of view, where the other side presented its own body of evidence as a whole and then I based my Defence case on that single entity.

And since there is this time pressure that you've been insisting upon all the time, the crossover that you say, witnesses that testify about Kosovo and Bosnia and Croatia, now I have to make a selection, it appears, with a

great deal of effort, I must say.

Immediately, there is another question that comes to mind: As for these witnesses that, for the most part, pertain to Kosovo, but some of them also have to do with Bosnia and Croatia, include witnesses that I asked you to call: Clinton, Clark. And during his testimony here, you did not allow me to put questions in relation to the war that he commanded and the book that he wrote about it. And these are key witnesses. For over a year, you've been in

correspondence with them. It is high time for you to understand that they will not come here without your order.

JUDGE ROBINSON: Mr. Milosevic, that, again, is a matter in relation to which you owe a great debt of gratitude to assigned counsel. Through their action, through their professionalism, we are considering now a motion to

subpoena certain witnesses, and without their intervention, without their help, we would not have been considering this.

PRESIDENT MILOSEVIC: [Interpretation] Yes, I know about that. I know about that, Mr. Robinson.

So severance would create the following situation: That they prosecute me for one thing, and halfway, I start defending myself from other things that I'm being accused of. I have to defend myself a bit from one and a bit from

the other, and then what I do here, when presenting the truth, is being sabotaged in practical terms; it is being truncated. And the effect of the fact that Mr. Nice changes his position with regard to a Greater Serbia halfway multiplies the effort involved.

What he said is true, that, as regards Kosovo, then, you would be in a position to decide, under the impression of many years of having heard senseless and totally baseless accusations related to Bosnia and Croatia. He talks about victims here. Let me see one single victim of mine here. He never established any link whatsoever between what he presented and the charges that he's bringing against me. These victims do not deserve this.

They do not deserve having the wrong people being accused of things done against them.

Mr. Nice mentioned Annex B. I don't have time to read it, but let's have a look at it. The first witness here, Stjepan Mesic, the current president of Croatia, who testified here, the first person mentioned in Annex B, the famous Stjepan Mesic, who did his very best to break up Yugoslavia, who stated himself that he carried out his job, that Yugoslavia was no more. And he says here "[In English] ... where he said ..." [Interpretation] and so on and so forth, and so on and so forth.

Nonsense, sheer nonsense. And this Mesic got that from this distorted and forged BBC TV show which seems to be Mr. Nice's lodestar.

Indictments should be based on facts, not on comic books, TV shows, what have you not. So this is kitsch, really, the entire Prosecution case, both in terms of the vehicles used and the witnesses called. Kitsch.

So now, if you wanted to check this, it would be as if somebody were playing a game of football for 50 minutes, and then in the second half he starts playing basketball. It's even worse, because the adverse effects are only on my side. It is only the Defence that has to deal with the negative effects. So it becomes even more senseless because the change of the terms and conditions is only to my detriment.

And I wish to say –

JUDGE ROBINSON: Just a minute, Mr. Milosevic.

[Trial Chamber confers]

JUDGE ROBINSON: Yes, Mr. Milosevic.

PRESIDENT MILOSEVIC: [Interpretation] So the proposal to sever the trial is so pointless, but I think that you yourselves show the senselessness through your own words: "[In English] ... for the Trial Chamber to sever the Kosovo Indictment, conclude that part of the trial and render its Judgement thereon ..."

Gentlemen, "part of the trial" are the words that you clearly use here, so the objective should be to conclude part of the trial. But parts of the trial cannot be concluded. Parts cannot be concluded. Parts of the trial cannot be concluded. Trials have a Prosecution case and a Defence case and then they can be concluded, but to conclude part of a trial is basically an abuse of trial. Or what would that mean, to conclude part of a trial? [In English] A mistrial.

[Interpretation] I think that this Kafkaesque situation that I just described, if there were to be a severance, would make the entire situation even more absurd and more incredible. Of course, again, you're going to decide as you wish, and then you won't understand why, throughout the world, this trial of yours is being treated as an ordinary farce.

So, gentlemen, I'm opposed to your order, and the first thing I ask you to do is to return to me my right to health, to make it possible for me to have a break to recuperate.

And in relation to what Mr. Bonomy said when he expressed his astonishment when Mr. Nice was referring to what the public was talking about, I wish to remind you of the following: In all the paragraphs of the Kosovo indictment

where alleged crimes are referred to over the allegedly unarmed Albanians, it says: "The forces of the Federal Republic of Yugoslavia and the Republic of Serbia" did such and such a thing. In all paragraphs, without exception.

All of Serbia, and everyone in the international public knows that the forces of the FRY of Serbia were protecting, defending the country from terrorism and foreign aggression.

That is what is perfectly clear.

Now, this phrase which is used in every paragraph pertaining to the alleged crimes, "the forces of the FRY and Serbia," you are supposed to make a judgement, when lo and behold, the negotiations on the final status of

Kosovo and Metohija are about to start, not to mention the fact that as a precondition for bringing the war to an end, we got the firmest possible international guarantees for the territorial integrity and sovereignty of the country. So what a coincidence. Is there anyone that you can dissuade that that is not the aim of those that you receive orders from. that it is the forces of the FRY and Serbia that have to be found guilty for defending their own territory so that those who really did this would not stand accused but rather achieve their geopolitical objectives.

So that is quite clearly present in the public opinion. And this is a coincidence that everybody noticed immediately. It was not necessary for anyone to explain it to them.

JUDGE BONOMY: Mr. Milosevic, I wonder if you can help me and tell me how these instructions are conveyed to me, because I'm obviously missing some part of the information that you seem to consider as essential to my

judgement of this matter. How is it I get my orders? Where do they come from? You who so proudly denies the allegations against you about conveying orders to others on the basis of no information, on no evidence, what is the

evidence you suggest indicates that I receive orders from somewhere?

PRESIDENT MILOSEVIC: [Interpretation] Mr. Bonomy, this entire Court was envisaged as an instrument of war against my country. It was founded illegally on the basis of an illegal decision and carried through by the forces that waged war against my country. There is just one thing that is true here: It is true that there is a joint criminal enterprise, but not in Belgrade, not in Yugoslavia as its center, but those, who, in a war that was waged in Yugoslavia from 1991 onwards, destroyed Yugoslavia. Yugoslavia did not disintegrate by –

JUDGE BONOMY: You fail to answer my question. Please answer the question rather than embark on a political diatribe.

PRESIDENT MILOSEVIC: [Interpretation] Mr. Robinson -- or, rather, Mr. Bonomy, I'm not making political speeches here at all. I think that you are in the service of those who committed crimes against my country and against my people, and you're receiving a salary from them.

JUDGE BONOMY: You're refusing to answer the question, are you?

PRESIDENT MILOSEVIC: [Interpretation] No, no, I'm not refusing. Do you want to tell me who pays your salary? Do you wish to claim that you receive a salary from the United Nations? Who finances this Court, Mr. Bonomy? Who established this Court, Mr. Bonomy? Who effected an aggression against my country, Mr. Bonomy? Your country. And who am I asking to come in to testify? Your presidents and Prime Ministers.

JUDGE BONOMY: Are you suggesting I am not paid by the United Nations?

PRESIDENT MILOSEVIC: [Interpretation] I claim that, Mr. Bonomy, because the United Nations are -- finance this illegal Tribunal of yours. It's financed from all manner of sources. I have enumerated some of them.

Now, whether you, in formal terms, whether you, in formal terms, receive a salary via this institution which calls itself a United Nations Tribunal is quite immaterial as far as I'm concerned.

JUDGE BONOMY: Well, now you move on to another issue when you're proved to be wrong. So let's concentrate on the issue that you're addressing: the question of severance.

PRESIDENT MILOSEVIC: [Interpretation] Therefore, gentlemen, as I've already told you, I am opposed to severance because I would say that was -- that was a war, it was one war. I said Yugoslavia did not disintegrate or disappear in some manner, but it was destroyed in a planned manner, forcefully, through a war, and that war is still being waged, is still going on. And one of the instruments of this war is your illegal Tribunal.

Let me say straight away, as far as your judgements are concerned and rulings in joinders or not joinders, I'm not afraid of them at all, because if you judge according to the law and the truth, then there would never have been this trial in the first place. But as we

do have a trial, it can end only in one way: A decision on the non-existence of culpability. And if you don't rule based on justice and truth, then your ruling will disintegrate and will burst like a bubble of soap, because the court of the world and the court of justice and the truth is stronger than any other court. It is up to each one of us, and each one of you gentlemen, to opt and choose what place we're going to have before that court of history, and what its decision will be. So don't harbour any illusions on that score.

Therefore, as I said, I am opposed to severance. I demand that I be given a rest period to recuperate. I stress that today, too, I came in in a very poor state of health, extremely poor, but I did come in so that we can continue the proceedings. Therefore, I demand that you consider my request to give me a break, a period of rest. And as for severance or non-severance, I've stated my views on that matter, too.

JUDGE ROBINSON: Thank you, Mr. Milosevic. (.)

JUDGE ROBINSON: There are several issues arising from the matters that we have considered today. I wish to note -- Mr. Milosevic.

PRESIDENT MILOSEVIC: [Interpretation] Will I get an opportunity to say a few words with regard to these questions that Mr. Nice raised?

JUDGE ROBINSON: Well, you've already spoken, and we have heard you. Do you have something that could be said very briefly?

PRESIDENT MILOSEVIC: [Interpretation] We heard him before me and now he spoke, well, for a considerable amount of time yet again.

JUDGE ROBINSON: That was a response to you. That's traditional in these matters. If you have something to say, I'll hear it, briefly.

PRESIDENT MILOSEVIC: [Interpretation] Before I speak in connection with what Mr. Nice said, and he repeated lots of nonsense that we have occasion to hear from him here, I just wish to provide a piece of information to Mr.

Bonomy because he asked me about this.

So, Mr. Bonomy, in relation to the financing of this illegal Tribunal of yours, according to your own Article 32 of your own Statute, the expenses are covered from the regular budget of the UN. However, they arrive from very murky sources; the Soros Foundation, various foundations from the Islamic countries, with NATO being the major financier.

On the 17th of May, 1999, Jamie Shea, the spokesperson of NATO, said: "NATO countries are those [In English] ... the finest to set up Tribunal. We are amongst the majority financiers. We want to see war criminals brought to

justice. I'm certain that when Justice Arbour goes to Kosovo and looks at the facts, she will be indicting people of Yugoslavian nationality, and I don't anticipate any others at this stage."

[Interpretation] So the main financier is NATO, and the others are the Soros Foundation and foundations from Islamic countries, and so on and so forth. So that is perfectly clear.

And on page 35550 from these proceedings here, I'm just going to quote Mr. Nice, who talks about a witness, and says: "[In English] If we go to page 2 of 11, halfway down the page we can see that this is by no means written by

people who are friends of the ICTY or any Western conspiracy, because the author describes NATO's intervention as the recent 'brutal, illegal, and illegitimate intervention of the NATO forces against the country.'

"So you would accept that this is a Serb without any particular leaning towards the forces and powers that established this Tribunal ..." et cetera.

[Interpretation] So, Mr. Bonomy, for Mr. Nice, obviously there is no dilemma, the kind of dilemma you have. So you can clarify it with him, what he meant to say then. Since you say that you don't know about this, I hereby

inform you of this. And I believe that, as an honourable man, once you've found out, and I can give you further evidence, you can leave this story that you got into without realising what you got yourself into. And now as

for Mr. Nice and what he said, he said the most senseless thing possible about a Greater Serbia --

JUDGE BONOMOY: I have to say I haven't the remotest idea what you're talking about now in relation to this. In fact, the more I read it, the less comprehensible it becomes.

JUDGE ROBINSON: Mr. Milosevic, I have to say to you that you are not at large here. I am giving you a chance to comment on some issues if you consider them to be issues of importance. Although the Prosecutor did not file a motion, I asked the Prosecutor to begin. So in accordance with the tradition in adversarial systems, I allowed him to reply. In these circumstances, I don't see you as having any right to reply, but you obviously have an interest, a fundamental interest, in the outcome of these matters, and it is for that reason that I'm allowing you to say something at this stage. But please don't abuse it.

Proceed, bearing in mind that we are now almost seven minutes to two.

PRESIDENT MILOSEVIC: [Interpretation] As for what Mr. Nice said that pertains to one of the key issues, as for Greater Serbia, he explained just now that I did not utter that word, but I assume that he's trying to say that there is something that was done. I also think that deeds have to be looked into first and foremost, and the deed is the following, Mr. Robinson and gentlemen: In this entire period, from 1991 onwards, no one was expelled from Serbia on account of ethnic affiliation. There was no discrimination whatsoever. No one from Serbia and no one from the Federal Republic of Yugoslavia was discriminated against on account of his religion, race, or beliefs. That is a fact, gentlemen. And at that time that you are interested in, I was president of Serbia and president of Yugoslavia, and no one was ever expelled from there. That is a fact.

Now, what Mr. Nice is trying to ascribe to me –

JUDGE ROBINSON: [B/C/S spoken on English channel] I want to make it clear I'm not interested in this. I'm interested in the question of severance. I am not clear. We are back to English now. Did you hear what I said? I said

I'm not interested in a general discussion on Greater Serbia. If you have something to say about Greater Serbia because it impacts on the question of severance, then I'll allow you to say it. But don't regurgitate the arguments which we've heard ad nauseam about this issue.

PRESIDENT MILOSEVIC: [Interpretation] Mr. Robinson, the question of time is being raised here. and Mr. Nice devoted due attention to that in the speech he just made. According to Mr. Nice, the best thing would be not to have

anyone testify in public but to do all of it in writing, and Mr. Nice is explaining to you how they abided by that, that they were very economical, very expeditious. And in spite of all these heaps of paper and all these 92 bis and 89(F) testimonies, he used up 300 days. So please do not take into account these things that are in contravention of pure mathematics.

I was not saying that no one worked for five days. I was just trying to say that no one sat for five days. Of course I work for more than five days, although we sit here only for three days. And after all, Dr. van Dijkman wrote that three days is what I do here, and as for the rest of my time, I have to prepare myself for here, including the proofing of witnesses. And that is what he knows full well and that is what you know full well, so that is an argument that cannot be used at all.

Mr. Nice's advice is that I collect written statements from witnesses. The basic aim of public testimony is to hear the truth, because if we were to stop at what Mr. Nice wrote, together with his associates, that would be a monstrous lie. So in order to have the truth heard, there is a great interest involved, a historical interest, I should say, of my people, of my country. But not only of my people and of my country, of mankind in general and of the times in general. Let us hear what the truth is, and let the actual perpetrators of what happened in Yugoslavia actually be exposed, although you said yourself, Mr. Robinson, at one point in time, that you are not in charge of trying NATO for what they did, although you know what they did and you know that the basic tenet of any law in the world is that the law that does not apply to one and all is not law at all.

Therefore, I ask for adequate time to be given to me.

JUDGE BONOMOY: I, again, have to say I don't understand this submission. Because something is in writing does not mean it is not in public.

Everything in writing here, submitted in writing that's not confidential, becomes public. And at this stage, it's not, as you would see it, lies that we're suggesting ought to be presented in writing, it's what you claim to be the truth, because it is you that would be presenting the written material, and you turn the argument on its head and undermine your whole case. It is the way forward if you want to submit material in addition to the period that's been allocated to you to complete the case.

PRESIDENT MILOSEVIC: [Interpretation] I think, Mr. Bonomo, that you're the one who's turned things upside down.

JUDGE ROBINSON: Are you finished now, Mr. Milosevic?

PRESIDENT MILOSEVIC: [Interpretation] Mr. Nice presented a great many other things here too, that this will show how I

systematically did not observe any laws, which is a lie. He has not presented a shred of evidence to that

effect. That my role with the paramilitaries will be shown. My only role with the paramilitaries was to have them arrested.

There was no other evidence to that effect. So he is manipulating here –

JUDGE ROBINSON: Mr. Milosevic, all of this -- this is irrelevant to the issue. If you do not have anything more to say on the question of severance, we'll stop now. We are 15 minutes beyond –

PRESIDENT MILOSEVIC: [Interpretation] I'm talking about what he talked about.

JUDGE ROBINSON: And you don't have a right to do that. I explained to you the circumstances in which I have allowed you to speak, and I explained why Mr. Nice had a right to reply, because he started. Do you have anything that is pertinent to say, anything more? I'm not interested in general issues. If you don't, I'm going to adjourn.

PRESIDENT MILOSEVIC: [Interpretation] I have presented what I consider to be relevant.

JUDGE ROBINSON: Thank you, Mr. Milosevic.

I want to say that many issues arise for consideration and decision by the Trial Chamber in relation to this matter. We still have outstanding a report which we expect today from Dr. Dalal, and also there is to be an examination

and a report by a neuroradiologist. The Chamber would like to have all these reports before it before it makes a decision on these matters. So we'll give a decision once we have all the reports before us.

\*\*\*\*\*

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\*\*\*\*\*

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Freedom and equality for people!

On behalf of Sloboda and ICDSM,

Vladimir Krsljanin,

Foreign Relations Assistant to President Milosevic

## **62% IS LESS THAN TWO-THIRDS: BOSNIA'S 1992 REFERENDUM ON SECESSION FAILED**

www.slobodan-milosevic.org – February 14, 2006

Written by: Andy Wilcoxson

Prosecutor Hildegard Uertz-Retzlaff completed her cross-examination of Montenegro's former SFRY presidency member Prof. Branko Kostic at the trial of Slobodan Milosevic on Tuesday.

Ms. Uertz-Retzlaff continued her previous line of questioning regarding the Carrington proposal. The prosecution believes that Milosevic caused Yugoslavia's destruction by opposing the Carrington proposal, which called for the dissolution of Yugoslavia along its internal republican borders.

The prosecutor also questioned Kostic about the Vance Plan. During his examination-in-chief Kostic stated that he did not know of any violations of the Vance Plan from the Serbian side.

It turns out that there was an instance when the Serbian side technically violated the Vance Plan. The Vance Plan called for all rifles and heavy weapons to be handed over to the UN. Ms. Uertz-Retzlaff procured a UN report where it was written that some Krajina-Serb police officers had been found to be in possession of automatic rifles.

The UN report did not say that these police officers ever used the rifles, only that the rifles had been found in their possession.

In spite of the fact that possession of banned weapons is the most minor violation imaginable, Ms. Uertz-Retzlaff acted as though she had caught the witness in some huge lie. She crowed "but the Serbian side violated the Vance Plan!"

The prosecutor did not provide a single example of a serious violation such as the Serbian side launching an attack.

Unfortunately, the same thing can not be said of the Croatian side. Nearly four years after the Vance Plan was adopted, Croatia over-ran the UNPA's and launching Operation Storm and Operation Flash. Those operations resulted in the wholesale ethnic cleansing of approximately a quarter-million Krajina-Serbs. Ms. Uertz-Retzlaff conveniently neglected to mention that little fact from her discussion of Vance Plan violations.

Ms. Uertz-Retzlaff also questioned the witness about the transfer of JNA material to the Krajina-Serb Territorial Defense (TO).

Kostic confirmed that the JNA left much of its equipment and weaponry to the Krajina-Serb TO when it left the RSK in 1991. Kostic testified and a report of the UN Secretary General confirmed that the weapons the JNA left for the TO were placed in UN warehouses under the double-key system pursuant to the Vance Plan.

Ms. Uertz-Retzlaff asked the witness what he knew about the 30th and 40th personnel centers of the VJ, which paid pensions and benefits to former JNA soldiers who lived outside of the FRY. The witness did not know anything because he had withdrawn from politics before any of that was set-up.

The prosecutor ended the day by questioning the witness about a series of letters and reports, which alleged misconduct by JNA soldiers stationed in Croatia. The entire exercise was for naught. Kostic had not seen any of the material that Ms. Uertz-Retzlaff showed him.

Kostic was a member of the federal presidency. He explained that it was the responsibility of the Ministry of Defense, and the military judiciary to investigate criminal complaints against JNA soldiers.

The only thing that Ms. Uertz-Retzlaff showed him was a series of accusations, many of which were made by hostile NGO's or by Tudjman's government. She did not show him any proof to back-up the accusations, or the results of any investigations that might have been carried out. All in all it was a pointless exercise.

Prof. Kostic gave a lengthy analysis of the 1974 Bosnian Constitution, which was in force when Bosnia seceded from Yugoslavia.

According to Article I of its constitution, Bosnia was an equal state of Serbs, Croats, and Muslims and it was an integral part of Yugoslavia.

The 52nd amendment of the Bosnian constitution stated unequivocally that Bosnia's borders and territorial status could not be changed unless two-thirds of all eligible voters vote in favor of the change in a referendum.

In Bosnia's referendum, held on February 29, 1992, 62% of eligible voters voted in favor of secession, which means that the referendum failed because less than the required two-thirds voted for it. Two-thirds is 66.6%, and 62% is less

at.

Bosnia's secession from Yugoslavia was illegal no matter which way you slice it. The referendum on secession was held in an illegal fashion, but even if it had been legal it still failed because less than the required two-thirds voted in favor.

After Ms. Uertz-Retzlaff completed her cross-examination, Milosevic began his re-examination of the witness.

There were only a few minutes left in the day when Milosevic began the cross-examination. He spent most of the time reading from the UN Secretary General's report on the implementation of the Vance Plan.

The report said that the Serbian side was complying, and that the Croatian side was not. It also said that the majority of "Serbian crimes" against Croats in the RSK were perpetrated by Serbian refugees who had been expelled from other parts of Croatia.

Milosevic also corrected Ms. Uertz-Retzlaff's erroneous interpretation of one of his speeches. During the cross-examination she claimed that Milosevic had made a speech where he said he was activating Serbia's reserve police force in connection with the wars in Croatia and Bosnia.

Milosevic read the text of the speech, which made it clear that he activated the reserve police to respond to provocations that were being carried out in Kosovo and Sandjak. The speech had nothing to do with Croatia or Bosnia.

Milosevic will continue to re-examine Kostic when the trial resumes on Wednesday.

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## Sagittarius

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**Aan:** <Undisclosed-Recipient:;>  
**Verzonden:** woensdag 15 februari 2006 23:15  
**Onderwerp:** CDSM: A Resurgence of Lies - Nebojsa

<http://www.antiwar.com/malic/?articleid=8549>

February 15, 2006

### A Resurgence of Lies

by Nebojsa Malic

*Fabrications Persevere, Return*

As the world continued to ponder how cartoons could provoke deadly rioting, an important anniversary almost slipped under the public radar on Monday. It was four years since the "trial" of Serbian president Slobodan Milosevic opened before the Hague Inquisition, with Head Inquisitor Carla Del Ponte laying out the kitchen-sink indictment against the man systematically demonized in the media for years as Hitler Reborn.

One of the reasons few remembered the "trial" was the paucity of media coverage. Plentiful during the early stages of the process, when enthusiastic reporters presented prosecutors' spurious allegations as known facts and omitted the subsequent, systematic disqualification of prosecution's witnesses in cross-examinations, once Milosevic actually began his defense, trial coverage abruptly ended. The only exception was last summer, when videos touted as "proof positive" of Serb crimes in Srebrenica were shown in court – but the story received no follow-up after serious questions were raised about the film. When someone in the legacy media does mention the Hague Tribunal, the story is almost always a rote recitation of prosecutorial pabulum.

So it was with the article published in *The Independent* on Monday, written by their veteran Balkans correspondent, Vesna Peric-Zimonjic. Worth examining here in detail, it was just one example of how the image of the Balkans in the minds of the Western public is composed largely of lies and fabrications, with the media replacing the old, exposed ones with the new, without breaking stride.

#### The Trial

Titled "Five Years On, Milosevic Is Still in the Dock," Zimonjic's piece starts plaintively, noting that it is taking four-plus years to pass a verdict on what *everyone knows* is true (namely, the prosecution's "facts"). To hear her say it, Milosevic is accused of "genocide against Muslims in Bosnia, war crimes and grave breaches of international conventions in the *military offensives that led his forces into Bosnia, Croatia and Kosovo.*" (Emphasis added)

Why of course, every Serb militia representing the two-odd million Serbs who used to live in today's Croatia and Bosnia was under direct command of Milosevic in Belgrade, and so was the Yugoslav Army, which only in theory answered to the Croat-led federal government. Never mind all the evidence to the contrary, the ICTY *says so!* And Kosovo, recognized as part of Serbia by a 1913 peace treaty and even by the UNSCR 1244, which blessed the illegal NATO occupation of the province in 1999, is somehow a territory that "Milosevic's forces" invaded. Again, never mind the reality. There's a story to be told here.

Also, ignore the incongruity of countries that flagrantly violated dozens of international conventions to bomb Serbia in 1999 and occupy Kosovo now putting Serbia's president on trial for it. For the first two years of the Milosevic "trial," the presiding judge was from the UK – a key participant in the 1999 aggression. The ICTY is chiefly funded by NATO members, and its enforcers on the ground are NATO troops. All of that is established – but it gets in the way of the story.

Zimonjic dismisses Milosevic's defense as rants about an "evil world conspiracy against the Serbs." In fact, the *prosecution* has claimed an evil Serb conspiracy against everyone else in the Balkans, masterminded by Milosevic. She says that the "prosecution and Mr. Milosevic have called 350 witnesses since February 2002." Perhaps, but 293 of those witnesses were called by the prosecution, which rested its case in February 2003, after *not a single one* of those witnessed proved *anything* in the indictment. No mention is made of the six-month hiatus, during which the presiding judge died and was replaced by another. If the trial is taking too long, as most Tribunal partisans complain, it's because there is no evidence to convict Milosevic of anything, much less of what the indictment claims.

In the end, perhaps to create a veneer of truthfulness for her fanciful tale, Zimonjic mentions recent claims of a Bosnian investigator who revised the commonly adopted media meme about 250,000-plus dead in the Bosnian war to 100,000,

percent of whom were Muslims. Yet she makes no mention of a study commissioned by the Hague Tribunal, which came up with a figure of 102,000 *two years ago*, and a rather different ethnic breakdown. Manipulation of the numbers of Bosnian dead goes so far that recent agency stories about Bosnia don't mention the 100,000 number, but focus on the alleged 8,000 dead in Srebrenica and 10,000 in Sarajevo – figures as arbitrary as the previously "official" death toll of 250,000.

The people putting Milosevic on trial aren't interested in the testimony of those who saw Osama bin Laden visiting Bosnian Muslim leader Izetbegovic during the war, or those who have credible evidence that Albanian refugees from Kosovo were fleeing NATO bombing on orders from the terrorist KLA, rather than the phantom Serb expulsion. Yet they consider credible the testimony of the former Bosnian viceroy and admirer of Izetbegovic, who supposedly saw Serbs shelling Albanian villages from places where no such sightings were possible.

### Well-Informed

Even as it finds itself embarrassingly unable to prosecute Milosevic, Head Inquisitor Carla Del Ponte is baying for the blood of two wartime leaders of the Bosnian Serbs, Radovan Karadzic and Ratko Mladic. She's been insisting for years that she knew the whereabouts of both – Mladic in Serbia, Karadzic in eastern Bosnia or northern Montenegro. But during her visit to Bosnia last week, she publicly admitted she had no clue where Karadzic might be: "I can confirm that Mladic is in Serbia. But Karadzic, I don't know where he is."

Not that this is going to prevent the Empire from pummeling the Bosnian Serbs for their supposed failure to catch Karadzic.

The problem with Del Ponte's "information" is that it comes from the same sources that "informed" her indictments. So well-"informed" is the ICTY, it once indicted a fictional character for war crimes and rape.

### Propaganda as Art

Rape – more specifically, the systematic, organized mass rape of Muslim women – was one of the many propaganda canards emerging from the Bosnian war that was adopted as fact without a shred of evidence. Nonetheless, it was embraced by Western feminists as a compelling argument for military intervention in favor of the Bosnian Muslims. While there were certainly incidents of rape in Bosnia, involving women of all ethnic groups, even the most cursory examination of allegations that it was systematic revealed them to be fabricated. Even elementary logic argued against a supposed "genocide" through forcing women to have babies... But logic, facts, and reason have proven to be no match for propaganda.

Just over 10 years after the Bosnian war officially ended, a young Bosnian director has made a feature film based on the premise of "systematic rape." Currently a hit at the Berlin film festival, *Grbavica* by Jasmila Zbanic is a "tear-jerking story of a Muslim woman" trying to hide the truth from her daughter (Reuters). Zbanic told the reporters in Berlin: "Rape was a war strategy to humiliate these women. ... They were kept in concentration camps until abortions were no longer possible."

A rave review of the film in the *Hollywood Reporter* bears as much semblance to reality as *Grbavica* itself does. The incongruities in the review suggest its author simply pasted in notes from the film's promotional literature; only someone completely ignorant of Islam would translate *shaheed* as "war martyr" without noting that the war had to be *jihad*, the holy war for Islam. Only someone completely ignorant could say that the Sarajevo suburb of Grbavica – which is the film's setting – was "heavily damaged and then used as an internment camp" during the war. It was never an internment camp, and while it was heavily damaged, the damage was done by the supposedly unarmed Muslims – Grbavica was a part of downtown Sarajevo held and inhabited by Serbs. The final proof is the *Reporter's* comparison "sensitive, God-fearing *ilahijas*" with aggressive Serbian "turbo folk."

### Confronting the Source

Lies about the Balkans don't ever seem to die – they vanish from sight when the spotlight of scrutiny is too hot, only to reappear later, repackaged, perfumed, and presented yet again as unquestionable facts. Trying to deal with them individually is almost entirely futile; there are too many, and exploding one merely means another will appear in its place. Only by exposing and confronting their authors – people who desire dominion over others and hold the "reality-based community" in contempt – can one ever hope to put an end to a time when murder is declared liberation, travesty is elevated as justice, and war is lauded as peace.

**Sagittarius**

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-----Original Message-----

**From:** [yugoslaviainfo@yahoo.com](mailto:yugoslaviainfo@yahoo.com) [mailto:yugoslaviainfo@yahoo.com] **On Behalf Of** Tim Fenton  
**Sent:** 13 February 2006 08:55

Ms Vesna Peric Zimonjic excelling even her own outstanding bias (the fact that she is still reporting from Belgrade after years of this poisonous bilge speaks volumes for the tolerance of Belgrade) yet she still manages to put something of interest: the fact that the death toll is now 100,000 according to a Bosnian Muslim commission and the head of that commission says now "people cannot irresponsibly use inflated numbers for their political goals". Now I wonder who would have been doing that!

<http://news.independent.co.uk/europe/article345085.ece>

The Independent

Five years on, Milosevic is still in the dock  
 By Vesna Peric Zimonjic in Belgrade  
 Published: 13 February 2006

The trial of the former Yugoslav president Slobodan Milosevic, the first sitting head of state to be indicted for war crimes, enters its fifth year this week amid expectations that a verdict will be pronounced by the end of the year.

Mr Milosevic, 64, faces 66 charges stemming from the Balkan wars of the 1990s. He is accused of genocide against Muslims in Bosnia, war crimes and grave breaches of international conventions in the military offensives that led his forces into Bosnia, Croatia and Kosovo.

More than 300 witnesses have taken the stand, including Western politicians and the leaders of the former Yugoslav states torn apart by the war. Yet far from undermining Mr Milosevic's reputation in Serbia, the trial has provided the former leader with a new propaganda tool.

"The indictment against Mr Milosevic is the most serious one laid by the international war crimes tribunal in The Hague," said human rights activist Biljana Kovacevic Vuco. But "media coverage should deal more with the indictment itself, rather than with the comments of Mr Milosevic and his witnesses."

The live broadcasts of the trial and some media reporting have had a counter-productive effect on the public, which is still deeply divided as to what really happened in the conflict.

Mr Milosevic concentrates on discrediting the court by depicting it as illegitimate and anti-Serb. At this stage of the trial, his defence witnesses are taking the stand and placing all the blame for the wars on an evil world conspiracy against the Serbs. They attack the "unprovoked" Nato bombing campaign in 1999, which they say was aimed at annihilating the Serb nation.

Television broadcasts of the trial have provided Mr Milosevic with a political platform in Serbia and the chance to seek revenge against those who toppled him in 2000.

The prosecution and Mr Milosevic have called 350 witnesses since February 2002. The former Serbian leader has only 22 working days left in the defence proceedings. Once this part is over, the panel of three judges will need months of deliberation before delivering their verdict.

But Mr Milosevic's presence in Serbia comes not just through the trial broadcasts. His influence on local politics remains strong, through regular consultations and decisions taken with aides in Belgrade. Delegations of Socialists regularly visit him, while phone communications take place almost daily.

Mr Milosevic's Socialist party supports the minority government of Prime Minister Vojislav Kostunica in the parliament only after his instructions arrive from The Hague. Such was the case when the Serbian budget was adopted recently, Socialist

leader Ivica Dacic has confirmed.

The trial of Mr Milosevic is among the longest in the annals of international justice. It has been adjourned more than 20 times due to his high blood pressure, flu or other health reasons. Since 2003, trial hearings have been scheduled for only three days a week to provide rest for the ailing Mr Milosevic, who acts as his own lawyer after successfully appealing the imposition of a defence team.

In December, Mr Milosevic asked to be transferred to Moscow, to obtain "proper" medical care. A ruling is expected shortly.

Most Serbs think the request had nothing to do with his health. They believe Mr Milosevic is desperate to see his wife, Mira Markovic, who fled to Russia in 2003. She used to visit Mr Milosevic regularly until then, but can no longer do so. The couple's son, Marko, also lives in Russia, where he fled from Serbia days after Mr Milosevic was ousted.

As Serbs still struggle to come to terms with the legacy of the conflict, the Sarajevo-based Investigation and Documentation Centre has halved the number of people estimated to have been killed in Bosnia between 1992 and 1995.

Mirsad Tokaca, the head of the Centre, funded and financed by Norway, finalised a list of 100,000 citizens of Bosnia killed in the war. Some 70 per cent of victims were Bosnian Muslims, about 25 per cent were Serbs and 5 per cent Croats.

"This is still an extremely high figure, but there is a big difference now that people cannot irresponsibly use inflated numbers for their political goals," Mr Tokaca recently said in Sarajevo.

The €450,000 project to establish the exact toll is likely to be completed by the end of March, with all the confirmed victims' names made available on the internet.

#### Long road to justice

- \* FEBRUARY 2002 Trial opens with chief prosecutor Carla Del Ponte accusing Milosevic of responsibility for incidents of "calculated cruelty". Milosevic challenges court's legitimacy
- \* MARCH 2002 First witnesses testify in secret. Lord Ashdown testifies about indiscriminate shelling of ethnic Albanian villages in Kosovo
- \* MAY 2002 Kosovo President Ibrahim Rugova clashes with Milosevic
- \* SEPTEMBER 2002 Trial moves from the subject of Kosovo to Bosnia and Croatia with Milosevic charged with genocide
- \* OCTOBER 2002 Milosevic confronted by President Stjepan Mesic of Croatia
- \* JUNE 2003 Former Yugoslav president Zoran Djindjic says Milosevic had nothing to do with Srebrenica massacre
- \* SEPTEMBER 2003 Trial hearings scaled back to three days each week
- \* NOVEMBER 2003 Lord Owen testifies that Milosevic had strong power over Bosnian and Croatian Serb rebels
- \* FEBRUARY 2004 Prosecution case rests
- \* AUGUST 2004 Milosevic opens defence

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**CROATIAN FASCISM CAUSED SERBIAN UNREST IN LATE 80s AND EARLY 90s**

www.slobodan-milosevic.org – February 15, 2006

Written by: Andy Wilcoxson

Montenegro's former representative in the SFRY state presidency, Prof. Branko Kostic, concluded his testimony at the trial of Slobodan Milosevic on Wednesday.

Prof. Kostic reiterated his testimony that Slobodan Milosevic had no control over Milan Babic or the Krajina-Serb leadership. He said that Milosevic only had political influence.

He also testified that Milosevic played no role in JNA activities, and that the JNA was commanded by the SFRY state presidency. To bear this point out he recounted an instance when the SFRY presidency took a decision to pension off a number of JNA generals. One of the generals that they pensioned off was Serbia's Minister of Defense. Kostic recalled that Milosevic called him to ask how come he had not been notified in advance that his defense minister was to be pensioned off.

During the re-examination Kostic cleared up some matters in relation to a speech that he made in Borovo Selo in 1991. The prosecution accused him of using the speech to whip people up into a warlike frenzy. When Kostic was permitted to quote the actual text of the speech it emerged that the speech was aimed at reassuring the Croatian and Serbian population that the JNA would protect them.

Kostic also testified that the JNA did not destroy Dubrovnik. He said that the JNA was ordered not to fire on the old town, and that they did not fire on the old town. He said that Croatia staged phony attacks against the old town and used it as a firing point.

After Kostic withdrew, Prof. Dr. Marko Atlagic took the witness stand. Atlagic was a deputy in the Croatian Sabor from 1990 to 1992 representing the Benkovac area.

Prof. Atlagic testified that Slobodan Milosevic was not masterminding a joint criminal enterprise against Croatia. According to Atlagic, Franjo Tudjman was pursuing a joint criminal enterprise to destroy Yugoslavia, expel the Serbian population, and conquer parts of Bosnia, Serbia, and Montenegro.

To prove his thesis that Tudjman was the mastermind of a joint criminal enterprise, Atlagic quoted from the platform adopted at the first party congress of Tudjman's political party the Croatian Democratic Union (HDZ). The party platform advocated a Greater-Croatian state, and a return to the borders of the WWII-era Independent State of Croatia (NDH), which was governed by pro-Nazi fascists, called "Ustashes".

Atlagic testified that Tudjman had advocated a greater-Croatian ideology for quite some time. He read from a book that Tudjman wrote in 1964. In that book Tudjman advocated the destruction of Yugoslavia and a return to the borders of the NDH. This book ultimately landed Tudjman in jail when he wrote it.

The witness testified that fascist provocations began to resurface in Croatia as early as 1989. He recalled incidents where drunken gangs of Croats roamed the streets calling the names of Ante Starcevic and Ante Pavelic and saying that "Serbs would be hung from the willow trees" once Croatia got its independence. He said that these incidents were met with no reaction from the Croatian authorities.

Ante Starcevic is a well-known Croatian historical figure who opposed Yugoslavia. In 1870 he wrote that Serbs were "filthy spawn, horrible slaves, people only fit for the axe."

Ante Starcevic founded the Croatian Party of Rights (HSP) in 1861. The HSP established an armed terrorist faction that later became the Ustasha. The Ustasha came to power in Croatia in 1941 when the Nazis occupied Yugoslavia and established the Independent State of Croatia (NDH).

In spite of his fascist ideology, Starcevic is widely revered in Croatia. The Croats call him "the father of the Croatian nation", and the Croatian government prints his picture on the 1,000 Kuna bank note to this very day.

Ante Pavelic was the leader, or *poglavnik*, of the Ustasha/NDH during World War II. Pavelic is seen in [this picture](#) meeting with Adolf Hitler:

Prof. Atlagic testified that in the late 80s and early 90s the Croatian police did not do any thing to stop fascist provocations. He said that the Croatian authorities even joined in.

Atlagic testified that in Zagreb a monument to the victims of fascism was torn down and replaced with a monument to Mile Budak. Budak was the Ustasha's education minister who drafted the so-called "Law on Protection of People's and Aryan Culture of Croatian People", which banned Jews from holding public office in Croatia.

On July 22, 1941, Budak gave a speech that defined the Ustasha strategy. He said, "We shall kill one part of the We shall transport another third, and the rest of them will embrace the Roman Catholic religion... Our new Croatia will become Catholic within ten years."

The witness recalled that at one point Croatia banned Serbs from placing memorial wreaths on the site of the Jasenovac concentration camp.

In addition to the destruction and removal of anti-fascist monuments, Atlagic recalled several chilling statements made by Franjo Tudjman.

In 1989, while attending a conference of the German diplomatic corps, Tudjman proclaimed that Krajina would be "red with blood" once he became Croatia's president.

The witness also recounted Tudjman's infamous statement where he said, "thank God my wife is neither a Serb nor a Jew."

Prof. Atlagic presented the court with the text of a 1997 statement that Tudjman gave to the Croatian Sabor where he said that his greatest achievement as Croatia's president had been the ethnic cleansing of the Serbs. The witness connected this to a statement that Tudjman made in 1990 where he said that 250,000 Serbs should leave Croatia.

In addition to hostile statements from the Croatian leadership, Serbs in Croatia were purged from schools and the police. Croatia even went so far as to rename the Serbo-Croatian language the Croatian language.

No fascist government would be complete without violence against "undesirable" minorities and Tudjman's government was no exception.

Prof. Atlagic said that between 1990 and 1992, Tudjman's government burned over 4,000 Serbian homes in Western Slavonia.

In March of 1991 Croatian fascists rampaged through the town of Zadar destroying 350 Serb-owned shops and homes in one night.

The witness also testified that Croatian fascists destroyed more than 160 Serbian Orthodox churches.

Even Croatian politicians who are called "moderates" made inflammatory statements. Atlagic testified that on March 2, 1990 Stjepan Mesic told a rally in Gospic "When we Croats establish our own state, all the Serbs in it will fit under a single umbrella." Stjepan Mesic is currently Croatia's president, and he testified as a prosecution witness earlier in the trial. He is also a convicted criminal having spent time in prison during the 1970s.

All of this evidence goes to show that the Krajina-Serbs were forced to go to war to defend themselves against a fascist Croatian state that made no secret that it was plotting their extermination. This runs completely contrary to the prosecution's case that Milosevic was responsible for the war.

During Prof. Atlagic's testimony, the judges and the prosecution both made frequent interventions to try and get Milosevic to focus his questions on the specific incidents alleged by the indictment.

Focusing on the specific incidents alleged by the indictments would be the dumbest strategy Milosevic could adopt. The only thing that links him to any of what's alleged in the Croatian and Bosnian indictments is the prosecution's assertion that he masterminded a gigantic conspiracy that was aimed at achieving an objective that the prosecution has left undefined. The prosecution used to say that the objective of the conspiracy was the establishment of "greater Serbia," but they've dropped that thesis and replaced it with nothing.

By showing that war broke-out as the result of violent Muslim and Croat provocations, and by showing that no Serbian conspiracy existed, Milosevic completely negates the thesis put forward by the indictments thus rendering the specific incidents alleged in them irrelevant.

Milosevic will certainly focus his attention on some specific incidents in order to defend the Serbian people and establish the truth about certain events, but he does not have to do that in order to prove his own innocence, because there's just no link between him and the alleged crimes.

Prof. Atlagic will continue his testimony when the trial resumes on Wednesday, February 22nd.

###

<http://www.slobodan-milosevic.org/news/smorg021506.htm>

12-3-06



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**Onderwerp:** ICDSM: Attack on the Milosevic Defence - URGENT SUPPORT

\*\*\*\*\*  
 INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC  
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\*\*\*\*\*  
 17 February 2006 Special Circular  
 \*\*\*\*\*

Attack on the Milosevic-Defence reaches new stage

**SUPPORT URGENTLY NEEDED**

As ICDSM reported several times, the German section of the ICDSM is under attack by the German authorities.

In mid-July 2005, the attack reached a peak when the tax police broke into the private apartment of Peter Betscher, the treasurer of the German section of ICDSM. His computer and documents were taken, the donations bank account frozen. In a written document authorizing the police to enter Mr. Betscher's flat, the purpose of the operation was outlined as: to investigate the use of the money and to find out the names of the donors! The document states that Mr. Betscher is under suspicion of an offence against the German federal law incorporating European Commission Regulation 2488/2000 into German Law.

Already around one and a half years earlier, the donations account as well as the personal account of a member of the German section of the ICDSM were frozen on basis of the very same regulation: the EU sanctions against President Milosevic, his family and closest associates. At that time, a German local court decided in favour of the ICDSM: that the EU regulation cannot be interpreted as overruling the basic right of any accused to have a legal defence.

In the meantime, German ICDSM and its lawyers learnt that the German state authorities have asked the European Commission for interpretation of its own regulation already some longer time ago. The Commission stated its view that collecting of funds for President Milosevic's legal defence indeed constitutes an offence against the regulation's provision against "activities ... to circumvent the provisions of this Regulation".

The German section is the most effective segment of ICDSM in achieving fundraising for the defence. Most of the donations collected were used to cover imminent expenses of the assisting members of President Milosevic's assisting team at The Hague. Some time after the July attack, the

consequences were visible. Donors were afraid to further contribute, the account was frozen etc. As a result, Cathrin Schütz, assistant to President Milosevic's Legal Associate at The Hague, was no more able to stay constantly at The Hague. Mr. Betscher in the meantime was asked to pay a fine of 11.465,70 Euro.

Branko Rakic, one of the Legal Associates of President Milosevic, and Ms. Schütz informed the authorities of the Registrar of the ICTY several times about the attack and the consequences. No help was offered.

The German government is obviously trying to criminalize the defence and the supporters of President Milosevic by interfering in a defence.

The German ICDSM went to court against the measures and the fine. The case is still pending. After the last attacks, no German accounts were used any more. The Vienna-based Yugoslav-Austrian Solidarity-Movement was hosting an account to secure the continuation of a fundraising campaign for President Milosevic's defence.

This very account was frozen by the Bank Austria few weeks ago! The bank referred to the same EU Regulations as the German authorities.

We ask you to not allow the blockade of the defence work and to direct your generous donations to the following still untouched account:

COMMITTEE INTERSOL Amsterdam  
(1e Hugo de Grootstraat 11-3,1052 KK Amsterdam)  
Postbank N.V.  
BIC/Swiftcode: PSTBNL21  
IBAN: NL07 PSTB 0004766774  
"Legal Aid"

\*\*\*\*\*

**URGENT FUNDRAISING APPEAL**

\*\*\*\*\*

President Milosevic has the truth and law on his side. In order to use that advantage to achieve his freedom, we must fight this totally discredited tribunal and its patrons through professionally conducted actions.

The funds secured in Serbia are still enough only to cover the expenses of the stay and work of President Milosevic's legal associates at The Hague (one at the time).

After the unlawful attack of the German financial authorities on the ICDSM fundraising in Germany, that lead to freezing of the ICDSM account in Germany, the simmlar attack took place recently in Austria, where the account of the Yugoslav-Austrian Solidarity was frozen. These unlawful acts, aiming to undermine and block the President Milosevic's defence, will be fought back legally.

\*\*\*\*\*

o carry on the normal defence work -

3000-5000 EUR per month is our imminent need.

Please send your donations to the following account:

Committee Intersol  
Postbank N.V., Amsterdam, The Netherlands  
Accountnumber 4766774  
IBAN NL07 PSTB 0004766774  
BIC/Swiftcode: PSTBNL21

\*\*\*\*\*

For truth and human rights against aggression!  
Freedom for Slobodan Milosevic!  
Freedom and equality for people!

On behalf of Sloboda and ICDSM,  
  
Vladimir Krsljanin,  
Foreign Relations Assistant to President Milosevic

\*\*\*\*\*

SLOBODA urgently needs your donation.  
Please find the detailed 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.free-slobo-uk.org/> (CDSM UK)  
<http://www.icdsm-us.org/> (US section of ICDSM)  
<http://www.icdsmireland.org/> (ICDSM Ireland)  
<http://www.pasti.org/milodif.htm> (ICDSM Italy)  
<http://www.wpc-in.org/> (world peace council)  
[http://www.geocities.com/b\\_antinato/](http://www.geocities.com/b_antinato/) (Balkan antiNATO center)

## CANADA'S FORMER AMBASSADOR TO YUGOSLAVIA TAKES THE WITNESS STAND

www.slobodan-milosevic.org - February 23, 2006

Written by: Andy Wilcoxson

Prof. Dr. Marko Atlagic, an MP representing Benkovac in the Croatian Sabor from 1990 until 1992, concluded his testimony at the trial of Slobodan Milosevic on Thursday.

Mr. Nice showed Atlagic Milan Babic's testimony in which he claimed that he received military support from both Milosevic and Borislav Jovic.

Atlagic dismissed Babic's testimony as pure nonsense. He said that Babic was an opportunist who would say anything to advance his own interests. He pointed out that Babic never said anything like that before he got to The Hague.

Mr. Nice again dredged up the BBC documentary "The Death of Yugoslavia". Twice Mr. Nice played clips from the movie only to have it turn out that the BBC's subtitles were wrong.

Nearly every time Mr. Nice plays a clip from that film it blows-up in his face. The subtitles are frequently do not match the words actually being spoken. Judge Bonomy branded the film "tendentious" and asked Mr. Nice if it was a good idea for the prosecution to keep relying on it.

"The Death of Yugoslavia" relies on the fact that most English-speaking people have no knowledge of the Serbo-Croatian language. By attributing false and malicious subtitles to the people interviewed in the film the BBC has created a film that is a gross manipulation of facts and reality. It is disturbing that this film is widely and uncritically shown to students in Western classrooms.

Mr. Nice spent the balance of Atlagic's cross-examination citing Serbian war actions in Croatia. Atlagic spent an equal amount of time citing the Croatian war actions that provoked the Serbian war actions in the first place.

Atlagic reiterated his testimony that violent Croatian provocations began as early as 1989, whereas Serbian retaliation did not begin until 1991.

After Mr. Nice concluded the cross-examination Atlagic was briefly re-examined by Mr. Kay because Milosevic too ill to continue. Milosevic, who suffers from high blood pressure, complained of intense pressure behind his eyes and ears as well as a loud roaring noise in his head.

Milosevic, in spite of his ill health, spent the last hour of the hearing examining James Bisset, the Canadian ambassador to Yugoslavia from late 1990 until mid-1992.

Bisset described the NATO bombing as an illegal and "appalling act" that precipitated the Kosovo refugee crisis.

The witness testified that the NATO charter prohibits the use of violence to settle international conflicts. "And, yet, in March of 1999, it began to bomb a country that was a sovereign country, that was no threat to its neighbors," he said.

The opening article of the NATO's founding treaty commits the allies "to settle any international dispute in which they may be involved by peaceful means (and) refrain ... from the threat or use of force in any manner inconsistent with the purposes of the United Nations."

Bisset told the tribunal that Milosevic had been unfairly painted as the cause of the Yugoslav crisis when in fact he had worked to keep the country together.

Yugoslavia collapsed, Bisset testified, because Germany encouraged Slovenia and Croatia to secede and, later, American interference caused war to erupt in Bosnia and Kosovo.

Speaking of the Kosovo Liberation army, Bisset said Milosevic tried to "suppress an armed rebellion by an organization that had a year before been described by the US state department as a terrorist organization."

The witness challenged the prosecution charge that Milosevic ordered the dismissal of thousands of Kosovo-Albanian doctors, teachers, professors, workers, police officers and civil servants.

"To my knowledge they were not dismissed," said Bisset. "They simply voluntarily withdrew from their positions (and) continued to do their work, but under a sort of underground, parallel government" in Kosovo.

His testimony was based on conversations at the time with diplomatic staff visiting Kosovo and ethnic Albanian delegations, meetings that he had with Milosevic, as well as intelligence sources within the Canadian government.

CANADA'S FORMER AMBASSADOR TO YUGOSLAVIA TAKES THE WITNESS ST... pagina 2 van 2  
Bisset will continue his testimony when the trial continues on Friday.

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**IN THE TRIAL CHAMBER**

**Before:**

**Judge Patrick Robinson, Presiding**  
**Judge O-Gon Kwon**  
**Judge Iain Bonomy**

**Registrar:**

**Mr. Hans Holthuis**

**Decision of:**

**23 February 2006**

**PROSECUTOR**

**v.**

**SLOBODAN MILOSEVIC**

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**DECISION ON ASSIGNED COUNSEL REQUEST FOR PROVISIONAL RELEASE**

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**Office of the Prosecutor**

**Ms. Carla Del Ponte**  
**Mr. Geoffrey Nice**

**The Accused**

**Mr. Slobodan Milosevic**

**Court Assigned Counsel**

**Mr. Steven Kay**  
**Ms. Gillian Higgins**

**Amicus Curiae**

**Prof. Timothy McCormack**

This Trial Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 ("Tribunal"), is seized of an "Assigned Counsel Request for Provisional Release Pursuant to Rule 65" ("Application"), and hereby renders its decision thereon.

**Procedural History**

1. On 15 November 2005, pursuant to an oral order from the Trial Chamber,<sup>1</sup> the Registry received and filed a set of reports by three physicians, including Dr. M.V. Shumilina, who had conducted medical examinations of the Accused Slobodan Milosevic ("Accused") on 4 November 2005.<sup>2</sup>

2. Following an oral request by the Accused for provisional release on 12 December 2005,<sup>3</sup> the Assigned Counsel filed a "Request for Provisional Release pursuant to Rule 65" on 20 December 2005 ("Request"), which was accompanied by three confidential attachments (Attachments A, B, and C, respectively), and in which they request that Trial Chamber grant the Accused provisional release for the purpose of medical treatment in a medical institution in Moscow.
3. The Prosecution filed an Interim Response on 22 December 2005,<sup>4</sup> on the same day, Assigned Counsel filed a First Addendum to the Request ("First Addendum") with a confidential Attachment D.<sup>5</sup>
4. On 11 January 2006, the Chamber issued a "Preliminary Order on Assigned Counsel Request for Provisional Release for the Accused" ("Preliminary Order"), instructing the Defence to submit any additional material, including the guarantees from the Russian Federation, within seven days of the date of the Preliminary Order.<sup>6</sup>
5. A Second Addendum to the Request was filed on 18 January 2006 ("Second Addendum"),<sup>7</sup> which included guarantees from the Russian Federation via the Embassy of the Russian Federation in the Kingdom of the Netherlands, and a personal undertaking from the Accused, labelled as confidential attachments E and F, respectively.<sup>8</sup>
6. The Prosecution filed a "Notice of Intention to File Further Response to Assigned Counsel Request for Provisional Release" on 19 January 2006 ("Notice of Intention"), which was followed by a "Further Interim Response to Assigned Counsel Request for Provisional Release", filed confidentially on 20 January 2006 ("Further Interim Response").
7. After these submissions were received, certain matters relating to the Accused's medical treatment in the United Nations Detention Unit were brought to the attention of the Trial Chamber. As these matters were arguably relevant to the basis for the Request, the Chamber considered that its consideration of the Request should be deferred until it was fully informed on these matters.<sup>9</sup> Although certain allegations have been made during this period, the Trial Chamber has made no conclusions that are adverse to the Accused on the basis of the information received.
8. The Trial Chamber notes that Assigned Counsel did not seek leave, pursuant to Rule 126 *bis* of the Rules of Procedure and Evidence of the Tribunal ("Rules"), to reply to the Interim Response. The Chamber also notes that there is no provision in the Rules for the filing of an interim response or a further interim response.<sup>10</sup> Nonetheless, because the Trial Chamber believes that its decision is aided by consideration of all the arguments raised and information provided by the parties, Assigned Counsel are granted leave to reply, and the Chamber will consider the Interim Response, Notice of Intention, and Further Interim Response as collectively constituting the timely filed Response by the Prosecution to the Request. The parties are reminded of their obligations to comply with the Rules.

#### Applicable Law

9. Rule 65, which governs provisional release, provides in relevant part:

(A) Once detained, an accused may not be released except upon an order of a Chamber.

(B) Release may be ordered by a Trial Chamber only after giving the host country and the State to which the accused seeks to be released the opportunity to be heard and only if it is satisfied that the accused will appear for trial and, if released, will not pose a danger to any victim, witness or other person.

(C) The Trial Chamber may impose such conditions upon the release of the accused as it may determine appropriate, including the execution of a bail bond and the observance of such conditions as are necessary to ensure the presence of the accused for trial and the protection of others.

10. This Trial Chamber has therefore repeatedly held that "Rule 65(B) ... requires an applicant for provisional release to satisfy the Trial Chamber of two matters: (1) that he will appear for trial, and (2) that, if released, he will not pose a danger to any victim, witness or other person".<sup>11</sup> The burden of proof rests on the accused seeking provisional release, and the standard applied is that of the balance of

probabilities.<sup>12</sup>

11. The Tribunal's jurisprudence on the factors to be considered when evaluating a request for provisional release was reviewed in this Chamber's decisions granting release to the Accused Stanasic and Simatovic,<sup>13</sup> and in the Appeals Chamber's decisions upholding those grants of provisional release.<sup>14</sup> In sum, though a Trial Chamber is not obliged to consider all possible factors and must take the particular circumstances of each case into account,<sup>15</sup> certain factors have been highlighted as especially important, including whether the Accused is charged with serious criminal offences; and whether, if convicted, he is likely to face a long prison term. The Trial Chamber considers that, in the context of a request for provisional release during the course of a trial, specific attention must also be paid to the reasons for which provisional release has been sought.

### Discussion

12. The Trial Chamber has considered the arguments of the parties, and will neither reproduce nor summarise them here. The Chamber will, however, refer to the parties' submissions where its discussion of the issues and the reasons for its decision is aided by such reference.
13. As Assigned Counsel have emphasised in the Second Addendum, "The request for provisional release occurs in order to ensure that the Accused receives necessary and appropriate [medical] treatment, and for no other reason."<sup>16</sup>
14. The basis for the application for provisional release is clearly stated in the Request :

The Assigned Counsel request the conditional and limited provisional release of the Accused pursuant to Rule 65 of the Rules of Procedure and Evidence. This application is made during the course of the Accused's trial, which commenced on 12 February 2002 and is due to continue until at least the middle of 2006.

The reason for this application is to enable the Accused to be admitted for medical treatment for a defined period at the specialist Bakoulev Scientific Center for Cardiovascular Surgery in Moscow, a hospital of international renown. [...] Mr. Milosevic would be a patient of Dr. L. A. Bockeria who is the Head and Chairman of the Bakoulev Center and an academician of the Russian Academy of Medical Sciences.<sup>17</sup>

15. In the Interim Response, the Prosecution argues as follows:

There is no evidence upon which findings may be made as to what the Accused's medical problem is, what treatment it requires, why this treatment may not be provided in the Netherlands as opposed to Moscow, and what its outcome might be. There is no evidence to support a finding that the Accused requires medical treatment that cannot be provided in The Hague. If he wishes to be treated by specialists from Russia, then there may be no good reason why they may not treat him, alongside Dutch specialists, in The Hague.<sup>18</sup>

16. Assigned Counsel's Reply did not discuss this issue raised by the Prosecution, and there is little information, in either the various medical reports on the Accused's condition or in the Request, on the issue of whether proper diagnosis and treatment of the Accused's condition require him to seek medical care outside of the Netherlands. In the Request, Assigned Counsel assert that "[t]he Accused's long-standing history of ill-health and recent cochleovestibular complications make it necessary for him to receive treatment at this specialist hospital";<sup>19</sup> and that "it is clear from a review of the recent medical reports that the Accused's current condition was neither originally discovered, nor treated appropriately, by the Registry-approved doctors and consultants."<sup>20</sup> Last, they argue that "[a] request for the recommended treatment to be carried out at the specialised hospital in Moscow is neither exceptional nor disproportionate in circumstances where the Accused has previously benefited from medical examination and diagnosis by doctors from the Bakoulev Center",<sup>21</sup> and note that the Request "is based upon the recent conclusions of Dr Shumilina and Dr. Bockeria from the Bakoulev Center that there is a link between the current complications and uncorrected hypertension."<sup>22</sup>
17. The Trial Chamber notes, however, that neither Dr. Shumilina nor Dr. Bockeria states that the Bakoulev Center is the only possible location for appropriate diagnosis and treatment of the Accused's condition. Rather, it is their preferred location because of its position and experience in the field.

Moreover, Assigned Counsel have made no real attempt to demonstrate that the Accused's medical needs cannot be met in the Netherlands. The Chamber considers that an application for provisional release on medical grounds cannot be granted unless such a showing is made.<sup>23</sup> In this regard, the Trial Chamber accepts the submission of the Prosecution,<sup>24</sup> that if the Accused wishes to be treated by specialists who are not from the Netherlands, such physicians may come here to treat him.<sup>25</sup>

18. In any event, the Chamber notes that the Accused is currently in the latter stages of a very lengthy trial, in which he is charged with many serious crimes, and at the end of which, if convicted, he may face the possibility of life imprisonment. In these circumstances, and notwithstanding the guarantees of the Russian Federation and the personal undertaking of the Accused, the Trial Chamber is not satisfied that the first prong of the test has been met—that is, that it is more likely than not that the Accused, if released, would return for the continuation of his trial.

#### Disposition

19. For these reasons, and pursuant to Rules 54, 65, 126 *bis*, and 127 of the Rules of Procedure and Evidence of the International Tribunal ("Rules"), the Trial Chamber hereby unanimously ORDERS as follows:
- i. Assigned Counsel are GRANTED leave to reply to the Prosecution's Response, as defined above in paragraph 8; and
  - ii. The Request is DENIED.

Done in English and French, the English text being authoritative.

\_\_\_\_\_  
Judge Patrick Robinson  
Presiding

Dated this twenty-third day of February 2006  
At The Hague  
The Netherlands

#### [Seal of the Tribunal]

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- 1 - *Prosecutor v. Milosevic*, Case No. IT-02-54-T, Transcript, T. 46481-46484 (15 November 2005). See especially *ibid.*, T. 46482 (Accused notes that these three physicians were "professionals from Russia, France, and Serbia").
- 2 - These reports were filed confidentially, but their existence and the fact that they were filed before the Trial Chamber is a matter of public record. See *ibid.* (discussion of procedural matters in open session).
- 3 - *Milosevic*, Case No. IT-02-54-T, Transcript, T. 47258-47259 (12 December 2005).
- 4 - *Milosevic*, Prosecution's Interim Response to Assigned Counsel Request for Provisional Release, 22 December 2005 ("Interim Response").
- 5 - *Milosevic*, First Addendum to Assigned Counsel Request for Provisional Release pursuant to Rule 65 with Confidential Attachment D, 22 December 2005 ("First Addendum" and "Attachment D", respectively).
- 6 - *Milosevic*, Preliminary Order on Assigned Counsel Request for Provisional Release for the Accused, 11 January 2006 ("Preliminary Order"), p. 3.
- 7 - *Milosevic*, Second Addendum to Assigned Counsel Request for Provisional Release pursuant to Rule 65 with Confidential Attachments E and F and Reply to Prosecution's Interim Response to Assigned Counsel Request for Provisional Release pursuant to Rule 65 with Confidential Attachments E and F, 22 December 2005 ("Second Addendum", "Attachment E", and "Attachment F" respectively).
- 8 - Although the attachments themselves are confidential, they are described in the Second Addendum, which was filed publicly. See Second Addendum, para. 5.
- 9 - See *Milosevic*, Order on Release of Medical Information, issued confidentially on 26 January 2006.
- 10 - See Rule 126 *bis* (providing that "[u]nless otherwise ordered by a Chamber either generally or in the particular case, a response, if any, to a motion filed by a party shall be filed within fourteen days of the filing of the motion.") (emphasis added).
- 11 - *Prosecutor v. Milutinovic, Sainovic, Ojdanic, Pavkovic, Lazarevic, Djordjevic, Lukic*, Case No. IT-05-87-PT, Decision on Sreten Lukic's Provisional Release, 3 October 2005 (public redacted version), p. 3 (citing *Prosecutor v. Milutinovic*, Case No. IT-99-37-PT, "Decision on Second Application for Provisional Release", 14 April 2005, para. 4; *Prosecutor v. Ojdanic*, Case No. IT-  
<http://www.un.org/icty/milosevic/trialc/decision-e/060224.htm>

- 99-37-PT, "Decision on General Ojdanic's Fourth Application for Provisional Release", 14 April 2005, para. 6; *Prosecutor v. Sainovic*, Case No. IT-99-37-PT, "Decision on Third Defence Request for Provisional Release", 14 April 2005, para. 5).
- 12 - See *Prosecutor v. Prlic et al.*, Case No. IT-04-74-PT, 30 July 2004, Order on Provisional Release of Jadranko Prlic, para. 14; *Prosecutor v. Stanisic*, Case No. IT-03-69-PT, "Decision on Provisional Release", 28 July 2004 ("Stanisic Trial Chamber Decision"), para. 14 & n.15. But see *Prosecutor v. Krajisnik and Plavsic*, Case Nos. IT-00-39-PT and IT-00-39-40-PT, Decision on Momcilo Krajisnik's Notice of Motion for Provisional Release, 8 October 2001, Dissenting Opinion of Judge Patrick Robinson, para. 30 (agreeing on the standard of proof, but arguing that the burden should rest on the Prosecution).
- 13 - See generally *Stanisic Trial Chamber Decision*, *supra* note 12, paras. 8-14; *Prosecutor v. Simatovic*, Case No. IT-03-69-PT, "Decision on Provisional Release", 28 July 2004 ("Simatovic Trial Chamber Decision"), paras. 7-13.
- 14 - See generally *Prosecutor v. Stanisic*, Case No. IT-03-69-AR65.1, "Decision on Prosecution's Appeal Against Decision Granting Provisional Release", 3 December 2004 ("Stanisic Appeals Chamber Decision"), paras. 14, 18, 27, 37-39, 43; *Prosecutor v. Simatovic*, Case No. IT-03-69-AR65.2, "Decision on Prosecution's Appeal Against Decision on Provisional Release", 3 December 2004 ("Simatovic Appeals Chamber Decision"), paras. 9, 15, 25-27, 31-32.
- 15 - *Stanisic Trial Chamber Decision*, *supra* note 12, paras. 9-10.
- 16 - Second Addendum, para. 9. See also *ibid.*, para. 11 ("The application is based solely on the grounds of the health of the Accused and his need for medical treatment.").
- 17 - Request, paras. 1-2.
- 18 - Interim Response, para. 21.
- 19 - Request, para. 2.
- 20 - *Ibid.*, para. 13. See also Second Addendum, para. 11 ("The application ... arises due to the failure of the local doctors to identify and treat his condition.").
- 21 - Request, para. 16.
- 22 - *Ibid.*, para. 17.
- 23 - See, e.g., *Prosecutor v. Strugar*, Case No. IT-01-42-A, Decision on "Defence Motion: Request for Providing Medical Aid in the Republic of Montenegro in Detention Conditions", 8 December 2005, pp. 3-4 (noting that, although "the fact that the Appellant needs a total hip prosthesis implantation is undisputed", "the Appellant did not demonstrate that the preparation for, and the placement of a total hip prosthesis and the ensuing rehabilitation treatment cannot be adequately carried out in health institutions within [t]he Netherlands", and denying the motion).
- 24 - See *supra* para. 15.
- 25 - See *supra* note 1 and accompanying text.

## TRIBUNAL DENIES MILOSEVIC MEDICAL TREATMENT AS CANADIAN AMBASSADOR CONCLUDES HIS TESTIMONY

www.slobodan-milosevic.org - February 24, 2006

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Friday. The hearing began with Milosevic objecting to the trial chamber's ruling denying his request for medical treatment. Milosevic says he intends appeal the decision.

Milosevic has been diagnosed with severe hypertension and is at high risk for a heart attack or stroke. Russian cardiologists from the world-renowned Bakoulev medical center in Moscow believe that they can effectively treat his condition.

The doctors retained by the tribunal have been unable to adequately treat Milosevic, and as a result the trial has been adjourned several times on account of his ill-health.

The Tribunal's decision is a slap in the face to the Russian Government. The Russian Government guaranteed that it would return Milosevic to the tribunal's custody after he was treated by the physicians at the Bakoulev center.

In its ruling the tribunal stated, "the Chamber notes that the Accused is currently in the latter stages of a very lengthy trial, in which he is charged with many serious crimes, and at the end of which, if convicted, he may face the possibility of life imprisonment. In these circumstances, and notwithstanding the guarantees of the Russian Federation and the personal undertaking of the Accused, the Trial Chamber is not satisfied that the first prong of the test has been met—that is, that it is more likely than not that the Accused, if released, would return for the continuation of his trial."

What the tribunal is saying is that the Russian Government can not be trusted to apprehend a 64-year-old man with a heart condition if he tried to escape. For all of its empty rhetoric about human rights, what the Hague Tribunal has shown by its decision is that it is perfectly happy to imperil a man's life just for the sake of politics.

After Judge Robinson announced that he would not hear any objections to the ruling, Milosevic continued with the examination of James Bisset, the Canadian Ambassador to Yugoslavia between 1990 and 1992.

Bisset testified that the United States initially supported the preservation of Yugoslavia. He noted James Baker's statement that the U.S. supported the use of the Yugoslav People's Army (JNA) to put down the secession of Slovenia and Croatia.

Bisset said Germany's foreign minister, Hans-Dietrich Genscher, was partly to blame for the break-up of Yugoslavia. He said that the German government and Genscher in particular exerted pressure on the European Community by threatening to walk out of the EC and recognize Slovenia and Croatia unilaterally.

Contrary to the prosecution's assertions that Milosevic provoked the Krajina-Serbs to rebellion, Bisset testified that Serbs in Croatia were provoked by the Croatian government which was dismissing them from their jobs and expelling them from their homes.

Bisset testified that Milosevic had no ambition to create "greater Serbia." He said that the prosecution's thesis that Milosevic engaged in a criminal conspiracy to expand Serbia's territory was "pure fantasy".

The witness testified that Milosevic worked for peace, and that all of the peace plans Milosevic supported for Bosnia and Croatia would have made any expansion of Serbia's territory impossible.

Bisset, who met with Milosevic several times in his capacity as Canada's ambassador, said that Milosevic supported the preservation of Yugoslavia, but was willing to allow others to secede as long as human rights were protected and as long as the secession was carried out in accordance with Yugoslavia's laws and constitution.

Unfortunately Croatia, Slovenia, and Bosnia did not secede in accordance with the provisions of the Yugoslav constitution. In stead they opted for war carried out through violence.

Speaking of the JNA, Bisset testified that they were subordinated to the federal authorities, not to Milosevic as claimed by the prosecution.

Bisset testified that Milosevic used his political influence to obtain peace. He recalled how Milosevic used his political influence to exert pressure on Milan Babic to accept the Vance Plan in Croatia.

The former Canadian ambassador testified that American interference caused war to erupt in Bosnia and Kosovo.

He testified that in March 1992 (one month before the outbreak of war in Bosnia) Portuguese diplomat Jose Cutilhiero

Bisset said that the agreement had been signed by Karadzic for the Serbs, Boban for the Croats, and Izetbegovic for the Muslims. The witness, a career diplomat, believed that the Cutilhiero plan was a good plan that would have avoided war in Bosnia if it had been implemented.

Unfortunately the Cutilhiero plan was never implemented. Bisset testified that the American ambassador to Yugoslavia, Warren Zimmerman, flew to Sarajevo and met with Izetbegovic. He testified that Zimmerman sabotaged the peace plan by encouraging Izetbegovic to remove his signature from the agreement.

Soon after his meeting with Zimmerman, Izetbegovic reneged on the agreement and civil war broke out in Bosnia.

Far from being the peace seeking humanitarians they claimed to be, Bisset testified that the Clinton Administration prolonged the Bosnian war by sabotaging the Vance-Owen plan and the Owen-Stoltenberg plan.

In Kosovo, Bisset testified that NATO caused the very humanitarian catastrophe that it blamed on Milosevic. He said that prior to the NATO bombing there were only a handful of Kosovo refugees. Once the NATO bombing began, the flow of refugees went from a being a trickle to a flood.

The former Canadian ambassador testified that American intransigence made war unavoidable in Kosovo. He testified that Madeline Albright attached Annex B to the Rambouillet Agreement. Annex B would have given NATO the right to occupy all of Yugoslavia, not just Kosovo. Bisset said that no government on Earth could have accepted such an agreement. He pointed out that senior level U.S. diplomats have even admitted that Rambouillet was a provocation that was intended to give NATO an excuse to attack.

It is worth noting that NATO's original excuse for attacking Yugoslavia was Yugoslavia's refusal to sign the Rambouillet Agreement. The bombing only became a "humanitarian mission" after it caused the humanitarian catastrophe that NATO blamed on Milosevic.

In Bisset's opinion, Kosovo-Albanian secessionists opted for war because they had seen that violence was an effective means to achieve independence in Bosnia, Croatia, and Slovenia.

He testified that NATO used the Kosovo war to transform itself from a defensive organization into a renegade force that sees itself as having the power to wage aggressive war notwithstanding UN charter.

Bisset was critical of NATO's unwillingness to implement UN Resolution 1244 in Kosovo. He said that NATO did not protect the non-Albanian population, and as a result nearly a quarter of a million non-Albanians have been expelled from Kosovo. He also said that NATO has allowed Albanian extremists to destroy more than 160 medieval Serbian churches and cultural monuments in Kosovo.

Not wishing to hear any criticism of NATO, the tribunal cut off Bisset's examination-in-chief.

Mr. Nice then cross-examined Bisset. It is worth noting that Mr. Nice didn't challenge most of the testimony that Bisset gave during the examination-in-chief. Nearly all of it stood unopposed.

In stead Mr. Nice challenged some magazine articles that Ambassador Bisset wrote about Racak, Srebrenica, and the Hague Tribunal.

In one of his articles Bisset claimed that Racak was a hoax. He based his conclusion on the forensic evidence found by the Finnish forensic team that examined the bodies of the so-called "massacre victims." The forensic evidence indicated that the people had not been shot at close range and that they had been shot from various angles. In light of the forensic evidence they could not have been executed as claimed by the Tribunal.

Mr. Nice challenged Bisset by asking him if he had spoken to survivors of the alleged massacre. Bisset said that he had not interviewed survivors.

This is typical for Mr. Nice. He accused Bisset of making an irresponsible statement because he didn't take the stories of the Albanians into account. But it doesn't matter what the Albanians say, Bisset based his article on the scientific evidence. If the Albanians say something that is at odds with science then they're lying. If an Albanian says the Sun revolved around the Earth it doesn't make it true.

Mr. Nice accused Bisset of being irresponsible for criticizing the Hague Tribunal, and branding the proceedings against Milosevic a "Stalinist show trial." Bisset said that he made that remark when the tribunal denied Milosevic the right of self-representation.

Of course being accused by Bisset is the least of the tribunal's public relations concerns. The fact that they're denying a 64-year-old heart patient medical treatment is even worse than denying him the right of self-representation. Denying

On Srebrenica Mr. Nice scolded Bisset for expressing doubt that 8,000 Muslims had really been executed there.

Bisset explained that the number 8,000 came from the Red Cross which reported that 8,000 Muslims were missing from Srebrenica after the enclave fell. 5,000 of the 8,000 were already reported missing \*BEFORE\* the enclave fell (i.e. before the Serbs got there), and the remaining 3,000 were reported missing when the enclave fell.

Bisset said that the media simply jumped to the absurd conclusion that all 8,000 of the missing Muslims had been executed by the Serbs. They did not take into account that there was two-way combat in the area and that many (if not most) of the supposed "massacre victims" died while attacking the Serbian lines in a failed bid to link Srebrenica up with Tuzla.

Mr. Nice said that Bisset of advocated the Serbian cause. The ambassador responded by saying that the Serbs have been wrongfully demonized by Western politicians and media organizations, and that somebody needs to defend them and set the record straight.

Following the conclusion of Mr. Nice's cross-examination the witness was briefly re-examined by Milosevic. The trial will resume with a fresh witness next Monday.

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# deVerdieping **Trouw**

Laatste nieuws (Novum) | laatste\_nieuws | 24-02-2006 13:38

## ■ Milosevic mag niet naar Rusland

(Novum/AP) - Het VN-oorlogsmisdadentribunaal in Den Haag heeft vrijdag een verzoek van Slobodan Milosevic om voor een medische behandeling naar Rusland te mogen gaan afgewezen. Volgens tribunaalvoorzitter Patrick Robinson is er geen dwingende medische reden en is de kans groot dat de Joegoslavische ex-president niet terugkeert om zijn proces te voltooien. Als Milosevic zich persé door buitenlandse specialisten wil laten behandelen, kunnen die naar Nederland komen, zei Robinson.

Het proces van Milosevic, dat nu het vijfde jaar is ingegaan, heeft door gezondheidsproblemen van de 64-jarige verdachte grote vertraging opgelopen. Het tribunaal probeert de zaak in april af te ronden en later dit jaar uitspraak te doen, waarna waarschijnlijk een langdurige beroepsprocedure zal volgen. Milosevic, die chronische hartklachten en hoge bloeddruk heeft, staat terecht op beschuldiging van oorlogsmisdaden die in de jaren '90 in Bosnië, Kroatië en Kosovo zijn begaan.

Zelfs met garanties van Rusland dat het Milosevic naar Den Haag terug zal sturen is het tribunaal 'er niet gerust op (...) dat de beklaagde, indien vrijgelaten, terug zal keren voor de voortzetting van zijn proces', zei Robinson, die protesten van Milosevic tegen de beslissing onmiddellijk afkapte.

Het tribunaal wacht er in een andere zaak al maanden op dat Dragan Zelenovic, een officier van de Bosnisch-Servische militaire politie die verdacht wordt van misdaden tegen de menselijkheid bij de bestorming van het Bosnische stadje Foca in 1992, door Rusland naar Den Haag wordt teruggestuurd.

**Sagittarius**

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**Van:** "Ian Johnson" <i-johnson@lineone.net>  
**Aan:** <Undisclosed-Recipient;>  
**Verzonden:** zaterdag 25 februari 2006 2:26  
**Onderwerp:** CDSM: Article of interest from

<http://www.serbianna.com/news/2006/01294.html>

Serbianna

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Yugoslavia collapsed, Bisset testified, because Germany first egged on Slovenia and Croatia to secede and, later, inept Western diplomacy caused the rest of it to disintegrate into war. Bisset was Canada's ambassador to Belgrade from late 1990 to mid-1992 when the wars in Croatia and Bosnia started, shortly after they declared independence from Belgrade.

The opening article of the NATO's founding treaty commits the allies "to settle any international dispute in which they may be involved by peaceful means (and) refrain ... from the threat or use of force in any manner inconsistent with the purposes of the United Nations."

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"To my knowledge they were not dismissed," testified Bisset. "They simply voluntarily withdrew from their positions (and) continued to do their work, but under a sort of underground, parallel government" in Kosovo.

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February 23, 2006 12:35 PM

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**Van:** "Ian Johnson" <i-johnson@lineone.net>  
**Aan:** <Undisclosed-Recipient:;>  
**Verzonden:** zaterdag 25 februari 2006 14:43  
**Onderwerp:** CDSM: ICTY Deny Mr Milosevic's

\*\*\*\*\*  
 INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC  
 ICDSM Sofia-New York-Moscow [www.icdsm.org](http://www.icdsm.org)  
 \*\*\*\*\*

Velko Valkanov, Ramsey Clark, Alexander Zinoviev (Co-Chairmen),  
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\*\*\*\*\*  
 24 February 2006 Special  
 Circular  
 \*\*\*\*\*

### "UN TRIBUNAL" AGAINST THE UN

On the occasion of today's decision of the Hague Tribunal Trial Chamber not to allow the urgently needed medical treatment of President Milosevic in Moscow, Vladimir Krsljanin, foreign relations assistant of President Milosevic and secretary of the ICDSM and Sloboda, made the following statement for the press:

"By this decision, the Hague Tribunal has shown clearer than ever that it does not take care about law and human rights. President Milosevic is denied his right to get medical treatment in the institution of his choice in spite of the guarantees of one of the most serious and most powerful countries in the world, a member of the UN Security Council.

This decision has criminal character and at the same time it further shakes the UN system. We expect this decision to be changed and call upon all who care about justice and human rights to contribute to that end."

### \*\*\*\*\*

### URGENT FUNDRAISING APPEAL

### \*\*\*\*\*

President Milosevic has the truth and law on his side. In order to use that advantage to achieve his freedom, we must fight this totally discredited tribunal and its patrons through professionally conducted actions.

The funds secured in Serbia are still enough only to cover the expenses of the stay and work of President Milosevic's legal associates at The Hague (one at the time).

After the unlawful attack of the German financial authorities on the ICDSM fundraising in Germany, that lead to freezing of the ICDSM account in Germany, the simmlar attack took place recently in Austria, where the account of the Yugoslav-Austrian Solidarity was frozen. These unlawful acts, aiming to undermine and block the President Milosevic's defence, will be fought back legally.

\*\*\*\*\*  
 To carry on the normal defence work - 3000-5000 EUR per month is our imminent need.

Please send your donations to the following account:

Committee Intersol  
Postbank N.V., Amsterdam, The Netherlands  
Accountnumber 4766774  
IBAN NL07 PSTB 0004766774  
BIC/Swiftcode: PSTBNL21

\*\*\*\*\*  
For truth and human rights against aggression!  
Freedom for Slobodan Milosevic!  
Freedom and equality for people!  
\*\*\*\*\*

<http://www.workers.org/2006/world/milosevic-0302/>

Workers World

### **U.S.-led powers obstruct Milosevic defense**

By John Catalinotto  
Published Feb 24, 2006 8:21 PM

The U.S.-led alliance of imperialist countries that attacked Yugoslavia has sunk to new depths in its attempts to cover up this crime. It is trying to manipulate the trial of former Yugoslav President Slobodan Milosevic at the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague, Netherlands.

During this trial, now over four years old, the prosecution has failed to present anything like a case against Milosevic. In addition, his vigorous defense has exposed the crimes of the imperialist powers, especially the U.S. and Germany, in conspiring to destroy the Yugoslav Socialist Federation through subversion and direct military assault.

The latest underhanded maneuvers against Milosevic include (1) using the European states to prevent his collecting even a minimal defense fund to aid in the preparation of and publicity for his case and (2) preventing him from receiving adequate medical care and rest for his serious illnesses, which include extremely high blood pressure.

The German section of the International Committee for the Defense of Slobodan Milosevic (ICDSM) has been the most successful in raising funds for one or two researchers and lawyers to help in the president's defense at The Hague. In mid-July 2005, however, German tax police broke into the private apartment of Peter Betscher, treasurer of the German section of ICDSM. His computer and documents were taken and the bank account with the donations frozen. The German authorities claimed the account had violated European Commission Regulation 2488/2000, which freezes Milosevic's personal funds.

A similar seizure 18 months earlier had been overturned by German courts. But this didn't stop the authorities from seizing the funds again and fining Betscher 11,465 euros (\$13,688). The defense group then moved the account to Vienna, but the Bank of Austria also froze the defense funds in early February. The ICDSM is challenging the seizure in the courts.

Last November a consortium of international doctors recommended extended rest for Milosevic and ample time to prepare his defense without endangering his health. The court granted only six weeks' rest, to coincide with the Christmas break.

In a statement made Nov. 29, 2005, exposing the duplicity of the court in this matter, Milosevic made it clear to British judge Ian Bonomy what he thought of the tribunal: "This entire court was envisaged as an instrument of war against my country. It was founded illegally on the basis of an illegal decision and carried through by the forces that waged war against my country. There is just one thing that is true here: It is true that there is a joint criminal enterprise, but not in Belgrade, not in Yugoslavia as its center, but those, who, in a war that was waged in Yugoslavia from 1991 onwards, destroyed Yugoslavia."

**Sagittarius**

**Van:** "Vladimir Krsljanin"  
**Aan:** "sagitar" <sagitar@hetnet.nl>  
**Verzonden:** zaterdag 25 februari 2006 1:40  
**Onderwerp:** ICDSM: UN Tribunal against the UN

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February 23, 2006 12:35 PM

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**FORMER KRAJINA SERB FOREIGN MINISTER TAKES THE STAND**

www.slobodan-milosevic.org - February 27, 2006

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic continued on Monday with the testimony of Slobodan Jarcevic. Mr. Jarcevic served in the diplomatic corps of the SFRY and later served as the Minister of Foreign Affairs for Republika Srpska Krajina (RSK).

Jarcevic began his testimony by giving evidence about the historical position of Serbs in Croatia. He explained that during World War II Croatian Ustashes committed genocide against Serbs living in the so-called "Independent State of Croatia." The Ustasha killed more than 700,000 Serbs during World War II.

He testified that Serbs came under threat in Croatia again during the so-called "Croatian Spring" (AKA "mass national movement") of the 1970s. During the Croatian Spring fascist ideology was resurrected and Croatian terrorist groups carried out attacks both inside and outside of Yugoslavia.

For example, on August 17, 1978 a Croatian terrorist group attacked the West German consulate in Chicago. Bozo Kelava, and Mike Kodzoman, assaulted the consulate staff and held them hostage for more than six hours.

On September 11, 1976 four Croatian terrorists hijacked a TWA 727 traveling between New York and Chicago. The terrorists held the passengers and crew hostage for more than 30 hours.

Also in September 1976 Croatian terrorists planted a bomb at New York's Grand Central Station, which killed Brian Murray, a New York City police officer, who was killed while attempting to defuse the bomb.

Major American newspapers, such as the Washington Post and New York Times, reported that the objective of the Croatian terrorists – and the American media certainly used the term "Croatian terrorists" – was Croatia's secession from Yugoslavia.

As bad as it was in the United States, it was even worse inside Croatia itself. Jarcevic testified that the Croatian terrorists had a fascist ideology and that they routinely killed and threatened the Serbian population.

The Yugoslav authorities arrested Franjo Tudjman in the 1970s because of his involvement with the Croatian terrorist movement, and because he espoused fascist ideology.

The existence of a terrorist-Croatian secessionist movement involving Tudjman during the 1970s refutes the prosecution's assertion that Croatia seceded from Yugoslavia because Milosevic made life in Yugoslavia intolerable for non-Serbs.

During the 1970s Josip Broz Tito, himself a Croat, was the undisputed ruler of Yugoslavia. Slobodan Milosevic did not even begin his political career until 1984. Nobody with a brain in their head can say that Croatian secessionism was caused by something Milosevic did, because Croatian secessionism came about \*BEFORE\* anybody even knew who Milosevic was.

Jarcevic testified that radical Croatian nationalism reared its ugly head again in the late 80s and early 90s with the election of Franjo Tudjman as Croatia's president.

He testified that Tudjman brought terrorists, criminals, and Ustasha émigrés from all over the world to Croatia in order to support the secessionist agenda. To bear this point out he read from documents compiled in 1990 by Yugoslav intelligence.

He also read from documents dated from late 1990 and early 1991, which showed that Croatian paramilitary groups were smuggling large quantities of weapons into Croatia via Hungary. The weapons apparently originated in Germany and Austria, two countries that strongly supported Croatia's secession from Yugoslavia.

Jarcevic denied that the RSK government entered into any criminal conspiracy with Belgrade to expand Serbian territory. He said that the purpose of the RSK was to safeguard the rights of Serbs living in the Krajina because the Croatian government was fascist and could not be trusted to do so.

He testified that nobody in the RSK leadership undertook any action to expel Croats from the RSK. He showed the court census data from 1990, which showed that 189,000 Croats lived in what would become the RSK. He asked how this could be reconciled with Croatian claims that 250,000 Croats were ethnically cleansed from the RSK. After all, one can't ethnically cleanse somebody who wasn't there to begin with.

He testified that the Croatian Government evacuated the majority of the Croatian people who left the RSK. He said that

## FORMER KRAJINA SERB FOREIGN MINISTER TAKES THE STAND

pagina 2 van 2

The RSK government did not expel Croats. In fact it even employed Croats. He said that some Croats even joined the RSK Army and police forces.

He said that over the course of the war (1991 to 1995) nearly half a million Serbs were expelled from Croatia. He read out a UN report, which stated that 251,000 Serbs were expelled from Western Slavonia between 1990 and 1992.

Of course the fiercest ethnic cleansing was yet to come, in 1995 Croatia launched Operation Storm and Operation Flash which led to the killing or expulsion of another 250,000 Serbs.

Jarcevic showed the court a Croatian government document, dated 1990, which showed that Croatia was planning to have radioactive waste dumped in parts of Croatia that had a large Serbian population.

As the RSK Foreign Minister, the witness spent a lot of time dealing with international diplomats. He testified that the UN Security Council had information about Croatian crimes against Serbs, but suppressed it. He testified Western diplomats who tried to have the information published were fired from their posts.

Jarcevic came to court with several documents detailing the importation of illegal weapons by Croatian paramilitary forces. Unfortunately, just as he was beginning to read out the names of people, governments, and international corporations that were involved in the illegal arms trafficking the video feed from The Hague went dead.

There was no audio or video coming out of The Hague for the last two hours of the hearing – the ICTY webcast was just feeding black. The trial is expected to resume on Tuesday and hopefully the video feed will be back.

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## **FORMER MEMBER OF NATO PARLIAMENTARY ASSEMBLY TESTIFIES THAT NATO DELIBERATELY TARGETED CIVILIANS DURING KOSOVO WAR**

www.slobodan-milosevic.org – February 28 - March 1, 2006

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic continued on Wednesday with the conclusion of former RSK foreign minister Slobodan Jarcevic's testimony. Ms. Uertz-Retzlaff cross-examined Jarcevic on behalf of the prosecution on Tuesday.

During the witness's re-examination, Jarcevic testified that Milosevic had nothing to do with the appointment or dismissal of Krajina-Serb officials. He said that officials were either elected directly by the people or appointed by the RSK assembly. He underlined that Belgrade never intervened in such matters.

Jarcevic confirmed that the Croatian authorities staged a fake attack on the Zagreb-Lipovac highway in order to give themselves a pretext to launch Operation Flash and carry out the ethnic cleansing of the Serbian population in Western Slavonia.

This fact first emerged during the testimony of Franjo Tudjman's former cabinet chief Hrvoje Sarinic. Sarinic, while testifying as a prosecution witness at the Milosevic trial on January 22, 2004, admitted that on April 30, 1995 Tudjman approved a plan to stage a fake terrorist attack on the highway so that Croatia would have an excuse to launch Operation Flash.

This fact is important because it refutes testimony given by Milan Babic, which the prosecution relied on quite heavily for Jarcevic's cross-examination. Babic testified that Milosevic created "parallel structures" within the RSK that were designed to provoke incidents that would precipitate Croatian war actions.

The logical question that arises is this: why did Croatia need to go out of its way to carry out a fake terrorist attack to justify Operation Flash if Milosevic was supposed to be using parallel structures to provoke real incidents? Seen through this prism, Babic's claims just don't add up. Jarcevic called Babic's claims "sheer nonsense" more than once during his testimony.

During the cross-examination the prosecution made a big deal out of the fact that Serbia arrested and returned RSK soldiers that deserted to Serbia. For his part, Jarcevic confirmed that these soldiers were citizens of the RSK, and not citizens of Serbia.

In spite of the prosecution's rhetoric, this situation is no different than the Canadian authorities returning American deserters to the U.S. Government. Just because the Canadian government returns American deserters it does not mean that the Canadians are secretly controlling U.S. troops in the war in Iraq.

Following the conclusion of Jarcevic's testimony, Alice Mahon took the witness stand. Ms. Mahon served as an MP in the British Parliament throughout the Balkan wars of the 1990s. She is member of Tony Blair's Labour Party, and represented Halifax constituency. She also served as a member of the NATO Parliamentary Assembly representing Great Britain from 1992 until 2005.

As a former member of the NATO Parliamentary Assembly, Ms. Mahon testified that the NATO air war against Yugoslavia was an illegal aggression. She said that it constituted a violation of the NATO Charter as well as a violation of the UN Charter.

She accused NATO of deliberately targeting civilians during the offensive. She based this conclusion on the civilian destruction she directly eye-witnessed in Yugoslavia.

She said that NATO was openly planning to attack Yugoslavia in mid-1998. She said that the plan to attack Yugoslavia was being widely and openly discussed inside of NATO at that time. It is worth noting that the earliest crime that Milosevic is indicted for in Kosovo is the alleged "massacre" at Racak in mid-January 1999.

Therefore, the plan to attack Yugoslavia existed \*BEFORE\* the pretext that was offered to the public by NATO officials – namely that the bombing was NATO's reaction to Serb war crimes.

Ms. Mahon testified that the bombing did absolutely nothing to help Kosovo's civilian population. She traveled to Macedonia and spoke to OSCE/KVM observers only three weeks before the war and they told her that the situation was getting better and that there was no reason for NATO to attack.

She testified that the NATO bombing caused a mass-exodus of refugees to flee from Kosovo. She confirmed that both Serb and Albanian refugees fled from the bombing. The witness said that the NATO bombing – not alleged Serbian crimes – was the main reason why refugees fled Kosovo.

She cited KLA persecution as another reason why people fled Kosovo. She said that she had spoken to Kosovo-Albanian refugees who had fled to Belgrade in order to escape the KLA. She also said that a large number of Albanians live in Halifax (where she was an MP), and on one occasion an Albanian woman had a nervous breakdown in her office because the KLA was threatening her family in Kosovo.

The witness said that the Kosovo war transformed NATO from a defensive organization into an offensive organization. She testified that NATO was looking for an excuse to attack and that it created its excuse presenting an unreasonable ultimatum to Yugoslavia at Rambouillet.

The ultimatum that NATO gave Yugoslavia at Rambouillet was to either accept a wholesale NATO occupation, or be bombed. Obviously, Yugoslavia couldn't accept a wholesale occupation so NATO attacked.

Ms. Mahon said that the contents of the so-called "Rambouillet Agreement" were concealed from British MPs and NATO parliamentarians until April 1999 – one month after the bombing began.

She testified that she had received information that the CIA had infiltrated the OSCE/KVM, and that William Walker had staged the so-called "Racak massacre."

She said that, prior to his role as KVM chief in Kosovo, Walker supported central-American "Contra" terrorists during the 1980s, and that he helped to cover-up the massacre of civilians in El Salvador.

Ms. Mahon was also critical of the Hague Tribunal. She said that she had presented several volumes of evidence detailing Croatian crimes against Serbs to Carla del Ponte, and that the OTP never reacted. She also reported speaking to a British policeman who had been hired to arrest ICTY indictees in Bosnia, she said that when she spoke to the officer he told her that he was only interested in arresting Serbs.

Ms. Mahon briefly commented on the role that the Western media played. She said that Western media systematically demonized the Serbs. She said that crimes allegedly perpetrated by Serbs received excessive media coverage, while crimes committed against Serbs received almost no coverage.

As for Milosevic's role, she said that he tried to keep Yugoslavia together. She testified that she had not always held this view, but that she arrived at this conclusion by watching his trial in The Hague.

Mr. Nice briefly cross-examined her. The prosecutor insulted her and accused her of being biased, a charge which she strongly denied. She pointed out that she had been critical of Milosevic and the Serbian side on a number of occasions and that if Mr. Nice had read her parliamentary speeches then he would have known that.

The trial will resume on Tuesday, March 14th with the testimony of former Montenegrin president Momir Bulatovic.

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# Britse oud-staatssecretaris neemt het op voor Milosevic

2-3-2006  
**DE BRITSE** politica Alice Mahon (68), die van 1987 tot 2005 in het Lagerhuis heeft gezeten en in 1997 staatssecretaris van Nationaal Erfgoed werd in het eerste kabinet-Blair, heeft gisteren voor het Joegoslavië-Tribunaal een lans gebroken voor Slobodan Milosevic (foto).

Uit protest tegen kortingen op de bijstand voor alleenstaande moeders had Mahon het kabinet

## Mislukte

- Mahon probeerde vergeefs de vergaderstukken van de mislukte Rambouillet-onderhandelingen in handen te krijgen voordat de NAVO-bombardementen op Joegoslavië in maart 1999 begonnen.

al weer verlaten, toen in 1999 de spanningen in Kosovo steeds verder opliepen. Samen met parlementariërs uit andere NAVO-landen ging zij poolshoogte nemen op de Balkan.

Volgens Mahon was er helemaal geen dreigende 'humanitaire ramp'. Zij verwierf haar informatie niet van politici en leidinggevende officieren, maar 'door mij te mengen onder de eenvoudige manschappen'. Volgens Mahon werd in 1999 om politieke redenen tot de bombardementen op Joegoslavië besloten, 'om het later ook elders te kunnen doen, in Irak, in Afghanistan'.

Ook ging zij in op de Kosovo-onderhandelingen in Rambouillet

bij Parijs in 1999. Daar zijn volgens Mahon expres onaanvaardbare eisen gesteld om de gesprekken te laten mislukken. "Dat was het excuus om te beginnen met bombarderen." In Rambouillet werd onderhandeld over de stationering van een bewapende NAVO-vredesmacht in de Servische provincie Kosovo om een eind te maken aan het geweld tussen Kosovo-Albanezen en de Belgradose autoriteiten. Het Westen eiste bewegingsvrijheid voor die NAVO-troepen in heel Joegoslavië. "Geen regering van een soeverein land zou dat geaccepteerd hebben", aldus de oud-staatssecretaris Mahon.

ANP



**Sagittarius**

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**Aan:** "Hans Hupkes" <hans.hupkes@planet.nl>; "Jan Beentjes" <jbeentjes@mac.com>; "Jenny Ligtenberg" <jenny1@scarlet.nl>; "Sagittarius" <sagitar@hetnet.nl>  
**Verzonden:** donderdag 2 maart 2006 0:30  
**Onderwerp:** Milosevic seeks Clinton to testify

**Milosevic seeks Clinton to testify**

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**From correspondents in The Hague**  
**01mar06**

LAWYERS representing Slobodan Milosevic have asked the UN war crimes tribunal to issue a subpoena to force former US president Bill Clinton to testify at his trial.

"In his position as former president of the United States, Mr Clinton had a continuous role and unique knowledge of events relevant to the indictment," the lawyers said in a written request filed last week but only made public today.

Lawyers Steven Kay and Gillian Higgins said his evidence was needed to make sure the trial was "informed and fair".

They said Milosevic had written a personal letter to Mr Clinton asking him to testify but had not received a response.

They said the US embassy in The Hague had written to them last year explaining the opposition of the US government to the request.

Milosevic, who has argued that he was a peacemaker in the 1999 Kosovo conflict and that the West committed war crimes, has also asked the court to subpoena retired US general Wesley Clark to appear as a witness in his defence.

General Clark directed NATO's bombing of Kosovo in an 11-week campaign led by Mr Clinton and British Prime Minister Tony Blair to halt Serbian repression in the region.

Judges decided last year not to call Mr Blair and Gerhard Schroeder, German Chancellor at the time of the bombing, as witnesses.

Milosevic has been on trial for four years on charges of genocide, crimes against humanity and war crimes.

He has used up more than four fifths of the 150 days allotted for his defence, which suggests the case could be wrapped up in the next few months.

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**Sagittarius**

**Van:** "Klaus von Raussendorff" <redaktion@aikor.de>  
**Aan:** "Klaus von Raussendorff" <raussendorff@web.de>  
**Verzonden:** donderdag 2 maart 2006 10:41  
**Onderwerp:** Verteidigung von Milosevic: NATO-Niederlage an der  
 Liebe Leute,

bei den geplanten Protestaktionen am 18. März 2006 gegen Krieg und Besatzung sollte nicht vergessen werden, dass die offene und verdeckte Beteiligung der deutschen Regierung an der Serie der Weltherrschaftskriege der USA mit der Zerschlagung Jugoslawiens begann. Der 18. März ist zudem der Tag des Politischen Gefangenen. Seit vier Jahren leistet der ehemalige jugoslawische Präsident Slobodan Milosevic der internationalen Bewegung gegen Militarismus und Krieg einen unschätzbaren Dienst, indem er als "Angeklagter" vor dem Den Haager Tribunal die Versuche durchkreuzt, die NATO-Verbrechen auf dem Balkan zu vertuschen und die rassistischen anti-serbischen Propaganda-Mythen der Aggressoren zu verewigen. Zu den jüngsten Brutalitäten gegen die Verteidigung von Milosevic und zur Fortsetzung der NATO-Aggression auf dem Balkan dokumentiere ich:

**NATO-NIEDERLAGE AN DER WEINSTRASSE  
 ABER WER ZAHLT DIE REPARATIONEN?**

Von Klaus Hartmann

(erscheint voraussichtlich am 4. Feb. 2006 in "junge Welt")

[ 1 ]

**KLINIKVERBOT FÜR MILOSEVIC  
 DEN HAAGER TRIBUNAL VERWEIGERT JUGOSLAWIENS EHEMALIGEM PRÄSIDENTEN  
 MEDIZINISCHE BEHANDLUNG IN MOSKAU "IGNORANZ GEGENÜBER MENSCHENRECHTEN"**

Von Anna Gutenberg

Aus junge Welt v. 25./26. Feb. 2006, S. 7

[ 2 ]

**NATO-POLITIK IM BELGRADER SPIEGEL**

Von Ralph Hartmann, Berlin

Aus: Mitteilungen der Kommunistischen Plattform der Linkspartei.PDS, Ausgabe

1/06 (1. Jan. 2006) S. 21-25

[ 3 ]

Mit internationalistischen Grüßen  
 Klaus von Raussendorff

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 Anti-Imperialistische Korrespondenz (AIKor) -  
 Informationsdienst der Vereinigung für Internationale Solidarität (VIS)  
 e.V.,

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 [ 1 ]

## NATO-NIEDERLAGE AN DER WEINSTRASSE ABER WER ZAHLT DIE REPARATIONEN?

Von Klaus Hartmann\*

In aufopfernder Pflichterfüllung forschten in den vergangenen Monaten deutsche Beamte Banken, Konten und Spender aus, um den Spendengeldern auf die Spur zu kommen, die Slobodan Milosevi? in Den Haag die Selbstverteidigung ermöglichen. Vor jenem ad-hoc-Tribunal, das die Zerstörer Jugoslawiens zur Vertuschung ihrer Umtriebe installiert haben.

Als verlängerter Arm der NATO müht sich die Oberfinanzdirektion Koblenz, die Spendensammlung für die Verteidigungskosten von Slobodan Milosevi? zu sabotieren und lahmzulegen. Durch dezente Hinweise wurde erst die Volksbank Darmstadt, dann die Postbank veranlasst, Spendenkonten zu kündigen, in einem Fall sogar das Privatkonto einer Mitarbeiterin des Verteidigungsteams. Obwohl das Amtsgericht Darmstadt im Jahr 2004 urteilte, das Spendensammeln für eine strafgerichtliche Vereidigung falle nicht unter die EU-Verordnung, mit der die Gelder von "Milosevi? und seinem Umfeld eingefroren" werden sollten, war an ein Rückgängigmachen der Kontenkündigung nicht zu denken.

Und trotz dieses Urteils ließen sich Del Pontes Häscher nicht von ihrem Auftrag abbringen, die Spendensammlung zu torpedieren. Als nächste Bank nahmen sie die Kreis- und Stadtparkasse Darmstadt ins Visier und beschlagnahmten im Oktober 2005 das dort eingerichtete Konto, Beamte der Essener Zollfahndung durchsuchten auf Geheiß aus Koblenz die Privatwohnung des Finanzbevollmächtigten Peter Betscher in Darmstadt, wobei sie Computer, Kontounterlagen und Akten mitgehen ließen. Zum Jahresende wurde Peter Betscher mit einem "Bußgeld" von über 10.000 Euro bestraft, und als vorerst "letzten Streich" wurde die Wiener Bank Austria-Creditanstalt bedroht und veranlasst, das dortige Ersatz-Spendenkonto einzufrieren,

Gegen das Bußgeld legte Peter Betscher Rechtsmittel ein, und das Amtsgericht in Neustadt an der Weinstraße hatte darüber am 14.02.2006 zu entscheiden. Die Koblenzer Finanzfahnder verteidigten ihren Bußgeld- und Einziehungsbescheid damit, dass der Beschuldigte "Konten eingerichtet und darauf Finanzmittel zur Verteidigung von Slobodan Milosevi? gesammelt" habe, somit habe es "wissentlich und absichtlich an Maßnahmen teilgenommen, um Gelder für Herrn Milosevi? bereitzustellen". Darin läge ein Verstoß gegen die Verordnungen (EG) Nr. 2488/2000 vom 14. November 2000 und Nr. 1205/2001 vom 20. Juli 2001 nebst § 33 Außenwirtschaftsgesetz und § 70 Außenwirtschaftsverordnung.

Del Pontes Häscher des Rechtsbruchs überführt

...nun das Amtsgericht in Neustadt völlig anders: "Entgegen der  
...ung der Verwaltungsbehörde ist das Sammeln von Spendengeldern zur  
...eidigung von Milosevi? in der von dem Betroffenen durchgeführten Form  
...nt als Ordnungswidrigkeit im Sinne der oben genannten Vorschriften  
...nzusehen", da "über die Guthaben der fraglichen Konten lediglich der  
Kontoinhaber, nicht jedoch Herr Milosevi? oder ihm nahe stehende Personen im  
Sinne der Verordnung verfügen konnten."

Unter die fraglichen Verordnungen "kann jedenfalls das streng  
zweckgerichtete Sammeln von Geldern zur Verteidigung des Herrn Milosevi?,  
die diesem selbst direkt nicht zugute kommen und auf die er keinerlei  
Zugriffsmöglichkeiten hat, nicht fallen. Eine andere Betrachtungsweise wäre  
auch mit dem Grundsatz eines fairen Verfahrens (Artikel 6 Abs. 3 c  
Europäische Menschenrechtskonvention) nicht zu vereinbaren".

Hieraus folgerte das Gericht messerscharf: "Der Betroffene war deshalb aus  
rechtlichen Gründen freizusprechen. Die Beschlagnahmung der Guthaben auf den  
oben genannten Konten war aufzuheben. Die Kosten des Verfahrens und die  
notwendigen Auslagen des Betroffenen fallen der Staatskasse zur Last." (Az.  
5131 Js 4060/06.2b OWi)

Damit wird nochmals unmissverständlich klargestellt: Die Behinderung der  
Spendensammlung verstößt gegen den rechtsstaatlichen Grundsatz eines fairen  
Verfahrens und damit gegen die Europäische Menschenrechtskonvention. Damit  
sind die Häscher Del Pontes eindeutig als Rechtsbrecher gekennzeichnet,  
mitsamt ihren willigen Vollstreckern in Koblenz und Essen, von den "Helden"  
in den Bankvorständen ganz zu schweigen.

Verloren - trotz gewonnenem Prozess?

Doch bei aller Genugtuung über diesen Sieg des Rechts bleibt wie so oft ein  
schaler Beigeschmack, denn für den angerichteten Schaden kommen nicht die  
Rechtsbrecher auf, der bleibt am Komitee für die Verteidigung von Slobodan  
Milosevi? hängen. Obwohl immer nur kleine Geldbeträge durch Einfrieren  
blockiert werden, viele Spender sind durch die Schließung und den Wechsel  
der Bankkonten verunsichert. Manche zweifelten an der Rechtmäßigkeit ihrer  
Spende, andere an der Korrektheit der Spendenverwendung, wieder andere  
erhielten ihre Spende von der Bank zurück oder fanden kein Ersatzkonto. All  
dies hat die Arbeitsmöglichkeiten des Finanzbeauftragten und der  
Verteidigung selbst erheblich eingeschränkt.

Ohne den Schaden genau beziffern zu können, ging das Spendenaufkommen  
deutlich zurück, so dass die deutsche Mitarbeiterin im Verteidigungsteam nur  
noch sporadisch in Den Haag sein konnte, was aufgrund der ohnehin minimalen  
Ausstattung eine Personalreduzierung um 50% bedeutet. Damit wurde die  
Verteidigungsarbeit direkt behindert und gestört.

Nach den eigenen Statuten des ad-hoc-Tribunals stellt das Agieren der  
deutschen (und österreichischen) Behörden eine "Missachtung des Gerichts"  
dar, und zwar nicht nur durch Worte, sondern "tätlich". In diesem speziellen  
Fall scheint das "Tribunal" jedoch nach dem Motto "eine Krähe hackt der  
anderen kein Auge aus" verfahren zu wollen: Aufforderungen, gegen die  
Behinderung der Verteidigung aktiv zu werden, stießen bei der Verwaltung des  
Sondergerichts auf demonstratives Desinteresse, die Anfrage hierzu von

ndlung in der Moskauer Spezialklinik Bakoulev ab. Der Angeklagte hatte  
 Klinikaufenthalt in Moskau kurz vor Weihnachten beantragt. Die Richter  
 machten damals zur Bedingung, dass die Regierung in Moskau die volle  
 Garantie für den Aufenthalt und die Rückführung übernimmt. Dies geschah  
 Mitte Januar.

Milosevic, der im Juni 2001 an das Ad-Hoc-Tribunal ausgeliefert wurde und  
 der sich seit Beginn seines Prozesses im Februar 2002 selbst verteidigt,  
 leidet seit langem an chronischem Bluthochdruck. Die von verschiedenen  
 Ärzten empfohlenen Ruhepausen wurden ihm nicht gewährt. Die Richter  
 begründeten ihre Ablehnung zumeist damit, es sei Milosevics eigenen  
 Entscheidung gewesen, sich ohne Anwalt zu verteidigen, so dass er für sein  
 Arbeitsvolumen selbst verantwortlich sei. Auch die Verringerung der  
 Verhandlungstage auf drei pro Woche brachten Milosevic, der sich in der  
 übrigen Zeit auf seine Verteidigung vorbereiten muß, keine Erleichterung.  
 Die Entscheidung der Richter, Milosevic gegen seinen Willen  
 Zwangsverteidiger zur Seite zu stellen, die im krankheitsbedingten Ausfall  
 den Prozeß in seiner Abwesenheit führen können, dürfte den Druck auf ihn  
 sogar massiv erhöht haben.

Der Sprecher der deutschen Sektion des Internationalen Komitees zur  
 Verteidigung von Milosevic, Klaus Hartmann, hatte bereits vor längerem davor  
 gewarnt, dass das Tribunal mit einer "biologischen Lösung" enden könnte -  
 mit dem Tod des Angeklagten wären auch die kriminellen Machenschaften des  
 Westens und deren Verwicklungen in die blutigen Konflikte vom Tisch.

Am Freitag gaben die Richter zur Begründung ihrer Entscheidung an, keinen  
 Grund zu sehen, warum Milosevic nicht in Holland behandelt werden könne. Da  
 ihn "möglicherweise eine lebenslange Haftstrafe erwarte", seien sie zudem  
 nicht davon überzeugt, daß Milosevic nach Den Haag zurückkehre. Tatsächlich  
 jedoch verlangte Milosevic im Verlauf seines Prozesses mehrfach eine  
 adäquate Behandlung. Bei diesen Gelegenheiten betonte er zudem, keinesfalls  
 die Absicht zu verfolgen, sich dem Prozeß zu entziehen. Er wolle die  
 Anschuldigungen gegen ihn bis zuletzt widerlegen.

Vladimir Krsljanin, einer der Belgrader Berater von Milosevic, betonte  
 wenige Minuten nach bekannt werden der Entscheidung gegenüber der jW, der  
 Richterspruch zeige klarer denn je die Ignoranz des Haager Tribunals  
 gegenüber Völkerrecht und Menschenrechten. Er erwarte eine Revision der  
 Entscheidung, die kriminelle Züge trage.

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[ 3 ]

Aus: Mitteilungen der Kommunistischen Plattform der Linkspartei.PDS, Ausgabe  
 1/06 (1. Jan. 2006) S. 21-25

**NATO-POLITIK IM BELGRADER SPIEGEL**

Von Ralph Hartmann, Berlin

Die NATO, die sich nur allzu gern als "internationale Staatengemeinschaft"  
 ausgibt, schickt sich an, in Ex-Jugoslawien das zu vollenden, was sie seit  
 jeher angestrebt und in den vergangenen 15 Jahren erfolgreich vorangetrieben

Serbien, einstmals einflußreichster Staat auf dem Balkan und später  
 einland der jugoslawischen Föderation, und die Serben auf Dauer zu  
 schwächen und, wie es Kohls Außenminister Klaus Kinkel so schön formulierte,  
 "in die Knie zu zwingen"; getreu der Erkenntnis, daß Vor- und  
 Fremdherrschaft auf dem Balkan nur dann gesichert werden können, wenn  
 Serbien niedergehalten wird.

#### Traditionslinie Kaiser- und Hitlerdeutschlands wird fortgesetzt

Die Wurzeln dieser antiserbischen Politik, die zugleich eine antirussische  
 ist, denn die Serben waren über einen langen Zeitraum auf der  
 Balkanhalbinsel die wichtigsten Verbündeten Moskaus, reichen weit in die  
 Vergangenheit. Die Entstehung eines großen serbischen Staates zu  
 verhindern - darauf zielte das 1876 auf Initiative Bismarcks formulierte  
 sogenannte Berliner Memorandum, "Serbien muß sterben" lautete die Losung im  
 Ersten Weltkrieg und die Niederwerfung der "serbischen Verbrecherclique" war  
 eines der Kriegsziele Hitlers im Zweiten. Doch nicht die Serben wurden  
 niedergeworfen, sondern die deutsche Verbrecherclique, und wie schon 1918  
 war die neuerliche Niederlage des imperialistischen Deutschlands mit dem  
 Entstehen eines einheitlichen jugoslawischen Staates, der Föderativen  
 Volksrepublik Jugoslawien, der späteren SFRJ, verbunden. In der Folgezeit  
 wurde dieser Staat ob seines enormen Einflusses in der Bewegung der  
 Nichtpaktgebundenheit und seines eigenen, vom sowjetischen "Grundmodell des  
 Sozialismus" abweichenden Entwicklungsweges auch vom Westen, und hier  
 besonders von der bundesdeutschen Außenpolitik, heftig umworben. Doch  
 unmittelbar nach dem schmachvollen Untergang des Realsozialismus in der  
 Sowjetunion sowie in Osteuropa setzte die BRD in ihrer Jugoslawienpolitik  
 die Traditionslinie Kaiser- und Hitlerdeutschlands fort und nahm  
 wesentlichen Einfluß auf die antiserbische Ausrichtung des NATO-Kurses zur  
 Zerschlagung Jugoslawiens.

Im letzten Jahrzehnt des vergangenen Jahrhunderts wurde diese Politik,  
 getarnt als selbstloser Feldzug zum Schutz der Menschenrechte gegen den  
 angeblichen großserbischen Nationalismus und später zur Verhinderung einer  
 "humanitären Katastrophe", von der NATO Schritt für Schritt umgesetzt:  
 Schürung nationaler und politischer Konflikte in der jugoslawischen  
 Föderation, Förderung separatistischer und restaurativer Kräfte in Slowenien  
 und Kroatien, einseitige antiserbische Parteinahme in dem blutigen  
 Bürgerkriegsgeschehen, Bombardierung serbischer Stellungen und Orte in  
 Bosnien, Mitwirkung an der ethnischen Vertreibung der Serben aus Kroatien,  
 verdeckte und offene Unterstützung albanischer Separatisten und Terroristen  
 in Kosovo, 78tägiger Bombenkrieg gegen Restjugoslawien, Verwandlung Kosovos  
 in ein Protektorat des Kriegspaktes, Mitwirkung am Sturz Milosevics und der  
 von ihm geführten Sozialistischen Partei Serbiens, Verwandlung des  
 föderativen Klein-Jugoslawiens in das lose Staatengebilde "Serbien und  
 Montenegro".

#### Erneuter erpresserischer Druck auf Serbien

Jetzt nun werden die Vorbereitungen getroffen, das Werk der Niederwerfung  
 der Serben und Serbiens zu vollenden. In sogenannten Statusverhandlungen  
 sollen das von der NATO okkupierte Kosovo unter Bruch der nach der  
 NATO-Aggression beschlossenen UN-Resolution 1244 vom 10. Juni 1999, nach der  
 das südserbische Gebiet integraler Bestandteil Jugoslawiens ist, endgültig  
 aus der Republik Serbien herausgebrochen und die Republika Srpska, laut dem  
 Vertrag von Dayton einer der beiden Teilstaaten Bosniens und Herzegowinas,

als einer Verfassungsreform liquidiert werden, damit sich die dortigen Serben unter keinen Umständen an das serbische Mutterland anschließen können. Parallel dazu wird mit offener und verdeckter Unterstützung separatistisch-nationalistischer Kräfte in der Vojvodina, im Sandschak und in Montenegro zusätzlicher Druck auf Belgrad ausgeübt. Doch damit nicht genug. Ein starker Hebel, um die Regierenden in Serbien, die so schon weit zu Kreuze gekrochen sind, gefügig zu halten, wird von Den Haag aus angesetzt. Nachdem vom sogenannten Jugoslawien-Tribunal vor allem Dutzende von Serben zu langen Freiheitsstrafen verurteilt wurden und seit Februar 2002 ein skandalöser Prozeß gegen Slobodan Milosevic, den Präsidenten des von der NATO überfallenen Staates, sowie Verfahren gegen andere von Belgrad ausgelieferte serbische Staatsbürger geführt werden, wird immer noch erpresserisch verlangt, die Zusammenarbeit mit dem Tribunal zu verbessern. Unter Androhung neuer Sanktionen wird vor allem die Auslieferung der der Kriegsverbrechen beschuldigten Serben Radovan Karadjic und Ratko Mladic verlangt, obwohl niemand weiß, ob sich die Gesuchten in den montenegrinischen Bergen, den bosnischen Wäldern oder in der südamerikanischen Pampa aufhalten. Erst kürzlich hat der bisherige Präsident des Tribunals, der ehrenwerte US-Amerikaner Theodor Meron, die serbische Hauptstadt aufgesucht und gedroht, daß das Land aus allen europäischen Integrationen herausgeschmissen wird, wenn es nicht Karadjic und Mladic ausliefert. Der prowestliche Präsident Boris Tadic und der national-konservative Ministerpräsident Vojislav Kostunica und mit ihnen die Mehrheit der Serben sollen weichgeklopft werden, damit sie letztlich noch dankbar sind, wenn sie in der NATO-Pfanne schmoren dürfen.

#### Aufschlußreiche Eingeständnisse

Doch bei weitem nicht alle Serben sehen darin das höchste Ziel ihrer Wünsche. Unmittelbar nach dem Meron-Besuch veröffentlichte die auflagenstärkste serbische Tageszeitung "Vecernje novosti", auf die Scharping-Einkleider Hombach seit langem begehrlche Blicke wirft, einen Beitrag, in dem die USA und Westeuropa, "wenn es ihnen tatsächlich um die volle Wahrheit und andauernden Frieden auf dem Balkan geht", aufgefordert werden, sich vor den Spiegel zu stellen. In ihm könnten die herrschenden Kreise des Westens, deren "einflußreichste Medien und Politiker mit allen Kräften den zwischennationalen Hader zwischen Serben, Kroaten und Moslems schürten", vieles erblicken, was ihre politischen Eliten schon 10 Jahre lang nicht sehen wollten. Das Blatt hält ihnen diesen Spiegel vor, und was er zeigt, sind Eingeständnisse von NATO-Politikern und -Journalisten, die über die bekannten Erklärungen der Außenminister der USA und Frankreichs, Warren Christopher und Roland Dumas, zur besonderen Verantwortung Deutschlands für die Entfesselung der Bürgerkriege hinausgehen und damit auch die Kenntnisse derer bereichern können, die die Zerschlagung Jugoslawiens besonders aufmerksam, mit tiefem Zorn, aber letztlich ohnmächtig verfolgt haben. Deshalb lohnt es, mit Hilfe der "Vecernje novosti" einige Blicke in diesen Spiegel zu werfen, in dem unter anderen zu sehen und zu hören sind:

Zbigniew Brzezinski, einer der führenden Washingtoner Geostrategen, der schon Mitte August 1978 einer Gruppe von US-amerikanischen Soziologen vertraulich erläuterte: "Es liegt im Interesse der USA, allen separatistisch-nationalistischen Kräften in Jugoslawien zu helfen."

Gianni de Michelis, ehemaliger italienischer Außenminister, der eingestand: "Wenn der Plan, den Reformversuch des letzten jugoslawischen Premiers Ante Markovic mit bis zu 3 Milliarden Ecu zu unterstützen, angenommen worden

dann wäre es wahrscheinlich weder zum Zerfall noch zum Krieg in Jugoslawien gekommen. Aber dieser Plan wurde von Großbritannien abgelehnt. Deutschland hatte sich gerade vereinigt, und innerhalb des Landes gab es Bestrebungen, von neuem Grenzstreitigkeiten mit Polen zu beginnen. Die Europäische Gemeinschaft unterwarf sich schließlich dem deutschen Druck, Kroatien und Slowenien anzuerkennen, damit die revanchistischen Absichten im Osten in den Hintergrund gerieten. In einem gewissen Sinne erlaubten wir den Deutschen, sich in Jugoslawien 'eine kleine Erholung' zu gönnen."

Lord Peter Carrington, Vorsitzender der Jugoslawienkonferenz, dessen an die Bonner Adresse gerichtete Warnung, daß eine frühzeitige Anerkennung Sloweniens und Kroatiens 'der Funke sein könnte, der Bosnien-Herzegowina in Brand setzt', allgemein bekannt ist und der später die Haltung der EG mit den Worten erklärte: "Die Notwendigkeit, eine gemeinsame Außenpolitik zu demonstrieren, führte die Europäer dazu, sich dem Vorschlag der Deutschen anzuschließen und Slowenien und Kroatien anzuerkennen. So wurden die Voraussetzungen für die Tragödie in Bosnien geschaffen. Ich hatte das gesagt und die europäischen Regierungen gewarnt, daß das den Weg zum Bürgerkrieg zwischen den verschiedenen bosnischen Gemeinschaften freimacht."

Henry Kissinger, US-Außenminister, der im nachhinein einschätzte: "Den schwersten Fehler begingen die USA, Europa und die UNO, als sie einen Staat (Bosnien-Herzegowina) schufen, in dem sich ein großer Teil seiner Bevölkerung von Anbeginn an gegen die Annahme einer neuen Gemeinschaft aussprach."

Andre Fontaine, Direktor der Pariser "Le Monde", der konstatierte: "Die Anerkennung von Bosnien-Herzegowina in den von der (jugoslawischen) Föderation geerbten Grenzen war ein Fehler, der schwerwiegendste von allen ..."

Abe Rosenthal, Herausgeber der "New York Times", der feststellte: "Die bosnische Katastrophe hatte ihre Wurzel in dem vom Westen unterstützten Bestehen darauf, in die neuen Grenzen in Bosnien ein Volk einzubeziehen, das nicht von den Moslems beherrscht werden wollte."

Lord David Owen, britischer Außenminister, der die Schuldigen am blutigen Bürgerkrieg in Bosnien vor allem in Washington sieht: "Wir hatten die Möglichkeit, bereits 1993 einen Frieden zu erreichen, aber Clinton unterstützte unseren Plan nicht ... Vom Frühjahr 1993 bis Sommer 1995 hat die amerikanische Politik in der Tat den Krieg verlängert."

Nicht zu sehen sind in dem Spiegel, den das Belgrader Blatt dem Westen vorhält, die Kriegsverbrechen, die während des 78tägigen barbarischen Zerstörungskrieges der NATO verübt wurden, die sich zum Richter über die Serben aufgeschwungen hat und dabei ist, das drangsalierte Land und seine Bürger weiter zu ducken. Aber ganz so neu ist das ja nicht. Bekanntlich hatte Wilhelm II. schon 1914 erklärt: "Die Kerls müssen geduckt werden."

Antikommunismus - der wahre Kern der NATO-Politik gegenüber Jugoslawien

Unbeantwortet bleibt in diesem Spiegel auch die Frage, weshalb die USA, die Bundesrepublik Deutschland und ihre Bündnispartner, vor allem Serbien, die Sozialistische Partei Serbiens und deren Vorsitzenden, Ex-Präsident Slobodan Milosevic, ins Visier nahmen. Wer darauf eine Antwort sucht, der braucht nur ein Buch in die Hand zu nehmen, das den Titel "1989 - Schicksalsjahr

slawiens. Hintergründe und Ursachen eines Staatszerfalls" trägt und  
 zlich im Norderstedter Verlag "Books on Demand GmbH" erschienen ist. Der  
 in Deutschland lebende serbische Autor Dr. Djordje Joncic verwechselt zwar  
 das Streben der USA und anderer NATO-Staaten nach Vorherrschaft auf dem  
 Balkan und nach Restauration kapitalistischer Produktions- und  
 Gesellschaftsverhältnisse mit demokratischen Zielsetzungen, indem er zum  
 Beispiel schreibt "Das Ziel der NATO war die Demokratisierung Jugoslawiens"  
 und dieser Behauptung noch eins draufsetzt und allen Ernstes zu Papier  
 bringt "Die Demokratisierung wurde somit das alleinige Leitmotiv der  
 NATO-Politik und bestimmte das Verhältnis der NATO zu Jugoslawien und  
 Serbien".

Dessen ungeachtet kommt der Autor zu Schlußfolgerungen, die hierzulande noch  
 immer selten zu lesen sind. Entschieden wendet er sich gegen die Auffassung,  
 daß der Nationalismus die treibende Kraft hinter der zerstörerischen Dynamik  
 der Geschehnisse in Ex-Jugoslawien gewesen und von Milosevic  
 instrumentalisiert worden sei: "Man behauptet sogar", so Joncic, "daß  
 Milosevic alles nur aus nationalistischen Beweggründen tat. Das eigentliche  
 Problem aber waren seine kommunistische Ideologie und er selbst als Person."  
 Joncic ist ein scharfer Kritiker der serbischen Sozialisten. Aber bis zu  
 einem gewissen Punkt ist seine Argumentation schlüssig. Er teilt die  
 Einschätzung, daß das Ende der Ost-West-Konfrontation nicht das Ende des  
 "Konfliktes zwischen Kommunismus und Demokratie" darstellte und schreibt:  
 "Die Gegner der NATO-Partner waren nicht mehr der sowjetische Kommunismus  
 und der Ostblock, sondern es war das politische System in Serbien, das heißt  
 das kommunistische Überbleibsel in Europa ... Dieser Konflikt blieb nicht  
 nur auf dem Niveau der Worte, so wie es zu Zeiten des 'Kalten Krieges' war,  
 sondern der 'Kalte Krieg' verwandelte sich in einen 'heißen'. Natürlich lag  
 der Hauptgrund darin, daß der 'Gegner' (Serbien) jetzt unvergleichbar  
 schwächer war als der Gegner zur Zeit des 'Kalten Krieges'. Von Anfang an,  
 oder von 1989 an, störte die NATO, daß der Politiker in Belgrad bereit war,  
 seinen eigenen politischen Weg zu gehen. Die Sowjetunion war dabei, ihr  
 bisheriges politisches System aufzugeben. Milosevic in Belgrad jedoch wollte  
 sich auf keinen Fall von ihm trennen. Die NATO wollte aber keinen  
 Sozialismus in Belgrad dulden ... Eine kommunistische Partei in Belgrad  
 wollte jedoch mit aller Macht den Sozialismus in Serbien erhalten. Genau  
 diese Tatsache war von Anfang an tödlich für die Sozialistische Föderative  
 Republik Jugoslawien und später für die Bundesrepublik Jugoslawien."

Auch wenn diese Diagnose als Hauptvorwurf an die Sozialistische Partei  
 Serbiens (SPS), die laut dem Autor "nicht nur Jugoslawien als Föderation",  
 sondern "unglücklicherweise auch das politische System, also den  
 Sozialismus, erhalten" wollte, daherkommt, so trifft sie doch den wahren  
 Kern der NATO-Politik gegenüber Jugoslawien und der jugoslawischen Tragödie,  
 den selbst nicht wenige Sozialisten in Deutschland bis zum heutigen Tage  
 nicht erkennen oder nicht sehen wollen. Nicht zufällig jubelten die  
 glorreichen Sieger der Aggression gegen Jugoslawien im Oktober 2000, als mit  
 ihrer Hilfe die SPS und ihr Vorsitzender Milosevic gestürzt wurden, daß nun  
 endlich "der letzte Rest einer kommunistischen Diktatur gefallen ist"  
 (BRD-Außenminister Joseph Fischer) und daß "sich das serbische Volk  
 endgültig vom Kommunismus befreit" habe (USA-Außenministerin Madeleine  
 Albright). So kam es endlich ans Licht: Die "internationale Gemeinschaft",  
 von "Bild" und "FAZ" bis "Guardian" und "Times", von Fischer bis Albright,  
 war ein Jahrzehnt lang gegen den großserbischen Nationalismus des  
 verbrecherischen Milosevic-Regimes zu Felde gezogen, um nach vollbrachtem  
 Werk den Sieg über die "letzte kommunistische Bastion" in Europa zu feiern.

Nach dem Triumph teilte sie mit, wer besiegt war: Nicht dem serbischen  
nationalistischen Drachen hatte man die Köpfe abgeschlagen, sondern dem  
letzten kommunistischen Ungeheuer in Europa.

Sicherlich wäre es übertrieben, die SPS von 1990 oder gar die von heute als  
kommunistische Partei oder ihren in Den Haag eingekerkerten Vorsitzenden als  
überzeugten Marxisten-Leninisten und Kommunisten zu bezeichnen. Aber wer die  
Politik der NATO gegenüber Jugoslawien und Serbien seit den  
konterrevolutionären Jahren 1989/90, die jetzt mit dem beabsichtigten  
Herausbrechen Kosovos aus Serbien, der Liquidierung der Republika Srpska und  
der Absicht, den ehemaligen Präsidenten Jugoslawiens trotz dessen  
beeindruckender Selbstverteidigung und der fortwährenden Pleiten, Pech und  
Pannen der Anklage im beschleunigten Verfahren zu verurteilen, fortgesetzt  
wird, aufmerksam und unvoreingenommen verfolgt, wird leicht erkennen, daß  
sie sich unter anderem aus zwei Quellen speist: aus einem historisch  
gewachsenen, nahezu irrationalen Serbenhaß und einem stupiden, aber äußerst  
zielstrebigem Antikommunismus. Daran ändern auch die Worthülsen  
"Demokratie", "Freiheit", "Fortschritt" und "Schutz der Menschenrechte"  
nichts, die sich die NATO in ihrem Feldzug auf dem Balkan auf die Fahne  
geschrieben hat.

\*\*\*\*\*

E.N.D.E

**Sagittarius**

Van: "Ian Johnson" <i-  
 Aan: <Undisclosed-Recipient:;>  
 Verzonden: zaterdag 4 maart 2006 2:50  
 Onderwerp: CDSM: Alice Mahon at the ICTY

## **FORMER MEMBER OF NATO PARLIAMENTARY ASSEMBLY TESTIFIES THAT NATO DELIBERATELY TARGETED CIVILIANS DURING KOSOVO WAR**

[www.slobodan-milosevic.org](http://www.slobodan-milosevic.org) – February 28 - March 1, 2006

The trial of Slobodan Milosevic continued on Wednesday with the conclusion of former RSK foreign minister Slobodan Jarcevic's testimony. Ms. Uertz-Retzlaff cross-examined Jarcevic on behalf of the prosecution on Tuesday.

During the witness's re-examination, Jarcevic testified that Milosevic had nothing to do with the appointment or dismissal of Krajina-Serb officials. He said that officials were either elected directly by the people or appointed by the RSK assembly. He underlined that Belgrade never intervened in such matters.

Jarcevic confirmed that the Croatian authorities staged a fake attack on the Zagreb-Lipovac highway in order to give themselves a pretext to launch Operation Flash and carry out the ethnic cleansing of the Serbian population in Western Slavonia.

This fact first emerged during the testimony of Franjo Tudjman's former cabinet chief Hrvoje Sarinic. Sarinic, while testifying as a prosecution witness at the Milosevic trial on January 22, 2004, admitted that on April 30, 1995 Tudjman approved a plan to stage a fake terrorist attack on the highway so that Croatia would have an excuse to launch Operation Flash.

This fact is important because it refutes testimony given by Milan Babic, which the prosecution relied on quite heavily for Jarcevic's cross-examination. Babic testified that Milosevic created "parallel structures" within the RSK that were designed to provoke incidents that would precipitate Croatian war actions.

The logical question that arises is this: why did Croatia need to go out of its way to carry out a fake terrorist attack to justify Operation Flash if Milosevic was supposed to be using parallel structures to provoke real incidents? Seen through this prism, Babic's claims just don't add up. Jarcevic called Babic's claims "sheer nonsense" more than once during his testimony.

During the cross-examination the prosecution made a big deal out of the fact that Serbia arrested and returned RSK soldiers that deserted to Serbia. For his part, Jarcevic confirmed that these soldiers were citizens of the RSK, and not citizens of Serbia.

In spite of the prosecution's rhetoric, this situation is no different than the Canadian authorities returning American deserters to the U.S. Government. Just because the Canadian government returns American deserters it does not mean that the Canadians are secretly controlling U.S. troops in the war in Iraq.

Following the conclusion of Jarcevic's testimony, Alice Mahon took the witness stand. Ms. Mahon served as an MP in the British Parliament throughout the Balkan wars of the 1990s. She is member of Tony Blair's Labour Party, and represented Halifax constituency. She also served as a member of the NATO Parliamentary Assembly representing Great Britain from 1992 until 2005.

As a former member of the NATO Parliamentary Assembly, Ms. Mahon testified that the NATO air war against Yugoslavia was an illegal aggression. She said that it constituted a violation of the NATO Charter as well as a violation of the UN Charter.

She accused NATO of deliberately targeting civilians during the offensive. She based this conclusion on the civilian destruction she directly eye-witnessed in Yugoslavia.

She said that NATO was openly planning to attack Yugoslavia in mid-1998. She said that the plan to attack Yugoslavia was being widely and openly discussed inside of NATO at that time. It is worth noting that the earliest crime that Milosevic is indicted for in Kosovo is the alleged "massacre" at Racak in mid-January 1999.

Therefore, the plan to attack Yugoslavia existed \*BEFORE\* the pretext that was offered to the public by NATO officials - namely that the bombing was NATO's reaction to Serb war crimes.

Mahon testified that the bombing did absolutely nothing to help Kosovo's civilian population. She traveled to Pristina and spoke to OSCE/KVM observers only three weeks before the war and they told her that the situation was getting better and that there was no reason for NATO to attack.

She testified that the NATO bombing caused a mass-exodus of refugees to flee from Kosovo. She confirmed that both Serb and Albanian refugees fled from the bombing. The witness said that the NATO bombing – not alleged Serbian crimes – was the main reason why refugees fled Kosovo.

She cited KLA persecution as another reason why people fled Kosovo. She said that she had spoken to Kosovo-Albanian refugees who had fled to Belgrade in order to escape the KLA. She also said that a large number of Albanians live in Halifax (where she was an MP), and on one occasion an Albanian woman had a nervous breakdown in her office because the KLA was threatening her family in Kosovo.

The witness said that the Kosovo war transformed NATO from a defensive organization into an offensive organization. She testified that NATO was looking for an excuse to attack and that it created its excuse presenting an unreasonable ultimatum to Yugoslavia at Rambouillet.

The ultimatum that NATO gave Yugoslavia at Rambouillet was to either accept a wholesale NATO occupation, or be bombed. Obviously, Yugoslavia couldn't accept a wholesale occupation so NATO attacked.

Ms. Mahon said that the contents of the so-called "Rambouillet Agreement" were concealed from British MPs and NATO parliamentarians until April 1999 – one month after the bombing began.

She testified that she had received information that the CIA had infiltrated the OSCE/KVM, and that William Walker had staged the so-called "Racak massacre."

She said that, prior to his role as KVM chief in Kosovo, Walker supported central-American "Contra" terrorists during the 1980s, and that he helped to cover-up the massacre of civilians in El Salvador.

Ms. Mahon was also critical of the Hague Tribunal. She said that she had presented several volumes of evidence detailing Croatian crimes against Serbs to Carla del Ponte, and that the OTP never reacted. She also reported speaking to a British policeman who had been hired to arrest ICTY indictees in Bosnia, she said that when she spoke to the officer he told her that he was only interested in arresting Serbs.

Ms. Mahon briefly commented on the role that the Western media played. She said that Western media systematically demonized the Serbs. She said that crimes allegedly perpetrated by Serbs received excessive media coverage, while crimes committed against Serbs received almost no coverage.

As for Milosevic's role, she said that he tried to keep Yugoslavia together. She testified that she had not always held this view, but that she arrived at this conclusion by watching his trial in The Hague.

Mr. Nice briefly cross-examined her. The prosecutor insulted her and accused her of being biased, a charge which she strongly denied. She pointed out that she had been critical of Milosevic and the Serbian side on a number of occasions and that if Mr. Nice had read her parliamentary speeches then he would have known that.

The trial will resume on Tuesday, March 14th with the testimony of former Montenegrin president Momir Bulatovic.

## **TEXT OF SLOBODAN MILOSEVIC'S LETTER TO THE RUSSIAN MINISTRY OF FOREIGN AFFAIRS**

*The text of a handwritten letter dated March 8, 2006, written by Slobodan Milosevic to Russia asking for its help. It was provided in an English translation by his lawyer Zdenko Tomanovic:*

To the Ministry of Foreign Affairs of the Russian Federation:

Dear ladies and gentlemen,

With my acknowledgment for the solidarity and understanding which you expressed by accepting to receive me to come for medical treatment and by giving guarantees, I would like to inform you about the following:

I think that the persistence, with which the medical treatment in Russia was denied, in the first place is motivated by the fear that through careful examination it would be discovered, that there were active, willful steps taken, to destroy my health, throughout the proceedings of the trial, which could not be hidden from Russian specialists.

In order to verify my allegations, I'm presenting you a simple example which you can find in the attachment. This document, which I received on March 7, shows that on January 12th (i.e. two months ago), an extremely strong drug was found in my blood, which is used, as they themselves say, for the treatment of tuberculosis and leprosy, although I never used any kind of antibiotic during this 5 years that I'm in their prison.

Throughout this whole period, neither have I had any kind of infectious illness (apart from flu).

Also the fact that doctors needed 2 months (to report to me), can't have any other explanation than we are facing manipulation. In any case, those who foist on me a drug against leprosy surely can't treat my illness; likewise those from which I defended my country in times of war and who have an interest to silence me.

Dear Sirs, it is known to you that Russian physicians, who rank among the most respected physicians in the world, came to the conclusion that the examination and treatment of the vascular problems in my head are inevitable and urgent. I know very well that this is true, as I feel very bad.

I'm addressing you in expectation that you help me defend my health from the criminal activities in this institution, working under the sign of the U.N., and that I be enabled as soon as possible to get adequate treatment in your hospital, in whose physicians, as well as in Russia, I have absolute confidence.

Yours sincerely,  
Slobodan Milosevic

Op 24-2, een paar minuten over negen, ging de hoop van een zichtbaar zieke aangeklaagde op een langdurige medische behandeling in rook op. Op dat moment maakten de rechters van de Derde Kamer van het Haagse Joegoslavië Tribunaal hun beslissing, waar al weken naar werd uitgekeken, bekend. Het verzoek van de voormalige president van Joegoslavië, Slobodan Milosevic, om een tijdelijke behandeling te krijgen in Bakoulev, een gespecialiseerde kliniek in Moskou, werd afgewezen.

9-3-2006

## Haags 'tribunaal' laat opnieuw ware gezicht zien Milosevic mag niet naar Moskou

Anna Gutenberg

Kort voor kerstmis deed Milosevic een verzoek tot behandeling in een kliniek in Moskou. Dit nadat de rechters de adviezen van een team van internationale artsen, om het proces minstens zes weken te onderbreken, in de wind sloegen. De artsen bezochten Milosevic vorig jaar november. De rechters stelden de voorwaarde, dat de volledige garantie voor het oponthoud en de terugkeer van Milosevic door de regering in Moskou genomen zou worden. Over deze garantie beschikte de Kamer van het Tribunaal sinds medio januari.

Milosevic, die in juni 2001 aan het geïmproviseerde tribunaal werd uitgeleverd en zichzelf verdedigt sinds het begin van het

proces in februari 2002, lijdt allang aan chronische hypertensie. Terwijl de media van het establishment zich keer op keer beklagden over de daardoor veroorzaakte "vertragingen" in het proces, wezen de medewerkers van Milosevic herhaaldelijk op de ontoereikende medische verzorging door het tribunaal. Rustpauzes, door verscheidene artsen geadviseerd, werden de aangeklaagde niet gegund. De rechters wezen er dan weer op dat Milosevic zichzelf verdedigt en dus ook zelf verantwoordelijk is voor de hoeveelheid werk die hij op zich neemt.

De vermindering van het aantal procesdagen, tot drie per week, hebben Milosevic geen verlichting gebracht: hij moet de overige dagen de getuigen à déchar-

ge immers zelf voorbereiden. De rechterlijke beslissing om Milosevic (uitgerekend bij het begin van zijn verdediging), uiteraard tegen zijn wil, toegevoegde advocaten ter beschikking te stellen (die immers in geval van ziekte de zaak in zijn afwezigheid moeten voeren), zou de druk op hem wel eens hevig hebben kunnen doen toenemen. De spreker van de Duitse sectie van het Internationale Comité voor de Verdediging van Milosevic, Klaus Hartmann, heeft lang geleden al gewaarschuwd voor een "biologische oplossing" van het Milosevic-probleem, door het tribunaal.

De dood van de aangeklaagde zou immers het proces tot stilstand brengen. Te weten een proces, dat de criminele westerse handel en wandel met haar bloe-

dige vertakkingen aan het licht zou brengen.

Als argument voor hun beslissing geven de rechters aan, dat zij niet inzien waarom Milosevic niet in Nederland behandeld zou kunnen worden. Aangezien hem een "mogelijk levenslange detentie" boven het hoofd zou kunnen hangen, zijn zij er niet van overtuigd dat Milosevic ook echt naar Den Haag terugkeert... Maar Milosevic heeft gedurende zijn proces inderdaad en herhaaldelijk benadrukt zich niet aan dit proces te willen onttrekken, hij wil de beschuldigingen tegen hem ontzenuwen. Pas op woensdag 22-2 heeft Milosevic opnieuw gevraagd de tijd die hem ter beschikking staat voor zijn verdediging te verlengen.

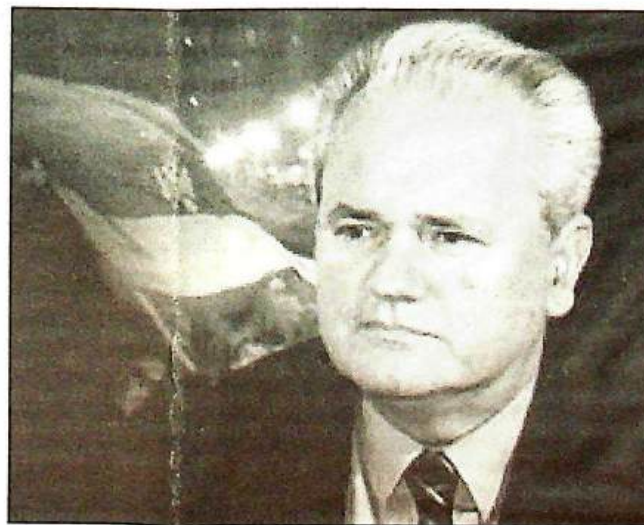
Vladimir Krsljanin, een van Milosevic' adviseurs uit Belgrado, zei tegen Junge Welt, kort na het bekend worden van de rechterlijke beslissing, dat het negeren van het internationaal recht en de mensenrechten door het tribunaal nu duidelijker is geworden dan ooit. Desalniettemin verwacht Krsljanin dat de beslissing van gisteren - een beslissing met een crimineel karakter en eentje die het VN-systeem nog verder ondermijnt - zal worden herzien. Daarom moeten allen die werkelijk in mensenrechten geloven, zich nu met alle kracht inzetten.

Den Haag, 25-2-2006, vertaling Leo Schuwirth.

### Rusland: Milosevic is welkom

Rusland heeft op 18-1 de Joegoslavische oud-president Slobodan Milosevic uitgenodigd zich in Moskou medisch te laten behandelen. Daarbij garandeert Moskou dat Milosevic desgewenst terugkeert naar Den Haag, waar hij voor het Joegoslavië Tribunaal terechtstaat wegens oorlogsmisdaden. Het Russische ministerie van Buitenlandse Zaken meldde op 18-1 volgens de internationale persbureaus dat het Joegoslavië Tribunaal is gevraagd de oud-president, die een hartkwaal en hoge bloeddruk heeft, voorlopig vrij te laten. Milosevic zelf had al eerder gezegd zich in Rusland te willen laten behandelen.

Een woordvoerder van het tribunaal, Aleksandra Milenov, zei gisteren tegen het Servische televisiestation B92 dat Milosevic moet bewijzen dat hij in Moskou geen bedreiging vormt voor getuigen in zijn zaak of zijn slachtoffers. Volgens Milenov kan hij dat niet en daarom is er geen garantie dat hij naar Den Haag terugkeert als het hof hem daartoe oproept. De vrouw en de zoon van Milosevic wonen in Rusland. Daarbij komt - aldus B92 - dat Milosevic volgens de aanklagers heeft getoond geen enkel respect voor het Joegoslavië Tribunaal te hebben, hetgeen de kans dat hij probeert te ontsnappen aanzienlijk zou vergroten. In dat geval zullen de Russische autoriteiten, zo redeneren de aanklagers, niet bereid zijn hem op te sporen, op te pakken en uit te leveren. Milenov zei tegen de Servische televisie dat Rusland ook niet bereid is andere voortvluchtige, wegens oorlogsmisdaden aangeklaagde, Serviërs uit te leveren. De aanklagers zien Milosevic' verzoek zich in Moskou te laten behandelen als een deel van zijn strategie de gang van zaken in zijn proces te verstoren. (NRC, 19-1-2006)



Milosevic, strijdbaar, maar ziek. Schijntribunaal hoopt op 'onverwachte' afloop van de verloren rechtszaak.