

Milosevic & Aanklachten

Map 3A

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: woensdag 13 augustus 2003 22:11
Onderwerp: CDSMFw: Raid on Mladic dead mother's

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

From: Branka josilo-perry <johnaperry@wanadoo.fr>
 To: Marbles <johnaperry@wanadoo.fr>
 Sent: Thursday, January 01, 1970 3:07 AM
 Subject: Raid on Mladic dead mother's house

> What can one say! totally disgusting.
 >
 > Raid on Mladic dead mother's house
 >
 > S-For did not find General Mladic during the raid
 >
 > Nato-led peacekeepers in Bosnia have raided the house of the mother of
 > Bosnian Serb war crimes suspect Ratko Mladic, hours after she died.
 >
 > The raid, carried near Sarajevo by Italian carabinieri, failed to find
 > General Mladic.
 >
 > The body of Mrs Mladic was not in the house at the time, S-For spokesman
 > Dale MacEachern said told BBC News Online, but her family had gathered
 > there ahead of her funeral.
 >
 > Bosnian Serb news agency SRNA said the troops spent one-and-a-half hours
 > searching the house in the village of Kasindol after entering at around
 > 1300
 > on Wednesday (1100 GMT).
 >
 >
 > We regret (the timing of the raid), but it's more important for the
 > people
 > of Bosnia-Hercegovina to carry out our mandate
 >
 >
 > Captain Dale MacEachern
 > S-For spokesman
 >
 > They were backed by four helicopters, combat vehicles and sniffer dogs,
 > said
 > reports.
 >
 > S-For raids are always based on intelligence, said Captain MacEachern, but
 > no specific details were being made available about the information which
 > led to the raid.
 >
 > Stana Mladic died overnight on Tuesday, and the agency quoted eyewitnesses
 > as saying that the house was being monitored at the time by S-For

icopters.

- > S-For regretted the timing of the raid, said Captain MacEachern, and was
> aware that it could be seen as in poor taste.
>
> "However, it's more important for the people of Bosnia-Herzegovina that we
> carry out our mandate," he said.
>
> Family members who had gathered for the funeral co-operated fully during
the
> operation, said an S-For statement, adding that the raid was conducted
with
> the assistance of the Bosnian Serb police.
>
> Mrs Mladic was due to be buried on Wednesday afternoon.
>
> Most wanted
>
> General Mladic commanded the Bosnian Serb army during the 1992-95 war. He
and wartime political leader Radovan Karadzic are the two most-wanted
> suspects of the Hague war crimes tribunal.
>
> They are accused of genocide, war crimes and crimes against humanity for
the
> persecution of non-Serbs.
>
> S-For made several unsuccessful attempts to catch Mr Karadzic last year.
>
> And international officials in Bosnia stepped up efforts to find the two
men
> earlier this year, introducing sanctions against individuals and companies
> suspected of assisting them.
>

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Van holst en steijnen

From: CDSM <cdsm_b@btopenworld.com>
To: <Undisclosed-Recipient:;>
Sent: dinsdag 28 mei 2002 23:38
Subject: Freedom Association calls for Lawyers' Action

Yesterday, May 28, a letter of FREEDOM Association has been handed over to the Embassies of United States of America and United Kingdom in Belgrade UNDER PROTEST.

Today, the same letter will be handed to all other Embassies of the UN Security Council member countries. The Security Council is formally responsible for the works of the Hague "tribunal", but has no mechanism of monitoring of the works of its own Frankenstein child. Annual short discussions in the SC with the President and Main Prosecutor of ICTY, who usually report on number of cases processed and necessary funds is certainly not enough to judge the works of this legal monster. In the same way, e.g. managers of a concentration camp could submit their reports. This situation is very dangerous, but it is not strange, since the SC (nor even the General Assembly) has no judiciary power, so it can not transfer it to its subsidiary organ.

With the "trial" of Slobodan Milosevic, number of political and legal misuses and malfunctions in ICTY rapidly and shamefully increased. ICTY discredits the very idea of international judiciary.

So it's high time for concrete action of Bars' Associations and Chambers, Law Faculties and Institutes, interested NGOs and all honest and decent lawyers - to expose the primarily political nature of this US/NATO instrument of aggression called "tribunal" by exposing how little it has in common with internationally accepted standards and principles of fair trial and human rights protection.

Experts' opinions, further independent research and even forming of commissions to evaluate all violations of law by ICTY, and especially in the case of Slobodan Milosevic, are needed.

Therefore we call upon all committees for the defense of Slobodan Milosevic world wide and all friends of justice to act in that direction.

Lawyers' community in SC member countries should be particularly concerned, and should submit to their governments concrete recommendations for abolishment of this ad hoc "court" which puts on trial political leaders of the people that opposed NATO and blinds the eyes over the massive crimes committed by NATO itself.

Hoping that letter submitted today by FREEDOM Association, and written by Belgrade law experts, who follow the "trial" in The Hague can serve as good first impulse for such activities, we present below its content:

In the proceedings conducted against Slobodan Milosevic before the illegal Hague Tribunal established contrary to the Charter of the United Nations, more and more is getting disclosed the true nature of this institution, the frightening malignant tumor in the tissue of civilization created by the mankind for centuries, and a serious offence against law and justice for which numerous generations have been aspiring and building with great efforts.

Brought to a deadlock and discredited by more and more evident preposterousness of the accusations against Slobodan Milosevic, by total incapability of the Prosecution and by the farce into which the "procedure of presentation of evidence" has transformed and in which, up to now, not a single testifying had any legal and probative value and because of which every observer, even the least interested, cannot help experiencing the feeling of shame, the Hague Tribunal personified in the Trial Chamber presided by the increasingly nervous judge Richard May, is more and more desisting even from the illusion, present at the beginning of the "trial", of valuing the form, and is more and more seriously and drastically violating the rights of Slobodan Milosevic guaranteed to him by international law, and even laid down in the Statute and the in the Rules of Procedure and Evidence of this illegal Tribunal.

In addition to the wearing-out tempo of the trial and exhaustion by worthless evidence, coupled by simultaneous limitation of the most elementary rights and needs, such as adequate rest, walks in fresh air, regular and timely meals, etc., which is increasingly getting the features of torture (prohibited by Article 7 of the International Covenant on Civic and Political Rights and a set of other international documents), in addition to limitation of the time for examination of witnesses and interventions of the Trial Chamber's

presiding judge whenever the witnesses face difficulties due to the lack of logic and contradictions in their false statements, which (contrary to Article 14 of the International Covenant on Civic and Political Rights) violates the principle of contradictoriness and the right to defence, in addition to accepting and non-sending away the witness having no direct knowledge about the topics on which they testify (almost all witnesses are such, while only one testifying was eliminated because of indirectness), in addition to violating the presumption of innocence (envisaged by Article 14 of the International Covenant on Civic and Political Rights) by proving one set of alleged criminal offences by other criminal offences not identified by the Tribunal (for example, "expert" statistician Patrick Ball was proving by "statistical methods" that movements of the Albanian population from Kosovo and Metohija had been caused by terror and murders committed by the army and the police, without having been such murders established in any court proceedings, and that their "existence" and the "places" where they were "committed" were actually only the "supposed" ones on the grounds of the "statistical methods" used – in which process, according to the extensively defined system of command responsibility applied before the Tribunal, all such imaginary acts and their alleged consequences are automatically charged against the then President of the Republic), in addition to very late submission of the documents and disclosure of identity of the witnesses and of the contents of their statements, in addition to abrupt changes in the order of testifying whereby the right to defence is limited (envisaged by Article 14 of the International Covenant on Civic and Political Rights), the Hague Tribunal has recently started submitting to Slobodan Milosevic very extensive and complex documents relevant for the trial, and for his defence as well, only in the English language and without translation into Serbian in which way his right envisaged by Article 14 of the International Covenant on Civic and Political Rights is violated, as it is also violated pursuant to Articles 21 of the Hague Tribunal's Statute and 66 of the Rules of Procedure and Evidence of this illegal court. Thus, as many as 38 folders containing documents on the exhumation of corpses, with highly complex technical terminology were submitted to Slobodan Milosevic only in English, while the photos contained in the folders were given to the "accused" in the form of photocopies, black and white and thus indiscernible, and not in colors as their originals that the Prosecution and the Trial Chamber dispose of. On the basis of the documents in these folders a finding of expert witness, Dr. Erick Backar, was prepared, he testified before the Tribunal and Slobodan Milosevic had to cross-examine him without adequate preparation for the defence.

This last case of the violation of Slobodan Milosevic's rights represents more than a serious warning that these illegal proceedings before the illegal tribunal are transforming into an open violence against the "accused", the violence that will by all indications be more and more severe, because the time and the course of the "proceedings" are increasingly disclosing the falseness and fabrication of all charges against Slobodan Milosevic.

In view of all of the above said, and in particular the most recent violations of Slobodan Milosevic's rights, we are inviting all justice-loving public and all decision-making factors in Yugoslavia and in the world to oppose the violence against Slobodan Milosevic and to advocate accomplishment what the law and justice bid, which is:

FREEDOM FOR SLOBODAN MILOSEVIC

To join or help this struggle, visit:
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<http://www.belgrade-forum.org/> (forum for the world of equals)
<http://www.lcdsm.org/> (the international committee to defend Slobodan Milosevic)
<http://www.jutarnje.co.yu/> ('morning news' the only Serbian newspaper advocating liberation)

van holst en steijnen

From: Vladimir Krsljanin <vlada@sps.org.yu>
To: <Undisclosed-Recipient:@smtp.sps.org.yu;>
Sent: dinsdag 28 mei 2002 17:45
Subject: MAJOR ACTION OF LAWYERS NEEDED!

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presiding judge whenever the witnesses face difficulties due to the lack of logic and contradictions in their false statements, which (contrary to Article 14 of the International Covenant on Civic and Political Rights) violates the principle of contradictoriness and the right to defence, in addition to accepting and non-sending away the witness having no direct knowledge about the topics on which they testify (almost all witnesses are such, while only one testifying was eliminated because of indirectness), in addition to violating the presumption of innocence (envisaged by Article 14 of the International Covenant on Civic and Political Rights) by proving one set of alleged criminal offences by other criminal offences not identified by the Tribunal (for example, "expert" statistician Patrick Ball was proving by "statistical methods" that movements of the Albanian population from Kosovo and Metohija had been caused by terror and murders committed by the army and the police, without having been such murders established in any court proceedings, and that their "existence" and the "places" where they were "committed" were actually only the "supposed" ones on the grounds of the "statistical methods" used – in which process, according to the extensively defined system of command responsibility applied before the Tribunal, all such imaginary acts and their alleged consequences are automatically charged against the then President of the Republic), in addition to very late submission of the documents and disclosure of identity of the witnesses and of the contents of their statements, in addition to abrupt changes in the order of testifying whereby the right to defence is limited (envisaged by Article 14 of the International Covenant on Civic and Political Rights), the Hague Tribunal has recently started submitting to Slobodan Milosevic very extensive and complex documents relevant for the trial, and for his defence as well, only in the English language and without translation into Serbian in which way his right envisaged by Article 14 of the International Covenant on Civic and Political Rights is violated, as it is also violated pursuant to Articles 21 of the Hague Tribunal's Statute and 66 of the Rules of Procedure and Evidence of this illegal court. Thus, as many as 38 folders containing documents on the exhumation of corpses, with highly complex technical terminology were submitted to Slobodan Milosevic only in English, while the photos contained in the folders were given to the "accused" in the form of photocopies, black and white and thus indiscernible, and not in colors as their originals that the Prosecution and the Trial Chamber dispose of. On the basis of the documents in these folders a finding of expert witness, Dr. Erick Backar, was prepared, he testified before the Tribunal and Slobodan Milosevic had to cross-examine him without adequate preparation for the defence.

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van holst en steijnen

From: Vladimir Krsljanin <vlada@sps.org.yu>
To: <Undisclosed-Recipient:@smtp.sps.org.yu;>
Sent: woensdag 29 mei 2002 12:53
Subject: Freedom fight in the Hague (9)

FREEDOM ASSOCIATION SPECIAL BULLETIN No.9
May 22, 2002

WITNESSES PROVE PROSECUTION'S IMPOTENCE

The impotence of The Hague Prosecution is more and more obvious as days go by. As greater importance is given to some of the witnesses, as more evident is that the indictment is based on mounted and constructed evidence. The best proof comes from today's cross-examination of the protected witness K-5, whose identity is no secret to Yugoslav press, since in yesterday's papers appeared to be a certain Afrim Sijaku from the town of Urosevac.

In any case, as the witness himself had said in his written statement, it is a man who has been charged for heavy felonies, such as thefts and assaults, who was a notorious drunkard, while as a police informer he was well into smuggling of narcotics and other mafia business. His testimonial was based on allegations that as a police informer he tipped the houses of Albanians linked to the KLA, either the individuals active within the terrorist organization, on the basis of what the Police executed alleged liquidations, arsons and plunders.

However, on Milosevic's questions this witness, almost evidently scared, denied everything related to KLA crimes, under whose "treatment" he had been for several days, as he himself had admitted. While in his written statement he mentioned having been afraid of the KLA and of some other Albanians, today he denied it, even when judge May tried to help him by asking him whether he was afraid in the beginning, but not at this moment.

Slobodan Milosevic asked the witness regarding criminal charges that have been pressed against him for several times, but he kept denying, even when Milosevic read the document numbers under which these charges were pressed - there had been ten in 1990 only, as was the case in all of the following years till 1995 - when he had spent nine months in prison. Those charges were mostly related to thefts, burglaries, assaults, etc. The witness, however, had no other explanation but to deny those facts.

In his written statement, given to The Hague Prosecution representatives two years ago, this witness mentioned that, as a Serbian police informer, he was producing data on drug dealers and thieves. Still, he had no explanation whatsoever, how could he have had such data, if not because of being himself involved in the narcotics business. The same applied to him recalling the reasons for having been in prison in 1995 and how come the Serbian Police could not release him from serving his sentence. Beside that, his answers to Milosevic's question about a Serb, with whom he allegedly had opened a restaurant and shared stolen goods, proved to be rather contradictory. He claimed the Serb was one of Arkan's "Tigers", but later he testified that the man in question had served a four-year term in the Lipljan penitentiary, a period coinciding with the very length of existence of the so-called "Tigers". The witness never answered to Milosevic's questions - has he been an informer for the sake of committing crimes much easier and has he been a thief himself. Sijaku's testimonial has raised once again the issue of credibility of The Hague Prosecution, as well as of credibility of the very indictment against Milosevic, since it was obviously based on constructed facts and on witnesses especially trained for the job.

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Het Joegoslavië-tribunaal boog zich deze week over de massa-executie onder Albanen in het dorp Račak die mede aanleiding was voor de NAVO-bombardementen op Kosovo. Een oorlogsmisdad of een geval van uitlokking?

2002

Door een onzer redacteurs
DEN HAAG, 31 MEI. Het Joegoslavië-tribunaal heeft voor het eerst een overlevende gehoord van een massa-executie in Račak in Kosovo. In de aanklacht tegen Slobodan Milošević staan de 45 slachtoffers bovenaan de lijst van dorpen in Kosovo waar Albanen zijn gedood door de Servische troepen.

De 55-jarige Albanen Bilal Avdiu, geboren in Račak, overleefde het bloedbad. Gisteren en vanmorgen getuigde hij dat de Servische politie op 15 januari 1999 zo'n twintig mannen uit hun huizen haalde. De identiteitspapieren werden afgepakt, de mannen werden geslagen en sommigen moesten zich tot hun onderbroek uitkleden.

De groep werd, vertelde Avdiu, naar de heuvels gedreven waar de Servische politie de mannen in koude bloede doodschoot. Avdiu deed alsof hij dood was en bleef vijf uur tussen de lijken liggen voordat hij de bossen invluchtte. „Ik zag dat een Serviër met een mes een Albanen opensneed en het hart uit diens lijf rukte”, zei Avdiu vanmorgen tijdens het kruisverhoor met Milošević.

Overlevende van bloedbad getuigt tegen Milošević

„Waarom verzint u dat”, vroeg Milošević die verwees naar de autopsieverlagen die geen melding maken van een verwijderd hart. „Ik heb het zelf gezien”, herhaalde Avdiu. „Heeft u het echt zelf gezien”, wilde ook VN-rechter Patrick Robinson van Avdiu weten. „Ja”, antwoordde Avdiu resoluut en hij

in een treppel zijn... door hem was also... viërs waren geëxecuteerd. Milošević heeft de dood van de Albanen uit Račak al een paar keer een „nec-bloedbad” genoemd. Zo liet de ex-president van Joegoslavië op de derde dag van het proces de Duitse documentaire 'Es began

‘De best onderzochte zaak in de geschiedenis van het tribunaal’

voegde eraan toe dat hij later, toen het donker was, naar het lijk was gegaan en de verwonding zag.

Het bloedbad in het Kosovaarse dorp was in 1999 mede aanleiding voor NAVO-bombardementen op Joegoslavië. Maar er was ook direct twijfel. Franse kranten schreven dat de massamoord in scène was gezet. Volgens de regering in Belgrado waren enkele tientallen Albanen van het Kosovo-beslissingsleger UÇK omgekomen in

mit einer Lüge’ zien. Die ‘leugen’ was Račak.

Račak is volgens Helene Ranta, de Finse forensisch onderzoekster die de lijken in onderzoek, de „best onderzochte zaak in de geschiedenis van het tribunaal”. Met schepjes, lepels en metaaldetectoren is elke centimeter onderzocht van de grond waar de lijken werden gevonden.

De doden van Račak zijn volgens de Canadese generaal Michel Maisonneuve ongewapende burgers: bejaarden, boeren, vrouwen, jon-

gens. Maisonneuve, die als waarnemer van de Europese veiligheidsorganisatie OVSE in Kosovo was, getuigde eerder deze week in de rechtszaak tegen Milošević. Tijdens Maisonneuve's verhoor suggereerde Milošević dat de „slachting onder de zogenaamde burgers van Račak” door de Albanen in scène was gezet om NAVO-ingrijpen uit te lokken. Milošević wilde van Maisonneuve weten of er geen strijders van het Kosovo-beslissingsleger (UÇK) onder de doden... „Voor zover ik weet, zijn een 18-jarig meisje en een 12-jarige jongen geen UÇK-strijders”, zei de generaal. Volgens hem waren veel slachtoffers getroffen in hoofd en borst. Zij waren van „heel dichtbij” doodgeschoten.

Tribunaalrechter Richard May streeft ernaar het Kosovo-gedeelte van het Miloševićproces uiterlijk 26 juli af te ronden. Daarna presenteren de aanklagers hun bewijsmateriaal inzake Bosnië en Kroatië. Vanaf april 2003 is Milošević aan de beurt met zijn getuigen en tegenbewijs. Hij krijgt daarvoor ruim één jaar de tijd.

Gisteren werd de tijdsdruk van de aanklagers nog nijpender. Een rapport dat VN-onderzoeker Barney Kelly heeft gemaakt over Račak, is door de rechters niet als bewijsmateriaal toegelaten. Het rapport bevat zestig verklaringen van getuigen. In het sterk Angelsaksische *common law*-systeem van het tribunaal moeten getuigen in principe altijd zelf worden gehoord en krijgt de verdediging vervolgens gelegenheid tot een kruisverhoor. „Hier moet het gebeuren”, zei rechter Robinson tegen de aanklagers „en niet op papier”.

van holst en steijnen

From: Vladimir Krsljanin <vlada@sps.org.yu>
To: <Undisclosed-Recipient:@smtp.sps.org.yu;>
Sent: woensdag 5 juni 2002 16:44
Subject: Boston - Moscow Dialogue on Slobodan Milosevic

International Committee to Defend Slobodan Milosevic www.icdsm.org

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A CONVERSATION WITH AMBASSADOR * BORISLAV MILOSEVIC, SLOBODAN'S BROTHER

[Posted 2 June 2002]

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NOTE: On May 24th I spoke via three way telephone with * BORISLAV MILOSEVIC, Yugoslav Ambassador to Russia from 1998-2000 and before that Ambassador to Algeria. Ambassador Milosevic understands English well, hence what I said didn't have to be translated. However, the Ambassador preferred to speak Serbo-Croatian, which was kindly translated by Vladimir Krsljanin, International Secretary of the Socialist Party of Serbia. A few times Ambassador Milosevic spoke English; it is indicated in the text. - Jared Israel

[To make it easier to follow the conversation we have preceeded comments with the name of the speaker.]

* JARED ISRAEL

Mr. Ambassador it's a great honor to speak with you.

For our readers, let me say that your brother, Slobodan Milosevic, has just won the Sholokhov prize, named for Mikhail Sholokhov, author of the great Russian novel, 'And Quiet Flows the Don.' Could you say a bit more about the prize?

* BORISLAV MILOSEVIC

Yes. It is perhaps the most distinguished Russian award, given to artists and political leaders of outstanding achievement. Today at the award ceremony I accepted the prize for Slobodan Milosevic because, as the writer Yuri Bondarev said in bestowing this honor, Slobodan is being held in the dungeon of The Hague.

* JARED ISRAEL

Dungeon is the word, isn't it? They don't even let him meet with Chris Black, the head of his lawyers' committee. And his living conditions are outrageous - terrible food, no exercise, no right to see his own doctors - or any heart specialist - even though his heart condition is a matter of record. And forced to be in court all day and to cross-examine witnesses virtually every day, week after week, which is unheard-of.

* BORISLAV MILOSEVIC

I think this award will further strengthen the fighting spirit of Slobodan Milosevic and his courage as well.

* JARED ISRAEL

Also it suggests that the Russians see President Milosevic's resistance as important to their own experience.

* BORISLAV MILOSEVIC

Yes. The greater part of Russian society strongly supports Slobodan and practically nobody approved his delivery to The Hague, not even those Rightist parties who were hostile to his government. Both houses of the Russian parliament voted overwhelmingly to condemn his kidnapping. Even the mainstream newspapers publish articles critical of The Hague.

Russian people consider Slobodan Milosevic a hero of resistance to imperialist intervention, a patriot who defends his country and his people.

* JARED ISRAEL

This support from Russia is very encouraging to me.

I interviewed your brother on March 23rd 2001, just before he was arrested.

During that interview he said that one of the things US and West European leaders hated about Yugoslavia was the way you handled the question of national and religious group relations. There had been so much conflict in the past. Some groups had been organized by the Nazis and earlier by the Ottoman Empire to attack Serbs, and Roma and Jews as well of course - and yet in Yugoslavia, and this is still true in Serbia, you had schools in 24 different languages and court proceeding in nine languages. When I was in Serbia this past year I saw that there is still an attitude of mutual appreciation among different groups.

It seems to me that the strategy of the New World Empire that has attacked you is to stir up hatred. They use the guidelines laid down by the Nazis, finding points of weakness in ethnic or religious groups that will allow the Empire's mass media and operatives to play on cultural traits that if left alone wouldn't necessarily be a problem. They stir up hatred in one culture against another in a hideous way, especially appealing to groups that were once in a dominant position, empowering their worst elements. The Empire does this more effectively than the Nazis because they have much more sophisticated mass media. Perhaps the worst thing is that the mass media romanticizes racist violence by calling it revenge.

But, contrary to the media lies, (1) your government never engaged in racism. You always tried to promote fraternity. This was clear in Slobodan Milosevic's speech at Kosovo Field in 1989 (2) and before then too, despite the extremely provocative situation.

Some people say Russia and Serbia are linked, that Serbia is little Russia. And so the fact that the Russian people, after what they've been through, the terrible trauma of the 1990s, the fact that they can see as their beacon this man who stands for social justice and tolerance, this gives me hope. Because there is another possible beacon - ethnic hatred, anti-Semitism, which has reared its head in Russia in the past, a Black Hundreds solution.

* BORISLAV MILOSEVIC

You're completely right. There was no kind of discrimination in Yugoslavia, and while some former Yugoslav Republics have become virtual mono-ethnic states, Serbia hosts a million refugees of all national and religious groups and close to half of our population is not ethnic Serbs. (3)

Serbia did not abolish the autonomy of Kosovo in 1989 as some so-called experts claim. Only certain extreme and inappropriate elements of statchood were removed from what was after all a

provincial government. This was done to prevent the de facto creation of a separate state in Kosovo.

* JARED ISRAEL

Which is precisely what NATO and the UN are supporting now - a separate Kosovo.

* BORISLAV MILOSEVIC

Yes.

Kosovo Albanians were not deprived of any human or cultural rights in 1989. The same was true of people in [the Serbian province of] Vojvodina. In fact, Kosovo Albanians continued to have cultural rights unequalled in the rest of Europe.

The accusations of loss of autonomy were contrived. The secessionists organized or forced ethnic Albanians to boycott State institutions and set up parallel institutions for purely political reasons. (4)

Everyone knows that schools, universities, the press, hospitals and TV were maintained in Kosovo in the Albanian language, even during this decade-long boycott. The secessionists organized this boycott to provide Western media with provocative images and to create a no-alternative situation for Albanians. All political manipulation. (4a)

This is clear from the leaflet which Slobodan Milosevic showed The Hague 'court' while he was cross-examining [ethnic Albanian leader] Ibrahim Rugova. The leaflet, which was signed by the KLA and Rugova, ordered ethnic Albanians to leave Kosovo during the bombing. Do you see the game they played?

This demonstrates their dual purpose: creating the false appearance that Serbia was causing ethnic Albanians to suffer, so that this could be broadcast to the NATO countries, and fostering a situation within Kosovo where compromise was near impossible. This was behind everything they did, including the so-called Racak massacre and the exodus of the ethnic Albanian population during the NATO aggression.

[Note: regarding the above, please see, 'The Racak Hoax' at <http://emperors-clothes.com/articles/Johnstone/racakhoax.htm>

And 'Why Albanians Fled During NATO Bombing,' at <http://emperors-clothes.com/interviews/keys.htm>]

* JARED ISRAEL

And once they got the Albanians to leave, they put them in refugee camps under KLA control, with NATO's blessing. Even the Western media had stories reporting that these camps featured non-stop hate-the-Serbs-and-'Gypsies' indoctrination.

* BORISLAV MILOSEVIC

Yet during the three months in this Hague 'court', we have seen one after another witness testify they never even heard of the Kosovo Liberation Army.

* JARED ISRAEL

It would embarrass NATO. They claim they are fighting terrorism, but these people are all members - or leaders - of a terrorist group.

* BORISLAV MILOSEVIC

Yes. It is a problem.

At the very beginning of the trial it seemed as if Mr. May, whom they call 'judge,' was trying to create the impression of impartiality. But now he openly behaves as an extension of the prosecutor. He prompts and assists witnesses, allowing them every liberty including making political speeches. But he cuts off Slobodan Milosevic and does not allow him to conduct cross-examination fully or to express his opinion.

This is very alarming. It creates a precedent for violating accepted legal principles including the impartiality of courts, the very basis of law. It requires the strongest international protest.

This on top of the fact that Slobodan Milosevic is a head of state, overthrown by foreign money and then kidnapped by foreign agents. Who is next?

* JARED ISRAEL

I think this so-called trial makes the Reichstag Fire case look good. At least Dimitrov was allowed to present his case.

* BORISLAV MILOSEVIC

Yes, this Hague 'court' behaves like someone's instrument. Since its foundation it has been a tool of aggression against Yugoslavia.

In some of my statements here in Russia I often say that the Yugoslav crisis was created in order to reorganize the whole of international relations in accordance with American interests and expansionism and it was done in a very conscious way.

* JARED ISRAEL

You know, also it was a step towards the encirclement of Russia, wasn't it? Because isn't it true that those who would attack Russia need to consolidate their hold in the Balkans first? And if you look at what has happened, NATO now surrounds Russia from Central Asia to the Baltic. They have penetrated a dozen countries. (5)

* BORISLAV MILOSEVIC

The aggression in Yugoslavia was an attempt to impose new International rules to justify NATO, a regional military organization, usurping the sovereign rights of countries outside its previously claimed zone of responsibility. So military and geopolitical expansion is presented as humanitarian peace making. Terrorist attacks are launched and then intervention is threatened if a country defends itself, and all this is justified by a whole new interpretation of international law so that now even the United Nations is employed to legitimize geopolitical expansion.

There were in the past many other examples of violations of the UN charter: Vietnam, Granada, and so on, and this includes the sending of Russian troops to Afghanistan. However, none of these instances were sanctioned by the Security Council.

In this sense, the Yugoslav case was something new, an attempt to create an international legal framework to justify the destruction of a country by terrorist forces. And what took place after Sept. 11, that is NATO's expansion into Central Asia, is a continuation.

So, in the Yugoslavia crisis we saw this new quality - aggression condoned by international law and international legal structures. And after September 11 we see this process moving into a new stage. This makes it clear that both the aggression against Yugoslavia and the expansion of NATO from a West European organization into Eastern Europe - these were of more than regional importance. (5)

* JARED ISRAEL

You know one of the interesting things about September 11th is that here we see an Empire which has organized most of the terrorism in the world, mainly starting with Afghanistan, but they claim to be leading a crusade against terrorism.

The whole strategy of the US intervention in Afghanistan, beginning in 1979, was to promote terrorism. They and the Saudis used the Wahhabi form of Islam, pouring money into the madresses which became schools training the terrorists that subsequently plagued Chechnya, Bosnia, Kosovo, Macedonia, Kashmir and I think they are in the Middle East as well.

And this same terrorism which they have created - and there is a lot of indication that Mr. bin Laden is still connected with the CIA (6) although now that NATO is entrenched in Central Asia they conveniently stopped talking about him - this same terrorism which they unleash in order to destabilize areas is also used as an excuse to intervene. So it is a tool of many purposes. Very convenient and very American, because it's very American to have a tool that does two things at once. A gadget. Terrorism is a political gadget because on the one hand they can use it to attack multiethnic society as they did in Bosnia and then on the other hand they can use it as the excuse to invade, as they are now doing with Central Asia.

But what shows their hypocrisy is - and you may or may not know about this - the United States is still shipping in millions of militant Islamic fundamentalist textbooks (6a) into Afghanistan. Now why on earth would they be doing this if they were sincerely fighting against Islamic fundamentalism? They just used this terrorist movement which they themselves had created as an excuse to move in.

Just one other point that occurred to me when you were talking is that the conduct and discourse of your government, which was the last legitimate government in Yugoslavia since what's there now was created by the US, Germany and Norway - the discourse of your government respected political ideas. (7)

This New World Empire attacks the very possibility of political discourse by shattering the link between words and what they define - the Empire bombs people and calls it humanitarian. They manufacture events - we saw that with Racak. And they simply rewrite history (8), including manufacturing a fictional version of your brother's famous 1989 speech. (1)

By doing these things they undermine the possibility of rational discussion because truth becomes whatever the powers-that-be and their media portray as true - it's a function of what's shown on TV. And at the same time, they reduce politics to threat and violence and then they say, "Alas, that's reality." But your brother takes ideas seriously.

One of the organizations orchestrating the *anti-human* actions at The Hague is called, amazingly, Human Rights Watch. I was present the first few days of President Milosevic's 'trial' at The Hague and I got to observe Richard Dicker, a top HRW bureaucrat, in operation. Not only was he virtually the only person representing the 'Tribunal' to the press - I mean, he was Carla del Ponte's spokesman! - but both the press and 'Tribunal' officials clearly deferred to him, and he was often closeted with the prosecutors. I saw this with my own eyes. I commented to one of the senior reporters, "It looks like Dickers is running the show," and the reporter laughed and said, "Dickers *is* the show."

We have several articles in preparation about HRW. Their board of directors is a Who's Who of the Imperial establishment, including Warren Zimmermann, the U.S. Ambassador who helped destroy Yugoslavia including by sponsoring Alijah Izetbegovic, the fundamentalist who devastated Bosnia (9) and George Soros who boasts that he helped his father run an extortion racket for the Nazis in Hungary during World War Two, visiting Jewish families targeted for death camps and demanding all their money in exchange for safe passage. And now he runs a privatized adjunct to the CIA. And this is *Human Rights* Watch.

HRW demonizes anybody who stands up to Imperial-organized terror. When NATO sent the KLA to attack Macedonia, Human Rights Watch condemned Macedonian security troops for resisting.

When I interviewed President Milosevic I asked why your government accepted defeat during the coup of 2000 instead of going to war against your opponents. He said something like, "We wanted to avoid being sucked into a civil war, which would allow NATO to intervene on the grounds that Serbs are 'hopelessly violent.' Moreover, it is easy to kill people but it isn't easy to bring them back."

Despite everything that has been done to you, you resisted descending into a nightmare pit. You

have upheld political discourse against this Imperial onslaught.

I read a thing the other day by Noam Chomsky, whom a lot of people put on a pedestal. In it Chomsky makes the sweeping generalization that counter-terrorism "is terrorism carried out by the state." But that's a very simple minded approach. Because, contrary to what Chomsky says happened in Yugoslavia, when you fought the terrorists in Kosovo - who were themselves sponsored by NATO countries - when you fought them, the Yugoslav Army took casualties rather than endangering civilians. (10)

Now one cannot say that *taking* casualties rather than hurting civilian is the same as *not* taking casualties and hurting the civilians. So all counter-terror is not terror. There are choices in the unfortunate situation of fighting terrorism as in everything. And of course saying, "counter-terrorism is state terror" has the effect of obscuring these choices and may end up justifying terrorism - because after all the terrorists are by definition no worse than the people fighting them.

And this current tendency to reduce human existence to one equivalent evil, where 'humanitarian' means 'bombing' and resistance to terrorism is virtually by definition the same as terror, where it is considered natural for ethnic groups to try to kill each other and we are supposed to root for whichever side the Imperial media has portrayed as victims so that whatever they do is justified as "revenge" against whatever group has currently been labeled "just like Hitler" - that, it seems to me, is what your brother has been fighting. That is why I'm supporting him. Sorry for my long speech!

* BORISLAV MILOSEVIC [In English]

Yes yes! No, no it's very good speech!

[In Serbo-Croatian] The whole concept that your government is trying to impose on the world is very similar to what they preached when there was a bipolar world, creating a positive force and its opponent, a negative force, which today is called international terrorism; and in that struggle everything is allowed. And nobody may be neutral in that fight.

So in the conditions of world supremacy of one power, the tendency for having new armaments of mass destruction, new lethal arms is increasing and it leads to development and strengthening of terrorism. International terrorism cannot be suppressed by the use of force alone, especially, as you correctly pointed out, when the supreme power is itself organizing terrorism in various ways in Kosovo, in Afghanistan, in Chechnya. So international security can be created only on the basis of universality, and not on the basis of isolation and destruction of several countries that allegedly represent some axis of evil.

And you have correctly pointed out that many organizations defined as terrorist for instance and especially in the Middle East, were created and are still controlled by the American secret services.

And the American policy has created great harm in other ways. There is the destruction of the environment and the economy in Yugoslavia because of the attack. And there is the increasing danger of both nuclear accident and nuclear war.

* JARED ISRAEL

I think you made a very important point, that the Empire wishes to create the perception of a bipolar world, in which they are one pole and the other is terrorism.

This Empire's thinkers are aware that every action has an equal and opposite reaction. Because it's a law of politics, isn't it? So opposition inevitably develops. And because they are clever, instead of only attacking the opposition, the Empire tries to mold the opposition. How can they lose if they are fighting something they control? Their own nightmare image, in effect.

By declaring this war on terrorism, they are fighting forces which they covertly control. Then they also defend these terrorists, whom they actually organized, by means of the 'human rights' apparatus which they also control - and this ends up luring some people into sympathy and support for the terrorists.

Such people may not be thinking clearly or maybe they've just fallen into the natural reaction that "the enemy of my enemy is my friend" - it's a human trait to think that way. So we see people on what considers itself the Left in the West making heroes out of the Taliban and other terrorists.

But these terrorists are not fundamentally opponents of this Empire. The Taliban, for example, are victims of a guiding principle of this Empire, which is, "We have no friends, we only have future victims." This Empire may attack those whom it supported yesterday, as the need arises. The Taliban were supported by them (11) and then abruptly they became a target because the US needed an excuse, or more properly, the Empire needed an excuse, because it is not the same as the US, this Empire is above the US government, the Empire needed an excuse to move into Central Asia. This was for geopolitical reasons. They wanted to give Central Asian nations the DOS (12) treatment, which is penetration by Fifth Column organizations, and we see this now going on in Central Asia accompanied by military penetration and the corruption of the remnants of the Soviet officer corps disguised as military aid and training. The goal is to build a force in these countries capable of striking Russia. The Empire knows that Russia, in alliance with China, is the primary real threat to their control.

None of this is contradicted by Mr. Putin's complete capitulation. As we saw with Macedonia, capitulation does not protect a country from attack by this Empire. Indeed, the experience of the Taliban shows that even being created by this Empire won't help if they decide to recycle you! (13)

So this move to complete the encirclement of Russia is justified by the "war against Terrorism." And so some people in the peace movement, perhaps not giving enough thought to what's going on, but simply reacting to the appearance, which is that the Empire is attacking Islamic fundamentalist terrorists - some people conclude that the fundamentalists are an ally in resisting NATO. Meanwhile, in fact, huge numbers of Taliban are being incorporated into the new Afghan army (14) which is still a Fundamentalist army, just more directly under Imperial control and with an end to local squabbling, or so they hope.

When Russia was the opposite pole, that was a problem. Russia had positive ideas and practices regarding social equality. It was weak on democracy and sometimes on international morality but strong on social equality, and this encouraged dangerous egalitarianism. But with Islamic terrorists as the opposite pole, when potential opponents are drawn to the opposite pole, what are they idolizing? The most backward and fascistic forces - the very people Saudi Arabia and US used to destroy the secular state in Afghanistan.

So these jihad terrorists, the most brutal killers, who condone violence against women, whose definition of democracy is enforcing the Quran, who advocate religious war - these fanatics become the heroes for kids who want to change the world. What a nightmare.

* BORISLAV MILOSEVIC

It is a difficult situation.

Regarding this, let me say something about the war on terror. We in Yugoslavia consider September 11th a tragic event.

Perhaps your readers are not aware of the horrific destruction done to my country [during the NATO attack on Yugoslavia]. This was a war of terror. It was launched to support terrorists in Kosovo. And it was conducted by planes dropping bombs, often encased in uranium, from a great height, not by troops on the ground. Terrible destruction, massive killings, environmental devastation. And all carried out from a great height. Against a country which hadn't invaded or threatened anyone. So this too was terror. (15)

But we take no satisfaction regarding Sept. 11. On the contrary, we sympathize with those who have suffered in the US.

It is understandable that people in your country would have strong reactions when those terrible events happened last September. But now time has passed. A more thoughtful approach may be taken. A road of peace may be pursued. I hope that people in your country will think deeply about these questions. It is very important to the world.

* JARED ISRAEL

Thank you, Mr. Ambassador.

* BORISLAV MILOSEVIC [In English]

OK, Israel. It was very very big pleasure for me and I am very pleased to contact to you like this and thank you very much. Very big pleasure for me.

* JARED ISRAEL

Well, thank your mother and father for having produced two men who have contributed so much to the world.

* BORISLAV MILOSEVIC [Laughs. Says in English]:

Don't overestimate things.

* JARED ISRAEL

But it's the truth. Where would we be without Serbia? You resisted. What can I say? The Serbs seem to do it every time.

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Further Reading:

1) [MEDIA MISREPRESENTATION OF MILOSEVIC'S WORDS: A REVIEW OF THE EVIDENCE](#), by Professor Francisco Gil-White can be read at <http://emperors-clothes.com/milo/gw.htm>

2) 'Milosevic Speech at Kosovo Field (1989),' can be read at <http://emperors-clothes.com/milo/milosaid.html>

3) [BY ADDING THREE LIES, ONE DOES NOT GET THE TRUTH - ONLY A BIGGER LIE](#), is a statement Slobodan Milosevic made during a pre-'trial' hearing at The Hague. It contradicts what one might expect Milosevic to say, based on his portrait as drawn in the Western media. Can be read at

 <http://www.icdsm.org/milosevic/30jan.htm#1>

4) In the classic text, 'Seeing Yugoslavia Through a Dark Glass: Politics, Media and the Ideology of Globalization,' Diana Johnstone quotes a semi-internal publication of the very anti-Milosevic International Crisis Group which states that Albanian secessionists in fact boycotted Albanian-language institutions in Serbia (as opposed to having been deprived of such cultural institutions by supposed racists, as they and the Western media claimed.) In other words, they and the Western 'experts' lied. The relevant quote is at <http://emperors-clothes.com/articles/Johnstone/1yugo.htm#kspring>
Ms. Johnstone's article is generally instructive in seeing through the dark glass of misinformation about Yugoslavia.

4a) Speaking of 'provocative images,' in 'Art in the New World Order,' written in spring of 2000, a news photographer discusses the amazing fact that from 1998 to 2000 virtually all the top photojournalism awards were given for pictures of crying Kosovo Albanian women. What will future generations make of this? Can be read (and sample prize winning photos can be seen) at <http://emperors-clothes.com/analysis/artinthe.htm>

5) "Afghan Operation Leaves Russia 'Encircled' by US and NATO," by Sergey Ptichkin and Aleksey Chichkin can be read at <http://emperors-clothes.com/analysis/encircle.htm>

6) [Gaping Holes in the 'CIA vs. bin Laden Story'](#), by * Jared Israel can be read at <http://emperors-clothes.com/news/probestop-i.htm>

6a) 'Bush & the Media Cover up the Jihad Schoolbook Scandal,'
By Jared Israel at
<http://emperors-clothes.com/articles/jared/jihad.htm>

7) 'Did any major power NOT fund the Kostunica campaign?' can be read at
<http://emperors-clothes.com/news/everybody's.htm>

8) 'The Black Hole,' by Petar Makara documents that 'Yugoslavia' was removed from the Britanica when the existence of said country became politically incorrect. Can be read at <http://emperors-clothes.com/articles/multiple/blackhole.html>

9) Alijah Izetbegovic was portrayed in the Western media as a moderate in favor of a multiethnic Bosnia. Nothing could be further from the truth. For a revealing quote from his book, "Islamic Declaration," and a bit on his role during World War II, see "JOE LIEBERMAN - APOLOGIST FOR THE FASCIST KLA" at
<http://emperors-clothes.com/articles/garris/duringthe.htm#1>

10) 'The Other Side of the Story,' by Dusan Vilib and Bosko Todorovic.
Written by two retired Yugoslav generals with access to never-before released army orders, this truly amazing book documents the ways the Yugoslav Army strove to fight NATO-backed terrorists in a civilian-friendly way, thus demonstrating that contrary to Chomsky, counter-terrorism need not equal terror. The issue of civilian relations is discussed throughout including in chapter seven which can be accessed at
<http://emperors-clothes.com/book/book7.htm>

The book can be accessed in full, or, for quicker loading, chapter-by-chapter, starting with chapter one. For whole book go to
<http://www.icdsm.org/more/book.htm>
or for chapter one (with link to chapter two, and so on) go to
<http://emperors-clothes.com/book/book1.htm>

11) 'Congressman: U.S. Set Up Anti-Taliban to be Slaughtered,' includes text of Congressional hearing and comments by Jared Israel . Go to <http://emperors-clothes.com/misc/rohr.htm>

12) DOS stands for Democratic Opposition of Serbia, a charming use of language, since these 'democrats' overthrew the elected Yugoslav government and burned the Parliament and these 'Serbs' were given what were in Serbian terms astronomical amounts of money by the US and other states in the new Empire in exchange for 'their' nation. For more information, see these two texts, which also have useful references found in 'sections marked Footnotes' or 'Further Reading':

* a) "Kostunica Says Some Backers 'Unconsciously work for American Imperial Goals...'" at
<http://emperors-clothes.com/news/erlang.htm>

[Includes the infamous remark that the US shipped 'suitcases of cash' to DOS]

* b) 'US Arrogance and Yugoslav Elections' at
<http://emperors-clothes.com/engl.htm>

13) On NATO's use of UN-paid terrorists to attack Macedonia see: "SORRY, VIRGINIA, BUT THEY ARE NATO TROOPS, NOT 'REBELS'" at

<http://emperors-clothes.com/mac/times.htm>

[Note - If you are not familiar with what has been done to Macedonia, the phrase "UN-paid terrorists" may sound like the worst hyperbole. But read the article and you will see that it is understatement.]

14) For documentation of claim that much of Taliban has been incorporated into the new Afghan Army, go to
<http://emperors-clothes.com/articles/jared/oil-1.htm#1>

15) In 'Death on a Very Small Planet' we have posted strikingly similar pictures of the destruction caused by September 11th and by NATO's bombing of Yugoslavia. Can be viewed at
<http://www.emperors-clothes.com/1/rem.htm>

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<http://www.sps.org.yu/> (official SPS website)
<http://www.belgrade-forum.org/> (forum for the world of equals)
<http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic)
<http://www.jutarnje.co.yu/> ('morning news' the only Serbian newspaper advocating liberation)

Getuige K12 'minacht' tribunaal

Door een onzer redacteurs

DEN HAAG, 5 JUNI. In het proces tegen de ex-president van Joegoslavië Slobodan Milošević is gisteren voor het eerst een getuige schuldig bevonden aan 'minachting van het Joegoslavië-tribunaal'.

„Ik heb genoeg van deze psychologische manipulatie”, zei getuige K12, wiens identiteit door het VN-hof niet bekend wordt gemaakt, tegen rechter Richard May. „Ik kan niet getuigen, namens niemand. Op deze manier word ik nog gek. (...) Laat mij met rust.”

Rechter May greep in en herinnerde K12 eraan dat hij is gedagvaard en beloofd heeft de waarheid te zeggen. Wie willens en wetens de rechtsgang dwarsboomt, kan schuldig worden bevonden aan minachting van het tribunaal, al-

2002
dus de Brit. Daarvoor kunnen de rechters van het tribunaal een celstraf opleggen van maximaal zeven jaar of een boete van honderd-duizend euro.

De dreigementen van May maakte weinig indruk op de getuige. „Stop mij maar in de gevangenis”, zei K12. „Ik heb nu meer problemen dan in de gevangenis.”

Maandag zei K12 dat zijn getuigenis anderen, zoals familieleden en vrienden, in gevaar zou brengen. VN-aanklager Geoffrey Nice brak daarop het verhoor af en vroeg de rechter of het met een dag kon worden uitgesteld. In de tussentijd zou Nice met de verdachte gaan praten en een poging ondernemen om hem gerust te stellen. Dat is – zo bleek gisteren – mislukt.

Volgens Servische toehoorders in de rechtszaal – het verhoor van

de man was wel te horen, maar vond plaats achter een scherm, sprak de man geëmotioneerd. Dat delijk was het gezucht en gekreun te horen.

Over zijn identiteit is niets bekend, behalve dat hij Servisch spreekt en ooit bij het leger als chauffeur heeft gewerkt. Volgens medewerkers van het tribunaal was hij betrokken bij het verwijderen van de lichamen van Albanen uit de massagraven in Kosovo. Zo probeerden de Serviërs bewijsmateriaal weg te werken voordat de NAVO-troepen in de zomer van 1999 Kosovo binnen trokken.

De verdachte Slobodan Milošević protesteerde tegen het feit dat hij geen gelegenheid kreeg tot een kruisverhoor. „K12 heeft immers gezegd dat hij twee dagen is bewerkt”, aldus de ex-president. Mi-

lošević wilde nagaan of niet op een illegale manier is geprobeerd onder dwang een getuigenis af te persen.

De rechters van het Joegoslavië-tribunaal bevonden K12 schuldig aan minachting van het tribunaal en gelastten vervolging door het 'bureau van de aanklager'. K12 kan van de griffie een advocaat toegewezen krijgen.

Na K12 werden gisteren nog twee getuigen uit Račak opgeroepen. Het bloedbad in het Kosovaarse dorp, waarbij 45 Albanen zijn vermoord, was in 1999 mede aanleiding voor NAVO-bombardementen. De twee getuigen die gisteren zijn gehoord, hadden het bloedbad echter niet gezien. Zij hadden elk 'slechts' twee Albanen gezien die bij de Servische aanval zouden zijn doodgeschoten.

van holst en steijnen

From: Paul Davidson <p.davidson@btinternet.com>
To: <Undisclosed-Recipient:;>
Sent: zondag 9 juni 2002 03:00
Subject: Milosevic got atrocity reports by e-mail -trial

Milosevic got atrocity reports by e-mail -trial

By Abigail Levene

THE HAGUE (Reuters) - Slobodan Milosevic was sent reports cataloging Serb human rights abuses against Kosovo Albanians by post, fax and e-mail, the former Yugoslav president's trial heard Monday.

As U.N. prosecutors sought to show Milosevic had known or must have known of crimes that his forces committed in the south Serbian province, a human rights activist told of the horrors he witnessed in Kosovo and the reports he helped compile on them.

"I know for a fact that all our reports were sent to the accused ... I personally remember adding his e-mail address to the e-mail list: slobodan.milosevic@gov.yu," said Fred Abrahams, a former researcher for Human Rights Watch.

Abrahams said reports by Human Rights Watch, a nongovernmental organization that documents human rights violations around the world, were always made public as well as being sent to government officials and alleged perpetrators.

To convict Milosevic over Kosovo -- one of three indictments he faces at the U.N. war crimes tribunal in The Hague -- prosecutors must prove not only that atrocities were committed against ethnic Albanians, but also that he knew or should have known and did nothing to prevent them or punish the perpetrators.

Abrahams's appearance followed a bizarre setback for the prosecution early in the day, when a Serbian witness expected to give important evidence abruptly refused to testify.

The protected witness, known only as K12, said he had been a driver during his 1988-1989 Yugoslav army military service and had then worked for years as a truck driver, but then broke down and said he could not give evidence without elaborating.

"You're here to tell the truth," presiding Judge Richard May admonished, prompting K12 to retort, "The truth is that I cannot testify and there is no other truth than that."

WITNESS 'WROTE THE INDICTMENT'

Abrahams told the court of Serb-inflicted murder, rape, torture and destruction of Kosovo Albanians' mosques and homes, as well as of humanitarian violations by NATO and Kosovo Liberation Army guerrillas.

NATO launched a 78-day bombing campaign in March 1999 to curb a violent Serb crackdown on Kosovo which Human Rights Watch also investigated along with KLA atrocities.

Milosevic objected bitterly to Abrahams as a witness, saying the fact he had worked briefly as a research analyst for prosecutors meant he "wrote the indictment" against Milosevic.

Milosevic is accused of crimes against humanity and genocide in Kosovo, Bosnia and Croatia during the breakup of Yugoslavia in the 1990s. He has refused to plead, prompting judges to enter a not guilty plea, and is defending himself.

Abrahams insisted on Human Rights Watch's impartiality, saying it had

criticized all sides in the Balkan conflicts. But Milosevic cast doubt on that, speaking of the group's "role to provide alibis for the interference of international organizations in other countries."

His suggestion during cross-examination that Abrahams had seen nothing first-hand drew an impassioned response.

Abrahams recounted his experience investigating the September 1998 murders of 21 civilians of the same family in Gornje Obrinje in Kosovo's Drenica valley.

"I was present in that forest and I will never in my life forget the smell of the bodies that I saw," he said.

Abrahams followed K12 in the witness box. The court was in closed session for most of K12's half-hour in the stand and went into open session only briefly before his abrupt exit.

Pressed by judges on why he could not testify, K12 said it could "jeopardize other people." Judges asked to look at a magazine that had apparently been mentioned in closed session.

Further details of K12's identity were not clear. But a story last year in the Belgrade weekly Vreme quoted a Serbian truck driver who said he was drafted in February 1999 to drive a sealed refrigerator truck back and forth from Serbia to Kosovo.

The story was published in June 2001, just after Serb police discovered mass grave sites near Belgrade and said they were believed to contain bodies of dead Kosovo Albanians.

After driving a dozen such trucks, the driver known in Vreme under the false name "Nikola" said he had unsealed the truck to find corpses, mainly of civilians, piled up inside.

van holst en steijnen

From: Luc MICHEL <lucmichelbxi@yahoo.fr>
To: <info@pcn-ncp.com>
Sent: zondag 9 juni 2002 12:01
Subject: Article libre de droit/reproduction avec mention d'origine

SEIZE MOIS DE COMBAT POUR DEFENDRE LE PRESIDENT MILOSEVIC !

Le soutien au Président Milosevic et à son courageux combat contre l'imposture du pseudo TPI et de ses maîtres de l'OTAN a reçu une résonance internationale et a fait du Président yougoslave le symbole du combat contre le « Nouvel Ordre Mondial ».

LES PREMIERES INITIATIVES

Les premières actions pour défendre Milosevic furent organisées à l'initiative du « SERBIAN NETWORK », issu de la diaspora canadienne serbe et proches du SPS : diffusion d'une pétition internationale, actions contre l'arrestation de Milosevic à Belgrade et son extradition.

Dans l'Espace francophone, le PCN a relayé et soutenu l'action du « SERBIAN NETWORK », qui diffusait avec le SPS une première pétition de soutien à Milosevic et un « Appel international contre l'OTAN ».

(Consulter :

<http://www.srpska-mreza.com/action/appeal.htm#Signatures>
[, http://www.pcn-ncp.com/yougoslavie.htm](http://www.pcn-ncp.com/yougoslavie.htm) ,
<http://www.pcn-nep.com/YougoAction.html> ,
<http://www.pcn-ncp.com/YougoAppelPCN.html>).

Luc MICHEL prenait l'initiative de créer dans l'Espace francophone un « COMITE SOLIDARITE MILOSEVIC ».

Dès le début, la campagne pro-Milosevic fut l'objet de provocations de groupuscules néo-nazis barbouzards français et belges, liés aux police politique françaises et belges.

L'une de nos actions a été de neutraliser ces provocations d'un groupuscule néonazi français qui tentait de s'infiltrer cette action. Voici ce qu'en disaient nos camarades serbes (4 juillet 2001) : « Merci de votre aide en identifiant les infiltrations néo-nazies sur la liste des signataires de notre appel et de vos annonces sur la campagne de solidarité avec M. Milosevic et le Parti socialiste de Serbie en Europe francophone ».

Dans le cadre de cette première campagne était diffusé un « Appel international du PCN-NCP » (18 avril 2001), qui devait rencontrer un vaste succès international : « IL FAUT AIDER LES SERBES EMPRISONNES PAR LE SOI-DISANT "TRIBUNAL PENAL INTERNATIONAL ! »

En voici le texte : « Depuis sa création, le soi-disant "Tribunal Pénal International pour la Yougoslavie" (TPI) est une machine de guerre dirigée contre le Peuple serbe et ses défenseurs, en Yougoslavie et en Republika Srpska (Bosnie). Directement financé par l'OTAN, le TPI et ses magistrats serviles aux ordres de Washington, sont la honte de la magistrature et du monde judiciaire international.

Les procédures employées - inculpation secrètes, témoignages anonymes et non assortis de preuves, enlèvements des inculpés au mépris du droit international, présomption automatique de culpabilité des inculpés, enquêtes à charge et non à décharge, etc. - rappellent la sinistre inquisition et

vaudraient une irrecevabilité des poursuites devant n'importe quelle juridiction indépendante, à commencer par celles des Etats-Unis.

Les conditions de détentions dans les prisons du TPI sont elles aussi scandaleuses. Notamment au niveau de l'aide médicale apportée aux détenus, le comportement du personnel médical de la prison du TPI étant, lui, la honte du monde médical.

En voici quelques exemples qui se suffisent à eux-mêmes :

Mort du général DJUKIC, juste après sa libération de la prison de la Haye (soins insuffisants). Mort soudaine en prison du Dr KOVACEVIC (qui n'avait pas reçu à temps l'aide médicale d'urgence). Suicide prétendu de Slavko DOKMANOVIC dans sa cellule. Cas du général de l'Armée de la Republika Srpska Radislav KRSTIC, grand invalide de guerre, privé du traitement médical approprié à son état grave (et à qui l'on refuse une amputation de la jambe dans un hôpital indépendant, alors que le manque de soins appropriés en prison en est responsable). L'administration en overdose de médicaments abrutissants est aussi courante dans la prison du TPI.

La solitude morale des détenus serbes, victime d'une incessante chasse à l'homme, est écrasante. S'y ajoute une durée de détention anormalement longue et contraire aux dispositions de la Convention européenne des droits de l'Homme.

Il convient de les aider : ils ne sont pas autorisés à recevoir des denrées périssables, mais on peut leur envoyer des livres, des vêtements et autres objets utiles. Et surtout leur écrire pour les soutenir. »

CREATION DU « COMITE FRANCOPHONE POUR LA DEFENSE DE SLOBODAN MILOSEVIC »

L'arrestation du Président Milosevic a suscité un vaste mouvement international de soutien à l'ancien président yougoslave, mais aussi aux autres patriotes yougoslaves pourchassés par le soi-disant "Tribunal Pénal International" ou détenus dans les geoles de La Haye, et le lancement d'une seconde vague d'initiatives internationales et pétitions.

Début Mai 2001 est créé à l'initiative du SPS l' "International Committee to Defend Slobodan Milosevic" (ICDSM), qui diffuse une pétition internationale largement soutenue et qui a déjà recueilli à ce jour plus d'un million de signatures, dont celle de 92 députés (sur 130) de la Chambre haute (conseil de la Fédération) du Parlement russe.

L'ICDSM a reçu l'adhésion de nombreuses personnalités internationales, notamment Ramsey Clark (ancien procureur général des USA), Harold Pinter, ou encore Guenady Ziouganov, le président du PCFR. Il est présidé par le Professor Velko Velkanov, Député au Parlement de Sofia et Président de l' "Union Antifasciste Bulgare".

Le 21 mai 2001 était lancé à Bruxelles, sous la présidence de Luc MICHEL, la section francophone (Belgique - France - Suisse romande - Québec) de l'ICDSM, devenu en avril 2002 le « Comité Francophone pour la Défense de Slobodan Milosevic » (FCDSM - CFDSM), qui diffuse la version française de la pétition et a ouvert son site sur Internet (<http://www.liberez-milosevic.fr.st/>).

Avec l'ICDSM, il y a donc diverses sections nationales autonomes : notamment la Britannique (CDSM), l'Allemande (créée avec le soutien de cadres du PDS), la Russe (« Comité Social pour la Défense de Slobodan Milosevic ») présidée par l'écrivain Alexandre ZINOVIEV, et , organisé sur des bannes transnationales dans l'Espace francophone, le FCDSM.

UNE ACTION UNITAIRE ET INTERNATIONALE

Le principe de base du FCDSM-CFDSM, comme de ses associations-sœurs, est une politique de FRONT UNIQUE, sans exclusive. Il est ouvert à toutes les personnes et organisations qui veulent servir la cause commune.

On y retrouve notamment le SPS serbe, le KPRF russe de Zouganov, le PDS allemand, le PCN, qui a fourni la logistique à la création du Comité dans l'Espace francophone. « BALKAN-INFOS », la revue de Louis DALMAS, proche des souverainistes français du Général Gallois, soutient le Comité, comme beaucoup d'autres, venus de tous les horizons politiques.

A l'exclusion notable des organisations trotskistes, qui soutiennent le TPI et le procès fait à Milosevic, et de ceux qui leurs sont proches, comme ATTAC, ou encore le réseau INDY-MEDIA, qui sont violemment anti-Milosevic.

Des dirigeants de formations d'extrême-gauche ont signé la pétition internationale.

Ajoutons que la campagne de soutien au Président Milosevic est soutenue par une structure internationale, créée par nos camarades yougoslaves du SPS, le « FORUM DE BELGRADE ».

Le FCDSM-CFDSM publie un bulletin de contact imprimé « SOLIDARITE MILOSEVIC »

(<http://liberezmilosevic.free.fr/accueil.htm>) et, en liaison avec le bureau de presse du SPS à Belgrade, une NEWSLETTER « FREE SLOBO ! », diffusée sur le Net vers plus de 65.000 mailles. Nos publications sont ouvertes sans aucun sectarisme à toutes les bonnes volontés.

MOBILISATION POUR LE DEBUT DU PROCES MILOSEVIC

Le début du procès Milosevic à la Haye est l'occasion d'une mobilisation générale. Des réunions publiques sont organisées à Amsterdam, La Haye, Paris, Genève et Londres.

Le 12 février un premier meeting est organisé à l'hôtel « Krasnapolski » à Amsterdam, en présence de Me Jacques VERGES et de Vladimir KRSLJANIN, responsable du Département des Relations internationales du SPS, en présence de délégations allemande, britannique et francophone.

Le 13 février, après une manifestation devant le siège du TPI, où le Comité francophone tracte largement, est organisée une conférence de presse, où une centaine de journalistes se pressent pour écouter Me VERGES, avocat de Milosevic.

C'est l'occasion de médiatiser le Comité francophone, qui distribue largement son bulletin.

Luc MICHEL y donne 7 interviews (dont 1 minute passée sur CBS et une chaîne espagnole). Une longue intervention de Luc MICHEL sur une chaîne arabe est l'occasion d'expliquer que le soutien à Milosevic est partie du combat planétaire contre l'impérialisme, notamment en Palestine.

Du côté des media francophones, c'est la censure totale. ARTE annule une interview prévue avec Luc MICHEL, les chaînes belges RTL-TVI et RTBF ignorent le Comité mais donnent longuement la parole aux soutiens de l'UCK !

UN LARGE SOUTIEN DANS L'ESPACE FRANCOPHONE

Le 15 février 2002, à l'Institut de géographie à Paris est organisée une Conférence-débat " TPI, arme de guerre" sur le procès Milosevic avec le général GALLOIS et Me VERGES, à l'occasion de la sortie de leur livre commun " APARTHEID JUDICIAIRE" Organisée

par les éditions de L'Age d'Homme, cette conférence, qui réunit plus de 600 personnes et où l'on finit par refuser du monde, permet au Comité francophone, au nom duquel Luc MICHEL intervient, de présenter ses activités devant un public franco-serbe amical et passionné. De nombreuses adhésions suivront.

Cette réunion voit des personnalités comme VERGES, GALLOIS, mais aussi Gabriel KASPEREIT, ancien ministre du Général de Gaulle, soutenir Milosevic.

Quelques jours plus tard, Me VERGES connaissait le même succès à Genève pour la présentation de son livre.

Le 27 mars 2002, toujours à Paris, était organisé un « Grand rassemblement à l'occasion du IIIe anniversaire de l'agression de l'OTAN contre la Yougoslavie », sur le thème: "Le livre, arme et témoin contre les manipulations idéologiques", avec notamment le Général Pierre-Marie GALLOIS, Me Jacques VERGES, Charles SAINT-PROT et Slobodan DESPOT, directeur de L'Age d'Homme.

De tous bords, des militants et des personnalités s'engagent, des nationalistes (comme Gallois) aux communistes radicaux. Il y a aussi des gaullistes. Le Front anti-impérialiste se met en place.

En dehors des sectes habituelles de l'extrême-gauche, d'où la rage de certains groupuscules, en Belgique notamment, qui sabotent insidieusement dans l'ombre une action qu'ils prétendent soutenir.

LE COLOQUE DE BERLIN SUR LE « CAS MILOSEVIC - LA JURIDICTION PÉNALE INTERNATIONALE ET LES NOUVELLES GUERRES DES GRANDES PUISSANCES »

Un colloque public sur le "Cas Milosevic" et son influence sur les tendances actuelles dans le domaine de la juridiction pénale internationale était organisé à Berlin le 2 mars 2002. Le colloque qui comprenait des conférences et des discussions publiques était organisé à l'invitation de la Branche Berlin-Schöneberg/Tempelhof du « Parti du Socialisme Démocratique » (PDS) par la Section allemande du « Comité International pour la Défense de Slobodan Milosevic ».

La conférence principale fut donnée par Norman Paech, professeur de Droit international public à l'université de Hambourg, qui parla de « la juridiction pénale internationale dans le contexte du Droit international », en définissant les critères juridiques de son application normale et en exposant les abus courants. « L'application abusive de la juridiction pénale internationale sous les auspices d'actions militaires soi-disant "humanitaires" et de "la guerre contre le terrorisme" » fut le sujet de l'intervention de Me. Peter Koch, avocat à Heidelberg.

Un autre avocat, Me. Eberhard Schultz (Bremen/Berlin), présenta « les caractéristiques principales de la lutte du président Milosevic contre le "Tribunal" de La Haye ».

Une lecture d'extraits de son dernier livre "LE CAS MILOSEVIC" fut donnée par Ralph Hartmann (Berlin), ancien ambassadeur de la RDA en Yougoslavie, et auteur de deux autres livres sur la destruction de la Yougoslavie.

Rolf Becker (Hamburg), un acteur très connu, et qui s'est manifesté comme activiste syndicaliste en organisant plusieurs missions de solidarité en Yougoslavie, parla avec ferveur de "La Yougoslavie après Milosevic".

En clôture, Luc MICHEL, pour le Comité Francophone, obtint un vif succès en intervenant sur le thème « Soutenir Milosevic, c'est combattre le Militarisme et

le Fascisme ».

La séance était co-présidée par Gert Julius, porte-parole de la Branche Berlin-Schöneberg/Tempelhof du « Parti du Socialisme Démocratique » et Klaus Hartmann, vice-président du « Comité International pour la Défense de Slobodan Milosevic ». Le colloque était soutenu par le « Forum Européen de la Paix » et la Branche de Berlin de l'« Association Allemande des Libres Penseurs ».

LINCHAGE MEDIATIQUE

Succès au niveau du public nombreux et fervent, violemment attaqué dans la presse allemande et les télévisions (notamment la « Bayerische Rundfunk » qui filmait en continu), le colloque, désavoué par la direction nationale du PDS en plein flirt social-démocrate pour la Mairie de Berlin et qui est accusé de « soutenir un dictateur », est l'occasion d'un véritable lynchage médiatique.

"Solidarität mit einem Ex-Diktator - Schöneberger PDS-Verordneter organisiert Pro-Milosevic-Veranstaltung", titre le "BERLINER MORGENPOST" du 19 février. "PDS organisiert Veranstaltung mit Milosevic-Anhängern Landesverband wenig erbaut über Genossen in Tempelhof-Schöneberg", titre le journal berlinois régional "DER TAGESSPIEGEL" du 18 février.

La presse allemande s'en prend violemment à Luc MICHEL et à Klaus VON RAUSSENDORF, porte parole du Comité allemand, longuement interviewés par la télévision « Bayerische Rundfunk ». Au second, cadre communiste de RDA, on reproche ses activités passées au sein des services spéciaux de la RDA. Au premier son combat politique anti-impérialiste, notamment en faveur du FPLP palestinien. La chaîne allemande ARD, dans son émission hebdomadaire « Report aus München » remet ça le 11 mars.

Et des extraits sont rediffusés sur des chaînes flamandes et néerlandaises, preuve que l'attaque est organisée et planifiée, notamment au niveau des polices politiques belges.

LE TEMPS DES PROVOCATIONS POLICIERES

Aux campagnes hostiles de la presse s'ajoutent les provocations policières.

Dès les débuts de l'action de soutien au Président MILOSEVIC, des provocations sont organisées par des groupuscules néo-nazis, téléguidés par les polices politiques de l'OTAN.

Notre conception du Comité, à la direction de la Section francophone, tout comme celle de Me VERGES, est très large et unitaire. Y sont notamment les bienvenus des nationalistes ou des souverainistes. Luc MICHEL se fait personnellement l'avocat depuis près de 20 ans d'une unité d'action des ennemis du Système, nationalistes comme de gauche.

Mais nous ne voulons évidemment pas des néo-nazis, qui démultiplient les provocations opportunistes contre le Comité ou le président Milosevic. L'amalgame stupide et odieux « Milosevic = Hitler » est déjà assez répandu comme cela. Leur action provocatrice sert directement l'OTAN.

Elle permet à la presse du Système d'écrire avec jubilation, exemple parmi d'autres, pris dans L'HEBDO (Genève) ce qui suit : « Seule limite selon un responsable belge, Luc Michel: « Pas d'extrême droite! Nous faisons le ménage sur les listes. » Ce qui n'empêche pas le groupuscule Unité radicale (à la droite de Bruno Mégret!) de partager les mêmes idées et de renvoyer les lecteurs de son site internet sur

celui du comité. »
 Pour juger de la sincérité de cet engagement, il suffit de rappeler que les gourous d'"Unité radicale" mentionnés dans cet article envoyaient des mercenaires combattre le peuple serbe et l'Armée yougoslave avec les milices fascistes croates du HVO en 1992. Et qu'ils ont soutenu les sécessions slovène, croate et bosniaque .

BRISER LE SILENCE MEDIATIQUE

Nous avons déjà souligné la censure quasi totale qui frappe le Comité francophone. Censure organisée, planifiée, entretenue.

Il faut relever quelques exceptions notoires.

Le politologue Jean-Yves CAMUS, sera le premier à briser le mur du silence avec un article paru dans « ACTUALITE JUIVE Hebdo » (Paris, N° 735 - 31 janvier 2002) sous le titre « ME VERGES : APRES CARLOS ET BARBIE, MILOSEVIC », qui précise que « Le mouvement de soutien à l'ancien président serbe rassemble toutes les tendances anti-américaines ».

Après avoir longuement interviewé Luc MICHEL, Béatrice GUELPA publiera un article dans « L'HEBDO » (Genève), sous le titre « LES «AVOCATS» CACHÉS DE MILOSEVIC », qui expose l'action internationale des « partisans (de Milosevic), qui font de l'agit-prop pour saboter le tribunal ».

La Chaîne de télévision « LCP-PUBLIC SENAT » (Paris), dans le cadre de son émission hebdomadaire « Paroles d'Europe », présentée par Caroline de Camaret, organisait en direct le lundi 8 avril 2002 un débat « FAUT-IL JUGER MILOSEVIC ? », avec Luc MICHEL, président du Comité Francophone, Christian CHARTIER, porte-parole du TPI, Maître Jacques VERGES, avocat de Slobodan Milosevic et Patrick BAUDOIN, président d'honneur de la Fédération Internationale des Droits de l'Homme.

La confrontation des thèses de VERGES et Luc MICHEL avec les représentants du TPI - c'était la première fois qu'elle était organisée - et l'intérêt qu'elles ont suscité, expliquent la chape de plomb rencontrée ailleurs.

Après 16 mois de combat, la rencontre de beaucoup d'amis et quelques trahisons inévitables, le Comité francophone est plus que jamais déterminé à briser ce mur du silence : FREE SLOBO !

(Article publié dans "LA CAUSE DES PEUPLES", n° 16, juin 2002)

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van holst en steijnen

From: Ruza <despot@wish.net>
To: Nico & Neeltje steijnen <n.h.van.holst@freeler.nl>
Sent: maandag 10 juni 2002 14:59
Subject: Fw: Meet Mr. Massacre

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

From: Mrs. Jela Jovanovic
To: <mailto:Undisclosed-Recipient:@myrte.tiscali.nl>
Sent: Monday, June 10, 2002 11:09 PM
Subject: Meet Mr. Massacre

Meet Mr. Massacre
 by Mark Ames and Matt Taibbi (2-10-00)
 (Excerpts)
www.tenc.net

There is a widespread belief not only in Russia, but in other countries, that Walker's role in Racak was to assist the KLA [Kosovo Liberation Army] in fabricating a Serb massacre that could be used as an excuse for military action. Already, two major mainstream French newspapers—Le Monde and Le Figaro—as well as French national television have run exposes on the Racak incident. These stories cited a number of inconsistencies in Walker's version of events, including an absence of shell casings and blood in the trench where the bodies were found, and the absence of eyewitnesses despite the presence of journalists and observers in the town during the KLA-Serb fighting. [From "Meet Mr. Massacre"]
 Years from now, when the war in Serbia is over and the dust has settled, historians will point to January 15, 1999 as the day the American Death Star became fully operational.

That was the date on which an American diplomat named William Walker brought his OSCE war crimes verification team to a tiny Kosovar village called Racak to investigate an alleged Serb massacre of ethnic Albanian peasants. ...

"From what I saw, I do not hesitate to describe the crime as a massacre, a crime against humanity," he said. "Nor do I hesitate to accuse the government security forces of responsibility."

We all know how Washington responded to Walker's verdict; it quickly set its military machine in motion, and started sending out menacing invitations to its NATO friends to join the upcoming war party.

How Russia responded is less well-known. One would assume that it began preparations for a diplomatic strategy in the event of war, which it probably realized was inevitable ...

"The people in the Russian military believe sincerely that they need to try to stop the U.S. now, before it goes on a real rampage around the world," said military/defense analyst Pavel Felgenhauer. "That the U.S. is striving for world domination, no one has any doubt."

Most Americans laugh off the idea of themselves as burgeoning world dictators, and would dismiss Russian fears as paranoia. But what most Americans don't realize is that the United States, through its prosecution of the NATO bombing and in its foreign policy in general, has given foreigners plenty of reasons to see conspiracy and military ambition behind everything we do.

One good example is the role of the mysterious William Walker in starting the war. As it turns out, even the most cursory review of the background of our chief "verifier" would inspire almost any foreign government to regard the

entire Yugoslavia campaign as a cynical, unabashed act of imperialist aggression. For if William Walker is not a CIA agent, he's done a very bad job of not looking like one. Judge for yourself:

Walker's Background

According to various newspaper reports, Walker began his diplomatic career in 1961 in Peru. He then reportedly spent most of his long career in the foreign service in Central and South America, including a highly controversial posting as Deputy Chief of Mission in Honduras in the early 1980s, exactly the time and place where the Contra rebel force was formed. The Contra force was the cornerstone of then-CIA Director William Casey's hardline anti-Communist directive, and Honduras was considered, along with El Salvador, the front line in the war with the Soviet Union. From there, Walker was promoted, in 1985, to the post of Deputy Assistant Secretary of State for Central America. This promotion made him a special assistant to Assistant Secretary of State Elliot Abrams, a figure whose name would soon be making its way into the headlines on a daily basis in connection with a new scandal the press was calling the "Iran-Contra" affair.

Walker would soon briefly join his boss under the public microscope. According to information contained in Independent Counsel Lawrence Walsh's lengthy indictment of Abrams and Oliver North, Walker was responsible for setting up a phony humanitarian operation at an airbase in Ilopango, El Salvador. This shell organization was used to funnel guns, ammunition and supplies to the Contra rebels in Nicaragua.

Despite having been named in Walsh's indictment (although he was never charged himself) and outed in the international press as a gunrunner, Walker's diplomatic career did not, as one might have expected, take a turn for the worse. Oddly enough, it kept on advancing. In 1988, he was named ambassador to El Salvador, a state which at the time was still in the grip of U.S.-sponsored state terror....

In late 1989, when Salvadoran soldiers executed six Jesuit priests, their housekeeper, and her 15 year-old daughter, blowing their heads off with shotguns, Walker scarcely batted an eyelid. When asked at a press conference about evidence linking the killings to the Salvadoran High Command, he went out of his way to apologize for chief of staff Rene Emilio Ponce, dismissing the murders as a sort of forgivable corporate glitch, like running out of Xerox toner. "Management control problems can exist in these kinds of these kinds of situations," he said.

In discussing the wider problem of state violence and repression...Walker was remarkably circumspect. "I'm not condoning it, but in times like this of great emotion and great anger, things like this happen," he said, apparently having not yet decided to audition for the OSCE job.

...Shrugging off news of eyewitness reports that the Jesuit murders had been committed by men in Salvadoran army uniforms, Walker told Massachusetts congressman Joe Moakley that "anyone can get uniforms. The fact that they were dressed in military uniforms was not proof that they were military."

Later, Walker would recommend to Secretary of State James Baker that the United States "not jeopardize" its relationship with El Salvador by investigating "past deaths, however heinous."

This is certainly an ironic comment, coming from a man who would later recommend that the United States go to war over...heinous deaths.

One final intriguing biographical note: Walker in 1996 hosted a ceremony in Washington held in honor of 5,000 American soldiers who fought secretly in El Salvador. While Walker was Ambassador of El Salvador, the U.S. government's official story was that there were only 50 military advisors in the country (Washington Post, May 6, 1996).

A Spooky Choice ...The Iran-Contra incident isn't the only thing in Walker's background which gives reason for pause. Another is his curious ability to remain in Central and South America throughout virtually his entire diplomatic career.

...After the Chinese Revolution, the State Department enacted what has come to be known as the Wriston reform, which dictated that Department employees be rotated out of their posts every few years. With this reform, the government was hoping to put an end to a problem which they termed "quiet-itis"—the development of "excessive" sympathies towards the culture of one's host countries.

With the Wriston act, the U.S. government eventually got exactly what it wanted—a State Department characterized by fortress-like embassy compounds, in or around which Americans live amongst themselves in monolingual, isolationist bliss, counting the hours until they're rotated out to their next job in Liberia, or Peru, or wherever. As a result, most State employees see three or four different posts in different corners of the world every ten years. It is well-known among career foreign service people, though, that one of the few exceptions to this rule are the CIA agents in the embassies. Our intelligence people take longer to develop their contacts, and in order to preserve these "personal relationships" (bribe-takers don't like to change bagmen), they tend to hang around longer.

Walker was in Latin America virtually throughout his entire career, until he arrived in Kosovo. He had no experience in the region which qualified him to head the verification team in Yugoslavia. Furthermore, he spent the entire 1980s occupying high-level State positions in Central America, under the Reagan and Bush White Houses, when the region was the source of more East-West tension than in any other place in the world, and Central American embassies were the most notoriously CIA-penetrated embassies we had. You can draw your own conclusions.

..."Ambassador Walker's record in El Salvador does not a priori invalidate his testimony on the massacres in Kosovo, but it certainly does compromise his reliability as an objective witness," said James Morrell, research director for the Washington-based Center for International Policy.

"No question about it, they should have chosen someone else," said Felgenhauer. "If this guy was working for Ollie North, then that's all anyone in Russia is going to need to know, anyway."

There is a widespread belief not only in Russia, but in other countries, that Walker's role in Racak was to assist the KLA in fabricating a Serb massacre that could be used as an excuse for military action. Already, two major mainstream French newspapers—Le Monde and Le Figaro—as well as French national television have run exposes on the Racak incident. These stories cited a number of inconsistencies in Walker's version of events, including an absence of shell casings and blood in the trench where the bodies were found, and the absence of eyewitnesses despite the presence of journalists and observers in the town during the KLA-Serb fighting.

Eventually, even the Los Angeles Times joined in, running a story entitled "Racak Massacre Questions: Were Atrocities Faked?" The theory behind all these exposes was that the KLA had gathered their own dead after the battle, removed their uniforms, put them in civilian clothes, and then called in the observers. Walker, significantly, did not see the bodies until 12 hours after Serb police had left the town. As Walker knows, not only can "anybody have uniforms", but anyone can have them taken off, too.

The story of William Walker's involvement in the war is just one of a rapidly-growing family of tales cataloguing the incompetence and arrogance of the United States and its allies throughout the Kosovo conflict. Even if it

isn't proof of some as-yet-unreleased sinister plan to secure a permanent military presence in the Balkans, the fact that the United States didn't even care to avoid the appearance of impropriety in its search for Serb atrocities says a lot about our approach to international relations. It says, "Go ahead and think the worst about us. We don't care. We've got more bombs than you do..."

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van holst en steijnen

From: Paul Davidson <p.davidson@btinternet.com>
To: <Undisclosed-Recipient:;>
Sent: woensdag 12 juni 2002 11:16
Subject: US pressure jeopardising Milosevic trial

US pressure jeopardising Milosevic trial

11:49 LONDON, Wednesday ?

The chief prosecutor in the trial of Slobodan Milosevic is considering foregoing the testimony of Richard Holbrooke, the architect of Bosnia's Dayton accords, due to heavy US pressure to keep his testimony secret, the Financial Times reports today in London.

According to the article, the Bush administration is wary of setting any precedent of senior US officials testifying before international courts ahead of the creation of the International Criminal Court.

Negotiations with the US State Department have become so difficult, writes the FT, that chief prosecutor Carla del Ponte is said to be considering not calling the witness.

US officials are concerned that witnesses with high security clearance may be obliged to reveal sensitive information in court.

But if del Ponte does not call him, Milosevic could. The former Yugoslav president, who is conducting his own defence, could highlight his relationship with the former US envoy during the Dayton negotiations.

?The last thing he [Mr Holbrooke] wants is to have repeated his time drinking whisky with Milosevic after the agreement at Dayton,? the British daily quotes one former US official in the Balkans as saying.

?Without the power to enforce a subpoena and limited by the need to maintain good relations with its most important financial supporter, there is little the judges could do to compel the US to co-operate,? writes the Financial Times.

This could set a precedent for other countries who would question if they too need co-operate. If too many witnesses fail to appear, adds the paper, judges could rule that Milosevic was not given sufficient opportunity to defend himself. (Financial Times)

Tribunaal wil bezuinigen op 'amici' Milosevic

Van onze verslaggeefster DEN HAAG - Het Joegoslavië-Tribunaal wil de kosten terugbrengen voor de drie zogeheten amici curiae. Deze 'vrienden van het Hof' zien erop toe dat Slobodan Milosevic, ex-president van Joegoslavië, een zo eerlijk mogelijk proces krijgt.

Vorige week heeft rechter Richard May de drie - de Nederlander Michail Wladimiroff, de Brit Steven Kay en de Serviër Branislav Tapuskovic - gevraagd of het mogelijk is hun werk door één persoon te laten doen. „We moeten de kosten in de gaten houden”, verklaart Jim Landale, woordvoerder van het Tribunaal „en iedere keer beoordelen of de middelen die we hebben op de juiste manier worden ingezet”.

Het instituut van de amici werd destijds in het leven geroepen toen bleek dat Milosevic zich niet in de rechtzaal wilde laten vertegenwoordigen door een advocaat. Aanvankelijk werd alleen Wladimiroff benaderd om als vriend van het hof toe te zien op het proces. Die wilde de zaak echter alleen doen samen met Kay. Het Hof zelf voegde Tapuskovic toe voor het 'regionale element'.

Wladimiroff is verbaasd over de plotselinge verandering in de opstelling van het Hof. „Dit werk kun je niet door één persoon laten doen”, meent hij. En alledrie een derde van het werk, is volgens hem ook geen optie. „Dan kun je het waarschijnlijk niet goed meer doen, niemand heeft

12-6-2002 dan nog overzicht”.

Volgens Wladimiroff is het voorstel - een besluit is overigens nog niet genomen - ingegeven door de noodzaak te bezuinigen. „Dat snap ik wel, de Verenigde Naties staan er slecht voor, al was het alleen maar omdat de Verenigde Staten hun contributie niet betalen”, zegt de advocaat. Maar hij wijst erop dat het tribunaal ook had moeten betalen als Milosevic wél besloten had advocaten in de arm te nemen.

Volgens Landale is dat echter maar de vraag. „Als verdachten vragen om door het Hof betaalde bijstand, wordt eerst gekeken of ze zelf niet over de benodigde middelen beschikken. In de zaak-Milosevic is dat echter niet aan de orde geweest, omdat hij daar nooit om heeft gevraagd.”

De suggestie van May is, aldus Landale, bovendien ingegeven door de veranderende omstandigheden. „Milosevic heeft inmiddels twee adviseurs, die weliswaar niet in de rechtzaal zitten, maar verder de mogelijkheid hebben gekregen om hem van advies te voorzien.”

Wladimiroff heeft, ook namens zijn collega's, de griffier een brief geschreven. In afwachting van een antwoord laat hij de acht verhuisdozen die onlangs op zijn kantoor zijn bezorgd in verband met het proces, even onuitgepakt. „Die bevatten materiaal over Bosnië. Maar misschien hoeft ik er wel niets meer mee.”

DE VERDIEPING, PAGINA 13:
MILOSEVIC BLIJFT STRIJDVAARDIG

Getuige: in Račak werden uitsluitend burgers vermoord

Door een onzer redacteurs

DEN HAAG, 8 JUNI. Račak, het Kosovoarse dorp waar in 1999 vijftiencertig Albanen zijn vermoord, was „een bloedbad onder burgers”. Dat zei de Britse politieagent Ian Hendrie gisteren in het proces tegen de Joegoslavische ex-president Slobodan Milošević.

Hendrie was lid van de OVSE-waarnemerscommissie die op 16 januari 1999, een dag na het bloedbad, Račak bezocht. De moordpartij in Račak was mede aanleiding voor de NAVO-bombardementen. Volgens Milošević was de moord op de Albanen een „nep-bloedbad”, in scene gezet door het Kosovo-Bevrijdingsleger (UÇK) om NAVO-interventie uit te lokken.


Hendrie liet foto's zien die hij op 16 januari heeft gemaakt. Daarop zijn gruwelijk verminkte slachtoffers te zien die allemaal burgerkleding dragen. Hendrie vond geen aanwijzingen dat de doden van elders waren gehaald. „Ze zijn niet om het leven gekomen bij gevechten”, zei Hendrie. „Ze zijn in koele bloede vermoord.”

Woensdag hoorde het VN-tribunaal een tweede overlevende van het bloedbad van Račak - vorige week werd ook een overlevende gehoord. De 62-jarige Nesret Shabani, een Albanen die in Račak is geboren, vertelde hoe de Servische politie het dorp op de vroege ochtend van 15 januari aanviel. Shabani vluchtte naar het huis van zijn neef waar zich zo'n twintig mensen schuilhielden. 's Middags kwamen de Servische agenten. „Zij sloegen ons met zware houten knuppels”, aldus Shabani. „De po-

litie dreigde: 'Wij zullen jullie moeders neuken.' (...) De mensen kermden als beesten.”

Na de mishandeling moesten de Albanen naar een heuvel lopen. Shabani liep aan het einde van de rij en kon samen met vier andere mannen ontsnappen. Ze hielden zich schuil in een greppel. Shabani: „Na enkele minuten hoorde ik verschrikkelijke geluiden. Het klonk alsof zij de mannen aan het martelen waren. Die riep om hun moeder en gilden het uit van de pijn. Plotseling was het stil. Toen hoorden we vuur van wapens. Daarna was het weer stil.” Pas na enkele uren durfde Shabani te gaan kijken. „Ik zag lijk met veel schotwonden, afgesneden kelen en uitgestoken ogen.”

Deze week getuigde ook de 36-jarige Shukri Buja die in 1999 UÇK-commandant was in de streek waar Račak ligt. VN-aanklager Geoffrey Nice liet foto's zien van het bloedbad. „Zijn er leden van het UÇK onder?” wilde Nice weten. „Nee, de UÇK-soldaten hadden uniformen”, aldus Buja. Nice greep de foto's aan om uit te leggen waarom sommige getuigen hadden gerept over verminkingen die niet door autopsierapporten worden gestaafd. Zo zei getuige Bilal Avdiue dat Serviërs bij één van de slachtoffers het hart met een mes eruit hadden gesneden. Volgens Milošević had de getuige dat verzonnen omdat het uit geen enkele lijkschouwing blijkt. Nice zei aan de hand van de beelden van bebloede lijk dat het bij een persoon die in de borst is geschoten, kan lijken alsof het hart eruit is gehaald.



12-6-2002

Milosevic blijft strijdvaardig

Slobodan Milosevic krijgt van de rechters veel ruimte in het proces voor het Joegoslavië-tribunaal waarin hij zowel verdachte als verdediger in zijn eigen zaak is. Hij doet het niet slecht, vindt de Nederlandse advocaat Michail Wladimiroff. Toch hebben de aanklagers een sterke zaak, meent hij. Althans als ze maar niet proberen geschiedenis te schrijven.

Joegoslavië-tribunaal

Nicole Lucas

Het heeft iets van een toeristische attractie, het proces tegen Slobodan Milosevic. Op de publieke tribune zit nog maar een handjevol vaste gasten: een stuk of wat journalisten, een vertegenwoordiger van de Joegoslavische ambassade, één van Milosevic' adviseurs. Verder is het een komen en gaan van nieuwsgierigen: studenten, diplomaten, docenten. Ze nestelen zich op de plekken met het beste uitzicht op de hoofdpersoon: Slobodan Milosevic, die zich nog net zo strijdvaardig toont als vier maanden geleden, toen het 'proces van de eeuw', zoals het in Servië wordt genoemd, begon.

„De opstelling van Milosevic was inderdaad een grote verrassing”, beaamt Michail Wladimiroff, één van de drie *amici curiae*, 'vrienden van het Hof', die moeten toezien op een zo eerlijk mogelijk verloop van het proces. Aan de vooravond van de rechtszaak achtte de Nederlandse advocaat het waarschijnlijk dat de verdachte grotendeels zou zwijgen, en zelfs tijdens grote delen van het proces zou wegblijven. Maar Milosevic bleek niet van plan alleen maar óver zich te laten spreken. De afgelopen maanden was hij veelvuldig zelf aan het woord. Eerst in zijn ruim twee dagen durende openingspleidooi, vervolgens in het kruisverhoor van de tientallen getuigen die hun opwachting hebben gemaakt in Den Haag.

Matigjes, is het oordeel van Wladimiroff, over de wijze waarop Milosevic zijn eigen verdediging voert. „Zijn kruisverhoor rusten op twee pijlers: één is het aantasten van de geloofwaardigheid van de getuige. Dat is op zichzelf een juiste aanpak, zo hoort het ook.” De oud-president weet regelmatig te scoren. Zo beschreef, in het begin van het

proces, een Albanese arts uit het dorp Suva Reka hoe hij vanuit zijn huis een bloedbad had gezien. Onmogelijk, zei Milosevic: tussen uw huis en de beschreven plaats van het misdrijf ligt een heuvel.

Veel van de winst gaat echter weer verloren, oordeelt Wladimiroff, doordat Milosevic eindeloos in herhalingen vervalt en veel vragen stelt die er niet toe doen. Zo bleef hij vorige week een Albanese boer uit Bela Crkva, die vertelde over de moord op tientallen dorpsgenoten, doorzagen over vorm en kleur van een AK-47, een automatisch geweer, totdat rechter May hem met een geïrriteerd 'irrelevant' het zwijgen oplegde.

Milosevic' optreden berust daarnaast op wat de Nederlander het 'rode-stoplicht-verweer' noemt en wat in officiële juridische termen het 'tu-quoque-principe' heet. „Een man rijdt door rood, wordt aangehouden en verweert zich dan met het argument: maar die meneer vóór mij deed het ook.” Vertaald naar Kosovo: „Het proces gaat over wat de Albanese is aangedaan. Maar Milosevic heeft het alleen over wat er met de Serviërs is gebeurd.” De ex-Joegoslavische president legt de schuld voor het drama in Kosovo ergens anders: de Navo en het Albanese bevrijdingsleger UCK.

Juridisch kan dit niet. Al tijdens de processen in Neurenberg, na de Tweede Wereldoorlog, is vastgesteld dat misdaden van de tegenpartij geen rechtvaardiging mogen zijn voor eigen misdaden. Iedere partij heeft zich aan het oorlogsrecht te houden. Voor de aanklagers was het voortdurend hameren van Milosevic op de schuld van anderen dan ook aanleiding bij de rechters te protesteren.

Die vroegen advies aan de drie amici. Die raadden de rechters aan deze wijze van verhoor niet helemaal onmogelijk te maken. „Als rechtvaardiging kan het niet. Maar voor de strafmaat kan het wel uitmaken of iets een *tit-for-tat*-reactie is geweest.” De rechters zijn in dit advies meegegaan, tot

groot ongenoegen van de aanklagers, die toch al grote moeite hebben met de wijze waarop Milosevic getuigen ondervraagt.

Hij intimideert, menen zij. En dat zou zelfs tot gevolg hebben dat mensen bij nader inzien besluiten om toch maar niet te praten. Zoals vorige week getuige K12, een Serviër van wie de identiteit geheim wordt gehouden, maar van wie ook wordt gefluisterd dat hij lijken van Kosovaarse Albanese naar Servië heeft vervoerd. Ondanks zware druk van de rechters, die hem van 'belediging van het Hof' beschuldigden, weigerde hij ook maar iets los te laten over de betrokkenheid van Milosevic bij de oorlogsmisdaden gepleegd in Kosovo.

Wladimiroff, die eerder de verdediging voerde van de Bosnische Serviër Dusko Tadic, wijst deze klacht van de aanklagers ech-

'De aanklager wil de geschiedenis herschrijven'

ter resoluut van de hand. „Wat je ook van de man vindt: de wijze waarop hij bijvoorbeeld slachtoffers van verkrachting heeft ondervraagd, wat achter gesloten deuren gebeurt, is respectvol. Hij betuigt zijn medeleven, zegt 'het spijt me wat u is overkomen, maar ik moet u toch een paar vragen stellen'. Dat doet hij fatsoenlijk. Het simpele feit dat hij Milosevic is, is misschien intimiderend, maar hij doet niets meer.”

De aanklagers hebben tot 10 april 2003 de tijd gekregen om hun zaak voor te leggen. Rechter May streeft er naar het Kosovo-deel van de aanklacht op 26 juli af te ronden, om door te kunnen gaan met de aanklachten inzake Bosnië en Kroatië. Vervolgens krijgt ook Milosevic veertien maanden om zijn zaak te presenteren. Al met al

neemt het proces daarmee ruim twee jaar in beslag. Het proces (veel) langer laten duren is, aldus de rechters, niet eerlijk.

De aanklagers zijn het daar absoluut niet mee eens. Telkenmale klagen ze over de hen toebedeende tijd en vragen ze om meer. Wladimiroff begrijpt deze hardleersheid niet. Waarom is het nodig, vraagt hij zich af, om precies te weten wat er in 60 dorpen tot op het laatste detail is gebeurd. „De aanklager laat per dorp een hele rits getuigen oproepen die allemaal hun levensverhaal vertellen. Dat is helemaal niet nodig. Je kunt een selectie maken en mensen op een zakelijke manier laten vertellen wat er in het dorp gebeurd is.”

De aanklagers moeten hun ambities bijstellen, meent Wladimiroff. Ze lijken de misdaden die in de verschillende oorlogen op de Balkan zijn begaan, in zijn volle omvang voor het voetlicht te willen brengen, ze willen 'alles vastleggen wat heeft bewogen'. „De aanklager wil de geschiedenis herschrijven of opnieuw schrijven. Maar daar is een strafproces niet voor. Het gaat erom genoeg bewijsmateriaal te verzamelen om tot een veroordeling te komen.”

De frustratie van de aanklagers – meer dan eens tot uiting komend in een bittere woordenwisseling met de rechters – grijpt Wladimiroff wel. „De rechters hebben vaak beslist in het voordeel van de verdachte. Dat loopt als een rode draad door dit proces. Ze willen voor alles voorkomen dat de indruk ontstaat dat Milosevic geen eerlijk proces krijgt.” De verdachte doet er zijn voordeel mee. Hij erkent het tribunaal niet en weigert daarom zich in de zaal door advocaten te laten bijstaan. Maar hij heeft inmiddels wel voor elkaar gekregen dat twee van zijn adviseurs dezelfde rechten hebben gekregen als erkende raadslieden van verdachten.

Milosevic maakt indruk, Wladimiroff erkent het grif. „Voor het publiek zijn de juridische bijzonderheden niet altijd goed te beoordelen. Dat publiek ziet een man die

weerbaar is, daadkrachtig. Hij geeft de indruk op de hoogte te zijn, want hij komt met allerlei feiten en feitjes. Maar bepalend is natuurlijk wat de rechters ervan vinden, niet wat het publiek denkt.”

En die rechters hebben het, denkt Wladimiroff, in de Kosovo-zaak betrekkelijk eenvoudig. „Drie termen staan centraal: kennis, macht en nalatigheid.” Wist Milosevic van misdaden begaan in Kosovo, zo ja, had hij de macht om er iets aan te doen? Dat laatste is vrij simpel aan te tonen: hij was president van Joegoslavië en dus opperbevelhebber van het leger. „Als hij het wist en hij heeft nagelaten er tegen op te treden, heeft hij het waarschijnlijk zo gewild.”

En dat Milosevic wist van de misdaden door het Joegoslavische leger en Servische paramilitairen begaan, begint steeds aannemelijker te worden, aldus Wladimiroff. Hoewel nog al wat getuigen niet sterk overkomen – ze spreken zichzelf tegen, raken in de war –, zijn er inmiddels genoeg verklaringen die in die richting wijzen. Die van de Brit Paddy Ashdown bijvoorbeeld, die vertelde in het najaar van 1998 Milosevic uitgebreid te hebben verteld wat hij in Kosovo had gezien: hoe leger en politie dorpen onder vuur namen, Albanese burgers verdreven, huizen plunderden en in brand staken.

En eerder deze week zei een andere geheime getuige, K6, voormalig lid van de Joegoslavische dienst dat 'de verdachte goed op de hoogte was van alles, zelfs de kleinste details' van wat er gaande was in Kosovo. Opmerkelijk is echter dat diverse persbureaus dat niet als belangrijkste nieuws opikten. Opvallender vonden zij dat Milosevic diezelfde K6 wist te ontlokken dat het UCK plannen heeft gehad de belangrijkste (eigen) Kosovaarse Albanese leider, Ibrahim Rugova, te vermoorden.

De aanklager heeft een sterke zaak, meent Wladimiroff, maar voorlopig weet Milosevic dat nog redelijk verborgen te houden.

De aanklacht tegen Milosevic

Het proces tegen Slobodan Milosevic begon op 12 februari. De ex-Joegoslavische president wordt beschuldigd van misdaden in Kosovo, Bosnië en Kroatië. De zwaarste aanklacht betreft Bosnië. Behalve van misdaden tegen de menselijkheid en oorlogsmisdaden wordt hij in dat geval ook beschuldigd van genocide, de zwaarste aanklacht die het Tribunaal kent.

Tot nu toe zijn zo'n 70 getuigen aan het woord geweest, vooral uit Kosovo zelf en vooral mensen die vertelden wat 'op de grond' is gebeurd. Een minderheid bestond uit zogenaamde 'insiders-getuigen', politiek betrokkenen, die opgeroepen worden om de relatie duidelijk te maken tussen wat er in Kosovo gebeurde en wat er in Belgrado werd beslist.

Hoofdaanklagster van het Tribunaal is de Zwitserse Carla del Ponte, die zich in de rechtszaal echter meestal laat vertegenwoordigen door de Brit Geoffrey Nice. Hun taak is de Britse rechter Richard May en zijn twee collega's, de Jamaicaan Patrick Robertson en de Zuid-Koreaans O'Gon Kwon voldoende bewijsmateriaal te overhandigen.

Behalve de verdachte, die zijn eigen advocaat is, zijn er ook nog drie *amici curiae* in de zaal. Deze vrienden van het Hof – de Nederlander Michail Wladimiroff, de Brit Steven Kay en de Serviër Branislav Tapuskovic – moeten er op toe zien dat het proces zo eerlijk mogelijk verloopt.

van holst en steijnen

From: Paul Davidson <p.davidson@btinternet.com>
To: <Undisclosed-Recipient:;>
Sent: woensdag 12 juni 2002 11:20
Subject: Milosevic 'lied' over Racak says diplomat

Wednesday, 12 June, 2002, 11:11 GMT 12:11 UK
Milosevic 'lied' over Racak says diplomat

Mr Walker gave a graphic description of what he saw in Racak

A US diplomat who led an observer mission in Kosovo has told the international war crimes tribunal that former Yugoslav President Slobodan Milosevic lied about the murders of ethnic Albanians in the province in 1999.

His knowledge was in many respects quite detailed. I never wavered in my opinion that I was dealing with the person who was in the maximum control of events in Kosovo

William Walker William Walker, the former head of the Kosovo Verification Mission, strongly rejected Mr Milosevic's claim that ethnic Albanian civilians found dead in the village of Racak were casualties of clashes between Serb forces and local rebels on 15 January, 1999.

"The first bodies I saw appeared to be elderly men with grey, white hair. All were in civilian clothes," he said. "There was no evidence of a battle having occurred there."

Mr Walker, who visited the scene the day after the disputed event, played a key role in forming international opinion on what happened in the village, instantly describing what he saw as a "civilian massacre" carried out by Serb forces.

He also insisted before the war crimes tribunal in The Hague that the former Yugoslav leader was well aware of how what was going on in the province.

"His knowledge was in many respects quite detailed. I never wavered in my opinion that I was dealing with the person who was in the maximum control of events in Kosovo, at least from the Serb side," said Mr Walker, who met Mr Milosevic four times in the late 1990s.

Turning point

Mr Milosevic, who was at the time commander-in-chief of the federal army as well as president of Yugoslavia, is charged with responsibility for alleged war crimes carried out in Kosovo.

Milosevic reportedly smiled through Walker's testimony

But he claims that his forces were waging a legitimate campaign against Albanian rebels who carried out terrorist attacks.

His indictment includes five counts of war crimes in Kosovo for hundreds of deaths, and the expulsion of around 800,000 Kosovo Albanians, as well as charges relating to the alleged crimes in Croatia and Bosnia.

Shortly after Mr Walker visited the site and announced his conclusions, he was expelled by the Serb authorities, who said they were outraged by the allegations.

The Racak killings and Mr Walker's version of what happened are seen as a turning point in the Kosovo conflict, playing a key role in Nato's decision to intervene with bombardments of Serbia and Kosovo

NAVO-generaal Naumann: Milosevic wilde Albanen doodschieten

DEN HAAG — Slobodan Milosevic zag het doodschieten van Albanen in Kosovo als een geschikte oplossing voor de problemen in dat gebied. Dat getuigde generaal Klaus Naumann, voormalig chef van het militair comité van de NAVO, gisteren voor het Joegoslavië-Tribunaal in Den Haag.

Naumann heeft Milosevic voor het begin van de NAVO-bombardementen op Servië drie keer ontmoet. Tijdens gesprekken in het presidentieel paleis in Belgrado in oktober 1998 bespraken Naumann en Milosevic de etnische verhoudingen in Kosovo. De heren dronken slivovic, traditionele Servi-

sche pruimenbrandewijn, en Naumann omschreef de sfeer als 'ontspannen'.

Milosevic zei volgens Naumann: „We gaan met de Albanen doen wat we in 1945 en '46 in Drenica met hen hebben gedaan. Toen drevan we ze bijeen en schoten we ze dood.” Drenica was na de Tweede Wereldoorlog het toneel van een langdurige opstand van Albanen in Kosovo, die door de toenmalige Joegoslavische leider Tito bloedig werd neergeslagen.

Volgens Naumann was Milosevic de onbetwiste leider van het Joegoslavische leger en de politie in Kosovo. (AP)

Milošević verliest aan scherpte

In twee belangrijke kruisverhooren was Slobodan Milošević deze week minder scherp dan van hem kon worden verwacht.

Door onze redacteurs
CEES BANNING
en PETRA DE KONING

DEN HAAG, 14 JUNI. De Britse rechter Richard May van het Joegoslavië-tribunaal had er gistermiddag opeens genoeg van. „Als u zo doorgaat”, zei hij tegen de Joegoslavische ex-president Milošević, „maak ik er nu een eind aan.”

Milošević, beschuldigd van oorlogsmisdaden in Kosovo, Bosnië en Kroatië, was nog maar net begonnen aan zijn kruisverhoor van de vroegere NAVO-generaal Klaus Naumann, een Duitser. Hij had geprobeerd vragen te stellen over het militaire verleden van Duitsland, en over de Duitse betrokkenheid bij het uiteenvallen van Joegoslavië. Maar rechter May vond de vragen 'niet relevant'. „U moet deze getuige nu vragen stellen over de ernstige beschuldiging die hij heeft geuit.” Jaja, zei Milošević. „Dat doe ik straks.”

Naumann had verteld over een ontmoeting met Milošević in Belgrado, eind oktober 1998. Hij en NAVO-opperbevelhebber Wesley Clark hadden na moeizaam onderhandelen met Milošević een akkoord bereikt over het terugtrekken van Servische troepen uit Kosovo. De mannen dronken nog wat. Milošević en vice-premier Nikola Šainović zeiden dat ze zich zorgen maakten over het 'voortplantingstempo' van de Kosovo-

Albanen. Naumann: „Milošević zei toen dat hij in de lente met een oplossing zou komen voor Kosovo. Hij zei: We doen hetzelfde als wat we hebben gedaan in Drenica, in 1945, 1946.” Kosovaren uit dat gebied in Midden-Kosovo hadden in de Tweede Wereldoorlog met de nazi's gecollaboreerd. Naumann en Clark wilden van Milošević weten wat de Serviërs toen in Drenica hadden gedaan. Milošević zei, volgens Naumann: „We hebben ze bij elkaar gezet en doodgeschoten.”

Milošević begon in zijn kruisverhoor pas over die uitlating van Naumann nadat de rechters drie

eerste weken maakte Milošević indruk door de manier waarop hij getuigen aan een kruisverhoor onderwierp. Hij had zich grondig voorbereid, hij stelde vragen waarmee hij soms de geloofwaardigheid van getuigenissen ter discussie stelde. Ook nu nog duren de kruisverhooren lang, maar de vragen zijn minder scherp en hij lijkt minder goed voorbereid, ook al heeft hij nu – buiten de rechtszaal – de hulp van twee Servische advocaten die hem door de rechter zijn toegewezen. Maar de aanklagers maken het hem niet makkelijk door de chaotische manier waarop

lopen nu door elkaar heen, en soms wordt opeens de volgorde van getuigen veranderd. Dinsdag zou het verhoor beginnen van de Amerikaan William Walker, in 1998 en 1999 hoofd van de OVSE-waarnemers in Kosovo. In januari 1999 noemde hij de dood van 45 Albanen in het dorp Račak een 'bloedbad'. De massaslachting, volgens Milošević in scène gezet door Kosovaren, was mede aanleiding voor de NAVO-bombardementen op Joegoslavië. Dinsdag bleek dat er vóór Walker twee andere getuigen zouden worden verhoord. Milošević had dat pas maandag gehoord, en hij was er nijdig over.

In zijn verhoor was Milošević ook minder scherp dan hij had kunnen zijn. Het is niet zo moeilijk om Walker neer te zetten als pro-Albanen. Milošević had vragen kunnen stellen over Walkers populariteit bij de Kosovo-Albanen. Hij werd na de Kosovo-oorlog creburger van Kosovo, hij werd toegejuicht in het stadion van Priština en hij riep: *I love you all*. Maar Walker kreeg ook in het kruisverhoor alle ruimte om te zeggen dat er in Račak ongewapende Kosovaarse burgers waren afgemaakt. Milošević presenteerde foto's waaruit zou blijken dat er geen bloed bij de lijken lag, zoals Walker had gezegd. Maar Walker zei: „Dit zijn maar een paar foto's van de duizenden die zijn gemaakt”, en aanklager Geoffrey Nice legde uit waarom op twee foto's van hetzelfde lichaam één keer geen bloed was te zien, en één keer wel. Dat zou te maken hebben met de manier waarop de foto's waren genomen of met het tijdstip: familieleden hadden lijken omgedraaid. Rechter May gaf Milošević geen gelegenheid om daarop te reageren.

Joegoslavische ex-president laat in verhoor Naumann en Walker kansen lopen

keer hadden gezegd dat hij er vragen over moest stellen. Hoe kon de generaal beweren dat iemand die net een akkoord heeft getekend over troepenvermindering in Kosovo, had gezegd dat de Albanen afgemaakt moesten worden? Dat was toch absurd? Naumann hield vol dat het echt zo was. Hij had het er nog met Clark over gehad, en die herinnerde het zich ook. Milošević ontkende het bloedbad van 1946. „Iemand die zijn eigen geschiedenis kent zou zo iets nooit zeggen.” Rechter May reageerde gefirriteerd. „Wat hebt u dan wél gezegd?” Maar dat zei Milošević niet.

Het proces tegen de oud-president duurt nu vier maanden. De

de onderwerpen in het proces

Milosevic in het nauw gebracht

NAVO-generaal: Hij wilde Albanen doden

Door Aldwin Geluk

DEN HAAG - De Joegoslavische oud-president Milosevic wilde de etnische Albanen in Kosovo 'bij elkaar drijven en doodschieten'. Dat heeft hij in oktober 1998 kenbaar gemaakt aan een NAVO-delegatie die hem bezocht.

Deze voor Milosevic zeer belastende uitspraak werd gisteren gedaan door de Duitse generaal Klaus Naumann, die als getuige optrad in het proces tegen Slobodan Milosevic. Het is voor het eerst in het proces dat bewijs werd gepresenteerd voor de directe verantwoordelijkheid van Milosevic voor volkenmoord in de Servische provincie Kosovo.

Naumann was eind jaren 90 de hoogste militair van de NAVO. In die hoedanigheid bezocht hij Milosevic drie keer in diens paleis te Belgrado, om via onderhandelingen te voorkomen dat de NAVO haar 'oorlogshonden' op zijn land zou loslaten.

Uiteindelijk bleken de gesprekken tevergeefs te zijn gevoerd. In maart 1999 ging de NAVO over tot het bombarderen van Joegoslavië.

Tijdens een van die bezoeken serveerde Milosevic een glas slivovitsj en begon hij over het 'probleem' van de Albanen in Kosovo.

Hun 'voortplantingsgraad' zou erg hoog liggen, maar Milosevic kondigde aan dat hij daarvoor in het voorjaar van 1999 met een oplossing zou komen. Naumann: „Milosevic zei: we doen hetzelfde als we deden in Drenica, in 1945-'46. We drijven ze samen en schieten ze dood.” In het dorpje Drenica werd in de Tweede Wereldoorlog een grote groep Albanen uitgemoord.

Toen hij de gelegenheid kreeg Naumann een kruisverhoor af te nemen, opende Milosevic direct een persoonlijke aanval op hem. „U bent generaal van de Duitse strijdkrachten. Wat vindt u ervan dat uw leger drie keer in één eeuw...” Daar brak voorzittend rechter May Milosevic boos af. „Niet relevant! Dit is een subjectieve en generaliserende vraag.” Waarop Milosevic antwoordde: „Het flatteert u niet dat u de getuige in bescherming neemt.” May: „Dat doe ik ook niet, ik probeer alleen het Hof te beschermen.”

Toen Milosevic Naumann bleef confronteren met de oorlogsgeschiedenis van Duitsland, kreeg hij van de rechters een officiële waarschuwing. „Als u zo doorgaat, wordt het verhoor stopgezet”, aldus May.

Naumann sprak tegenover het tribunaal zijn spijt uit dat hij bij vredesonderhandelingen niet heeft kunnen spreken met vertegenwoordigers van het Kosovo-bevrijdingsleger UÇK. Het was de generaal echter van hogerhand verboden om met het UÇK te onderhandelen, omdat de NAVO dat als een terroristische organisatie beschouwt. „Een van de ijzeren regels is: de NAVO onderhandelt niet met terroristen.”

Terugkijkend moest Naumann bekennen dat daar een fout is gemaakt. „Als we één ding hebben geleerd voor de toekomst, is het wel dat je in een conflict altijd alle partijen moet horen.”

Vandaag gaat het kruisverhoor verder.

van holst en steijnen

From: Paul Davidson <p.davidson@btinternet.com>
To: <Undisclosed-Recipient:;>
Sent: zondag 16 juni 2002 13:26
Attach: Page 6359.doc
Subject: EXTREME PREDUDICE: THE HAGUE TRIBUNAL AND THE TRIAL OF SLOBODAN MILOSEVIC

Dear friends,

The article below is a first hand account from an observer at the trial of Slobodan Milosevic. It makes compelling reading. Lest there be any doubt of its objectivity I also attach the court transcript of the day's proceedings, which although laborious reading, are a real eye-opener to 'justice' in the New World Order. The new standards being pile-driven by this kangaroo court are also those to which the new International Court of Justice will be compelled and which will later apply to all national courts in our wonderful global age. This is an abhorrant attack on the civil rights of all.

Paul D

EXTREME PREDUDICE

THE HAGUE TRIBUNAL AND THE TRIAL OF SLOBODAN MILOSEVIC

"We are the judges Mr. Milosevic, and we have judged that you will have forty-five minutes to cross-examine this witness." Judge Richard May 7th June 2002.

To spend one day at The Hague Tribunal is enough to confirm the worst of suspicions. What is actually taking place in the heart of 'democratic' Europe is a show trial so blatant, so lacking in any form of legality, that it brings shame to those who are participating in it and to those who refuse to challenge it.

The history of the Tribunal's formation and funding is well documented. Originally an idea that emanated from the United States Department of the Army, it was brought into being via the UN Security Council in its Resolutions 808 and 827 of 1993. Not only was this act legally invalid, being that the Security Council had no authority in judicial matters to establish such a Tribunal, but its creation also involved a reinterpretation of the UN Charter. Canadian lawyer Christopher Black observed the following: "...the UN is based on the principle of the sovereign equality of its members, a fundamental principle of international law and the first guarantee of the right to self-determination of the world's peoples. If a people do not have the right of sovereignty, the right to self-determination is a sham. This principle is completely denied by the creation of the Tribunal. The UN Charter states that nothing contained in the Charter shall authorise the UN to intervene in matters which are essentially within the domestic jurisdiction of any state. This fundamental principle, put in the Charter so that the UN could not be used by some members to bully others has also been fatally undermined by the creation of the Tribunal. The members of the Security Council, more precisely, the permanent members, now hold the opposite position, and I submit, do so for reasons connected more with imperialism not humanitarianism."

Indeed the political character of the Tribunal was made clear in a statement to the Secretary General of the United Nations, Mr. Boutros Ghali, in 1994 by Antonio Cassese. Cassese commented, "Our Tribunal will not be simply 'window dressing' but a decisive step in the construction of a New World Order."

Similarly, the Tribunal's funding also exposes its political character. Much of its funding has come from the US government through cash and equipment, with other notable contributors being the Rockefeller family, Time-Warner, who own CNN and have exclusive rights to broadcast the trial, and American billionaire financier George Soros. The Soros connection is significant. The Coalition for International Justice (CIJ), founded and funded by George Soros, supplies many of the Tribunal's legal staff. The George Soros foundation, the Open Society Institute, is one of the parties that obtain evidence for the Tribunal, and most tellingly, the Open Society Institute funds the main KLA newspaper in Pristina, a fact that has not been mentioned once by the western media.

POLITICAL BIAS IN ACTION.

Even if one had no knowledge of the Tribunal's history, a brief visit to Courtroom One of the Hague Tribunal to witness the trial of Slobodan Milosevic would immediately give cause for concern.

Unlike the practice in criminal courts The Hague court itself is involved in the laying of charges and the approval of one of the trial judges must be obtained before a charge can be laid.

This extraordinary relationship between the prosecution and judges undermines the right of the accused to a presumption of innocence. Furthermore this close relationship can be witnessed in the day to day proceedings at The Hague.

I visited the Tribunal during the first week of June 2002 and can bear witness to the various ways this hand in glove operation of prosecutor and judge

appears in practice.

I heard the testimony of several prosecution witnesses during the sessions I attended.

Each witness gave their, sometimes lengthy, statements that were then elaborated on by the prosecution and on occasions involved photographs and maps. At no time during this process did the judge, Richard May, stipulate a time limit on the prosecution. Yet when it was the turn of Mr Milosevic to cross-examine the witness, Judge May would instruct that a time limit be put on proceedings. At one point, in response to protests from Mr Milosevic, Judge May arrogantly proclaimed, "We are the judges Mr Milosevic and we have judged that you will have forty-five minutes to cross-examine this witness." (7th June 2002).

Basically a cross-examination should take as long as it takes, be it ten minutes or ten hours, especially as the accused is facing the gravest charges any human being can face. But in the peculiar rules and procedures of this particular court, the trial judges will ensure that this is not the case.

Additionally, the Tribunal has been given the absolute authority to devise its own rules and procedures, an unheard of situation in any other circumstance.

When we come to the way the judges attempt to 'protect' the prosecution witnesses from any piercing cross-examination of their statements the full political bias of the court is revealed. I understand from other reports that this is a daily occurrence, however I will limit myself here to what I personally witnessed.

On the 6th June prosecution witness Mr Buyo, a KLA commander in the Racak zone during 1999, in his testimony relating to events surrounding the alleged Racak 'massacre', initially claimed that Serbian security forces had opened fire first. However, later in his testimony when explaining the KLA's actions, he testified that his own forces had merely fired warning shots into the air so as to alert their colleagues of the approaching Serb forces. Mr Milosevic seized on this discrepancy and pointedly asked the witness, "Why, if it was true that the Serbian security forces had fired first, was it necessary to fire warning shots into the air?" A quite reasonable assumption one would have thought. If you are under attack there is no need for any colleague of yours to fire shots in the air warning you of an approaching enemy. Mr Milosevic attempted to drive home the significance of this discrepancy at which point, with the witness clearly in trouble, Judge May intervened and instructed, "Move on Mr Milosevic, you have laboured this point enough. Go on to another question." Mr Buyo was off the hook.

A further witness, who admitted his brother was a member of the KLA, claimed he was an eyewitness to a 'massacre' of civilians in his village near Bela Crkva

. He testified that Serb forces had entered his peaceful village, separated the women and children from the men and proceeded to execute seventy men, women and children.

In his cross-examination (time limit imposed) Mr Milosevic asked why, if they killed seventy men, women and children so indiscriminately, would they bother separating them in the first place? After a lengthy silence from the witness Judge May interjected, "I don't think you can expect the witness to know that."

The witness's credibility was further undermined when he denied any knowledge of the KLA kidnapping of both Serb and Albanian residents in his village just a few weeks earlier, claiming he must have been away at the time and upon his return no villagers mentioned it to him. Up to that date the kidnapping was the biggest event to occur in his village for years, yet, as a life long resident there, he had never even heard about it.

Proceedings were taking a predictable course. It didn't take much insight to grasp the following: A) The witnesses told a well rehearsed story. B) If the witnesses got into difficulties during the cross-examination the Judge would intervene.

This observation was further confirmed with the appearance of one Mr Ian Robert Hendry, a member of the London Metropolitan Police who had been seconded to the OSCE and was part of the verification mission in Racak headed by William Walker.

Mr Hendry told of his observations while he was touring the Racak 'massacre' site, using several photographs that he had taken personally. Under cross-examination, when asked if he toured the site alone, or if somebody had showed him around, he replied that the latter was the case. "Who showed you around the site?" enquired Mr Milosevic. "I don't know" was the astonishing response. So here was a member of the verification team who could not even verify who it was that told him about the 'massacre' and showed him the supposed evidence. Mr Hendry was in trouble. Judge May instructed the defence to move to another question. However the other questions got Mr Hendry into deeper trouble. He could not explain why his photographs showed only patches of blood and not pools as would be expected. Nor could he explain why no person's blood had spilled onto another person's body, which it was logical to assume would have been the case if all these bodies, densely packed together, had all been killed simultaneously at this one specific place. Enter Judge May. "The witness is not a forensic expert and cannot be expected to know these things." Comments such as this, which pepper the trial every day, can be expected from the prosecution, but from a supposedly neutral trial Judge?

When asked by the defendant if he had ever heard of the 'paraffin test', (a test which can determine if a person had recently handled a firearm), Mr Hendry didn't answer but left it to Judge May to announce that, "This test has been discredited" to which Mr Milosevic added with a touch of sarcasm "But only in the USA, not in Yugoslavia."

Mr Yemeni was the last prosecution witness I observed during my June visit. In his statement he claimed to have witnessed the killing of civilians in his village in Kosovo. He was hiding in his attic from where he claimed to have witnessed the 'killings' and also overheard Yugoslav commanders communicating on mobile phones and comparing the number of dead with the number of dead at Racak. Mr Yemeni, at the age of twenty-four, was

Mayor of his village.

Below I paraphrase excerpts of the cross-examination:

Mr Milosevic. "Are you a member of the KLA?"

Mr Yemini. "No."

Mr M. "Are you a member of any political party?"

Mr Y. "Yes"

Mr M. "What is your party called?"

Mr Y. "The Democratic Party"

Mr M. "Who is the leader of your party?"

Mr Y. "Mr. Thaci." (Mr Thaci was a leader of the KLA in 1999).

Mr M. "When did you join this party?"

Mr Y. "I don't know."

Mr M. "You don't know when you joined? All right. Approximately when did you join?"

Mr Y. "I don't know"

Judge May. " Mr Milosevic, move on, it is not relevant when he joined the party."

Mr M. "It is very relevant. However. How is it that you were Mayor of your village at such a young age, this is very unusual?"

Mr Y. " I was Mayor because I represent modern civilisation, unlike the backward Serbs. Modern civilisation that we are now building in Kosovo needs leaders like myself to take them out of the backwardness that Serbs kept them in. We are building a civilisation that is modern and we need intelligent people like me."

Judge May allowed this racist diatribe to go on without comment.

Mr M. " I didn't know I was talking to an intellectual. However, let me ask you about the conversations that you say you overheard between commanders. Where were you when you overheard these conversations?"

Mr Y " Hiding in the attic of my house."

Mr M. " And what was the position of the soldiers who were using their phones?"

Mr Y. "On the balcony of a house facing my attic window."

Mr M. "Which is how far away?"

Mr Y. " Fifteen metres."

Mr Milosevic holds up a photograph for the witness that shows the houses in question.

Mr M. " As you can see there is no balcony facing your attic. And the nearest house is more like fifty metres away. Is that right or not?"

Mr Y. "No."

Judge May. "Move on Mr. Milosevic. The witness has told you his position."

Mr M. " Very well. As there were no KLA in your village, as you say, and therefore the villagers saw no reason to flee, as you say in your statement, why then did you feel it necessary to hide in your attic?"

A lengthy silence followed. Then the witness resumed his anti-Serb rhetoric of fighting for a modern civilisation against the darkness of the Serbs. At no point did Judge May direct the witness to answer the question or attempt to stop the racist language being used by Mr Yemeni.

Mr M. " All right. When the Security Forces were in your village what was the atmosphere like?"

Mr Y. " It was frightening. The Serbs were firing their guns into the air all the time and shouting and screaming at the civilians. They were like wild men."

Mr M. " So above this frightening noise, above the firing of guns, above the shouts and the screams you were able, even from, as you insist, fifteen metres away, you were able to hear telephone conversations?"

Mr Y. " We represent a modern civilisation, that's what intellectuals like myself are fighting for."

Mr. Milosevic repeated the question.

Judge May. " Have you many more questions for this witness Mr Milosevic?"

Mr M. " I have about forty more questions."

Judge May. "Well I am giving you ten more minutes with this witness."

Mr M. " That just shows the bias of this court as I have said previously."

Turning to the prosecution witness Mr Milosevic continued.

Mr M. " From what position did you observe the killing of the civilians?"

Mr Y. " From my attic window."

Mr M. " All the killings took place outside your attic window?"

Mr Y. " I can observe all the town from my attic. I can move around."

Mr M. " So with all this killing going on you felt secure enough, just fifteen metres away from the Security forces, to be able to move around your attic?"

Mr Y. " With all the noise no one could hear me so I was secure."

Mr M. " So the noise was so great that the Security forces could not hear you moving around, but the noise wasn't loud enough to prevent you from listening to a telephone conversation at least fifteen metres away from your position. Is that right or not?"

Judge May. " Your time is up Mr Milosevic. Mr Yemeni, I would like to thank you for coming to give evidence to the International Tribunal and you are now free to go."

THE SCALES OF JUSTICE.

As I perused Courtroom One with its judges, lawyers, secretaries and legal clerks, I realised that these people, working for this particular Tribunal, had sold their dignity and the dignity of their profession to the New World Order. And I felt nothing but contempt for them. The essence of this Tribunal is summed up perfectly by lawyer Christopher Black: "No citizen of any country in the world would consider themselves fairly tried before a court that was paid for, staffed and assisted by private citizens or corporations which had a direct stake in the outcome of the trial and who were, themselves, in practical terms, immune from that court. It is a well established principle of law that a party in a legal action, whether civil or criminal, is entitled to ask for the removal of any judge sitting on the case when there exists a reasonable apprehension of bias. In this instance, a compelling argument can be made that the bias is not only apprehended, it is real, that it is not of one judge but of the entire tribunal, that this is not a judicial body worthy of international respect but a kangaroo court, a bogus court, with a political purpose serving very powerful and identifiable masters. To be consistent with my thesis I will go further and say that as a political instrument designed to violate, to destroy the integrity and sovereignty of a country, its creation is a crime against peace under the Nuremberg Principles. Instead of resolving conflict as it claims, it is used to justify conflict, instead of creating peace, it is used to justify war and therefore is an instrument of war."

During the trial session of Friday 7th June Mr. Milosevic complained to the court that he had not as yet received a copy of the statement made by William Walker, head of the OSCE and a vital prosecution witness. Mr Walker was due in court the following Monday. Judge May said he would look into this.

The prosecution has been preparing their case for years, their witnesses are well rehearsed, hearsay evidence is accepted, as is secret testimony, and cross-examination time is restricted. Yet, as if that wasn't enough, witness statements are withheld from the accused until a few hours beforehand, giving little time for the defence to prepare the cross-examination.

Add to this the physical and psychological conditions that Mr Milosevic and other Yugoslav prisoners are subject to. They are treated as if they have already been convicted, being kept in cells and under constant surveillance, having their mail censored, family visits restricted, any communication with their families to be at their own expense, and restrictions on what they can see or hear on radio or television.

And, especially in the case of Mr Milosevic, a refusal to allow him to meet with the legal advisors of his choice. Several prisoners have already died while in custody and to the shame of organisations such as Amnesty International, no investigation into these deaths has been forthcoming.

Despite all this Mr Milosevic is bravely using the Tribunal as his battleground to defend his people and his country and expose the real culprits for the wars and break-up of the Balkans, Nato and the International Monetary Fund. He stated his position very clearly in his 11th December 2001 pre-trial appearance: "I can tell you that I am proud that I commanded the armed forces of Yugoslavia... I am here as a punishment for standing up against the danger of the biggest tyranny that has threatened mankind."

The Milosevic trial is expected to last two years, yet no matter how long a trial takes, no matter how many well-rehearsed prosecution witnesses are wheeled in, if the outcome is predetermined, then it is a show trial.

The resistance shown by the former President of the Federal Republic of Yugoslavia, against overwhelming odds, should serve as encouragement to all those who oppose the wars, poverty and suffering inherent in the creation of a New World Order.

Ian Johnson June 2002

<http://www.un.org/icty/transe54/020606IT.htm>

1 Thursday, 6 June 2002

2 [Open session]

3 [The witness entered court]

4 [The accused entered court]

5 --- Upon commencing at 9.04 a.m.

6 JUDGE MAY: Yes, Mr. Milosevic.

7 WITNESS: SHUKRI BUJA [Resumed]

8 [Witness answered through interpreter]

9 Cross-examined by Mr. Milosevic: [Continued]

10 Q. [Interpretation] Yesterday, I put a question to you and that's
11 where we broke off, that you were forcing villagers to leave villages and
12 then you fortified these villages and conducted attacks against the police
13 and then you proclaimed these attacks to be attacks against the civilian
14 population. You said that that was not true.

15 Let me just read something out to you. Page 8, paragraph 2. It
16 says: "We had to evacuate the villagers of Zborce in the municipality of
17 Stimlje, and later it was -- later, it was levelled to the ground as a
18 result of the shelling."

19 So you can see quite nicely there that you removed the population,
20 and then later there was fighting there. Does that confirm these
21 particular tactics of yours or not?

22 A. No, it doesn't confirm that because we established ourselves at
23 Rance in 1998, and the civilian population left subsequent to the
24 offensive of August 1998. It is true that there was fighting on a
25 continual basis in Rance throughout 1999. Rance was burnt down twice.

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1 Q. Is it correct that you took advantage of the cease-fire in order
2 to obtain arms and train KLA members?

3 A. Yes, that is true.

4 Q. So when the Verification Mission came, it made it possible to
5 revitalise the KLA; isn't that right?

6 A. We certainly used the time when there was a lull in fighting. Not
7 only during the time the verifiers were there but also when we were not
8 under attack, under fierce attack by your army and police. So that is the
9 time we used to rearm and regroup and reorganise. This happened in the
10 course of 1998, after the first offensive.

11 This was certainly not a violation of the agreement, because the
12 agreement does not envisage that. A breach of the agreement actually was
13 constituted by the repositioning and deployment of your forces at the
14 Pishat, Kodra e Geshtenjeve and such positions that lent themselves the
15 possibility of staging the massacre at Racak.

16 Q. All right. What a violation is and what a violation is not was
17 for the Verification Mission to determine, not for you. Is it true that
18 as far as the Nerodimlje zone is concerned, the KLA headquarters were in
19 Stimlje and the positions above Racak continued along to Rance where you
20 also had your forces? And by the way, tell me, how far away is it from
21 Racak to --

22 JUDGE MAY: One question at a time. There are a series of them
23 there. Was the headquarters in Stimlje? That was the first question.

24 THE WITNESS: [Interpretation] The staff was not located at
25 Shtime. It was in the village of municipality of Shtime, the village of

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1 Mullopolc in the municipality of Shtime.

2 JUDGE MAY: Yes, Mr. Milosevic.

3 MR. MILOSEVIC: [Interpretation]

4 Q. Tell me, the positions above Racak continued on to Rance where you

5 also had your forces; right?

6 A. The positions overlooking Racak and up to Rance, yes, they were
7 KLA positions.

8 Q. How far away is it from Racak to Rance?

9 A. Two to three kilometres.

10 Q. So how did you link up your positions between the two?

11 A. By using soldiers. By the positioning of soldiers.

12 Q. The members of the KLA were supposed to operate at the pass of
13 Laniste in the municipality of Stimlje because that was of vital
14 importance for the KLA, wasn't it, for the route through Pastrok and
15 further on towards headquarters; isn't that right?

16 A. No, this is not correct, because the positions that we had were
17 aimed at defending the gorge of Llužak and Llanishte, which was vital to
18 us.

19 Q. Well, that's precisely what I've been saying, that your task was
20 to hold the pass of Laniste because that was the key route to Pastrok and
21 your headquarters.

22 A. It was vital to the headquarters of the Nerodime operational zone
23 because this was the route we used to pass on to the operational zone of
24 Pastrok and through that to reach the general headquarters of the KLA.

25 Q. The KLA killed a policeman in January 1999, in your zone, and yet

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1 another one was wounded; isn't that right?

2 A. We're not aware whether there was a policeman killed and another
3 one wounded. All we know is that the units of Mullopolc went to defend
4 the civilian population which began leaving the villages after the entry
5 of Serbian police forces. And in the course of this process, they came
6 under fire, and our soldiers went to defend the civilians and about 40
7 minutes of fighting ensued. We're not aware of whether this resulted in
8 the killing of one policeman and the wounding of another.

9 Q. As for the killing of the policeman, you refer to it in your very
10 own statement, on page 10, in the last paragraph. How can you bring it
11 into question now?

12 Is it correct that in that region - that is to say, the region
13 Racak, Petrovo, Rance - in mid-January 1999, the situation with regard to
14 armed soldiers in that area was about 1.400; that was their actual number?

15 A. I did not understand the question. Can you repeat it, please?

16 Q. I asked you whether it is correct that in that region - Racak,
17 Petrovo, Rance - in that zone of yours, in mid-January 1999, the actual
18 number of armed members of the KLA was about 1.400. Is that right?

19 A. No. In my statement, I said that the number of soldiers varied in
20 the course of time, and at the time of the Racak massacre, the entire zone
21 counted about a thousand soldiers.

22 Q. All right. It's not that much of a difference. But page 6, last
23 paragraph, this is what it says:

24 "I commanded two brigades, one between Stimlje and Urosevac, and
25 the other one between Kacanik and Strpce, at the time when the massacre in

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1 Racak took place." So I'm asking you about that period, and that was
2 contained in my question. So in the village of Racak, municipality of
3 Stimlje, the number of armed soldiers was around 1.000. "In the entire
4 zone I had about 1.400, including personnel from all sections. I had
5 about another 300 to 400 in training," et cetera, et cetera.

6 Please go ahead.

7 JUDGE MAY: Let him finish. Yes.

8 Yes, Mr. Buja.

9 THE WITNESS: [Interpretation] This paragraph relates to the time
10 of the massacre at Racak, where it says that there were about a thousand
11 soldiers, and it later refers to the overall numbers up to the end of the
12 war. But the questions coming from the accused seem to be a bit removed
13 from the actual statement.

14 MR. MILOSEVIC: [Interpretation]

15 Q. All right. Let's not go into the extent of the deviation

16 concerned. I asked you of the actual numbers in the crucial time that you
17 are referring to, and it says here that there was about 1.400. But let us
18 go on.

19 Is it correct that you had bunkers and trenches in the area above
20 and around Racak?

21 A. It is not right that I said 1.400. What I said was there were
22 about a thousand soldiers in the entire zone.

23 Yes, we did have bunkers and trenches, not only on the hills
24 overlooking Racak, but also other positions at Petrova, Mullopolc, Jezerc,
25 and other positions within the operational zone of Nerodime.

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1 Q. Again, you've gone back to your assertion that in the entire zone
2 you had a thousand soldiers. But in the last sentence in the paragraph on
3 page 6, you say: "In the entire zone I had 1.400 men," lest there be any
4 confusion.

5 JUDGE MAY: He has dealt with this and you've pointed out the
6 statement. Let us move on to another question.

7 THE ACCUSED: [Interpretation] I have moved on to the next
8 question.

9 MR. MILOSEVIC: [Interpretation]

10 Q. Bunkers, trenches above and around there, et cetera, et cetera.
11 You got the drafts, you approved them, and they started working on this
12 the beginning of 1998, isn't that right, December 1998?

13 A. Work on opening the trenches overlooking Racak and the bunkers,
14 yes, they began in December 1998, and I think I clarified this in the
15 course of my testimony yesterday.

16 Q. And you explained that you had this in other parts of your zone,
17 all over, that is to say, both bunkers and trenches; isn't that right?
18 Also, is it right that your soldiers were given automatic weapons and
19 mortars: RBG-500, machine-guns of 7.9 calibre, and also heavy
20 anti-aircraft guns of 12.7-millimetre calibre? Then you had a recoilless
21 gun, two light mortars, 60-millimetre calibre, and also, in the zone of
22 Pashtrik, you had mortars of 120 millimetres. Isn't all of that right? Is
23 all of that right?

24 A. No, that is not correct. In my statement, I said that the weapons
25 we had in Nerodime was mortars of 500, machine-guns of 12.7, 60-millimetre

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1 mortars, whilst at Pashtrik operational zone we had the
2 120-millimetre-calibre weapon, and this latter category reached the region
3 of Pashtrik very late in the course of the war.

4 Q. I really don't know what the difference is between what I had
5 asserted and what you asserted. It says here in your statement, in the
6 middle of the seventh page: "Soldiers were given automatic weapons."

7 JUDGE MAY: We don't have to go over it again. We can read it.
8 We've got his response.

9 THE ACCUSED: [Interpretation] Of course you can read it, but I
10 wish to remind you that that is what he mentioned in his very own
11 statement.

12 JUDGE MAY: [Previous translation continues] ... read that. The
13 question may be this: What did the soldiers have available? What weapons
14 did they have available to them in January 1999?

15 THE WITNESS: [Interpretation] Our soldiers were equipped with
16 automatic rifles, mortars, machine-gun of 7.9 calibre, machine-gun 12.7,
17 60-millimetre grenade launcher, and rifles M-48, AK-47, the mortar of 500
18 millimetres as well.

19 MR. MILOSEVIC: [Interpretation]

20 Q. All right. All right. We have clarified that, then, your
21 weapons, starting from automatic weapons, going all the way to heavy
22 guns. I'm pleased that you've clarified this, because Bilal Avdiu, a
23 witness from Racak, said that your soldiers were armed with hunting rifles
24 only.

25 My next question: According to your statement, in Racak you had

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1 only 47 soldiers; is that right?
2 A. I do not know what previous witnesses said because civilian
3 witnesses could have various statements to put forward. Yes, it is true
4 that there were 47 soldiers in the positions near Racak.
5 Q. You explained yesterday during the examination-in-chief that for
6 these purposes you had, at the very entrance into Racak, five or six
7 houses. That's how you had put it. That is in the LiveNote as well.
8 Isn't that right?
9 A. That is not correct, because those five or six houses are located
10 at the end of Racak, on the entrance to Racak.
11 Q. That's exactly what I said. At the entrance into Racak, these
12 five or six houses. That's what you had. Does that mean five or six
13 houses that you had for putting up 47 soldiers? Does that mean that every
14 soldier had a room to himself?
15 A. Excuse me. What I said was that our base consisted of four,
16 five -- four or five houses at the end, at the very end or extremity of
17 Racak. Those four or five houses were used for accommodation, kitchen,
18 catering. One of them served as a kitchen, another one was used by the
19 commander and his deputy, another one by the sentry and the other guards,
20 and the other ones were used as accommodation.
21 Q. All right. Yesterday you said five or six, but this is quite
22 sufficient.
23 So your base was in Racak. There is no doubt about that. Whether
24 it was at the entrance of Racak or whether it was at the end of Racak as
25 you had put it just now, at any rate, your base was in Racak; isn't that

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1 right?

2 A. It is important [as interpreted], because it -- it was at the
3 gorge at the very end of Racak, and it was secluded from the civilian
4 population of Racak. We had a guard who did not allow civilians to enter
5 the zone, that area, that -- without business.
6 THE ACCUSED: [Interpretation] Please. In the transcript, instead
7 of saying, "It was a base," it says here, "It is important." That is a
8 serious difference in respect of the witness's answer because his answer
9 was, "It is indeed a base." And then he explained it further on.
10 JUDGE MAY: I don't see it. He's used the word "base." Let's
11 move on.
12 MR. MILOSEVIC: [Interpretation]
13 Q. All right. You showed the investigator who took your statement
14 the position where KLA headquarters was in Racak, the place from which you
15 killed two Serb policemen on the 15th of January, 1999, the place where
16 your commander was wounded.
17 JUDGE MAY: Just a minute. If you're going to make allegations of
18 that sort, let us deal with it one by one.
19 First of all, did you show the investigator your base or
20 headquarters in Racak?
21 THE WITNESS: [Interpretation] Yes.
22 JUDGE MAY: Next, it's suggested that this was -- just a moment.
23 Let us deal with it one at a time.
24 It is suggested that this was the place from which you killed two
25 Serb policemen on the 15th of January, 1999. Can you assist us as to

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1 that? Is that right or not?

2 THE WITNESS: [Interpretation] This is not correct, because Racak
3 and Slivove, where the event occurred, is at a great distance from Racak.
4 You can't shoot from Racak towards Slivove. There were the units of
5 Mullopolc which went to the defence of the civilian population at Slivove,
6 and fighting ensued for 40 minutes. And we are not aware of any
7 casualties or not. Public information, however, suggested that a
8 policeman had been killed and another one had been wounded. And this
9 information came from state-owned Serbian television.
10 MR. MILOSEVIC: [Interpretation]
11 Q. Please. In relation to this controversial issue, I would like to

12 quote point 14 on page 22 of the statement. Could you please take a look
13 at that? Page 22, point 14 says: "GPS position, EM 01580 96481,
14 elevation 741 metres, relates to the area from where, on the 15th of
15 January, 1999, two Serb police officers were shot and killed."
16 Of course that's not all, because it says: "On the 19th of
17 January, from the same location, Mira LNU, Shtime police commander, was
18 shot and killed from the same location," et cetera, et cetera.
19 In this paragraph number 14, it also says: "It is the -- the
20 bunker in Recak is located on the far side of this hill." And then what
21 these photographs refer is not really important.
22 So is that right or is that not right?
23 JUDGE MAY: Mr. Buja, have you got this part of your statement?
24 THE WITNESS: [Interpretation] It's very long. I found point 14
25 but not the other one.

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1 JUDGE MAY: Just read point 14 to yourself.
2 THE WITNESS: [Interpretation] It says the elevation and the EM
3 01580 96481 in the map coordination system. And this shows the place on
4 15th of January where two Serb police officers were killed.
5 MR. MILOSEVIC: [Interpretation]
6 Q. It doesn't say "in which." It says "from where," "from where"
7 they were killed, not "in which."
8 A. I'm reading it as it is -- I'm reading paragraph 14 - I still
9 haven't finished - as it is in the statement. May I go on reading this
10 paragraph?
11 JUDGE MAY: Yes.
12 THE WITNESS: [Interpretation] "On 19th of January, 1999, Mira LNU,
13 Shtime police commander, was shot and killed from the same location. It
14 is the hill that Shaqir Berisha was shot from. The bunker in Recak is
15 located on the far side of this hill. Roll 3, photographs 16 to 18
16 refers."
17 JUDGE MAY: Can you help us and tell us what the position was to
18 which you are referring in the statement? Can you do that or not?
19 THE WITNESS: [Interpretation] Yes, I can, because -- if you wish,
20 I could use the map. We were firing from --
21 JUDGE MAY: Yes.
22 THE WITNESS: [Interpretation] Even though it's not actually on the
23 map, I can show you approximately because Shaqes Hill is here behind the
24 bunker, and the hill from which there was firing is down over in this part
25 here. And firing came Shaqes Hill, and there was firing that I explained

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1 in my evidence, on the 16th of January on the Krajkova road with the
2 police that was positioned at this point over here. 15th of January. And
3 I could also use the photographs that are taken of this position.
4 MR. MILOSEVIC: [Interpretation]
5 Q. Well, perhaps the interpretation wasn't good. I heard 16th of
6 January and then the 15th of January. So I just want to clarify. It was
7 on the 15th of January; is that right?
8 A. It was on the 15th of January that there was the murder of two --
9 the two Serbian officers were killed. And on the 16th -- on the 19th, the
10 Shtime police commander was killed. And this happened during the fighting
11 that we were engaged in during those days.
12 Q. Well, some of your people were killed during the fighting as
13 well. You said this right.
14 What I wanted to ask you about this is the following: You showed
15 the position where the KLA headquarters was located in Racak. This is
16 under item 16, paragraph 16. So we read out the 14th, and now in the
17 16th, it says such-and-such position -- I'm not going to read the
18 coordinates and so on, they're in paragraph 16. But it says that this
19 pertains to the KLA headquarters in Racak where 47 soldiers were together
20 with the staff. And then it says here: "The view of the side of the
21 house indicates the direction of the bunker over the trees in relation to
22 the HQ," and so on. And then it shows the direction behind the house

23 where Afet Bilalli, nicknamed Qopa, Racak unit commander, was located.
24 So therefore, you showed to the investigator where 47 soldiers
25 were housed together with the staff. And you also show to him the place

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1 where this commander of yours was wounded.
2 Under paragraph 22, it says also that on the elevation of 620
3 metres, this -- this refers to the location where Afet Bilalli was wounded
4 and Skender Qarri killed, and so on.

5 This is what you --

6 THE WITNESS: [Interpretation] Your Honour, if I may, if it is
7 possible, could these questions be shorter? Because it's very difficult
8 to answer these very long questions.

9 JUDGE MAY: There isn't a question so far. We'll wait for it.

10 Yes, Mr. Milosevic.

11 MR. MILOSEVIC: [Interpretation]

12 Q. So these 47 soldiers stayed in the house whose owner was Mehmet
13 Mustafa, a soldier of the KLA who was one of the killed -- one of the
14 members of the KLA that was killed; isn't that right?

15 A. Your Honour, first I must -- I must explain that I have an
16 additional statement, because the headquarters -- the word "headquarters"
17 is used here, and the -- I wanted to stress the word "base," because these
18 terms are very different, because a headquarters means having auxiliary
19 personnel, and we didn't have such personnel at our base. We only had
20 soldiers, the commander of the unit, and his deputy. So we weren't
21 dealing with a headquarters but what the commander, Ahmed [as interpreted]
22 Bilalli and his deputy, uh-huh, with 47 soldiers.

23 JUDGE MAY: You were asked whether these were the houses belonging
24 to one of the soldiers who was in fact killed, a Mr. Mehmet Mustafa. Is
25 that right?

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1 THE WITNESS: [Interpretation] I think it is, but I don't have any
2 evidence about whose house it was.

3 MR. MILOSEVIC: [Interpretation]

4 Q. In the second paragraph on page 12, you speak of these 47 soldiers
5 who stayed on the pass in Racak, and they were -- they stayed in the house
6 of Mehmet Mustafa, who was one of the members that got killed; isn't that
7 right?

8 A. He's called Mehmet Mustafa, not Mustafaj [phoen]. And after the
9 war I did find out that it was Mehmet Mustafa's house. During the war, we
10 didn't really record whose houses we used and whose were not.

11 Q. I didn't say "Mustafaj." Perhaps that was the interpretation that
12 you got. I said "Mehmet Mustafa," which is what it says here. And the
13 point is as follows: Not only it was his house, but it also says here
14 that he was one of the KLA soldiers that got killed. So he was a soldier
15 of the KLA; isn't that right? This is what it says in your statement. Is
16 that right or not?

17 A. Yes. Mehmet Mustafa was a soldier for KLA.

18 Q. So Mustafa was a soldier of the KLA, and he got killed as such, as
19 a soldier of the KLA. And this person, gentleman, can be found on the
20 list on the following pages, on the list of killed civilians. You can
21 find his name there.

22 JUDGE MAY: We can check that out, yes. Yes, Mr. Buja.

23 THE WITNESS: [Interpretation] In which paragraph is this?

24 JUDGE MAY: The accused is making the point that this name appears
25 on the list of civilians. We can check it out. No need to look it up

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1 now.

2 Yes, Mr. Milosevic.

3 THE ACCUSED: [Interpretation] I'm not speaking about his list of
4 civilians; I'm referring to the list of civilians that got killed, and
5 this is Mr. Nice's list.

6 JUDGE MAY: I understood that. Let's move on.

7 MR. MILOSEVIC: [Interpretation]

8 Q. On the 13th of January, you spoke to those who were -- to the
9 villagers of Racak, and you told them that there was a danger of imminent
10 attack, and you said that the majority of residents left that place; isn't
11 that right? I mean, this is in your statement. Do you remember this?

12 A. Yes. I said that I talked to the inhabitants of Racak about the
13 danger they faced, and it was up to them to decide whether to leave or
14 not. Our duty was to warn civilians of danger. Most of them left Racak,
15 but those who wished to remain, regardless of the danger, did remain.

16 Q. Very well. I wanted to clarify what I just said, which is that
17 most of the residents had left the place.

18 Is it true that on the 13th you had a meeting in the command in
19 Racak, at which time it was ordered to take great caution in Belince area
20 because of great concentration of Serb forces near Ceska Hill and another
21 place, Trnobro [phoen]?

22 A. No meeting was held at the Racak base. It was held at the command
23 base of the zone, which was at Mullopolc, whereas the soldiers at Racak
24 were given instructions to be careful about the Belinca area because
25 Serbian forces were positioned at the pine trees of Shtime and the

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1 Caraleva gorge and near Belinca, and so the KLA soldiers at Racak had to
2 be very careful about these positions.

3 Q. Is it true that on the 14th of January you declared a state of
4 high alert due to movements of Serb forces that you just referred to?

5 A. Not only on the 14th, but this state was proclaimed whenever
6 Serbian forces started shelling. During the 14th, during the night, there
7 was shelling, so we went on the alert. And we responded to every shelling
8 with a state of alert, not because we were scared of Serbian forces, but
9 we were anxious about the villagers.

10 Q. Very well. Based on these last few questions, can it be clearly
11 concluded that it was no surprise for you that the police intervened, that
12 you also had your base in Racak, that you killed policemen from there,
13 that you expected a conflict with police - because you just told us in
14 your two previous answers that you were expecting this and you were
15 waiting for the police - and that this is all about a conflict between the
16 police and your terrorist group, which, based on your statement --

17 JUDGE MAY: That's enough, if you're trying to ask a question.

18 You know that speeches are not permitted. Your question, such as it is,
19 contains one matter which has been denied and in dispute, when you allege
20 again that the witness killed policemen from the base in Racak. The
21 witness has denied that and has explained what has happened.

22 The question appears to be this, interpreting it, that it was no
23 surprise to you when the police attacked. Is that right?

24 THE WITNESS: [Interpretation] It was not a surprise, because there
25 were warnings, signs, with the sighting of Serbian forces at Kodra e

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1 Geshtenje, at the Shtime pine trees, at the arrival of Vojislav Seselj and
2 the activities of the Black Hand. These were sufficient warning signs
3 that we should be careful, even if we were unable to tell whether it was
4 Racak and Dramjak that would be attacked. These two villages were the
5 most imperilled. And before the Racak massacre happened, there had been
6 police intervention in Slivove and in Dramjak, when civilians were
7 arrested. And for these reasons, you can -- and about these events you
8 can look at the OSCE report, because we reported all these incidents to
9 the Kosova Verification Mission.

10 MR. MILOSEVIC: [Interpretation]

11 Q. Very well. I think we drew our conclusions and you answered
12 affirmatively with respect to these orders concerning Racak and also
13 pertaining to the fact that on the 14th you declared a state of high
14 alert. This is all contained in your statement.

15 And now the firing started in the morning of January 15th, between
16 6.00 and 7.00 in the morning. This is what you're claiming, thereabouts;
17 right?

18 A. The state of alert, I repeat, was not only on the 14th but was

19 continually during those days, because there were four or five days before
20 the Recak massacre when there was shelling during the night. And in my
21 statement, I have stated that there was shelling, and I said that whenever
22 there was shelling, we declared a state of alert and took positions. This
23 manner of operation on the part of Serbian forces was precisely in order
24 to wear down our soldiers and to put us into difficult positions from our
25 exhaustion, as indeed happened on the 15th of January.

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1 JUDGE KWON: Mr. Buja, but in your statement you didn't mention a
2 shelling at that time. You only said that you declared a state of high
3 alert only because of the movement of the Serb forces. Is it right?

4 THE WITNESS: [Interpretation] I don't know which paragraph in the
5 statement you're referring, but I might explain that four or five days
6 before the massacre, there was shelling during the night. It was
7 sporadic. And this alarmed us. The OSCE was always informed about this.
8 And I wrote in my statement that this shelling took place at night so that
9 it couldn't be checked by the verifiers. I might find the place where I
10 have stated this.

11 JUDGE KWON: That's enough. Thank you.

12 Please go on.

13 THE ACCUSED: [Interpretation] Very well. Thank you very much.

14 MR. MILOSEVIC: [Interpretation]

15 Q. Now, let us turn to the battle itself, the battle around Racak,
16 which Mr. Nice here analysed in much more detail than his countryman had
17 analysed the Waterloo battle.

18 The question was: Who was the first to start shooting? And you
19 naturally replied that it was our forces, or, as you call them, "Serb
20 forces," and I call them "our forces." So you say that they started
21 shooting first. And you also contradict yourself by your statement. So
22 could you please comment on this, because it is obviously not true that
23 the Serb forces were the first one to start firing. Because on page 12,
24 you say that --

25 JUDGE MAY: Besides comment on the Prosecution which is

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1 unnecessary, we now have a question which has lasted more than a minute,
2 insofar as it's a question. Now what is the point? If you want to bring
3 a witness's attention to what is alleged to be a contradiction, you should
4 point it out to him in the statement and then give him the opportunity to
5 deal with it. Now, what is your question here?

6 MR. MILOSEVIC: [Interpretation]

7 Q. In your statement, on page 12, paragraph 2, it says -- this is how
8 the paragraph itself begins:

9 [As interpreted] At night, Serbs, without -- got to our positions
10 silently, and at that point three bullets were fired on the Serbs, and it
11 seems that a Zolja anti-tank grenade hit some people who were in the
12 bunker, and so on.

13 You say in your statement that your soldiers shot a short burst of
14 fire as a warning to other members of the KLA. Is that right? So if
15 there was any shooting before that, and if our forces did shoot before
16 that, then I suppose that your soldiers were sufficiently warned by this
17 firing and that there was no need to warn them additionally by any short
18 bursts of fire. Isn't that logical?

19 JUDGE MAY: Mr. Buja, look at the paragraph before, read the two
20 together, and then you can answer the question, which seems to be: Was
21 there a short burst of fire or not?

22 THE WITNESS: [Interpretation] Your Honour, I have found it hard to
23 find the page because I don't have page numbers. It's hard to find it.
24 Can you tell me in which part this is? Perhaps I should number the pages.

25 JUDGE KWON: Mr. Buja, did you find the sentence when you say "the

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1 high alert"? The two sentences next from this sentence.

2 MR. NICE: Your Honour, I think the witness is now looking at the
3 Albanian version, which doesn't have page numbers. If he can look for -

4 at page 12 or thereabouts, because the page numbers do not coincide - the
5 paragraph beginning, "On the morning of the 15th of January, 1999..." that
6 may be the best way for him to locate it.

7 JUDGE KWON: It's in the next paragraph from that paragraph.

8 THE WITNESS: [Interpretation] "On 15th of January, in the --"

9 JUDGE MAY: Just read the two paragraphs to yourself.

10 THE ACCUSED: [Interpretation] We're wasting too much time this
11 way. I don't think that we can challenge the authenticity of this
12 statement. This is what the witness is looking at.

13 JUDGE MAY: He can read the statement. It's fair that witnesses
14 should have a chance to refresh their memory if questions are being asked
15 about it. Now, then, Mr. Milosevic, he's had a chance to read the
16 statement and you can ask your question again.

17 MR. MILOSEVIC: [Interpretation]

18 Q. Therefore, you say that the Serbs approached the village without
19 making a sound, a single sound, and that your people saw that something
20 was wrong. They fired a short burst of fire from this heavy anti-aircraft
21 machine-gun. So Mr. Nice asked you, and you replied that the Serbs were
22 the first to shoot, and that is not true, because you were the first ones
23 to shoot. This is what appears in your statement. Isn't that right?

24 A. That's not right. I could explain this if you wish.

25 JUDGE MAY: Yes. Clarify it, if you would.

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1 THE WITNESS: [Interpretation] We didn't know when the Serbian
2 operations started that day, but after analysis, it showed that the
3 operation started much before, long before the shots were heard. And the
4 positioning of Serbian forces behind our bunker, behind our positions, was
5 before the fighting started. And between 6.00 and 7.00 in the morning,
6 Serbian forces that were positioned behind the bunker were unable to
7 distinguish, make out the place where the bunker was, and they -- they
8 started firing from Cesta to provoke return fire from the bunker. And the
9 bunker replied with a short burst of fire after the provocation, after
10 which, Serbian forces discerned where the bunker was and fired at its
11 entrance with a Zolja.

12 This bunker was eliminated, and at this time, the Ismail Luma, the
13 soldier, was killed. And the soldiers gave a signal with a 12.7, because
14 these were not -- this was not incessant firing but only a short burst.
15 And our soldiers started leaving the base, and some of them like
16 Mehmet Mustafa, Sadik Mujota, were hit on the steps as they left the
17 house. This is what happened on the 15th of January.

18 JUDGE ROBINSON: Mr. Buja, that's not the sequence that you
19 outlined in your statement. You didn't mention in your statement that the
20 Serbian forces positioned behind the bunker started firing from Cesta to
21 provoke return fire from the bunker. You appear to be saying that now for
22 the first time. Why is that?

23 THE WITNESS: [Interpretation] No, this is not the first time I
24 mentioned this because this exists in my statement. I don't know which
25 paragraph. If I went through all of it, I could pinpoint it, certainly.

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1 The paragraphs that were read here were in order to clarify the killing of
2 the soldiers.

3 JUDGE ROBINSON: Proceed, Mr. Milosevic.

4 MR. MILOSEVIC: [Interpretation]

5 Q. You said that from this heavy machine-gun they shot a burst of
6 gunfire in order to respond to provocations, because the Serbs had been
7 shooting. And two lines up you say that these three bullets were fired as
8 a signal, as an alert. You say that this automatically represented an
9 alert, an alarm, for the soldiers in Racak. This is again on page 12,
10 that this automatically was an alarm for the soldiers of the KLA in
11 Racak.

12 Did you shoot by way of an alarm or in response to gunfire?

13 Before that, you said that the Serbs had come silently, without a sound.

14 JUDGE MAY: You can't have questions of this length. It's quite

15 impossible to follow. Now, either ask short questions, or we'll have to
16 bring this to an end.
17 He's dealt with it. He's explained what he said happened, how the
18 Serbs fired first and then they fired as an alarm.
19 THE ACCUSED: [Interpretation] All right. All right, Mr. May.
20 MR. MILOSEVIC: [Interpretation]
21 Q. Then you've explained all of this. Then we can go on, because
22 that's not hard at all.
23 So Ismail Luma and Enver Rashiti, KLA soldiers, were killed in
24 Racak; is that right?
25 A. At the bunker position which overlooked Racak.

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1 Q. All right. Is it correct that the unit in Racak was called the
2 Racak unit and that they had positions of their own and they patrolled
3 there, et cetera?
4 A. No. The Racak unit, as it was known amongst the people, was part
5 of Battalion 2 of Brigade 161.
6 Q. I asked you whether this Racak unit, as you call it, was deployed
7 there and positioned there and patrolled there precisely in that area.
8 And I did not ask you about any further formations. Is that right or is
9 that not right?
10 A. I did not understand the question.
11 JUDGE MAY: Well, the point can be seen if you read on from the
12 paragraph which you were reading. You will see there's a reference to the
13 Racak unit having specific areas to patrol. Do you see that paragraph?
14 It begins: "They patrolled mostly in the area of Belince."
15 MR. MILOSEVIC: [Interpretation]
16 Q. You say that they called it the Racak unit. They had certain
17 places where they patrolled and positioned. And if attacked, they had to
18 be in trenches or bunkers in that area.
19 Now, tell me, when this short burst of gunfire was sounded by way
20 of an alarm, did the soldiers rush, thus alarmed, to take bunkers and
21 trenches, according to your description, or did they start running away?
22 A. The soldiers of this unit were under orders that in the event of
23 shelling from Serbian forces, they ought to emerge and occupy the trenches
24 that led over to the bunker overlooking Racak. During the Serbian assault
25 from Cesta and the burst of gunfire from the 12.7 from the bunker, they

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1 started filing out of the base at the Racak gorge, and outside the house
2 Mehmet Mustafa and Sadik Mujota were killed. There were also soldiers
3 killed in the yard of the base. The deputy commander Ali Beqa and Nazim
4 Kokollari, who was also known as Budakovc.
5 Some soldiers managed to move towards our positions. They faced
6 the Serbian fire. And Kadri Sylja, one of our soldiers, was killed in the
7 vicinity of the trenches that led to the bunker. The commander of the
8 company came under fire as well whilst attempting to reach our positions,
9 and he sustained heavy injuries. Also the -- our soldier Skender Jashari
10 was killed. He is the one who was with the commander of the Racak unit.
11 JUDGE MAY: So what was the -- what was the upshot? Did they
12 occupy the trenches, as far as you know, or were they killed? What
13 happened when they left the base?
14 THE WITNESS: [Interpretation] The soldiers of this unit attempted
15 to file towards the bunker and the positions around it. The soldier named
16 Kadri Sylja was killed following the killing of Ismail Luma at the bunker
17 and Rashiti at the bunker. The other soldiers who went towards the -- our
18 positions around the bunker were also killed. Two in the yard of one of
19 the houses of that base. This is Nazim Kokollari, and the deputy
20 commander of this unit, Ali Beqa.
21 JUDGE MAY: So that I can understand it, they attempted to occupy
22 the trenches and the bunker, but a number of them were killed and the rest
23 left. Is that what happened?
24 THE WITNESS: [Interpretation] Yes, because there were eight
25 soldiers who were also wounded, and those ones were taken away by the

1 other members of this company, away from this position.
2 MR. MILOSEVIC: [Interpretation]
3 Q. All right. Is it correct that this is how it happened: So the
4 soldiers got out of the house and they went to their positions. I am
5 quoting what it says in your statement.
6 "They were sure that our soldiers would be there, but they were
7 in crossfire, and they did not know where it was coming from. A number of
8 them tried to escape through a stream at the back of the yard. Some got
9 wounded there. Those that survived managed to get over the hill to Luzak
10 in Stimlje municipality. The unit commander, Afet Bilalli, nicknamed
11 Qopa, was shot and badly wounded in the leg trying to escape to Luzak.
12 Skender Qarri, who was with him, was killed at the same location."
13 Now, is that how it happened, the way you've just described it?
14 A. I cannot find this paragraph.
15 Q. It's right behind the paragraphs I've just quoted to you, because
16 it's all in the proper order.
17 A. I stated that soldiers of the Recak unit came under fire as they
18 attempted to reach the bunker which had previously been taken by the
19 Serbs. We learned of this later. At those very moments, the soldiers
20 were unaware of where the fire was coming from because there was crossfire
21 from all over the place from the Serbian positions overlooking our own
22 positions. So there was a degree of confusion amongst the soldiers.
23 What I've stated here was based on the reports, on the accounts as
24 reported to me by the soldiers of the Recak unit. However, the soldiers
25 themselves, during that period, were to a degree confused. Some of the

1 soldiers emerged from the base heading towards the position of the
2 bunker. Kadri Sylja was killed at those moments. Two others were killed
3 in the yard of the house. Two were killed as they emerged from the base,
4 on the staircase of the house.
5 JUDGE MAY: Yes. I think we have that picture.
6 Yes, Mr. Milosevic.
7 MR. MILOSEVIC: [Interpretation]
8 Q. All right. This description more or less corresponds to the
9 description that the previous witness, Agron Mehmeti, mentioned as well.
10 I draw your attention to this gentleman. Except that he said that they
11 had all been civilians.
12 JUDGE MAY: No. You're examining this witness now, not commenting
13 on the evidence.
14 THE ACCUSED: [Interpretation] I don't want you to forget. All
15 right.
16 MR. MILOSEVIC: [Interpretation]
17 Q. I mean, they coincide, except that one says that they were KLA
18 soldiers and the other one says they were civilians.
19 Well, yesterday, the other side --
20 JUDGE MAY: Are you going to put -- are you going to put it to
21 this witness? If so, you should put it in terms, that the people who were
22 killed in the ravine, shot, were KLA soldiers? Is that what you're going
23 to put? If that's the suggestion, you should put it clearly to the
24 witness. The 20 and more civilians were, in fact, KLA soldiers. Is that
25 what you're suggesting, Mr. Milosevic?

1 THE ACCUSED: [Interpretation] Allow me, first of all, to use this
2 document that the other side submitted yesterday. As far as I can see,
3 this is a report, this daily report that the police sent to the higher
4 authorities through their own chain, that is.
5 JUDGE MAY: Exhibit 211.
6 THE ACCUSED: [Interpretation] In relation --
7 JUDGE MAY: Yes.
8 THE ACCUSED: [Interpretation] I don't know which exhibit this is.
9 It says here OTP reference 2873. And which exhibit of yours this is, I
10 really have no idea.

11 This is a report that was signed by the shift leader, junior
12 sergeant first class, et cetera, et cetera. This is a regular report
13 which says the same thing that this witness here says, except that the
14 words used are a bit different, that the police was shot at from heavy
15 weapons, that is to say a 12.7 millimetre heavy anti-aircraft gun.
16 MR. MILOSEVIC: [Interpretation]
17 Q. And we have confirmed that; right?
18 JUDGE MAY: Where are you reading from?
19 THE ACCUSED: [Interpretation] I beg your pardon?
20 JUDGE MAY: Where in the report are you reading from?
21 THE ACCUSED: [Interpretation] For example, right here. It says --
22 I'm going to read what it says about Racak.
23 "On the 15th of January, around 0300 hours, measures of blocking
24 the village of Racak were taken in order to capture and destroy a
25 terrorist group. We had had information that they had carried out several

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1 terrorist attacks in the municipality of Urosevac with lethal
2 consequences."
3 MR. MILOSEVIC: [Interpretation]
4 Q. Now, is it contested that there was a group of 47 soldiers there?
5 I imagine it is not being challenged.
6 JUDGE MAY: We don't need to go over this again. Read on.
7 MR. MILOSEVIC: [Interpretation]
8 Q. So that is quite clear and correct. It says: "At 0630 hours the
9 village of Racak was completely encircled as a special police unit of SUP
10 Urosevac was entering --" that's what the abbreviation means -- "at the
11 very entrance of Racak from the direction of Stimlje (the road by the
12 special institution) and the Siptar terrorist bands opened fire from a
13 hand-held rocket launcher and small arms. Fire was responded to and the
14 terrorists, as the police approached, withdrew into the village of Racak
15 and incessantly opened fire against them. The struggle with the
16 terrorists went on until 1530 hours, and while the village was searched,
17 police were shot at from 12.7 millimetre Brownings and mortars. The
18 terrorist group was liquidated with maximum efforts exerted by the
19 police."
20 Did you confirm this, please, that you had used mortars against
21 the police on that day?
22 A. Yes. We used --
23 Q. So you confirm that you used mortars, that you used 12.7
24 millimetre heavy weapons.
25 JUDGE MAY: Just pause. Pause.

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1 It's right that you used mortars, is it?
2 THE WITNESS: [Interpretation] First, can you please allow me to
3 clarify that at Recak there were 41 civilians killed, and one --
4 JUDGE MAY: Let the witness finish.
5 THE WITNESS: [Interpretation] The fate of one is still unknown.
6 JUDGE MAY: This is a report -- just a moment.
7 This is a report which has been produced by the police. It's
8 merely put to you for comment, and you're being asked about the references
9 to various weapons which it's alleged were used. It's alleged that a
10 hand-held rocket launcher was used. Would that be right?
11 THE WITNESS: [Interpretation] After the beginning of the conflict
12 and after the first shots from Cesta, from the position which I've shown
13 on the map, position number 10, a hand-held grenade launcher, calibre 500,
14 was used from the position at the Muri i Petroves, the wall of Petrove,
15 whilst on the 15th I spoke about the short burst of gunfire from the
16 bunker and the bunker was eliminated.
17 On this report, there is misinformation of various kinds because
18 this is staged-up or a false report that says we launched an attack. And
19 that is what the accused is trying to pass it as.
20 What is important, though, is that Serbian forces initiated the
21 attack, and we reacted from the position at Muri i Petroves by a mortar of

22 the 500 millimetres only when the APC appeared in view or within range at
23 the Cesta Hill. This was the only position that had the capability of
24 being operational up until 11.00. After 11.00, however, when soldiers
25 were regrouped, fighting started at the Krajkova road, which --

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1 JUDGE MAY: Yes. You've dealt with enough now. You've had a
2 chance of commenting on it.

3 Yes, Mr. Milosevic.

4 MR. MILOSEVIC: [Interpretation]

5 Q. I think that in the report you saw that they were out to capture a
6 terrorist group, so it is not being challenged that heavy weapons were
7 used against the police that had come to capture people who had killed
8 people all over. It moves further on to say --

9 JUDGE MAY: This is all argument and a waste of time. Now, what
10 else have you got to ask this witness, if you have some more?

11 MR. MILOSEVIC: [Interpretation]

12 Q. Further on, it says in this report -- I haven't brought it in,
13 it's the other side that brought it in. This is a report of our police:
14 "In the action, about 60 members of the Siptar terrorist bands
15 were liquidated. Towards the end of the action, investigating judge of
16 the district court in Pristina, Danica Marinkovic, came to the crime
17 scene, and deputy public prosecutor Ismet Shufta [phoen]."

18 JUDGE MAY: We will pause there and will not pass over it.

19 What is alleged in this document is that 60 members of a terrorist
20 band, i.e., the KLA, were liquidated. Now, what is your comment as to
21 that?

22 THE WITNESS: [Interpretation] Yes, that is what it says there, 60
23 terrorists, and that includes the nine soldiers of the KLA but also all
24 the civilians that were massacred at Recak. The number is not 60
25 overall. The overall number should be about 50. So what's happening

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1 there is that the same figure appears to include the KLA soldiers and the
2 civilians of Recak, and all of them under the term of "terrorist." So
3 they were all those people killed at the Bebush valley and inside the
4 village of Recak, as well as the soldiers killed at the gorge where our
5 base was located.

6 JUDGE MAY: Yes, Mr. Milosevic.

7 MR. MILOSEVIC: [Interpretation]

8 Q. Yes, precisely that is the question. It says here in the report:
9 "While this action was being carried out, not a single civilian
10 person was killed."

11 Please, the report was sent on the 15th of January, 1999. It's a
12 regular report. It is sent along the regular chain of command. It has to
13 be accurate. It has to be signed. So here, in the official report of the
14 authorities, it says that during the -- while this action was being
15 carried out, not a single civilian was killed. The police had very strict
16 orders not to open fire if a civilian could be hit, and they were
17 duty-bound to report on that. And the report indeed said that not a
18 single civilian had been killed, and that is what my claim is as well.

19 JUDGE MAY: We can read it.

20 Is there a word of truth in it?

21 THE WITNESS: [Interpretation] There's no truth there, because, as
22 the verifying mission of the OSCE, as well as witnesses from Recak, who
23 were able to corroborate it, they all suggested that the majority of the
24 people killed at Recak were civilians, with the exception of nine soldiers
25 belonging to the Recak unit. The rest were all civilians. This report is

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1 a staged-up report by the police, which compiled such reports in order to
2 misinform and to allege that no civilians at all were killed. These
3 reports were compiled based on the orders or on the commissioning line
4 that existed. Forty-one civilians. The truth is that 41 civilians were
5 killed. The fate of one is unknown.

6 MR. MILOSEVIC: [Interpretation]

7 Q. All right. Now, whether they were civilians or not, there are
8 many findings that refer to that, so let's not discuss this any further.
9 Who had fabricated Racak is well known all over the planet by now, and
10 that is William Walker, who we will have the opportunity of hearing and
11 seeing here.

12 JUDGE MAY: Move on. What he said is that this report is a
13 fabrication. Now, we'll move on.

14 THE ACCUSED: [Interpretation] As you can see, it coincides largely
15 with witness statements with regard to weapons, with regard to the timing
16 involved, and the fact that there was a battle, no doubt, not a massacre.

17 JUDGE MAY: [Previous translation continues]... comment by you.

18 Have you got any more questions for the witness?

19 MR. MILOSEVIC: [Interpretation]

20 Q. Please. It was challenged here considerably that some of the
21 persons killed were of an age that KLA soldiers were certainly not. The
22 age of 60 was mentioned, for instance. So I would like to ask you kindly
23 to comment on a paragraph in here, on page 13, which reads as follows:
24 "Two other soldiers - Sadik Mujota, 61 years old, from Malopoljce
25 --" It's the first paragraph on page 13 of the Serbian version. That's

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1 how it starts:

2 "Two other soldiers - Sadik Mujota, 61 years old, from
3 Malopoljce, was staying with his relative, and also a soldier, Mehmet
4 Mustafa, 62 years old..."

5 So you are talking about the soldier Mujota, aged 61, and Mustafa,
6 aged 62, brother of Ahmet Mustafa, and you emphasise this: Civilian
7 killed on the 15th of January. So they were staying with his relative in
8 Racak, these two soldiers of the KLA. They do not belong to those 47
9 people of yours. They were staying with their relatives in Racak, and
10 they are 61 and 62 respectively. And now, where the house is, that
11 doesn't really matter. And then towards the end of the paragraph it says:
12 "When the firing started it was the duty of all soldiers to go to
13 the command, and that is what they were doing at that time. After Sadik
14 was killed, his 15-year-old daughter, Hanemshah, was killed while running
15 to him."

16 It was claimed that this little girl was massacred as a civilian.
17 And you say here yourself that she was running up to him as he was killed,
18 and he was a KLA soldier. Have we clarified that point at least?

19 JUDGE MAY: Just a moment. Let the witness deal with this.

20 You've put two points or more. Let's divide them.

21 The first point which is being made is this: that there were KLA
22 soldiers, it appears from this, who were over 60. Now, can you confirm
23 that, Mr. Buja?

24 THE WITNESS: [Interpretation] Yes. I will clarify. If we had
25 wanted to trump this up, to fabricate this, we would have said that these

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1 two elderly soldiers were civilians. The truth is that they were KLA
2 soldiers, even though we were in great difficulty to admit them as
3 soldiers, largely because of their age, and it was at the insistence of
4 Mehmet Mustafa, who said that he would never give up his weapon, which had
5 always been his, and also Sadik Mujota had been involved ever since the
6 beginning of the war in Kosova. There were exceptions made of those two
7 people, largely owing to the fact because we did not want armed civilians
8 to remain in our vicinity, so that's why we admitted them as soldiers.
9 Whilst the claim raised by the accused that Hanemshah was
10 mentioned as one of those massacred, let me say here that he's
11 manipulating with names here, because the ranks of the massacred civilians
12 include another Mehmet, another Mustafa, and another Hanemshah. So
13 amongst the massacred civilians, we've got another Hanemshah, called
14 Hanemshah Mehmeti, which is certainly in the list that you possess, whilst
15 Hanemshah Mujota was killed after the killing of her father, Sadik
16 Mujota. She was the daughter of Sadik Mujota.

17 JUDGE MAY: It's now time to adjourn. It's time for the

18 adjournment. We'll adjourn now for 20 minutes.
19 Mr. Nice, there was one matter, administrative matter, which I
20 should have mentioned yesterday and overlooked. It's this: that at the
21 moment a Plenary of the Judges is fixed for the 10th, 11th, and 12th. We
22 propose to raise the issue as to whether it will be possible for us to sit
23 on the 10th and half the 11th rather than the Plenary.
24 MR. NICE: Thank you very much. That's very helpful to know in
25 advance.

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1 JUDGE MAY: Very well. We'll adjourn now for 20 minutes.
2 --- Recess taken at 10.30 a.m.
3 --- On resuming at 10.55 a.m.
4 JUDGE MAY: Yes. Yes, Mr. Nice.
5 MR. NICE: Your Honour, the Chamber will recall the timetable
6 problem arising from Isuf Zhuniqi's need to return tomorrow. He's a
7 92 bis'd witness and would require, therefore, somewhere between 45
8 minutes and an hour, subject to less cross-examination by the accused, to
9 be dealt with.
10 JUDGE MAY: This morning.
11 MR. NICE: Yes, please.
12 JUDGE MAY: Yes. The time available is now one hour for
13 cross-examination of this witness and we'll then hear the other one.
14 MR. NICE: Thank you.
15 JUDGE MAY: Yes, Mr. Milosevic.
16 MR. MILOSEVIC: [Interpretation]
17 Q. In the third paragraph on page 13, you simply state that: "Other
18 soldiers dispersed. We know that some of them were wounded. We don't
19 know which way they took, but they ended up in Luzak."
20 My question is as follows, and it has to do with the large
21 paragraph on page 13: You say that: "Soldiers, one after another, were
22 coming into Luzak, and the stories were so confusing that some said that
23 only three to four survived and the rest were killed." Full stop.
24 So the question is this: When you deduct these three or four from
25 the number of 47, which is the number that you gave us, it seems that 43

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1 or 44 got killed, which completely corresponds with the numbers of the KLA
2 members killed in Racak; isn't that right?
3 JUDGE MAY: Do you follow that or not, Mr. Buja?
4 THE WITNESS: [Interpretation] Yes, I understood it.
5 No, it's got nothing to do with this because the soldiers reached
6 Lluzhak and dispersed. And from three or four, we received information
7 that they arrived before 11.00, because they were carrying the wounded
8 with them. There were eight wounded. And from the information we
9 received, there was a confusion of information because those soldiers were
10 able to report, such as Sami, who was able to report on those killed, said
11 that we -- we had no information about the Recak soldiers until 11.00.
12 I wish to add that what is stated in the police document, that
13 there were 60 terrorists killed, if we look at the next day, it's said --
14 it states that 15 were killed, which implies that the remainder were
15 civilians. And we see this in the report made by the Serbian authorities
16 themselves.
17 JUDGE MAY: Just deal with this passage in your statement that you
18 were asked about and so it's clarified. The passage which you've been
19 referred to says: "The soldiers were coming into Lluzhak one after the
20 other, and the stories were so confusing. Some said only three to four
21 survived. At about 11.00, the last of the soldiers came in."
22 It's one or two paragraphs beyond the one about the 60-year-old
23 soldier.
24 Can you help us with this: Is that right, that it was at about
25 11.00 that the last of the soldiers came into Luzak?

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1 THE WITNESS: [Interpretation] Yes. At about 11.00, the last
2 soldiers arrived, with the exception of the commander of the unit who was

3 left behind, wounded, in the position where he was wounded. But there was
4 a lot of confusion regarding information, because the soldiers themselves
5 were confused and gave different reports. They were all not killed,
6 because they arrived -- wounded soldiers came in, and the ones who had
7 survived arrived before 11.00.

8 MR. MILOSEVIC: [Interpretation] Very well. So I hope we can
9 continue.

10 Q. Is it true that around 11.00, the position above Racak was lost to
11 you, or that, rather, the positions were not under your control any more?
12 Is that right?

13 A. We no longer had control over the bunker above Recak, from the
14 very start of the fighting, and soldiers were unable to go to this
15 position. I explained earlier that eight soldiers were killed there and
16 eight others were wounded.

17 Q. Very well. So in this large paragraph on page 13, it says,
18 somewhere in the middle:

19 "The positions above Racak were not in our control any more. We
20 decided to attack with other units that we had. So this decision was
21 taken by the complete command for the zone. I gave the order to the
22 deputy commander, Imri Ilazi, 38 years old, from Komoglava, in Urosevac
23 municipality, to attack with the Rance Company and the Luzak Company in
24 order to regain the positions. I attacked with the unit of the Sabotage
25 Reconnaissance Battalion that came to assist us from the main headquarters

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1 in Petrovo. We kept the Jezerce Battalion in the state of high alert in
2 the event of an attack from the other side."

3 Therefore, you decided to attack with other units that you had and
4 issued an order to this man, Imri Ilazi, to attack with the Rance Company
5 and the Luzak Company in order to regain the positions. So how many
6 troops did you have at your disposal to attack this time? How many people
7 did you have to attack the positions at Racak, based on your assessment,
8 in view of these units that you listed here?

9 A. We had about a hundred soldiers at our base, with whom we tried to
10 reclaim our positions. These soldiers were not from the Recak unit.
11 Because they were -- these were very worried, and some of them were
12 wounded and had to go to the field hospital. And so we attacked with
13 other units, such as the Rance unit, and other units who were under the
14 zonal command, and an attack was made with about 80 soldiers.

15 Q. All right. So that means that in addition to 47 that were based
16 in Racak, on that day, in Racak, according to what you just told us,
17 another 80 soldiers participated in combat, which gives a total of your
18 soldiers -- which brings a total of your soldiers to at least 127
19 soldiers, is that right, 127 that participated in the combat?

20 A. The soldiers were not 127, because the Recak unit was paralysed
21 because of the nine soldiers killed and eight wounded, and the soldiers of
22 the other units collected to attack and to reclaim the positions we had
23 lost. However, I also explained that heavy fire came in the direction of
24 our forces, and our deputy commander received a report that our forces
25 could not operate because of the intensity of the fire. And the order was

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1 given to reclaim the Llužhak gorge, which, as I explained before, was on
2 the Krajkova road.

3 Q. All right. In this last paragraph, on page 13, you say as
4 follows: "At 11.30 --" that means 11.30 a.m. -- "I gave the order to
5 regain the positions." At that time you introduced these other units into
6 combat in Racak, the other units that you mentioned, which means that the
7 fighting went on and it intensified when you introduced new units into it
8 at 11.30. Upon your orders, these units were introduced. Is that right
9 or not?

10 A. Yes, the soldiers did regroup, and we started an attack to regain
11 our positions. And I explained that we came across very intensive fire
12 from Serbian forces and we were unable to advance. And fighting started
13 sometime after 11.00 and went on until the evening.

14 JUDGE MAY: Where did you advance from and towards? Can you
15 indicate that on the map?
16 THE WITNESS: [Interpretation] Yes.
17 JUDGE KWON: Mr. Buja, if you look at the left-hand side map,
18 there's a white arrow which is written as K1. Does it coincide with your
19 claims just now?
20 THE WITNESS: [Interpretation] This position was always an
21 attacking position because -- and from this position I looked towards the
22 Lluzhak gorge, where I had received information, as I said in my
23 statement. And from the position in the Lluzhak gorge, we went on to the
24 Krajkova road in the direction of the positions which we had but which we
25 lost. But I could show the Krajkova road better on this other map,

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1 because it's not here; it's off the bottom. We went on in the direction
2 of our positions, but we came across heavy fire from the Shtime pine
3 trees, from the army here, and also from the position marked with "C," at
4 Kodra e Geshtenjeve. And also there was heavy fire from Cesta, here.
5 This position marked with "10" was struck by the Serbian forces from
6 Cesta, and this prevented us from advancing in that direction and claiming
7 these positions further along. We didn't know what was happening in Racak
8 that day, because in this part here, this is where the civilians of Racak
9 were taken, and here was our base, as I explained yesterday.

10 JUDGE MAY: Did you get anywhere near Racak in that attack?

11 THE WITNESS: [Interpretation] No, because from the report from my
12 deputy commander, there was very heavy fire. And according to the reports
13 from the KLA's intelligence service, there were large police forces
14 attacking in that direction, and according to their information, there
15 were about 600 infantrymen that were defending the positions that the
16 Serbian forces had secured. So it was very difficult to advance. And I
17 issued another order to remain where we were and to protect the Lluzhak
18 gorge, which was of vital importance for the unit, as I explained
19 yesterday, and of vital importance to the zone.

20 MR. MILOSEVIC: [Interpretation]

21 Q. How come you didn't know what was going on in Racak, when just
22 previously we concluded that members of the Racak unit had arrived into
23 Luzak and informed you that everybody but those three or four mentioned
24 got killed?

25 JUDGE MAY: If you'd like to take a seat.

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13 and English transcripts. Pages 6399 to 6405.
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1 THE WITNESS: [Interpretation] Excuse me. The -- I said that the
2 information came about the soldiers of Recak. And the unit couldn't find
3 out what was happening inside Recak, because I explained where our base
4 was, which was in the gorge above Recak, and generally, we had no
5 information from the village itself because the Serbian police and army
6 were in there.

7 MR. MILOSEVIC: [Interpretation]

8 Q. All right. Well, let us continue. So you introduced another 80
9 people into combat, and then in this last paragraph on page 13, you say as
10 follows: "From Petrovo, I attacked Serbs using mortars on the Cesta
11 Hill. We had to position our unit outside of Petrovo towards Racak, but
12 even -- it was impossible to move from there. The mortars had hit the
13 target, and the purpose was to use the armoured APCs to prevent the APCs
14 moving forward. This made it possible for the deputy commander to move
15 forward and take the front line. The direct line is about 600 metres to
16 Cesta Hill from where our positions were. This area we referred to as the
17 wall in Petrovo."

18 So based on everything you've said so far, the fighting in Racak
19 and around Racak, together with your counter -- your attack, lasted until
20 some 1500 hours. Is that right or not?

21 A. Yes. I must -- however, I must explain here that the position
22 that I attacked, which is marked on the map with 10, was a position at the
23 exit from the village of Petrova, and it was unable -- we were unable to
24 advance to see because they were able to strike at us directly. This was
25 a position which was intended to help us regain our old position. But

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1 when the deputy commander enabled us to regain the front, this is the
2 front line that I explained before that was on the Krajcova road.

3 JUDGE MAY: You dealt with that. Is it right, then, that you were
4 using mortars on the forces on the Cesta Hill to prevent the APCs moving
5 forward? Is that right?

6 THE WITNESS: [Interpretation] Yes. We used a 500 mortar from this
7 position. And this gave us a range of 500-metre range. And we were able
8 to use it in a parabolic manner, although this was -- made it weaker. And
9 Cesta Hill was about 600 metres away, as I explained.

10 MR. MILOSEVIC: [Interpretation]

11 Q. Well, I just want to make sure one thing is clear here. So is it
12 clear that the fighting started around 6.30 and continued until some 1500
13 hours, as you claim? Is that right? Because later on, you go on to say
14 that at 1600 --

15 JUDGE MAY: Let him answer the question.

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

17 MR. MILOSEVIC: [Interpretation]

18 Q. Please go ahead and answer.

19 A. I explained before, that until 11.00, we were unable to attack to
20 regain our positions because we had to regroup and to receive information
21 about what was really happening. After we got this information, we met as
22 a command and decided to attack to regain these positions.

23 JUDGE MAY: The issue at this stage is what time did the fighting
24 end, and your statement says 1500 hours. Is that right?

25 THE WITNESS: [Interpretation] Yes.

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1 MR. MILOSEVIC: [Interpretation]

2 Q. Based on what you say, the fighting went on from 6.30 until 1500
3 hours, and the same time is indicated in the police report.

4 JUDGE MAY: Now, we don't need to go back over that. At 11.00,
5 they were all back in the Luzak gorge, and it was after that that they
6 launched the attack.

7 MR. MILOSEVIC: [Interpretation]

8 Q. Well, then I suppose that the fighting went on from 6.30, not that
9 the attack started at that time. Their counter-attack started after

10 that. But the firing from the machine-guns and mortars was in the
11 morning, not after 11.30. But let us move on.
12 So after 1600 hours, you say that your soldiers started towards
13 your old positions above Racak, but at that time, the fire was not
14 opened. You moved without any resistance because Serb forces had already
15 left. Is that right or not?

16 A. Yes, because Serbian forces, in general, didn't attack during the
17 night.

18 Q. All right. So is it true that you regained the positions after
19 the police had withdrawn?

20 A. We returned to the positions with the intention of finding the
21 bodies of the soldiers we had lost or to find some of our wounded. We
22 returned to these positions on the basis of information that Afet Bilalli,
23 the deputy commander, sent by radio communications, and we set off to find
24 the bodies of these soldiers.

25 Q. All right. I'm not asking you why did you return. I simply asked

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1 whether you did return, and you replied that you did.

2 And now you go on to say that Fehmi Mujota was in contact with
3 OSCE, that he was the officer in charge of moral and political issues,
4 that he was a member of the KLA, but he did not wear uniforms or weapons.
5 So he didn't even have a uniform; is that right?

6 A. Yes.

7 Q. I want to draw everyone's attention that yesterday, you claimed
8 that all your soldiers wore uniform. So my next question is as follows:
9 That evening, he met with OSCE in Petrovo and informed them of the
10 military reports. That means that the OSCE was informed of all of these
11 details of these events in Racak that evening in Petrovo by Fehmi Mujota;
12 is that right?

13 A. He informed about matters concerning the KLA soldiers, because we
14 didn't have any information at all about civilians in Recak, as I said in
15 my statement.

16 Q. Yes. But yesterday, you claimed that you had information, but you
17 did not want to go there. This is what you said here yesterday, that you
18 had information. However, you had not seen and you didn't want to go
19 there because you were waiting for Walker to come. Is that right or not?

20 A. That's not right. I said yesterday that during my meeting with
21 Fehmi Mujota, with OSCE, the civilians who had survived the Recak massacre
22 informed, told about the massacre taking place, and we received this
23 information as rather suspect information and wanted to check it the next
24 day. I didn't say that I was waiting for Walker to come, because on that
25 night, we weren't expecting him and we didn't know that he would come the

Page 6410

1 next day.

2 Q. All right. You said that you were waiting for the verifiers.
3 This is what the transcript reflects. And you also said, and let us
4 verify this, you did not go there because it was dark and there was snow.
5 This is what you said yesterday. I suppose you remember that.

6 A. Yes. I said yesterday that we didn't have any opportunity to
7 watch the terrain because it was dark and it was snow. And it was also
8 impossible because of the Serbian forces. So we waited until the next day
9 to verify this matter. And the OSCE also had to verify this information
10 from civilians. So Fehmi Mujota and the OSCE went to verify the Recak
11 massacre the next day.

12 Q. All right. You say that you couldn't do that because of the
13 police, and you entered Racak as early as 1600 hours because the police
14 had withdrawn. So isn't it somewhat contradictory what you said just now
15 and what you said previously? Because you did tell us that you entered
16 Racak at 1600 hours, after the police had withdrawn. Is that right or
17 not?

18 JUDGE MAY: I don't follow the point. I don't follow the point.

19 THE ACCUSED: [Interpretation] Well, the point is that he is
20 claiming now that because of the police, he couldn't go to Racak. And

21 prior to that, he said, and his statement says, that they returned to
22 Racak at 1600 hours, after the police had withdrawn. So how could the
23 police that had withdrawn be a hindrance to him?
24 JUDGE MAY: Yes, Mr. Buja, can you answer that, please?
25 THE WITNESS: [Interpretation] Yes, Your Honour. I didn't say that

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1 we returned to Racak but that we returned to the position of our bases in
2 order to find dead and wounded soldiers and to find the unit commander,
3 Afet Bilalli. And we didn't enter Racak because our soldiers' task was to
4 find the dead and wounded at the base, the base which is up here. Our
5 positions were up there. And there was no question of going into the area
6 of Racak. We returned to the base.

7 MR. MILOSEVIC: [Interpretation]

8 Q. And if it was not a problem to go to Racak, then why did you use
9 this excuse that you couldn't go there because of the police, because of
10 the dark, because of the snow? If that wasn't a problem, then why do you
11 list these three things as a reason for not going there?

12 A. Because the police and army were in these positions at
13 Kodra e Geshtenjeve and could have fired from any of these positions if we
14 tried to enter the village itself. And even the next day, in the morning,
15 it was difficult for us to move because of these positions which could
16 have fired on this road.

17 Q. All right. All right. Since your forces returned to Racak as
18 early as 1600 hours, that takes care of that reason. And then this other
19 reason, you mentioned snow. What snow are you talking about when
20 yesterday on the videotape we saw that the grass was there and that the
21 grass was yellow and there was only traces of snow? So could it possibly
22 be that these traces of snow were a hindrance for your movements? There
23 was no snow? The footage that we saw yesterday. And when the camera
24 showed the environment, one could see the yellow colour everywhere.

25 JUDGE MAY: Let the witness answer, instead of these long

Page 6412

1 questions.

2 THE WITNESS: [Interpretation] It was January, although it looks as
3 if it was summer, and it was very cold. It was winter. There was snow,
4 especially in those mountains. There was not much snow seen in the
5 pictures because of the trampling of the area, and the media had been
6 there the next day, but during the night it had been very cold and there
7 was snow.

8 MR. MILOSEVIC: [Interpretation]

9 Q. All right. Let's not dwell on that much longer. It's quite
10 obvious. The answer is quite obvious and clear.

11 You say that then William Walker came to verify the massacre.

12 When you say that he came to verify the massacre, that is to say that you
13 first established that there was a massacre and then Walker came to verify
14 it. Is that right or is that not right?

15 A. We did not verify that. However, what happened in Racak, based on
16 information coming from the civilians, was able to be verified the very
17 next day, in the morning, when the OSCE team travelled to the site,
18 followed by members of the media. And William Walker, besides all of
19 this, had received information from his own teams, and that's why he
20 appeared in person: to try and verify it.

21 Q. And is it perhaps the truth that you brought some bodies there of
22 persons who were killed as they moved about and as they were engaged in
23 fighting, and then you brought Walker in to verify that they were there?
24 Yes or no.

25 A. No, because we had not been there at the crime scene. The first

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1 to arrive there were the OSCE team, and with them was Fehmi Mujota. As
2 can be seen from the footage shown here yesterday, all the massacred can
3 be seen, the blood can be seen, the wounds from the bullets can be seen,
4 and all the stains left on their clothes can be seen. Everything can be
5 seen over there. And it would have been impossible to do that,

6 additionally because of the fact that they were inhabitants of Racak, and
7 in our units we had members of the KLA from Racak, and it would have been
8 impossible for them to try and imagine what you're imagining there, to try
9 and stage up this kind of massacre. Don't try and impose this on us.

10 JUDGE ROBINSON: When you come to put your case in important
11 matters such as this, be unequivocal, not: "Is it perhaps the truth?"
12 You should put it to the witness. This is your case that they brought
13 bodies that were killed to that particular point. So I suggest to you,
14 don't be equivocal about it, because that is your case. Put it clearly.
15 THE ACCUSED: [Interpretation] Well, I did say it clearly, loud and
16 clear and unequivocally: Did they bring the bodies in and then call him
17 to verify it?

18 JUDGE ROBINSON: In the version that I see, you had: "Is it
19 perhaps the truth?" When you're putting your case, you must put it
20 unequivocally.

21 THE ACCUSED: [Interpretation] All right. I've presented it
22 unequivocally.

23 MR. MILOSEVIC: [Interpretation]

24 Q. The members of KLA who are inhabitants of Racak, although not all
25 of them were inhabitants of Racak, all the persons killed. Is that right

Page 6414

1 or is that not right?

2 A. There were soldiers from Racak, but the ones who were killed in
3 Racak were civilians from Racak, with the exception of nine soldiers. One
4 can see that there were people from Mullopolc, from Kacanik. So there
5 were soldiers from everywhere, as well as there were soldiers from Racak
6 in other units. Those people who were killed there were civilians.

7 Q. All right. I claim that they were members of the KLA and you
8 claim that they were civilians. I think that that has been explained
9 sufficiently clearly.

10 At 12.00, you went to meet Walker in Petrovo; is that right?

11 A. Yes.

12 Q. Is that the first time you met Walker since this operation had
13 started in Racak?

14 A. It was the first time I had met Mr. Walker. I met him at the
15 crime scene, where I went, and the meeting itself took place at 12.00, in
16 Petrova. It was the first time that I was meeting Mr. William Walker.

17 THE INTERPRETER: Could the question please be repeated. The
18 interpreters couldn't hear it because it came at the same time when the
19 witness was answering.

20 MR. MILOSEVIC: [Interpretation]

21 Q. When did you meet at the place where you claim was the crime
22 scene? Was it before the meeting or after the meeting?

23 A. It was before the meeting, at about 11.00.

24 Q. So that was when Walker came there?

25 A. Yes, that is where I saw him, and that is where he requested a

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1 meeting.

2 Q. All right. Yesterday you claimed, and today you repeated it, that
3 when Walker came there, the only member of the KLA who was there was Fehmi
4 Mujota. Is that right or is that not right?

5 A. That is correct. However, during those few moments, I arrived
6 there, as well as my two bodyguards.

7 Q. Oh, that means that you came there and you met him there. So it
8 wasn't only Fehmi Mujota. You were there, and some other members of the
9 KLA, when Walker was touring the place and when - we can see it on the
10 video footage - as he is examining the persons who were killed, the
11 bodies.

12 A. Yes. That footage also shows my arrival there subsequent to the
13 arrival of Walker. The interval could have been brief after the arrival
14 of Walker. It is true that I went there and met Walker at the place where
15 the incident took place.

16 Q. When did you come to the place where this incident occurred? How

17 much time later? After Walker, that is.

18 A. I do not know, because I don't know what time Walker reached the
19 place. So I can only suppose that the interval must have been brief.

20 Q. Had he already come to the place where the incident had occurred
21 or did you tour the place where the incident had occurred together with
22 him?

23 A. No. I saw him there. He went on his own and verified them, and
24 only after that I met him in Recak for a minute or two, where he requested
25 a meeting, and I said, "Let's go somewhere and sit down and talk."

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1 Q. All right. So that means that Walker first toured the place where
2 the incident had occurred, and it was only after he had finished touring
3 it that you saw him there at the place where the incident had occurred;
4 right?

5 A. I don't know whether he had checked all the bodies before meeting
6 me. All I know is that I met him there at the place where this incident
7 occurred. Our eyes met. We did not talk. We only had a minute or two
8 near the mosque together, where I said, "This conversation should not take
9 place standing," because even at that stage I was under huge emotional
10 stress, and I demanded that the meeting be held in Petrova.

11 Q. Please, let's clarify one thing, and let's hurry up, because we
12 haven't got much time left. Walker toured the place where the incident
13 occurred before you had come. Did he tour it once again after you came --

14 JUDGE MAY: We are wasting time on this particular point. We've
15 spent many minutes on it. It's a small point. What the witness has said
16 is that he arrived there subsequently to Mr. Walker. He doesn't know what
17 Mr. Walker did first. He may have toured the scene, he may not. It seems
18 to me you're not going to get any further on this.

19 MR. MILOSEVIC: [Interpretation]

20 Q. All right. Does that mean that at the time when Walker was
21 touring the place where the incident had occurred, there were no members
22 of the KLA who were present, apart from Fehmi Mujota? Is that right?

23 A. Yes.

24 Q. He was not in uniform; is that right?

25 A. He never wore a uniform, because he was a political personality of

Page 6417

1 the KLA.

2 Q. All right. So when Walker was touring the place where the
3 incident had occurred, there were no uniformed members of the KLA with
4 him; is that right?

5 A. There was me and two other soldiers.

6 Q. But you did not tour the place with Walker, did you? You said
7 that he had toured it without you. Is that right?

8 A. I certainly did not go shoulder to shoulder with Walker. He was
9 conducting his own business. What I went there to do was to verify the
10 information that had been reaching the zonal command.

11 Q. All right. All right. I haven't got time now, but I'm going to
12 give you a cassette, when a few members of the KLA who are in uniform can
13 be seen as Walker is touring the scene. But I'm not going to do that now
14 because I haven't got enough time. So let's proceed.

15 The meeting with Walker was attended by Fehmi Mujota and who else?

16 A. And also the translator for Mr. Walker.

17 Q. All right. And is it correct that you shot at Serbs from two
18 mortars as they were boarding the bodies into a truck by the mosque in
19 order to have the investigation, the post-mortem carried out and the
20 forensic examination?

21 A. Yes, we did fire, and we did stage an assault, because this was a
22 crime committed over the citizens of Recak. And the attack, in order to
23 retrieve the bodies, came before agreement had been reached on what kind
24 of experts ought to come -- let me clarify at some length, please, because
25 this is significant. They started their attack even before negotiations

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1 had been completed, had been insisting that the forensics -- the forensic

2 team that ought to come -- to go and verify ought to include Serbians as
3 well as The Hague Tribunal. You very well know that Louise Arbour, the
4 Prosecutor --

5 Q. Please, that is not what I've been asking you.

6 THE ACCUSED: [Interpretation] I ask you to tell the witness to
7 answer my questions only. I haven't got time.

8 MR. MILOSEVIC: [Interpretation]

9 Q. You say that 17 people were killed during the attack, that you
10 killed 17 Serbs then.

11 A. I do not know how many Serbs were killed, but the fighting, which
12 we call the fighting over the bodies, was conducted by our own units, of
13 which I was a part, and we assaulted the vehicles of the Serbian police
14 and army. We used various kinds of weapons, including two mortars. And
15 we went into this kind of a wedge-like assault inside the Serbian
16 positions. We were not aware of the number of people killed, but from the
17 information coming from OSCE verifiers the very next day, we gathered that
18 there were about 17 soldiers -- Serbian soldiers or police that had been
19 killed.

20 Q. All right. You wrote here that -- that 17 of them were killed and
21 that 11 of you were shooting from a distance not greater than 300 metres
22 at the investigating Judge and these people that were boarding the
23 bodies -- that were loading the bodies into the truck. That's on page 17
24 but, I'm not going to dwell on that longer. I'm going to skip some
25 questions because -- you say that Danica Marinkovic tried to land in a

Page 6419

1 helicopter but she didn't manage to because you started firing at her.

2 And I imagine that that is not being challenged now; right?

3 A. Let me first clarify that in the statement, I say that verifiers,
4 without specifying who they were, told of 17 people killed while further
5 below I say that our own observers only related that they were hearing
6 Serbian voices coming from Serbian police and the army.

7 JUDGE MAY: Move on to the next point. Yes.

8 MR. MILOSEVIC: [Interpretation]

9 Q. All right. All right. Is it correct that on the 18th of January,
10 our forces broke down your positions from Petrovo and Krajково and Rance
11 and that part of your forces went to Rance and Mulliri e Kurtishit, as it
12 says here; is that right? Is that right or is that not right?

13 A. [Previous translation continues]... stand this. Once more,
14 please.

15 Q. Please give me a brief answer. Is it correct that on the 18th of
16 January, our forces broke down the positions of your forces from Petrovo
17 all the way to Rance and that you went to your back-up positions? Is that
18 right or is that not right?

19 It's on page 16, in the last paragraph. "On the 18th of January,
20 they managed to break our positions from Petrovo all the way to Krajково
21 and Rance. A part of our KLA soldiers went to their back-up positions in
22 Rance," et cetera, et cetera. Is that right or is that not right?

23 A. Yes, that is correct. It is true that we withdrew.

24 Q. Yes. And then you claim -- you say: "The Serbs entered Rance on
25 that day, the 18th, and the KLA --" that is to say you -- "killed 20

Page 6420

1 Serbs." That is what it says here as well at the end of this paragraph
2 that I've been quoting to you. Is that right or is that not right?

3 A. Yes. If you wish, I can clarify how that occurred. I could tell
4 you which positions we were occupying, because the territory between
5 Rance, Petrova, and Recak is a mountainous area and the withdrawal of
6 Serbian soldiers took place via the Mulliri e Kurtishit, as it is called,
7 and towards Lluzhak. And all those were the positions that we occupied on
8 that occasion.

9 Q. All right. You say that the Serbs agreed to hand over all the
10 bodies after the post-mortem would be carried out and that the foreign
11 forensic experts joined in, and I imagine that that is not being contested
12 in any way. And that on that day, in February 1999, a large number of

13 civilians attended the funeral, that Walker was there, and that you were
14 there in uniform with three uniformed soldiers escorting you; is that
15 right?

16 A. First, let me say that it was insisted that the bodies be released
17 one by one so that -- but the families of those massacred did not agree to
18 this. They wanted the -- the whole number to be returned as a group, as
19 they were taken. Some days later, they were released as a group, and
20 their burial occurred in February. William Walker attended this funeral,
21 and I also attended it, albeit briefly.

22 Q. All right. I didn't ask you that. You've given a sufficient
23 answer.

24 Why did you arrest a number of civilians, then, at the funeral?

25 Just briefly, please. Albanians.

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1 A. We did not arrest any civilians. We detained for a very brief
2 period. We took the risk of intervention of Serbian paramilitaries of the
3 kind of the Black Hand in the midst of the civilians in order to cause
4 incident that could have huge repercussions and result in another
5 massacre. So what we did is we detained for a few hours, until the
6 funeral was over, all the people -- all the suspects that took part in
7 that funeral. All of them were released within the same day.

8 Q. All right. These stories about the Black Hand and paramilitary
9 formations are stories we've already heard. They are quite picturesque
10 and equally inaccurate, untrue. But since you've mentioned it, you claim
11 that all politicians, and you are referring to Serb politicians, had
12 military units in Kosovo.

13 I'm going to quote page 9 to you, this big paragraph in the
14 middle. You say: "Kostunica posed for a photograph when he toured the
15 Serb troops in Kosovo during the conflict. He wore a bandolier on his
16 chest, wearing an ammunition belt across his chest, holding an automatic
17 weapon. I saw Seselj on television in a military uniform several times
18 visiting his own units." Are you referring to Kosovo yet again?

19 A. Yes. Kostunica did pose, and that appeared in the dailies bearing
20 those images. If you want, Your Honour, we can procure a copy. We can
21 also find the recordings of Serbian radio television showing Seselj in
22 military uniform inspecting his own units, as was the case with
23 Raznjatovic, nicknamed Arkan, a member of the Serbian parliament, who also
24 was shown by the public media.

25 I can also say here that I have volunteered to the Court some

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1 other information which shows the fund of so-called Dragan where workers
2 of the Kokollari family funded or contributed to this fund. And according
3 to the information that I have, it was part of a paramilitary formation.

4 Q. You said, and that's my point, all politicians have military
5 units. That's what you said. Are you aware of the fact that no
6 politicians had any military units and that you've invented all of this,
7 all of this about the paramilitary units? Why did you invent all of this,
8 the Black Hand and things like that? What do you need that for?

9 JUDGE MAY: Just a moment. I can't find this particular comment
10 in the statement. No doubt I can be referred to it.

11 MR. NICE: It's page 9 that he's looking at. Your Honour's
12 probably found that. It's in the middle of the page, and it may be that
13 there's a different interpretation to be put on it than that which the
14 accused advances, and I'll probably deal with it in re-examination.

15 THE ACCUSED: [Interpretation] Towards the end of the paragraph, it
16 says: "All the politicians have military units. They all attacked Kosovo
17 in some way." That's what it says.

18 JUDGE MAY: Yes. I have found it. It's at the bottom -- just --
19 don't interrupt. It's at the bottom of the English page 9.

20 What -- Mr. Buja, what it says: "The paramilitaries walked in
21 uniform unchallenged by police and army in all the towns and villages.
22 All the politicians have military units. They all attacked Kosovo in some
23 way."

24 That's the English translation. Can you clarify what you meant by
25 that to us?

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1 THE WITNESS: [Interpretation] What I meant there was the Serbian
2 political hierarchy. And I described some of the politicians like
3 Raznjatovic, Arkan, a member of the Serbian parliament, as was Vojislav
4 Seselj. And also at that time when Kostunica posed with a weapon in his
5 hands, he was a member of the Serbian parliament. And I'm referring to
6 senior members of the hierarchy. And as far as we know, in former
7 communist -- in former communist states, all senior politicians also bore
8 a military rank as reservists.

9 MR. MILOSEVIC: [Interpretation]

10 Q. Oh, you mean that citizens of Yugoslavia have some kind of a
11 military rank as reservists? Is this some special bit of information?

12 A. Can you repeat the question, please?

13 Q. I did not understand what the point was of this assertion the
14 citizens of Yugoslavia, as reservists who had served their military
15 service, who had done their military service, have some rank in the army.
16 What's the point?

17 A. This was additional information, because the so-called
18 paramilitary units that belonged to Arkan and Seselj were also shown in
19 your radio and television station, and the visits of those politicians to
20 these units were also shown. And also, these units were never in any way
21 hampered by the Serbian police and the army. And it can easily be
22 inferred that all those paramilitary units received the commands from
23 yourself.

24 JUDGE MAY: Mr. Milosevic, you have one minute left, which is time
25 for one question more.

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1 THE ACCUSED: [Interpretation] What did you say? One more question
2 only? Please. Mr. May, I think that the very fact that you bring such a
3 witness here shows that this institution of yours supports the --

4 JUDGE MAY: The Trial Chamber brings no witnesses. The
5 Prosecution are responsible for that.

6 Now, have the amici any questions? Bearing in mind that there is
7 the pressure of time. Mr. Tapuskovic, if you have any questions -- if you
8 have any questions, please deal with them as quickly as possible.

9 THE ACCUSED: [Interpretation] Please state that I have objected,
10 and you will not let me speak.

11 JUDGE MAY: Yes. Yes, Mr. Tapuskovic.

12 MR. TAPUSKOVIC: [Interpretation] Thank you, Your Honours. I don't
13 know if I can complete very quickly. I'll try to do it within a few
14 minutes, but I do need some time.

15 JUDGE MAY: Yes, would you please try and complete at least so
16 there's time for re-examination before the adjournment, which is at
17 quarter past.

18 Questioned by Mr. Tapuskovic:

19 Q. [Interpretation] Mr. Buja, I would like to start by asking you to
20 look at the map once again. And so far, we haven't shown the following:
21 Can you tell us where your base was? Can you show us that place, and can
22 you show us the place where the bodies of 24 people were found? If you
23 can show us this on the map, please.

24 A. [No interpretation]

25 Q. Can you tell us, how many metres are we talking about?

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1 A. The base was here. There was --

2 THE INTERPRETER: The interpreter requests the witness to draw
3 near the microphone. The interpreter cannot hear the witness.

4 JUDGE MAY: Can you speak into the microphone, please. Could you
5 point out for us, if you would, if you can, the base and then the ravine
6 in which the bodies were found.

7 THE WITNESS: [Interpretation] Yes. This was the base here where
8 the soldiers were killed. And here is where the civilians were killed.

9 There were civilians killed there and there, and here too. There were
10 civilians killed in various parts of Recak, but most were in that place
11 that is indicated here.
12 JUDGE KWON: Just a second, Mr. Tapuskovic.
13 You pointed 2, number 2, as your base; is that right? Number 2
14 was commented as crime scene 2. Is it right or could you clarify?
15 THE WITNESS: [Interpretation] Yes, I can explain, because there
16 were eight people -- eight soldiers killed here and also six civilians,
17 including Hanemshah Mujota that I described. One was Mehmet Mustafa, the
18 owner of the house.
19 JUDGE MAY: You don't need to go into those details.
20 MR. TAPUSKOVIC: [Interpretation]
21 Q. I'm interested in the following: What is the distance in metres?
22 You showed us, and it seems to be very close to your base. How many
23 metres away is it from the base to the place where 23 bodies were found?
24 A. It's between 500 and 1.000 metres, because it's a very high hill
25 that has to be crossed between the two.

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1 Q. Thank you. I just wanted you to point to that on the map.
2 And now, please, Mr. Buja, here you described in detail a very
3 important matter. Just a minute, please. On page 4 of your statement,
4 the English version. The English [as interpreted] version is page 4 as
5 well. You described and you gave the number of seven zones of
6 responsibility, and you also listed their names. So there were seven
7 zones.
8 A. There were seven zones.
9 Q. Thank you. You said the number of people who at different times
10 belonged to zone 6, which was under your command, was between 1.400 and
11 1.700 people. That's what you said today as well. But you also said the
12 following: "All other zones had more people." My question is this: If
13 all other zones had had more people and there was a total of seven zones
14 and let's say that each zone had 2.000 people, is it true, then, that the
15 KLA had a total of approximately 14.000 people at that time?
16 A. No. You can't say that, that there were 40.000 people, because
17 it's -- I heard 40.000.
18 Q. No, no. I said 14.
19 A. Yes, it might be about that.
20 Q. So was that at the same time when the incident in Racak took place
21 that you had approximately that number of people?
22 A. I don't know the exact number of soldiers in all the zones at that
23 time because I was merely responsible for my own zone.
24 Q. Thank you. However, I would like to know something else as well.
25 You said here --

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1 MR. TAPUSKOVIC: [Interpretation] And Your Honours, this can be
2 found on page 7, paragraph 3, of the English version.
3 Q. You say here as follows:
4 "Then an order came in from the Main Staff of the KLA for
5 mobilisation of Kosovo, because this order was given at the beginning of
6 the NATO intervention that everyone 18 years and older had to be
7 mobilised."
8 Is that true?
9 A. Yes, this order was public, but it was impossible to mobilise the
10 entire population because of the lack of weapons.
11 Q. I would like to hear your answer regarding the following: Were
12 there members of the KLA that wore civilian clothes? Was there a large
13 number of those?
14 A. No, there was not a large number. But there was the case of Fehmi
15 Mujota, or one or two others, whose task was to work with civilians, and
16 it was difficult to work with civilians in uniform because of the danger
17 of attacks. But except in these special cases, all members of the KLA had
18 uniforms.
19 Q. But on page 3, paragraph 2 from the top, the English version, you

20 say that you had no trouble recruiting people, men or women, recruiting
21 them for the KLA, but that on occasion, you were forced to take in
22 soldiers without military training, and they were generally assigned only
23 to dig trenches and build bunkers.
24 A. This is true, because we didn't have any problem recruiting
25 soldiers, because there was a great flood of young people to become

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1 members of the KLA. But we lacked weapons. And when our unarmed units
2 made bunkers, we did this at the time of the NATO intervention, because we
3 had to expand because of the great influx of civilian population.

4 Q. So they didn't even have uniforms?

5 A. Most of them did have uniforms.

6 Q. Can you give us the number of those who did not have uniforms?

7 Because you also told us that at the end of the war, you had an entire
8 brigade that was not uniformed.

9 A. Yes, I can give the number, because we called a brigade a very
10 small number of soldiers. Our largest brigade was 1.200 soldiers, whereas
11 there were some -- normal brigades were 400 to 500 men. And at the end of
12 the war there was a brigade in the Nerodime operational zone, including
13 the people mobilised in Jezerc and Mulletopolc, and there was another
14 brigade in the Kacanik area. And if you were to gather all these people
15 together, you might have formed one brigade out of them.

16 Q. And I would like to ask you something regarding Racak. I know
17 that it was a day in January. It was cold. Two residents of Racak,
18 witnesses here, told us yesterday that when the shooting started, they
19 went out in the clothes that they had on them at that time, and 24 people
20 that were killed in Racak on that day, based on what we have here as not
21 contentious, wore double socks and three layers of clothing. So how do
22 you explain that? Is it something typical for people who go to the
23 mountains or for people who are in the trenches?

24 A. That is normal in this area, because winter is very cold, and
25 people normally dress up warm because of the bitter cold. They were taken

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1 from their homes, and so they put on their thickest clothes, because they
2 thought that they would be arrested. And that's what happened in the case
3 of the Racak civilians.

4 Q. Thank you. You said yesterday that what took place in Racak was a
5 planned operation of ethnic cleansing; however, you don't mention anything
6 of this kind in your statement. You mention other things that we heard
7 here. You said that this is something that was a result of the policemen
8 that were killed, and you never said before that this was a planned
9 operation of ethnic cleansing. Why didn't you ever mention this before?

10 A. I emphasised the things that the investigator asked me about, and
11 I didn't enlarge on explanations of this kind; I replied to questions.
12 And I would welcome other questions to explain what the operation was
13 really like, such as the operation on the plain, where there was no KLA at
14 all. This was an operation of ethnic cleansing, as were the massacres in
15 Hallac and Sllovi and other places. These were all part of a campaign of
16 ethnic cleansing.

17 Q. Thank you. Yesterday we saw the weapons on the ELMO. It was
18 manufactured by whom? Can you tell us? The weapons that we saw
19 yesterday.

20 A. But I can't say what kind of production they were because you
21 can't really see on the television, but they rather resembled automatic
22 rifles known as Kalashnikovs. But you can't really check from the
23 television.

24 Q. You said that the quantity of weapons does not correspond with the
25 number of nine KLA soldiers that were killed, but does it correspond with

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1 the number of 47 people that you had in your base?

2 A. No, of course it doesn't correspond. But let me say clearly that
3 our soldiers had weapons, and four automatic rifles were taken from our
4 soldiers. And I said that a 12.7 and a 7.9 were taken, and not the ones

5 that we saw. Because I stressed yesterday that our soldiers didn't have
6 rifles with bayonets, and it would have been extremely unusual to find any
7 weapon with a bayonet.

8 Q. Thank you. Mr. Buja, just now, when asked by Mr. Milosevic, you
9 spoke about the 27 Serb policemen that were killed in Rance, and then you
10 spoke about 17 that were killed in front of the mosque. However, in your
11 statement, you also said that seven Serbs were killed in Pustenik, seven
12 Serbs. That's what you said in your statement, page 17.

13 A. Yes. This is about Serbian soldiers and police killed in fighting
14 at Pustenik. This position was in Kacanik municipality, not far from Han
15 i Elezit.

16 Q. So together with the two policemen that were killed on the 15th,
17 the day of the event in Racak, we come to a figure of 47 policemen that
18 were killed during those days; is that right?

19 A. I can't be sure that all these people were killed, because the
20 number 17 said to have been killed at Recak, we were unable to confirm
21 this figure. It was the OSCE team that issued this figure. Nor can we
22 confirm the number of 25 soldiers in Rance, because there was firing all
23 the time, and from the position where we were fighting, it's very hard to
24 tell if anybody was killed or not. But we didn't have soldiers killed in
25 our area that we were able to certify as killed, and people died in their

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1 own positions.

2 Q. And just one more question, Mr. Buja. What was your view of the
3 events that took place in the very beginning of the NATO bombing? What
4 was your opinion, since you were a soldier? What impact did it have on
5 the movements of the population or on the behaviour, attitude of people?

6 A. People were pleased at the start of the NATO bombing because they
7 saw some hope. They could see that they had a prospect of freedom, not to
8 be mistreated, killed, massacred. And so the NATO intervention
9 represented a hope that life in Kosova could become better in the future,
10 and we soldiers felt the same. Because our intention was not to wage
11 war. War was imposed on us. So we wanted this war to finish as soon as
12 possible, and it was in this light that we saw the NATO intervention, the
13 Rambouillet meeting, and the hope for political agreements. Our hope was
14 to be free and to have this fighting behind us.

15 Q. Both Albanians and Serbs got killed by NATO bombs; is that right?

16 A. It is true, and it is regrettable that people of both peoples were
17 killed. So let this be a lesson for both sides to live in one state in
18 freedom and democracy. And I think that the Serbian people will
19 understand that it was -- that bringing the international community and
20 the KLA was an impulse towards bringing the international community and
21 therefore played a constructive role [as interpreted].

22 MR. TAPUSKOVIC: [Interpretation] Thank you.

23 JUDGE MAY: Can you deal with it before the adjournment,

24 Mr. Nice?

25 MR. NICE: I'll do my very best. I don't actually have a great

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1 deal to ask, just a few matters.

2 Re-examined by Mr. Nice:

3 Q. You've been asked questions about ethnic cleansing, you've
4 identified other locations where you say ethnic cleansing occurred. Just
5 in a sentence or so, what, if any, similarities were there between events
6 in those other locations and what happened at Racak?

7 A. The connection is that civilians -- the same kind of civilians
8 were killed in these places, but these other places had similar cases but
9 have not been mentioned yet in this Court. There was Ribar i Madh, where
10 civilians were killed, where a very similar operation of Recak was
11 conducted, because it was part of a Horseshoe operation, involving attacks
12 on Banulla, Ribar, Recak, and other villages in this area.

13 Q. You were asked just now, or a little bit before just now, about 47
14 people in Racak for the KLA, of whom we know nine were killed. The
15 remainder, when deployed, would they leave their weapons behind in Racak

16 or would they take their weapons, their arms, with them?
17 A. I didn't understand the question.
18 Q. When KLA members based in Racak were deployed to various
19 locations, did they take their arms with them or did they leave them
20 behind at the base?
21 A. Usually, KLA soldiers, if they had a short rest, took their
22 weapons with them, whereas when they went home for a longer period, they
23 left their weapons behind at the command post. This was our normal
24 military practice.
25 Q. So you were being asked that question, I think, in connection with

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1 the arms cache shown on the video we looked at yesterday. Is there any
2 possibility of any of those arms that we saw yesterday being arms of the
3 KLA that, for example, had been left behind in the base?
4 A. No, because the KLA soldiers were there, and the number of weapons
5 was far, far too big. And I explained yesterday that we didn't have any
6 kind of arsenal of this kind in the Rance and Recak units.
7 Q. His Honour Judge Kwon's question about site 2. You told us about
8 how the bodies of soldiers were recovered, the bodies of civilians were
9 not recovered. Were they in the same general location at site 2?
10 A. They were at the same position at our base, but the soldiers only
11 had the right to take soldiers' bodies, and there were civilian
12 organisations that dealt with civilians.
13 Q. So far as you can judge it, were the civilians killed at the same
14 time as the soldiers at site 2 or at a different time?
15 A. The civilians were killed at the same time, in the same period of
16 time.
17 JUDGE KWON: Since we reached the issue of the map, could you look
18 at the map on the left-hand side? Could you go to the map, and with the
19 movable microphone. You notice number 6 on the left-hand side? That is
20 the ravine. Many civilians were killed at that point. You recognise it?
21 And number 7 is the location of your bunker. Is it right? Number 7
22 below. So your base is somewhere in the middle between the two points; is
23 it right?
24 THE WITNESS: [Interpretation] Yes.
25 JUDGE KWON: So in order to go to the base, what way do the

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1 soldiers usually take?
2 THE WITNESS: [Interpretation] They had a path and trenches
3 connecting the base and the bunker. You can see this in the photographs
4 that I can show, and that's how they got to the bunker. There were
5 trenches here.
6 JUDGE KWON: From Petrovo, in order to go to the base from
7 Petrovo, what way do you usually take?
8 THE WITNESS: [Interpretation] It was very difficult to follow the
9 normal road because of the positions by the pine trees, but we used to
10 approach from the rear, from Lluzhak. We went through Lluzhak to get in
11 around here.
12 JUDGE KWON: So you must go past the location of number 6 in order
13 to get to the base? Number 6, the ravine place.
14 THE WITNESS: [Interpretation] No, because the Recak gorge is here,
15 and here is the -- what we call the Krajкова road. And you can see -- you
16 can go by the bunker to get to the base, and we always used this road,
17 because it was a very dangerous journey.
18 JUDGE KWON: Thank you.
19 MR. NICE: Please take your seat. I think I've only got three or
20 four more questions, and I'll cut out some of them in any event.
21 JUDGE MAY: Yes.
22 MR. NICE:
23 Q. One thing: It's been suggested to you by the accused that either
24 you did or that you could have attempted to re-enter the village, and
25 you've rejected that proposition. Just remind us: The soldiers killed at

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1 location 2 were killed from the adjoining hills simply when they emerged
2 onto the street; is that correct?

3 A. Of the soldiers, Serbian soldiers, positioned in this ring, the
4 first soldiers were killed at the bunker with a Zolja, and from this
5 position it was -- this was where all the soldiers were fired on.

6 Q. But if you were in the street, for example, in the area of the
7 base, were you vulnerable to being fired on by the Serb soldiers, in the
8 way that the men were first thing in the morning?

9 A. The people who were killed were killed here, because you can fire
10 very easily from this position on the base, and that's where they were all
11 killed.

12 Q. Thank you. The suggestion has effectively been made by the
13 accused that all the people who died in Racak - and there are 45 listed in
14 the indictment - at the various sites were KLA members. I'm not going to
15 ask you to go through all of those names, but there are two women named:
16 Lute Asllani and Hanumshah Mehmeti. Were those women members of the KLA?

17 A. No.

18 Q. The 70-year-old Haki Metushi, was he a member of the KLA?

19 A. No.

20 Q. And then just to deal with one other name. There's been the
21 suggestion that somebody called Mustafa has crept into the list of the
22 civilians. The Mustafa of whom you spoke was the man aged, I think, 62,
23 who insisted on becoming a member of the KLA; is that correct?

24 A. Mehmet Mustafa is his name, and the accused intentionally put in
25 another Mehmet who is in the list of civilians.

1 Q. And the name in the -- civilians. Yes. The name in the civilians
2 is Mustafa. Well, the point's been made.

3 Perhaps to follow on from His Honour Judge Kwon's question,
4 because we don't have too much footage of the geography: How easy or
5 difficult is the terrain between the base at figure 2 and the gully where
6 the bodies were found? We can add to this by further footage or other
7 evidence, but just tell us yourself: What's the terrain like up to the
8 gully?

9 A. A very steep and mountainous terrain, and it's very difficult to
10 see this ravine from this position. It's a very jagged terrain, which you
11 can see here.

12 Q. You've been asked questions about the killing of a police
13 officer. We saw two reports yesterday, and there may be a third one being
14 served when it's been translated, each of which come from the Serb side
15 and refer to one policeman being seriously injured and no more casualties
16 than that. Do you accept that there may have been in Racak one policeman
17 seriously injured?

18 A. May have been injured from position number 10, but it's hard to
19 imagine that there were Serbs killed in the morning fighting.

20 Q. I better make this the last question because of time. You've
21 spoken of 1.400 KLA available generally. How many of those were in the
22 area of Racak and available to fight in Racak?

23 A. Ready to fight in Racak? This would have been a number of about
24 30, because there was also the catering staff who were unarmed. There
25 were auxiliary and operational staff who were unarmed, and other soldiers

1 who were in attendance there but who were also unarmed.

2 MR. NICE: Nothing else.

3 Questioned by the Court:

4 JUDGE KWON: Mr. Buja, I have two questions. Before I move on,
5 I'd like the registrar to exhibit this witness because it is cited so many
6 times. Exhibit the statement.

7 JUDGE MAY: Yes.

8 THE REGISTRAR: Prosecution Exhibit 212.

9 JUDGE KWON: The inhabitants of Racak were aware of the existence
10 of KLA at their village?

11 A. They would have been able to know only that there were KLA
12 soldiers in the upper part of the village near and above Recak, at this
13 position here. But we didn't allow civilians to enter, so they wouldn't
14 have been able to know the number of soldiers or the -- their positions
15 because of the danger of them giving information under torture and
16 mistreatment. So that's why we put our guard here, so that civilians
17 wouldn't come in. So it would have been difficult for the residents of
18 Recak to know the number of soldiers or to know where our positions were.
19 JUDGE KWON: You gave warnings and advised them to vacate before
20 the attack to the villages. So they must have known after the attack
21 there was some KLA base in their village.
22 A. They will have been able to know that there was something in Recak
23 but not the number of soldiers. And when we warned them, we warned them,
24 and they would have seen soldiers and the movement of soldiers, because
25 this part where the soldiers moved over the hills to go to the Lluzhak

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1 gorge, they would have been visible to the residents of Recak.
2 JUDGE KWON: Thank you. And my last question is about Judge
3 Marinkovic, the investigating Judge. Did your soldiers shoot at the
4 police that accompanied the Judge?
5 A. We didn't know whether the Judge was there or not. We fired on
6 the forces that fired on us and on the police and army that were
7 positioned in Recak and around Recak and at the pine trees. So we fired
8 at the police and soldiers that tried to enter this position here. And we
9 were not aware of the presence of the Judge. But we saw trucks and
10 Pinzgauers of the police and army.
11 JUDGE KWON: Did the Serb forces shoot first?
12 A. There was fighting going on throughout that day. On the 18th and
13 19th, there was constant fighting.
14 JUDGE KWON: Thank you.
15 JUDGE MAY: Mr. Buja, that concludes your evidence, and you're
16 free to go. Thank you for coming to the International Tribunal to give
17 it.
18 THE WITNESS: [Interpretation] Thank you as well for the
19 opportunity to give my evidence.
20 [The witness withdrew]
21 JUDGE MAY: Very well. We will adjourn now. Twenty minutes.
22 --- Recess taken at 12.31 p.m.
23 --- On resuming at 12.52 p.m.
24 [The witness entered court]
25 JUDGE MAY: Yes. Let the witness take the declaration.

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1 THE WITNESS: [Interpretation] I solemnly declare that I will speak
2 the truth, the whole truth, and nothing but the truth.
3 JUDGE MAY: If you'd like to take a seat.
4 WITNESS: ISUF ZHUNIQUI
5 [Witness answered through interpreter]
6 JUDGE MAY: We admit the statement under Rule 92 bis.
7 MR. NICE: Thank you very much.
8 Examined by Mr. Nice:
9 Q. Is your full name Isuf Zhuniqi?
10 A. Yes. Zhuniqi Isuf.
11 Q. Mr. Zhuniqi, did you make a statement to the investigators of the
12 Office of the Prosecutor on the 4th of May of 1999, and did you, on the
13 31st of May of this year, go through that statement with a presiding
14 officer of this Tribunal and acknowledge by your signature that it was
15 true?
16 A. Yes.
17 MR. NICE: All right. Can I, in those circumstances, produce the
18 statement and the accompanying certification or attestation to become
19 Exhibit --
20 THE REGISTRAR: Prosecution Exhibit 213 and 213A for the redacted
21 version.

22 MR. NICE: May I, before reading the summary that I believe may
23 have already been distributed, reorient the Chamber, as it has to divert
24 from Racak for this witness to another location, by inviting you to look
25 at page 10 of the atlas which has been placed on the overhead projector

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1 and in which I can explain as to its significance or potential
2 significance for you.
3 We can see Bela Crkva towards the right of the screen and
4 immediately above a railway line, but otherwise roughly in the middle of
5 the screen, slightly to the right, Bela Crkva, the railway line crossing
6 over. I'll come back to the geography that's shown there in a second.
7 Other villages that are referred to are, to the east and south
8 Celine and Nogavac, and then to the west -- and I'm sorry, it's my mistake
9 for not having checked the pronunciation of the town that is spelled
10 X-e-r-x-e, but one can see that the other side of the railway line and to
11 the west, and then south of that, sufficiently large to merit an orange
12 marking, is the town Rogovo.
13 If the Chamber now goes back to Bela Crkva, it will see -- it's
14 not very clear to see, but it will see, apart from the roads marked in
15 orange, that there is a blue line pretty well directly north-south that
16 crosses or is crossed by the railway line, and it's at that crossing, as I
17 understand it, the bridge there, that the awful events you're going to
18 learn about unfolded.
19 And can I next take you, for speed, to two photographs which can
20 be laid on top of the map. They come from the second of the Bela Crkva
21 binders, and they are within tab 1. And if the usher could place these on
22 top of the map so as not to disturb the map because we may come back to
23 it, in that order. First that one and then the second, and I'll explain
24 them.
25 The first photograph is a view of -- come down a little bit. The

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1 other way. Thank you. The view -- that's fine. Thank you. Is a view
2 from Bela Crkva. And the winding tree line is, I think, the line of the
3 river, the riverbed we're going to hear about. And one can see an almost
4 straight line running left to right on the screen, and that is the railway
5 line transected by the stream. So although what shows up on the map as a
6 rather straight blue line as a stream, in fact it's a little bit wavy, as
7 this tree line suggests.
8 If we can put the second photograph on top and focus on the bridge
9 itself, please. A little bit further up. Thank you. This shows the
10 riverbed with the bridge and the railway line, and it was at that bridge
11 that events unfolded.
12 And I will read from the distributed summary, but I shan't
13 necessarily read it word-for-word, in order to save a little time.
14 The 42-year-old farmer witness comes from this village, the
15 village of Bela Crkva. He spent some years in Switzerland, returning in
16 1996 in a position to purchase two buses and operate those buses as a
17 private business, living in Bela Crkva with his wife, two daughters, two
18 sons, his father and mother.
19 Before the NATO bombing, the witness was unaware of conflicts in
20 his village or the surrounding area, and there were indeed no Serb
21 residents in Bela Crkva.
22 At about 3.30 on the morning of the 25th of March, he woke to the
23 sight and sound of 12 green VJ tanks coming from Orahovac, stopping by the
24 mosque in his village. He gathered his family and other relations,
25 immediate family and other relations, and led them to a hiding place in a

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1 field on the edge of the village where some 200 other villagers were also
2 gathered. And from this position, they initially saw tanks leaving the
3 village, leaving them to think that it might be safe to return, which they
4 did. But 15 minutes later, the sound of automatic gunfire as close as 200
5 metres from them led the witness to gather his family again and take them
6 to the stream that we have seen, if my understanding of the geography is

7 correct. The stream was not so far from his house, but opposite to the
8 direction he'd gone first for safety, for to have fled on this occasion to
9 the woods would have taken his family in the direction of the gunfire.
10 Some 700 villagers gathered in the stream. And the witness and
11 his family walked for about a kilometre in the direction of Rogovo, which
12 I have pointed out to the Chamber, occasionally taking cover because there
13 appeared to be snipers firing in their general direction. Other gunfire
14 and explosions could be heard.
15 They reached the railway bridge and took shelter underneath it.
16 At about 9.30, they observed, coming along in the same direction as that
17 which they had come, a squad of some 16 policemen dressed in camouflage,
18 wearing armbands. They were all armed with AK-47 assault rifles and had
19 foot-long knives in scabbards attached to their belts. Some policemen
20 also had pistols in their holsters, and one of them was recognised by the
21 witness as a policeman ordinarily conducting normal duties in Orahovac.
22 Shortly thereafter, the witness saw 13 Kosovo Albanian civilians
23 who were not yet at the bridge but coming towards it, and the police in
24 close proximity. They were fired on by the police, that 13, and only a
25 2-year-old boy survived. The people under the bridge were still locked

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1 into their position by sniper firing coming at their general direction.
2 The police, who had thus committed the first 12 or so murders on
3 this session, split into two groups and took firing positions on the banks
4 on either side of the stream. An Albanian-speaking Serb policeman ordered
5 them to go towards the police, and he then gave various orders: First
6 that they should put their hands behind their heads and get out of the
7 stream onto the railway line; then that they should be split into groups,
8 women and children on one side and the men divided into two groups on the
9 other. The men were ordered to strip to their underwear before being
10 robbed of cash, jewellery, and identity documents. And one policeman, on
11 finding Mr. Zhuniqi's passport, asked who was Isuf Zhuniqi, and the
12 witness identified himself, to see his passport being torn up by the
13 policeman, along with his identity card and driving licence, the policeman
14 saying, "He might as well be dead."
15 The Albanian-speaking policeman then ordered the Kosovar Albanian
16 men to get dressed and to gather into a single group, instructed the women
17 and children to leave, following the railway track, in the direction of
18 Xerxe. When the women and children were about a hundred metres away but
19 still in view, a man called Shendet Popaj was knocked to the ground and
20 the leader of the police put his foot on Shendet Popaj's throat. That
21 young man's uncle - he was, I think, under 20 - his uncle, who was a
22 doctor from Bela Crkva, spoke to the leader of the police, saying, "Leave
23 us alone. We are simple farmers. We are not KLA." Without a word, the
24 police leader opened fire with a short burst from his assault rifle,
25 hitting the doctor in the chest and killing him instantly, then turning

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1 his rifle on the young man lying on the ground under his boot. One shot
2 to that young man's head killed him instantly.
3 The remaining men, about 65 in total, were ordered to climb into
4 the stream. The order to fire was then given, and so far as the witness
5 could judge, all the policemen opened fire with automatic weapons. The
6 witness was hit in the shoulder and fell down, with others falling on top
7 of him, and he remained conscious but pretended to be dead during the
8 shooting that continued immediately for some five minutes. When it
9 stopped, policemen came into the stream and the witness heard some of them
10 saying, and on different occasions, "Well, this one's breathing." That
11 would be followed by a succession of single shots, and the witness
12 remembers well over ten such shots.
13 Later he heard one of the policemen say, "Well, now everyone is
14 dead. Let's go." The witness waited for some 20 minutes, until
15 everything was quiet. He got up and discovered the number of men around
16 him who had been killed or who had sustained horrifying injuries from the
17 gunfire. He witnessed over 50 bodies, of whom he is able to identify by

18 name 41 in his statement. Despite his injuries, he was able to make his
19 way to Xerxe, where he found his immediate family, where he was given
20 first aid, although he suffered lapses into unconsciousness for the next
21 few days.
22 Police arrived. This led the witness to leave his family and go
23 into hiding in the mountains, taking a basic medical kit with him, where
24 he found 40 or so more villagers from Bela Crkva, also in hiding, and who
25 informed him that the entire village can be destroyed, with only some two

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1 houses not burnt down.

2 He felt able briefly to visit his family in Xerxe on the 31st of
3 March, and there he walked to Nogavac, where there were many displaced
4 persons who had been ordered by the Serbs to gather there. He was in a
5 barn in that village when a low-flying plane bombed it, or bombed the
6 area, causing the roof to collapse. From that he escaped, suffering some
7 further shrapnel injuries to his arms and head. He then lost
8 consciousness, waking days later in Kukes, in Albania, to which he had
9 been taken by a relation who had found him unconscious. The witness then
10 learned of the bullet that remained lodged in his shoulder.
11 The witness's statement states that there had been no KLA presence
12 in Bela Crkva, but he was never a member of the KLA himself, although a
13 younger brother of his, with whom he had not spoken for some 12 months,
14 had been a member some time prior to the campaign.
15 The binder contains -- the Bela Crkva binder contains photographs
16 of the x-rays and of the condition of the witness as injured, tabs, I
17 think, 4, 5, and 6.

18 That's the summary. There will now perhaps be further questions
19 from the accused for this witness.

20 JUDGE MAY: Mr. Milosevic, do you have any questions for this
21 witness?

22 THE ACCUSED: [Interpretation] Certainly.

23 Cross-examined by Mr. Milosevic:

24 Q. [Interpretation] In your statement, you said that before the 24th
25 of May, although you were aware of the incidents that had occurred in

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1 Kosovo, in your village and in the surrounding area, nothing of
2 significance was happening; is that right?

3 A. No, nothing happened. I do not know what happened before -- I
4 mean, nothing happened before the 24th of May.

5 Q. So your troubles started when the war started; right?

6 A. Yes.

7 Q. Now let's look at the preceding period. How far away is Orahovac
8 from your village?

9 A. Prizren is very far.

10 Q. I didn't ask you about Prizren. Where did you get Prizren from?

11 I asked about Orahovac.

12 A. Prizren is 80 kilometres away.

13 Q. I don't understand why you are giving me answers about Prizren.

14 I'm asking about Orahovac. We looked at Bela Crkva on the map, and
15 nearby, on the north-east, is Orahovac. So how far away is your village
16 from Orahovac?

17 A. Orahovac is very near. It's about ten kilometres.

18 Q. So your village is considered to be the outskirts of Orahovac; is
19 that right?

20 A. [In Serbian] Yes.

21 Q. Do you know that in the period between the 17th and the 22nd of
22 July, 1998, from the area of Orahovac, 39 Serbs and Albanians were
23 kidnapped, abducted, by the KLA terrorists? You were driving there, so I
24 assume that you are well aware of what was going on. Do you know about
25 that?

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1 A. On that particular day, the 16th, 1998, I was in Prizren, and I do
2 not know what happened in my village.

3 Q. You did not hear about these events, about the kidnappings of
4 Serbs and Albanians in Orahovac in July 1998? You don't know anything
5 about that?
6 A. I do not know anything. I was away until the OSCE arrived, and
7 it's only after that that I returned to Bellacerkva.
8 Q. All right. Do you know who Nuredin Kastrati is, a colleague of
9 yours, a bus driver from the village of Naspale?
10 A. I do not know this person.
11 Q. And do you remember an incident from April 1998 when a bus full of
12 passengers was stopped by the KLA? April 1998. It's not important as to
13 whether you know who the driver was. Do you remember the actual event?
14 A. At that time the KLA did not stop the bus, but it was Serbian
15 police and paramilitaries.
16 Q. So you do know about that event, but your claim is that it was the
17 Serbs that stopped the bus, right, in April 1998?
18 A. At that time the KLA stayed in mountains. It did not descend upon
19 the main roads, which were under the control of the Serbian police and
20 paramilitaries.
21 Q. Do you know who Xhelaj Hajda is, nicknamed Toni?
22 A. I do not know.
23 Q. Do you know about the KLA attack on Orahovac?
24 A. No, I do not know anything.
25 Q. But there is information that the KLA went through your village,

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1 inter alia, when they were about to attack Orahovac. Did they spend time
2 there? Do you know anything about that?
3 A. I do not know. I've never seen KLA members in the village of
4 Bellacerkva, and I cannot say anything on this matter. I do not know.
5 Q. Do you know who Skender Hoxha is?
6 A. I have never heard of him.
7 Q. Do you know who the commander of the KLA was in that area of
8 Orahovac? Did you ever hear his name?
9 A. No, I haven't heard the name. I was not interested in that.
10 Q. Do you know that when they were moving to attack Orahovac, the KLA
11 not only spent some time in your village, but they also forcibly mobilised
12 some villagers from your village? Have you heard of that? Do you know
13 anything about that?
14 A. I even said it earlier: On the 16th I was in Prizren, and I'm not
15 aware of anything of that sort.
16 Q. All right. Since you don't know, never mind. You abide by your
17 claim that nothing of significance happened in your village before the war
18 broke out, so we have come to that conclusion. Is that right?
19 A. Yes, that's correct. That is what the Serbian police and army did
20 to the village of Bellacerkva, and I know that very well.
21 Q. All right. Let's move on, then. In your statement, you say that
22 on the 25th -- you say in your statement that on the 25th of March, at
23 3.30 a.m., that is to say, in the middle of the night, you and your family
24 members were awakened by the sound of tanks. Is that right?
25 A. Yes.

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1 Q. All right. In order to refresh your memory, can you answer my
2 question: Are you sure that it was the sound of tanks that awakened you,
3 or was it the sound of the NATO bombing on the morning of the 25th, or
4 rather, during the night, as you had put it?
5 A. On the 25th of March, at 3.30 a.m., I woke up and I saw 12
6 military tanks, 12 Serbian military tanks, rather.
7 Q. You say that you left your house and went into the field that was
8 on the outskirts of the village. Was that because you were afraid of
9 tanks or was there some other reason for that?
10 A. I was afraid of the tanks.
11 Q. The tanks just passed there. They didn't stay in the village. Is
12 that right? Or at least, that's the way you had put it.
13 A. I left the house and stayed away until the tanks left the

14 village. It's only then that I returned back.
15 Q. We saw just now on that photograph that between the fields and the
16 houses in Bela Crkva, there are trees. There's a forest. How can you see
17 what was going on in the village when there was not a proper view from the
18 field because of the trees in between?
19 A. No. When the village began to be burned, I was at home.
20 Q. I'm talking about when you left as you were frightened of the
21 tanks. And then you went back when you established that they had left.
22 How could you see that when there is a forest between the fields and the
23 village?
24 A. I wasn't very far away, only about 200 metres away from the
25 village, because it was pitch darkness. It hadn't dawned yet.

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1 Q. All right. What time was it when you returned to the village
2 again?
3 A. I returned at 5.00.
4 Q. So you were away for a total of an hour and a half; right?
5 A. Yes.
6 Q. Why did you leave your house again?
7 A. I left because about 200 metres away, I saw the village burning,
8 and the police and paramilitaries were arriving on foot.
9 Q. What kind of paramilitaries? I don't understand. What is that?
10 Who are paramilitaries?
11 A. You ought to know these things. I don't know what those
12 paramilitaries were. The ones who slayed people, who killed people, those
13 were the paramilitaries. The ones who shot people dead.
14 Q. Did somebody shoot at you?
15 A. In the -- in the village I was not fired upon, but I was fired
16 upon at -- but people were fired upon at the ura, at the bridge.
17 Q. It's the bridge -- [French translation on English channel] -- is
18 that right, the one that was displayed just a few minutes ago? [French
19 translation on English channel]
20 A. Yes.
21 Q. I see -- [French translation on English channel]
22 JUDGE MAY: We are getting French on the English channel. Yes.
23 Let's go on.
24 MR. MILOSEVIC: [Interpretation]
25 Q. Since there are people on the bridge and we can see how wide the

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1 railroad is, the bridge is not longer than ten metres; is that right?
2 A. It is longer than ten metres.
3 Q. All right. Let's say there's 11 metres. But it narrows further
4 down, and there is a river underneath it; right?
5 A. Yes.
6 Q. How could more than 700 inhabitants of the village hide underneath
7 the bridge? Could you please explain that to me?
8 A. We were not under the bridge. There's an irrigation canal over
9 there, and that is where we were hiding, not at the bridge.
10 Q. My understanding of your statement was that you were hiding
11 underneath the bridge and that you stayed there for several hours.
12 JUDGE MAY: He's given his answer.
13 MR. MILOSEVIC: [Interpretation]
14 Q. What time was it when you came to the bridge?
15 A. We arrived at the bridge at about 5.30 and stayed there until
16 9.15, until the Serbian police reached it.
17 Q. Well, something's not clear to me now. At 5.00 you came back to
18 your house after the tanks had passed. That's what you wrote in your
19 statement. And at 5.30, as early as that, you were under the bridge. So
20 how is that possible?
21 A. It is true that at 5.00 in the morning I was at home, and it took
22 me half an hour to reach -- to reach the bridge.
23 Q. But you say that at around 9.30 on that day, that morning, the
24 policemen started toward you, the armed policemen; is that right?

25 A. Yes. And about 15 or 16 policemen were there, because I saw it

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1 with my own eyes. The Clirim family and Spahiu family of 12 members were
2 killed at a distance of 150 metres and only a 2-year-old son survived the
3 killing. Seven children died.

4 Q. All right. I'm asking you something else. When did the policemen
5 start towards you? Was it at 9.30, as you claim in your statement? When
6 did they start coming toward you?

7 A. At the time when the policemen came, they reached, yes, the
8 railway that links Prizren and Xerxe.

9 Q. And how far were they from that bridge under which you were
10 hiding?

11 A. The police were on the railway, and in Albanian, they told us to
12 get up and approach. They said this to the first group. The second,
13 larger group, consisting of elderly women and children was told the same.

14 Q. And how far were the policemen?

15 A. The policemen were about 20 or 30 metres away from us when we got
16 up with our hands behind our backs to approach them.

17 Q. You say that they were armed with assault rifles. Can you tell
18 me, please, what an assault rifle is?

19 A. This is an automatic rifle that was used to shoot Albanian
20 civilians.

21 Q. But you specified that that was an AK-47.

22 A. This is what it was, because I saw it with my own eyes. It was an
23 automatic rifle.

24 Q. Yes. But do you know that AK-47 is the very weapon used by the
25 KLA terrorists?

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1 JUDGE MAY: That's a separate point. The witness identified the
2 rifles as AK-47s. Yes.

3 THE ACCUSED: [Interpretation] I want to remind you, Mr. May, that
4 it was the previous witness, Mr. Buja, who is the chief of one of the
5 terrorist groups, was the one who said that this was the weapon used by
6 them.

7 JUDGE MAY: I don't want to get into an argument about this. Are
8 you suggesting that these were members of the KLA and not the police? Is
9 that the point or some other point?

10 THE ACCUSED: [Interpretation] I'm suggesting that this witness
11 doesn't know what an assault rifle is, nor does he know what an AK-47 is.

12 JUDGE MAY: Do you know what an AK-47 is? How were you able to
13 recognise it, Mr. Zhuniqi?

14 THE WITNESS: [Interpretation] I can describe it, because it was an
15 automatic rifle, and I knew that only these kinds of weapons were used in
16 the war.

17 MR. MILOSEVIC: [Interpretation]

18 Q. Can you tell me what colour is the butt of the rifle?

19 A. I didn't see it at that time.

20 Q. Well, just roughly. Is it dark or light?

21 JUDGE MAY: No. We've gone far enough on this. Find some other
22 topic to ask the witness about. This is not important.

23 THE ACCUSED: [Interpretation] All right, Mr. May.

24 MR. MILOSEVIC: [Interpretation]

25 Q. You spoke of a policeman who spoke Albanian, and you were sure

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1 that he was a Serb. Is that right?

2 A. I am sure that he was a Serb.

3 Q. Based on what you claim that he was a Serb if he spoke Albanian?

4 A. I didn't know his name at that time, but when I returned from
5 Albania, I saw him, and his name was Nenad Matic.

6 Q. You said that under the bridge there was a shelter; is that
7 right?

8 A. Yes.

9 Q. Was that an air raid shelter?

10 A. No. There was an irrigation canal for agriculture, and people hid
11 in this stream.
12 Q. All right. That means that this shelter was not prepared in
13 advance. You qualified this irrigation canal as a shelter; is that
14 right?
15 A. We used it as a shelter because it was an irrigation channel. We
16 didn't think of preparing it for this purpose, no.
17 Q. And how often did you use it as a shelter?
18 A. This was the first and last time; on that day.
19 Q. You never used it prior to that or after that, did you?
20 A. We didn't use it that way. I only used it to irrigate the
21 fields.
22 Q. So how did it come about then that all 700 of you went to that
23 very spot to take shelter? Usually when there's a danger, people disperse
24 in different directions. So how was it that all of you went to that very
25 spot? Can you explain that?

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1 A. Yes, I can explain. Because we didn't have any other direction to
2 go, because the Serbian army and police were on all sides, and the only
3 way out was to go -- to go to the bridge of Belaje, either to go to the
4 village of Xerxe or to Rogove.
5 Q. All right. You said here that the policemen who issued orders in
6 Albanian ordered the police to fire at a group when a relative, I think it
7 says here Clirim Zhuniqui, was killed. Is that right?
8 A. Clirim Zhuniqui's family was there, as well his friend from
9 Ofterusha, Xhemal Spahiu, who was beaten and was killed. The only person
10 of this group to survive was the 2-year-old Dardan Zhuniqui.
11 Q. All right. But please answer me to my question. Why would a
12 policeman issue orders in Albanian? Why would a Serb policeman issue
13 orders in Albanian?
14 JUDGE MAY: It's not for the witness to say. He says the
15 policeman did it. He cannot answer why the policeman did it.
16 THE ACCUSED: [Interpretation] All right.
17 MR. MILOSEVIC: [Interpretation]
18 Q. Were there other Albanians in that group or other people who spoke
19 Albanian other than that policeman issuing orders in Albanian? Did you
20 hear somebody else speaking Albanian in that group?
21 A. I only heard him say, "Put your arms behind your back." And other
22 times he spoke only in Serbian. It was only when he ordered us to put our
23 hands behind our back that he spoke Albanian, when he shouted.
24 Q. Do you speak Serbian?
25 A. I speak a little bit.

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1 Q. In what language did he issue the order to fire? Was it in
2 Albanian or in Serbian?
3 A. In Serbian.
4 Q. So you heard him order the firing; is that right?
5 A. Yes. I heard him because I was only two metres away.
6 Q. So they shot at you from a distance of two metres; is that right?
7 A. I was two metres away from the point where he shot Nisim Popaj,
8 the doctor, and Shendet Popaj, who was shot in the head.
9 Q. And how far away was he when he issued an order to fire at you?
10 A. About two metres. When he gave the order for us all to enter the
11 stream. And he gave, behind his back, the order to fire on the civilian
12 population.
13 Q. All right. Well, let's not use that collective noun "civilian
14 population." You said that there were 700 of you. So he ordered that
15 fire should be opened at all 700 of you; is that right?
16 A. No. He had divided the men from the women, and he told some old
17 men to go to the village. And about a hundred metres from the village, he
18 accomplished the execution of the men.
19 Q. So how many men did he execute then?
20 A. By the stream, he -- they executed children, women, the elderly.

21 Sixty people in all. Two of them were paralysed, and they were immobile.
22 They couldn't move. And they were burned in their houses in Bellacerkva,
23 in the house of Mehmet Zhuniqi.
24 Q. All right. That means that you claim that out of 700 people,
25 after the men had been separated, he ordered that 60 of you should be

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1 executed. But not just men but women and children as well. Why were the
2 men then separated before that, and how come that there were so few men in
3 that group of 700?

4 A. Because the women and the children and the elderly were 150 metres
5 from the point where Clirim Zhuniqi and his family were shot. And of
6 this, there were 38 that were killed in my group, and there are only six
7 survivors, and six were wounded.

8 Q. So out of 700 people, 60 perished there as you claim it; right?

9 A. There weren't 600 killed there. There were 60 killed, about 150
10 metres away from the bridge. Clirim Zhuniqi and his family from
11 Ofterusha, and then Halim Fatoshi from Bellacerkva, was shot 150 metres
12 away.

13 Q. I didn't ask you about that. Let us try to expedite this. Was
14 the NATO bombing going on during the event that you just described to us?

15 A. There was no NATO bombing in our area. On the 25th of March, we
16 only saw NATO planes flying up above.

17 Q. So you saw them high up there. And you also say here that at 2.00
18 a.m., NATO planes bombed Nogavac while you were there. Is that right? So
19 that was another event; right?

20 A. NATO did not bomb Nagavc, but it was Yugoslav planes who bombed
21 Nagavc.

22 Q. Oh, so that's how it was. So the bombs were falling on Nogavac.
23 It doesn't matter now whose bombs were there.

24 Now, can you clarify this: You say that you still have a bullet
25 lodged in your arm, near a wrist. Did you receive this injury during that

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1 bombing?

2 A. Yes. No. I have one bullet in my shoulder from 25th of March,
3 but I have eight other wounds from 2nd of April, in the village of Nagavc.

4 Q. So that means that was during the bombing; right? Because on page
5 4, you say that you had lacerations on your head and on your right arm.
6 Is that right?

7 A. Yes.

8 Q. All right. How many people were killed in that bombing? Do you
9 know that you were severely injured, as we understood it. And can you
10 tell us how many people were killed during the bombing?

11 A. At that time, at 1.00 in the morning, I arrived at Nagavc and I
12 heard very well MiG planes coming from Montenegro and firing on Nagavc
13 village. On this occasion, there were people seriously wounded.

14 Q. All right. All I want to know is how many people were killed in
15 that bombing.

16 A. I don't know, because I was very seriously injured myself.

17 Q. Did somebody tell you how many people got killed in that bombing?

18 A. I don't know. There were a lot of dead, but I don't know the
19 exact number.

20 Q. Did you perhaps mix up these dead with the other 60 that you claim
21 had been killed by police?

22 A. No, I didn't mix them up.

23 Q. Let me ask you a direct question: Are you trying to conceal with
24 your statement the fact that the victims that you listed were in fact
25 victims of NATO bombing, in view of the injuries that you described? Yes

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1 or no, please.

2 A. NATO did not bomb the civilian population, but your planes bombed
3 Nagavc. And German KFOR, after we returned, found bombs with Cyrillic
4 letters on them.

5 Q. We heard about those Cyrillic letters. Are you aware of the fact

6 that our planes did not fly in that area at all?
7 A. I'm sure that it was the Serbian planes that bombed us.
8 Q. Based on what are you sure?
9 JUDGE MAY: He's given his evidence about that.
10 THE ACCUSED: [Interpretation] All right. In that case, I'm not
11 going to ask any questions any more. This is quite enough.
12 MR. NICE: [Previous translation continues] ... what case is being
13 put about the [indiscernible] under the bridge, whether it's being
14 suggested it was bombing or --
15 JUDGE MAY: It's been suggested that it was NATO bombing, as far
16 as I understood it. Yes.
17 MR. KAY: No questions.
18 JUDGE MAY: Be very brief.
19 Re-examined by Mr. Nice:
20 Q. You understand, Mr. Zhuniqi, that the suggestion is that the
21 people under the bridge were in some way injured, so far as the few
22 survivors are concerned, or killed, so far as the balance are concerned,
23 by a bomb. Any truth in that at all? That's the accused's suggestion.
24 A. They weren't wounded by bombs but by the Serbian police, whom I
25 saw with my own eyes, with automatic rifles, and shooting all these

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1 people.

2 Q. And Nenad Matic, the man you spoke of, the man you saw after your
3 return from Albania, when did you last see him? Where was that?
4 A. On the last occasion I saw him at the -- for the first time, I saw
5 him at the Belaje bridge, and according to the photographs brought by
6 KFOR, and recognised him as Nenad Matic.
7 Q. Seven hundred people you've described as being in the riverbed
8 generally. That is not the number of people who were under the bridge,
9 and you never suggested as much. Seven hundred people. How much of the
10 village did that represent? Or, to put it another way, how many people
11 lived in the village altogether, for this 700 to be in the riverbed?
12 A. The village has about 350 houses, with about 3.000 inhabitants.
13 Questioned by the Court:
14 JUDGE KWON: Mr. Zhuniqi, you said that you saw the picture of Mr.
15 Nenad Matic, and the KFOR people showed his picture; is it right?
16 A. I recognised Nenad Matic because I used to work with a bus, but I
17 didn't know his name, and it was only when German KFOR showed me the
18 photographs that I recognised him and identified him by name.
19 JUDGE KWON: When they showed you a picture, that picture, did it
20 say anything about him, such as what he is doing, whether he's police or
21 whether he's military, or something else?
22 A. No. They only asked if I knew this person, and I said I
23 recognised him.
24 JUDGE KWON: Thank you.
25 JUDGE MAY: Mr. Zhuniqi, that concludes your evidence. Thank you

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1 for coming to the Tribunal to give it. You are free to go.
2 THE WITNESS: [Interpretation] Thank you as well.
3 JUDGE MAY: We'll adjourn now until tomorrow morning, 9.00.
4 One other change in the calendar, I'm afraid. Monday we shall be
5 sitting from 9.00 until 2.00.
6 MR. NICE: Your Honour, thank you very much. Hendrie tomorrow. I
7 think we've applied for 92 bis. We haven't a ruling yet.
8 JUDGE MAY: I think we've given a ruling.
9 MR. NICE: Very well.
10 JUDGE MAY: I'm informed we have given one.
11 MR. NICE: I'll pick it up.
12 JUDGE MAY: Tomorrow morning.
13 [The witness withdrew]
14 --- Whereupon the hearing adjourned at 1.52 p.m.,
15 to be reconvened on Friday, the 7th day of
16 June 2002, at 9.00 a.m.

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: dinsdag 5 augustus 2003 18:08
Onderwerp: OUTRAGEOUS REGIME ATTACKS

OUTRAGEOUS REGIME ATTACKS CONTINUE**Press Conference of Belgrade Lawyers Mr. Balsa Govedarica and Ms. Sanja Pejovic**

Belgrade, August 4, 2003.

The Belgrade media reported recently that 'the interrogation of Slobodan Milosevic by the Belgrade investigative judge is scheduled for August 6 and 7 in The Hague tribunal'. It is supposed, but never officially confirmed, that the interrogation is linked with the "Stambolic case". The media also quoted a statement of the Hague tribunal spokesman Jim Landale saying that the interrogation 'will not be public, in spite the tribunal is not against the public hearing, but Belgrade authorities demand that it shall be without public, in the interest of the investigation'.

Both information have been condemned yesterday by Mr. Balsa Govedarica and Ms. Sanja Pejovic, the Belgrade legal counsels of President Milosevic in the "Stambolic" and other recently fabricated cases. They have underlined that in spite their attempts, they had no insight into court documents concerning the investigation against President Milosevic, except the file number – Ki.P. No.1/03. In addition, they have been orally informed by the investigative judge that he plans to go to The Hague for the interrogation, but the judge refused to answer whether he would accept the request of President Milosevic for public interrogation, nor did he even explain what the interrogation is about. According to the Hague tribunal rules, the interrogation is possible only if the detainee agrees.

Govedarica and Pejovic stressed the lack of legality and morality in the investigation, which makes their job as attorneys almost impossible. Behind the behavior of the Belgrade authorities, they have concluded, the obvious intention to make a moral and political disqualification of President Milosevic is seen. The authorities continue an illegal and morally unacceptable public campaign against Slobodan Milosevic and his family and show no will to allow that his arguments become public. The public campaign led by high government officials (Interior Minister, Head of the governing coalition Parliamentary Group) refers to "information obtained in the investigation", in spite all the information of the investigation have been proclaimed "official secret" by the Belgrade District Court. Such behavior of the authorities and of the Belgrade court violates international and Serbian law. Under such conditions, when there are no guarantees for a public and fair interrogation, Mr. Govedarica and Ms. Pejovic will not travel to The Hague. It is expected that President Milosevic will not agree to a non-public interrogation.

After launching a campaign of media lynching against President Milosevic and his family in March 2003, during the "state of emergency", the Belgrade puppet regime filed "criminal charges" against around a dozen of people as alleged perpetrators and inspirers of the murder of Ivan Stambolic and the attempted murder of Vuk Draskovic. Most of these persons are detained in Belgrade. According to the Law on the Criminal Procedure, the investigative judge can make a decision to launch an investigation against certain person, only after interrogating that person. So, formally, we are dealing here only with the "pre-investigation" procedure. An eventual indictment is only a possible third step.

As we reported earlier

<http://www.sloboda.org.yu/engleski/news/20030401-2.htm> and

<http://www.sloboda.org.yu/engleski/news/20030401-1.htm>

on March 31, President Milosevic stated at The Hague (we quote the transcript):

President Slobodan Milosevic

Since we are again at the open session and the new witness has not come yet, can I get the floor in relation to my requests?

Richard May

Yes.

President Slobodan Milosevic

So, first of all I repeat my request to allow my questioning and to make it possible to be in public, since it is related to the media campaign that is going on publicly. The retaliation against one's wife and children is something we remember from the darkest days of the last century, from the darkest years of the last century! I also demand an investigation about the involvement of this illegal prosecution in the fabrication of untruths that are being launched. Besides that...

Richard May

Mr. Milosevic, I have stopped you already once. The events in Belgrade are not something that this court deals with. If that would have any direct influence to this trial, than we would take it into consideration, but nothing you have said up to now shows that it has any influence. You wanted to say something about your health. That's what we would like to hear.

President Slobodan Milosevic

I will tell you about the health, but direct influence is in their aim to prevent my wife to give me her assistance and support. And above that, I want to inform you that they have arrested several members of the National Committee for my defense "SLOBODA" ("Freedom"), in spite they have no ground for that. Accordingly, we deal here with an orchestrated attempt to put pressure on me and my family since this false Prosecution suffers a fiasco here every day. I consider as your duty to establish the degree of their involvement.

Richard May

That is only your comment. There is absolutely no evidence to support what you are saying. Maybe there are good reasons for some people to be arrested. However, in this moment we will not deal with such allegations.

-End quote-

So, using Nazi methods, Del Ponte's prosecution and its Belgrade servants separate President Milosevic from his wife and family and try to discredit him with fabricated accusations without giving him a chance to respond.

All this is done in order to undermine his successful and heroic struggle for the truth at The Hague and its enormous political impact on Serbian people.

The regime in Belgrade as the worst outrage in Serbian history has to be exposed and attacked with all our weapons.

If not earlier than now! After the recent offer of Serbian Prime Minister Zivkovic to send 1000 Serbian troops to Iraq, after the military agreements signed with Israel and after the decision of the Supreme Council of Defense to depose an unaccountable number of army officers, the regime which sent Slobodan Milosevic to The Hague has to be condemned by all as one of the worst US puppet cliques – in the same line with Pinochet and the South African apartheid regime.

PROTEST AGAINST IT AND DEMAND FROM YUGOSLAV ("Serbia and Montenegro", as they now illegally call it) EMBASSIES AND CONSULATES THE STOP OF VIOLATION OF HUMAN RIGHTS AND OF GROUNDLESS ATTACKS AGAINST PRESIDENT SLOBODAN MILOSEVIC AND HIS FAMILY.

SLOBODAN MILOSEVIC IS A CHAMPION OF FREEDOM, JUSTICE AND PEOPLE'S RESISTANCE.

Sagittarius

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient:>
Verzonden: woensdag 13 augustus 2003 14:42
Onderwerp: Reminder: SLOBO'S BIRTHDAY

(English)

ON AUGUST 20, PRESIDENT SLOBODAN MILOSEVIC WILL BE 62. THIS WILL BE HIS THIRD BIRTHDAY IN PRISON. PLEASE SEND YOUR SUPPORT MESSAGES AND BIRTHDAY GREETINGS AS POST-CARDS, LETTERS OR CABLES TO THE FOLLOWING ADDRESS:

(Russian)

20-OGO AVGUSTA PREZIDENTU MILOSHEVICHU NAVESHITSYA 62 GODA. EHTO BUDET EGO TRETIJ DEN' ROZHDENIYA V TYUR'ME.

POZHALUJSTA POSSYLAJTE VIRAZHENIYA PODDERZHKI I POZDRAVLENIYA V FORME OTKRYTOK, PISEM I TELEGRAMM NA SLEDUYUSHCHIY ADRES:

(Serbian)

20. AVGUSTA PREDSEDNIK MILOSEVIC CE IMATI 62 GODINE. TO CE BITI NJEGOV TRECII RODJENDAN U ZATVORU. POSALJITE SVOJE IZRAZE PODRSKE I CESTITKE U OBLIKU RAZGLEDNICA, PISAMA I TELEGRAMA NA SLEDECU ADRESU:

**PRESIDENT
SLOBODAN MILOSEVIC**

**UN Detention Unit
Postbus 87810
2508 Den Haag
Pomp Stations Weg 32
The Netherlands**

YOUR HELP

The work for the defense of Slobodan Milosevic totally depends on your donations.

For more details, see: <http://www.sloboda.org.yu/finappeal.htm>

Sagittarius

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient:>
Verzonden: woensdag 20 augustus 2003 4:02
Bijlage: ICTY visit ban.doc
Onderwerp: President Milosevic cut from all visits!

PRESIDENT MILOSEVIC UNDER THREAT OF TOTAL ISOLATION!

Dear friends,

The Hague tribunal has just issued an order to ban all the visits to President Milosevic from SPS and SLOBODA/Freedom Association!

Their "explanation" is that it was done because the members of the SPS delegation gave statements to media after their recent visit.

The Tribunal's decision was issued just after the application of Mr. Bogoljub Bjelica, Chairman of SLOBODA to visit President Milosevic.

We responded to the tribunal letter immediately. You can read our respond and our original application bellow and the tribunal's outrageous letter addressed to President Milosevic in the attachment.

After he has been deprived of family visits, President Milosevic is now cut from the visits of his closest associates, who also work on preparations of his struggle for truth.

The strongest legal and public reaction is urgently needed.

It is perhaps also time to attack the fact that President Milosevic is prohibited to talk to media when, at the same time both tribunal and its prosecution have several spokespersons who talk to media all the time!

The criminal political mechanisms of the Hague machinery, which in the panic of total defeat try to destroy the victor, should be totally exposed and stopped.

Vladimir Krsljanin

General Secretary of SLOBODA

Coordinator of ICDSM

Foreign Relations Assistant to President Milosevic

Mr. Hans Holthuis

Registrar

ICTY

The Hague

The Netherlands

U R G E N T

Re: Your unjustified decision of August 12 and our application for a visit of August 11, 2003

Dear Mr. Holthuis,

In your letter to President Milosevic, dated August 12, the copy of which we have received by fax on August 15, after our phone intervention to accelerate your respond to our August 11 application, and which has been delivered to President Milosevic only yesterday, August 18, you threat with total isolation of President Milosevic. After he has been deprived of family visits, now you want to cut also the visits of his closest associates. Except it is outrageous, your decision is totally legally unsustainable. Here are the reasons:

1. It is not true that your rules prohibit that any information about the visit can be disclosed to the media. Rule 63(B) of your "Rules on Detention" and Regulation 33(B) of your "Regulations to govern the supervision of visits to and communications with detainees" only says that: "Permission may be denied if the Registrar has reason to believe that the purpose of the visit is to obtain information which may be subsequently reported in the media." So even if someone says some detail to media it still does not mean that it was the purpose of his visit. Then, even if some individual does something you dislike, it still does not mean that you should punish the whole organization. And finally, the spirit of all your other relevant rules implies that the discretion right given to you should have only meaning to prevent influence of media on the processes before the ICTY.
2. Nobody in Serbia is aware that any of the members of SPS delegation gave any public statement that can influence the process.
3. You are very well aware that listing the Freedom Association among the "associated entities" with SPS has absolutely no legal meaning and is bellow the level of anyone who claims to be a lawyer. SPS is a political party and Freedom Association is a non-governmental and non-partisan organization. These two entities are completely legally independent one from each other. Following the same logic of who is "associated" with whom you can also ban visits of all Serbs and finally of all human beings.

So, after he has been in many respects deprived in comparison with other detainees when the visits are concerned (he was the only one kept in total isolation so long at the beginning of his detention; he is the only one whose family can visit him for only three days in a month; now his wife can not visit him at all; he is often not informed about the requests of the people who apply to visit him;

many visitors were denied access with false justification that he didn't request to see them, in spite he made written requests etc.) President Milosevic is now cut of the visits from the only home organization which protects his human rights and from his closest associates, which also seriously affects his right to defense.

We expect you to change your wrong decision immediately. Otherwise, we will be forced to take other legal and public measures in order to protect law and justice.

Belgrade, August 19th, 2003

On behalf of Freedom Association

Igor Raicevic, Chairman of the Assembly

Ms. Monica Martinez

Chief of OLAD

Registry, ICTY

The Hague

The Netherlands

U R G E N T

Subject: Application for a visit of Mr. Bjelica to President Milosevic



United Nations
Nations Unies



International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

12 August 2003

Dear Mr. Milošević,

This letter is written in reference to the most recent visit of a delegation of the Socialist Party of Serbia ("SPS") to visit you at the United Nations Detention Unit, on 17 July 2003. The members of this delegation were:

- Mr. Zarko Obradović
- Mr. Ivica Dacic
- Mr. Zoran Andjelkovic
- Mr. Dusan Bajatovic
- Mr. Milorad Vučelić

Prior to this visit, the SPS were expressly advised that as visitors, they were obliged to comply with the relevant rules and regulations of the Tribunal governing visits and communications with detainees. In particular, they were cautioned that the dissemination to the media of any information disclosed to the media in any form is prohibited and could result in the limitation of visitation rights to you in the future.

Subsequent to the visit, two articles were published in the media in Belgrade, which quoted from Mr. Vučelić and Mr. Andjelković respectively in relation to the details of the visit. Despite the existence of some factual inaccuracies, it is clear that the only possible source of the information referred to in the articles was the SPS delegation.

In view of the flagrant nature of this breach of the rules and regulations of the Tribunal, I have decided that it would be in the interests of the good administration of the Detention Unit to deny until further notice any requests from members of the SPS and associated entities, such as the Freedom Association, for visits with you at the Detention Unit.

Yours sincerely,

Hans Holthuis
Registrar

Mr. Slobodan Milošević
United Nations Detention Unit

cc: Mr. Branislav Popović
International Secretary of the Socialist Party of Serbia
Per facsimile: +381 11 627 170 / +381 11 187 316

cc: Mr. Bogoljub Bjelica
Chairman of the Freedom Association
Per facsimile: + 381 11 639 152

Dear Ms. Martinez,

We apply hereby for a visit of the Chairman of the "Freedom" Association Mr. Bogoljub Bjelica to President Milosevic. We make this application with the consent of President Milosevic. The visit would take place at earliest convenience. Having in mind the health situation of Mr. Milosevic and the amount of his current activities in the preparations for the continuation of the process, we would appreciate very much if you could agree the exact date for the visit in direct communication with President Milosevic.

Since several months have passed since our last visit, we are sure that there will be no difficulties in approving this visit. Our legal interest and our commitments remain as before.

For your reply or any further information our contacts remain: phone +381 63 8862 301 or fax +381 11 630 549.

Belgrade, August 11th, 2003

Appreciating your cooperation, I remain

Yours sincerely

Igor Raicevic

Chairman of the Assembly of "Freedom" Association

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.wpc-in.org/> (world peace council)
http://www.geocities.com/b_antinato/ (Balkan antiNATO center)

Sagittarius

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient;>
Verzonden: zondag 24 augustus 2003 22:39
Onderwerp: Slobodan Milosevic Addresses the Public

The shameful terror against my family is part of the criminal lawlessness and tyranny, through which the Belgrade regime is aiding The Hague and its aggression against our country and our people

- Slobodan Milosevic's public response to charges fabricated by the Belgrade regime -

In March 2001, I was accused of imaginary crimes, so I could be arrested and delivered to The Hague.

These new accusations in 2003 have the same purpose: The Hague. Only this time, their goal is to try to prevent, or at least minimize, the obvious fiasco of the false Tribunal, which is serving as the weapon of war against our country and our people. This time, unlike 2001, they have also begun to terrorize my family, fiendishly persecuting my wife and my son. The criminal campaign against my wife and my son is being mounted solely because of my struggle here.

It is absurd and shameful that they are hounding a woman, a spouse of a long-time head of state, a University professor; the author of ten books, translated into 30 languages and printed worldwide, so no one will be able to destroy or cover up her weekly testimonies on the Yugoslav crisis. Their worth has been time-tested and proven, to Mira's honor and our pride. No other intellectual has raised her voice more against war, violence, primitivism, exploitation, and slavery and in favor of peace, freedom and equal rights.

They are hounding a young man who with an open and clear heart decided to make his way in life independently, through his own labor, intelligence and abilities, and has done everything to help others and make his town more beautiful and more humane.

A crime is being committed against two people who have treated others with nothing but goodness and humanity.

Their only crime is being my family.

People of Serbia and freedom-loving people throughout the world send me messages of support and wish me victory. It seems that only the Belgrade regime cheers on the Hague Tribunal, so much so that it does not balk from terrorizing women and children.

I have told the two men who came to interrogate me – five months after I publicly requested it – that only cowards attack women and children, that there is no greater shame. The political, media and police campaign against me and my family is the greatest infamy for any country; an infamy that will grow greater for its participants, but also those who witness it in silence, with time.

Legija and the Red Berets

Regarding the "reasons" for which the judge and the prosecutor came to The Hague, I wish to make it clear that:

Neither I nor my entourage ever had any connections with any criminal groups.

No "Zemun Clan" existed while I was President. It is the direct result of the current governments' behavior, the role certain groups and individuals had in the October 5, 2000 coup, and their mutual arrangements.

Neither I nor any of my entourage had personal contacts or acquaintances with members of the Special Operations Unit, popularly known as the Red Berets. I believed it was an elite anti-terrorist unit, common to any Security Service. I still believe that most of that unit's members were true to this description. Those who had a criminal past or inclination thereto are certainly better known to the present regime, as they used them on October 5.

My visit to the Kula facility in 1997 was ceremonial, a gesture of appreciation for the Service chief Jovica Stanisic, whom I respected as a professional and a man who endeavored to do his job in accordance with his position. That the visit was ceremonial, and that everything there was new to me, should be obvious to anyone who reviews the entire tape and pays attention.

The officer who reported to me on the parade grounds was unfamiliar to me. Now I know his name was Lukovic, "Legija." When he came to arrest me in March 2001, I mistook him for the officer who during my visit drove Stanisic and me from the headquarters to the outdoors gymnasium, which they also wanted to show me. By the way, even today I cannot recall any of the names of officers who reported to me on various occasions before an honor guard. This goes even for the commanders of Yugoslav Army Guard units.

The first time I talked to Lukovic-Legija was when he came to arrest me, on March 31, 2001. Given that I had never been in any contact with him before, or even conversed with him, the only thing I could have "ordered" him would have been my arrest.

Clearly, those who used the "Red Berets" members for my arrest (and others, who jumped over the fence into the residence with stockings on their heads) have also used them before and after. I clearly could not.

Rumors that this unit also worked as my security detail are not true. Plain lies. My security detail at all time was the public security unit (not State Security), commanded by Senta Milenkovic.

Ivan Stambolic

I have been a friend of Ivan Stambolic for many years. We parted ways at the 8th Session of the Serbian League of Communists' Central Committee, in 1987. We never quarreled personally.

After he was relieved, he came to me and asked for one of the best jobs (in both our opinion) in the SFRY: President of the Yugoslav bank for international economic relations.

And he received it, staying in that position for over 10 years despite the practice of rotating the management, until his retirement – for which he was eligible long before, on grounds of both work experience and age.

He had been completely forgotten as a politician for many years. Thus the story of how he represented a potential challenge in the elections is a blatant lie, since he was never in the running. He was not even a candidate. Besides, in those ten years, has any harm befallen any other candidates?

It is absurd to claim that I rushed to kill him as a threat, after I'd enabled him to hold a position of his choice for 10 years and he retired!

Especially puzzling for me is that his family has readily accepted this shallow lie. It seems they care more to blame me than find out the truth about the fate of their father and husband.

Ivan Stambolic was a forgotten politician, and at the time of his disappearance, a forgotten banker as well. No one in the state or the political apparatus had mentioned him for years. He belonged to the era of the former SFRY, and things have unfortunately changed since 1990.

No offense, but no one cared about Ivan Stambolic any more. There was no persecution of those who supported his position at the 8th Session. Desimir Jeftic, the chairman of the Serbian government who was also relieved, was for many years the Ambassador to Romania. Ivan's best friend and neighbor Dragan Tomic, the CEO of "Simpo" furniture company, remained a member of the Party and state leadership. I am certain he would confirm that I had told him, after Ivan was relieved, that I would think of him the worst if he'd renounced his friend and turned his back on him. So, the truth is quite the opposite from the story fabricated by several pathetic creatures.

I was informed of Ivan's disappearance over the telephone, by interior minister Vljako Stojiljkovic. I told him to use all the available resources to find him. He told me that Ivan's wife and son reported his disappearance in the afternoon, though he went jogging that morning, which would make the investigation more difficult.

All border posts were notified, and Vljako Stojiljkovic told me later that evening that several hundred police were engaged in the investigation. I insisted that all resources be used to find him [Stambolic] as soon as possible. Certainly most of these officers are still employed by the interior ministry, and can testify to that.

From what Stojiljkovic told me, everything that could have been done was done.

Draskovic, Pavkovic and the Budva Incident

Since the investigator, during the introductions, mentioned my alleged connection to the "attempted murder of Vuk Draskovic", I wish to say a few words about that as well.

I never believed that what happened in Budva was a real murder attempt, because it seems improbable that someone could shoot up all the bullets in a small room like that and miss with every one of them. Even Vuk Draskovic, with his talent for the dramatic, could not have turned into a fly or a mosquito. I believed that either someone tried to scare him, or

that he made the entire incident up to gain attention and promote his role as the "victim of the regime." It is not hard to see who could have benefited from such an incident, but it is abundantly clear that it did not serve the government. Quite to the contrary, in fact.

I am not aware that the Serbian Security Service had any activities in Montenegro apart from gathering information about cigarette smuggling into Serbia. Rade Markovic even showed me aerial reconnaissance photos of an area known as Mehov Krs, on the Serbian side of the boundary with Montenegro, and explained that according to his information, that was a major warehouse for smuggled cigarettes. He was preparing a raid to catch the smugglers and seize the contraband, when the timing was right. I do not know whether the photos were made from an airplane or a helicopter, police or military, as these details did not interest me.

I never talked to Pavkovic about transporting "assassins" and "agents" from Montenegro. It is incredulous that the Commander in Chief would be involved in shuttling some alleged secret agents, especially through the entire chain of command starting at the Chief of the General Staff.

Truth is, I've always insisted that services should cooperate and abandon their rivalry, as they did not serve me but the state, and they were supposed to work for the state, in accordance with the law. General Aleksandar Vasiljevic testified about that in this illegal court, as a witness of the prosecution, no less. And Rade Markovic testified both here and in front of two parliamentary committees that he was illegally coerced into trying to incriminate me.

The only helicopter incident I ever remember concerned a low-altitude flyover of one helicopter over the White Palace (which was illegal), when a Yugoslav Army officer in charge of White Palace security kept his calm and prevented it from being tragically shot down. Later that day it turned out that the helicopter was evacuating a seriously ill person from the [Bosnian] Serb Republic to the Academy of Military Medicine [VMA].

Are you not ashamed?

I demanded of both the investigator and the prosecutor that my interrogation be public, and that they could even bring an open telephone line, so anyone could ask me whatever they wanted. They explained that this was not allowed by law, as long as the investigation was ongoing. I accepted that, but requested that the recordings be made public at the end of the investigation – since there would be no danger of potential interference at that time. They rejected that as well, even though they had the full legal authority to approve it. Neither I, nor they, nor my legal representatives disputed that.

Today's government uses the law as an excuse for lawlessness and tyranny.
Nothing new!

Montesquieu wrote as early as 1742 that "There is no crueler tyranny than one perpetrated under the shield of law, and in the name of justice."

In this entire dirty operation of trying to save this illegitimate Hague court from a fiasco, the most shameful element is surely the persecution of my wife and son. I told the investigating judge that his investigation should include the phantom gold bars, foreign currency reserves, villas in Switzerland and whatnot, because they were all mentioned in

various statements and extensive newspaper stories, only to be "forgotten" later.

I asked him "Are you not ashamed?" He did not answer.

To my wife and son, Mira and Marko, who have been separated from me in this heinous way, I wish to say: "Life is too short to thank you for your goodness."

The Hague, 17 August 2003.

Slobodan Milosevic

URL for this text: <http://www.sloboda.org.yu/engleski/slobaE170803.htm>

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<http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic)
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<http://www.wpc-in.org/> (world peace council)
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CHRISTOPHER C. BLACK
Barrister-at-Law

Hans Holthuis
Registrar,
His Honour Judge Mellon,
President,
The Honourable Judges Trial Chamber III
ICTY,
The Hague, Netherlands

August 26, 2003

RE: Slobodan Milosevic
Illegal Prohibition of Visits and Communication With The Press

The International Committee For The Defense of Slobodan Milosevic protests the illegal and unjustified prohibition of visits to Slobodan Milosevic by members of the Socialist Party of Serbia and the Sloboda (Freedom) Association, a non-government organization dedicated to achieving his rightful freedom.

The order prohibiting visits is allegedly based on a violation of the newly introduced rule prohibiting communication to the media of statements made by a detainee during visits, a rule which is both illegal and unjustified and the sole purpose of which is to silence the voice of an innocent man, a political prisoner, held hostage by the "judicial" arm of NATO.

The British House of Lords has stated in Regina v Ex Parte Sims and O'Brien that the right of prisoners to communicate with the media is essential to prevent miscarriages of justice. The prohibition of such communication is a fundamental violation of the presumption of innocence set out in the Statute of the Tribunal.

The blanket prohibition of personal visits is also a flagrant violation of Article 10 of the European Convention For The Protection of Human Rights and Fundamental Freedoms, of Rule 92 of the UN Standard Minimum Rules For The Treatment of Prisoners, Principle 15 of the UN Principles of Detention and the Tribunal Rules of Detention themselves.

The Tribunal is unable to demonstrate any need for this action in terms of the security or good order of the UN Detention Unit or under any other legitimate rationale. Therefore, the question arises; what is the real purpose of the order of prohibition? There can be only one answer; to silence the voice of an innocent man in order to prevent the embarrassment of the NATO countries who are his political enemies and the enemies of the Serbian people and in order to suppress the truth about the war crimes committed by NATO in Yugoslavia.

The actions of the Tribunal follow the issuance of arrest warrants by the present Belgrade regime against his wife and son which have the sole objective of preventing them from

visiting him in an attempt to isolate him and wear him down psychologically. In this, neither NATO nor the Tribunal will succeed.

The ICDSM demands that the order prohibiting visits to Slobodan Milosevic be rescinded forthwith along with the "rule" prohibiting communication with the news media.

Dr. Velko Valkanov, Co-Chair, ICDSM,

**Christopher Black, Toronto
Prof. Mikhail Kuznetzov, Moscow
Maitre Jacques Verges, Paris,**

For The Legal Committee, ICDSM

968 Wilson Avenue, Toronto, Ontario, Canada, M5R 1C9

1-416-928-6611;fax-9515;email-bar@idirect.com

Sagittarius

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient:>
Verzonden: woensdag 27 augustus 2003 21:36
Onderwerp: "Carla's promises"

"Evidence" in the "Milosevic case": What's behind Carla's promises?

By Cathrin Schütz

As stated by chief prosecutor Carla del Ponte, in the upcoming months the prosecution in the trial against former Yugoslav president Slobodan Milosevic in The Hague will focus on "Sarajevo" and "Srebrenica".[1]

According to some official reports, between 7.000 and 8.000 Bosnian Muslims were killed in July 1995, when Serb units launched an attack on the UN "safe heaven" of Srebrenica. Doubts continue to surface regarding the extent and nature of these alleged crimes because the official side of the story is in many respects lacking in factual verification.[2]

After del Ponte herself had to admit that the Kosovo-case (which originally served as the grounds for the Milosevic indictment and the former president's abduction and delivery to the Hague tribunal) lacked the charge of genocide because there is no evidence for that, the prosecution came up with additional indictments for Croatia and Bosnia and accused Milosevic for genocide in Bosnia, a point which is mainly based on the events around Srebrenica.

Recently, the prosecution suffered from another big disappointment when Slobodan Milosevic's predecessor - former Yugoslav president Zoran Lilic - testified in The Hague on June 17. Lilic stated that Mr. Milosevic had not been involved in the Srebrenica massacre. The next day media headlines announced "Srebrenica »outraged« Milosevic".[3]

But just one day later, this positive message for Milosevic disappeared and the international press reported an opposite line, saying: "Paper could link Milosevic with massacre".[4]

The paper in question is an official document provided to the prosecution by the London-based "Institute for War and Peace Reporting" (IWPR). It is an order signed on July 10, 1995 by Bosnian-Serb Interior Minister Tomislav Kovac, which instructs that a Serbian police unit should be moved from Sarajevo to Srebrenica to "crush the enemy offensive being carried out from the UN safe heaven of Srebrenica".[5]

But the statements appearing on the occasion of the presentation of the paper appear to be to the advantage of former president Milosevic. Some unusual comments were made about the lack of any evidence for the involvement of Milosevic – except the new-found document. IWPR bureau chief in The Hague, Stacey Sullivan, while praising the paper, stated: "Up

until now, it was generally assumed that there was no link between what happened in Srebrenica and Belgrade." As stated in the NYT on June 19, an official in the prosecutors office said "for the moment, this is the first such document relating to the July 1995 massacre".[6] SFOR news confirms this. Reporting about the new-found document, SFOR news states on June 20, 2003: "To date, it was mostly assumed that until the summer of 1995, Serbia had cut off all of its ties to the Bosnian Serb leadership and that the former Serbian forces had not participated in the military operation in Srebrenica".[7]

According to Sullivan, the document shows for the first time that police from Serbia participated in this operation. The "Coalition for International Justice" in Washington pointed out the contrary by saying that the document does not prove any involvement of those units. And what is still unknown, and what Sullivan had to admit herself, is whether Milosevic actually knew about those troops.

The NYT, usually in line with the rest of the corporate media in pre-convicting the former president, suddenly choose to leave no doubts about the awareness of any lack of evidence against Milosevic in the Srebrenica case. "Witnesses and even participants in the massacre have told the tribunal the roles played by the army, police and paramilitary fighters in the blood bath. But even during the trial of Gen. Radislav Krstic, one of the commanders at Srebrenica, who was sentenced to 46 years in prison for genocide, prosecutors had no documents linking the atrocities to Belgrade".

Recalling the reactions following the first presentation of the paper, it now looks like it got more attention than it actually deserved. Apparently, it provides no "new evidence" against Milosevic. Florence Hartmann, spokesperson of the prosecution, called the document later only "an element", and announced there will be additional elements and special witnesses for Srebrenica. The assumption remains that the document was presented at the exact moment when Lalic's testimony of Milosevic's innocence was the number one topic, in order to deflect attention from news headlines which could undermine the prosecution's credibility. The IWPR assertion that the paper had been "overlooked" seems to be highly questionable. The assumption that the Institute (which with its branch in The Hague enjoys a physical closeness to the tribunal) played in the prosecutors hands, is bolstered by a look on their own list of cooperating organizations and partners. Among these is the "Open Society Institute" of US-American Billionaire George Soros, who also provides funds directly to the tribunal. With "USAID" the institute receives money from the US-government. Aid is also coming from the US-American organization "International Research & Exchanges Board" (IREX). At the same time, IREX is financing basically a long list of journalists from former Yugoslavia reporting from the Milosevic-trial in The Hague – providing training, apartments, computers, etc. According to their own web-side information, IREX receives funds from the US Department of State as well as from media giant CNN-AOL-Time Warner, the latter also contributes financially to the ICTY.[8]

Since Slobodan Milosevic is not permitted by the ICTY to give press-statements, Vladimir Krsljanin, one of his Belgrade assistants, comments for *junge Welt*: "Carla del Ponte recently boasted to the press that she was able to prove all charges – except that genocide would be more difficult. But even that she said will succeed in the upcoming months. But that was only her attempt to hide her complete failures in this regard from the public, because even her position as chief-prosecutor has come under question. Slobodan Milosevic's guilt cannot be proven because it does not exist. Everybody knows that he publicly and consistently condemned every extremism and crime. In his opening statement, he announced that he would prove the complicity of Western secret services in the worst crimes in Bosnia and Croatia."

Indeed, this enterprise seems more likely to be successful than the prosecution's attempt to present evidence for a connection between Milosevic and the massacre at Srebrenica. And the report of the commission of the Dutch Institute for War Documentation (NIOD), led by Cees Wiebes, agrees. "For five years, Professor Cees Wiebes of Amsterdam University has had unrestricted access to Dutch intelligence files and has stalked the corridors of secret service headquarters in western capitals, as well as in Bosnia, asking questions." [9] The German Berliner Zeitung in April 2002, in reference to the Dutch report, stated, there were "no hints for a direct involvement of Milosevic and Serb authorities from Belgrade" in the attack on Srebrenica. Meanwhile, the same report according to The Guardian, revealed the direct involvement of external forces: "America used Islamists to arm the Bosnian Muslims, The Srebrenica report reveals the Pentagon's role in a dirty war. The official Dutch inquiry into the 1995 Srebrenica massacre, released last week, contains one of the most sensational reports on western intelligence ever published." "Weapons flown in during the spring of 1995 were to turn up only a fortnight later in the besieged and demilitarized enclave at Srebrenica. When these shipments were noticed, Americans pressured UNPROFOR to rewrite reports, and when Norwegian officials protested about the flights, they were reportedly threatened into silence", reports The Guardian.

If del Ponte wants to keep her promise of proving the genocide charge, she may need to follow what seems to be her common routine of manipulating witnesses, as was seen in the case of Rade Markovic. The former head of state security, supposedly a witness on behalf of the prosecution, stated in his testimony that he was offered a deal in order to deliver a statement against Slobodan Milosevic. [10] Del Ponte's mid-July statement – in which she hoped that indicted senior political and military figures during Milosevic's 13 years in power would testify against their former leader [11] - sounds more and more like an announcement of new attempts to "incriminate testimony for extenuating circumstances".

Published in "junge Welt" (Berlin), "Beweisnot in Den Haag", August 19, 2003

URL: <http://www.jungewelt.de/2003/08-19/005.php>

[1] In: Arthur Max, UN Prosecutor to Show Milosevic Evidence, Associated Press, July 16, 2003

[2] Among many, see Jürgen Elsässer, Anatomie einer Tragödie, Der Fall von Srebrenica (I): Horrorzahlen und seriöse Untersuchungen, junge Welt, 10.07.2003 and Jürgen Elsässer, Srebrenica – kein Völkermord, Jahrestag der Einnahme durch serbische Truppen (II): Massakeropfer und Gefechtstote auf beiden Seiten, junge Welt, 11.07.2003; see also: George Pumphrey, Srebrenica: 5 Years Later, And Still Searching, <http://www.balkanpeace.org/cib/bos/boss/boss12.shtml>

[3] Srebrenica "outraged" Milosevic, The Guradian, June 18, 2003

[4] e.g. Marlise Simons, Prosecutors say Document links Milosevic to genocide, NYT, June 19, 2003

[5] Milosevic linked to Srebrenica, Radio Netherlands Wereldomroep, June 20, 2003, <http://www.rnw.nl/hotspots/html/icty030620.html>

[6] Marlise Simons, Prosecutors say Document links Milosevic to genocide, NYT, June 19, 2003

[7] SFOR main news, June 20, 2003, www.nato.int/sfor/media/2003/ms030620.htm

[8] See www.irex.org and for the information of funds going to the ICTY, see Christopher Black, An Impartial Tribunal, Really?, <http://www.swans.com/library/art5/zip036.html>

[9] Richard J Aldrich, America used Islamists to arm the Bosnian Muslims, The Srebrenica report reveals the Pentagon's role in a dirty war, The Guardian (London), April 22, 2002

[10] see Klaus Hartmann, Wegschauprozeß geht weiter, junge Welt, September 26, 2002

[11] Arthur Max, UN Prosecutor to Show Milosevic Evidence, Associated Press, July 16, 2003

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

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient;>
Verzonden: zaterdag 30 augustus 2003 4:44
Onderwerp: Brazilian Workers for President Milosevic
URL for this article is: <http://www.icdsm.org/more/brazil.htm>

Brazilian Workers for President Milosevic

In the protest letter sent today to the Hague tribunal, Antonio Neto, President of the General Confederation of Trade Unions of Brazil (Central Geral dos Trabalhadores, CGTB), one of the main trade union organizations in Brazil, expresses indignation against the recent decision to ban visits to President Milosevic. Brazilian workers condemn NATO crimes and the tribunal as an instrument of US government. The letter demands rights of President Milosevic to be guaranteed, including the right of access to media.

Bellow is complete text of the letter and the link to the Portuguese translation of the speech of President Milosevic delivered after the end of 1999 NATO military aggression, published in CGTB newspaper "Hora do Povo".

CENTRAL GERAL DOS TRABALHADORES

Filiada à Federação Sindical Mundial – FSM

São Paulo, August 29, 2

Mr. Hans Holthuis
Registrar
ICTY
The Hague
The Netherlands

Dear Mr. Holthuis,

The General Confederation of Trade Unions of Brazil - CGTB - finds it necessary to express its indignation against the recent Hague tribunal decision to ban visits to President Milosevic.

That arbitrary decision furthermore, reinforces the idea shared by wide sections of the international public opinion that The Hague tribunal was created with the sole objective of condemning President Milosevic to justify the aggression against Yugoslavia and the crimes committed by EUA/NATO when, in less than 90 days, they threw 25 thousand tons of bombs. Yugoslavia murdering 5 thousand civilians and wounding another 10 thousand, of which 40% were children.

In the 3rd Congress of our Confederation, which took place in March of 2002, the Brazilian workers were aware of the crimes practiced by EUA/NATO. They condemned the foreign aggressor and they questioned the role of The Hague tribunal, considering it one more instrument controlled by the government of the USA.

Today, after the attack on Iraq, all the people in the world are aware of the farce that is set up by the North American administration to justify the invasion of a sovereign country and to guarantee with that their own interests. Therefore, if The Hague tribunal continues acting in an arbitrary and unilateral way as it is doing, it is taking the serious risk of becoming totally discredited.

In this sense, we consider it indispensable that The Hague tribunal should respect the broad rights of defense and of visit of President Milosevic and guarantee immediately his right of access to media, a right that is today insured to the prosecution by the tribunal at any time.

Yours sincerely,

Antonio Neto
President CGTB
Vice-president of
World Federation of Trade Union

Maria Pimentel
Secret. of Inter. Relations of CGTB

Iugoslávia heróica derrota desmembramento de Kosovo

*"Nós nao apenas defendemos nosso país, mas trouxemos de volta ao cenário internacional a OI
Esta é a nossa contribuição ao mundo. O heroísmo de nosso povo na resistencia ao inimigo, mu-
vezes mais forte e maior, marcará o fim do século 20"*

O altivo discurso do presidente Milosevic

[Read the whole speech in Portuguese](#)



YOUR HELP

The work for the defense of Slobodan Milosevic totally depends on your donations.

For more details, see: <http://www.sloboda.org.yu/finappeal.htm>

Send a check to our address:

SLOBODA

Rajiceva 16, 11000 Belgrade, Serbia and Montenegro, Yugoslavia

or transfer your donation to our account using the instructions at:

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

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Goeyshuie Tubamal
Milorevic

31 aug 2003

Het kan natuurlijk niet zo zijn dat het 194
betreft dat de ironie is en Stambroefde
dus steeds customary law is en dat het Goeyshuie
Tubamal niet dan toch de leegheid loest
om de stambroefde te vervolgen, tenzij
aan de andere kant datzelfde Juy. Trib. stelt
alleen dat recht te kunnen met customary,
how is ! (zie brief Secr. - Ge. - VN)
Van twee eën: of het Juy. Trib. als post
alleen gepresenteerd customary law is en verbodt
dus geen stambroefde, of het verbodt wel
stambroefde en pas dan geen customary law
wie, maar slecht zelf recht (want het
volgens de sec. - ge. niet juist niet van doen!

Juey. Tuluwal 31 Aug 2003

Cerapuh dan VM-rukunannya dan
mufakatnya mengenai kesihatan di
Lijer, dan ~~untuk~~ untuk kesihatan
dan José Benyoo (Chidea)

'Schuld Servië bloedbad Racak niet aan te tonen'

PRISTINA (RTR) - Een team van onafhankelijke Finse pathologen-anatomen heeft niet kunnen vaststellen, dat Servische agenten verantwoordelijk zijn voor het bloedbad van januari in het dorp Racak in Kosovo. Dat heeft voorzitter Helena Ranta vanmiddag bij de presentatie van het rapport van het team in Pristina gezegd. Het bloedbad kostte aan veertig Albanezen het leven.

Schuld bloedbad Racak onduidelijk

PRISTINA (Rtr) - Een team van onafhankelijke Finse pathologen-anatomen heeft, zoals gisteren reeds in een deel van onze edities gemeld, niet kunnen vaststellen of Servische agenten verantwoordelijk zijn voor het bloedbad van 15 januari in het dorp Racak in Kosovo. Dat heeft voorzitter Helena Ranta gisteren bij de presentatie gezegd. Ranta sprak van 'misdad tegen de menselijkheid', maar zij weigerde het woord 'moordpartij' in de mond te nemen. Het bloedbad kostte aan veertig Albanezen het leven. Algemeen werd aangenomen dat de Serviërs voor de executies verantwoordelijk waren. Maar Belgrado hield vol dat het Kosovo Bevrijdingsleger UCK de executie in scene had gezet.

'Geen executies in Racak

BERLIJN (ANP) - De *Berliner Zeitung* meldt vandaag dat de 40 doden die in januari 1999 in het Kosovaarse Racak zijn aangetroffen niet van dichtbij zijn neergeschoten, zoals de Organisatie voor Veiligheid en Samenwerking in Europa steeds heeft beweerd. De woede over 'Racak' leidde mede tot de Kosovo-oorlog. De BZ zegt kopiën te hebben van het autopsierapport dat destijds door onafhankelijke Finse lijkschouwers is gemaakt. Die hadden overigens in maart vorig jaar zelf al gezegd de lezing van executies niet kunnen bevestigen.

15 SEPT 2003

HOME - ARCHIVES

AP, December 30, 2002

Serbia Minister: U.N. Lawyer Incompetent

By MISHA SAVIC, Associated Press Writer

BELGRADE, Yugoslavia – Serbia’s justice minister has demanded the top U.N. war crimes prosecutor resign, accusing her in an open letter Sunday of being biased against Serbs.

Justice Minister Vladan Batic said Prosecutor Carla Del Ponte has indicted only Serbs in her investigation of the 1998-1999 war in Kosovo despite "abundant proof" that ethnic Albanians also committed atrocities.

Del Ponte "must apply same standards for all potential suspects, regardless of their ethnicity," Batic said in the public letter.

"It would be fair that you to resign. Somebody else in your place would ensure that justice be served and that Serb victims of the wars can rest in peace."

Batic is part of the leadership that ousted Slobodan Milosevic in 2000 and extradited him to the U.N. tribunal in The Hague, Netherlands. The former Yugoslav president is now on trial for alleged war crimes in Kosovo, Bosnia and Croatia.

Del Ponte's spokeswoman, Florence Hartmann, said the tribunal does not consider ethnicity in indictments. She dismissed the accusations as a "game aimed at public opinion in countries who don't want to comply with international law."

"They should understand that the rule of law is the rule of law. They cannot remove (Del Ponte) and hope the law will disappear," she said.

Del Ponte is the court's chief prosecutor. The tribunal was founded a decade ago to prosecute atrocities committed during the Balkan wars of the 1990s. So far, it has indicted more than 100 suspects, mostly Serbs.

Batic claims Del Ponte promised to indict three ethnic Albanian leaders for atrocities against Serbs: Hashim Thaci, Ramush Haradinah and Agim Ceku.

Thaci and Haradinah are legislators in Kosovo's assembly and the heads of separate political parties. Ceku is the head of the Kosovo Protection Corps, a civilian organization of former rebels.

"We have provided you with abundant proof about the war crimes against Serbs ... even an apprentice prosecutor would be able to bring charges with that," Batic said in his letter to Del Ponte.

"By not acting, you become an accomplice and allow the three to continue holding high positions in the current Kosovo administration."

Kosovo has been run by United Nations and NATO since the 1999 NATO air campaign to stop Milosevic's crackdown on Kosovo's rebellious ethnic Albanians. The three Kosovo leaders have refused to comment on the accusations.

Hartmann said the court was investigating some crimes in Kosovo.

Mr. N.M.P. Steijnen
Advocaat en Prokureur
Cauwenhoven 52-05
3703 ER Zeist
tel. 03404 - 5 68 67

Rabobank Zeist,
rekeningnr. 37.52.38.832
gironummer Rabobank: 21 71 31

"Our mandate is only to investigate the most important breaches of international humanitarian law," she said. "We don't adjust our investigations because a politician says he might like a little more of this or that."

Del Ponte has repeatedly accused Belgrade of not fully cooperating with the court. Several Serb suspects remain at large, and Serb authorities have refused to provide prosecutors full access to state archives. Batic and other Serb leaders say the republic has cooperated as best it could.

Batic criticized Del Ponte for her demands that Serbia immediately hand over its outgoing president, Milan Milutinovic, who is wanted on war crimes charges. Milutinovic served his last day on duty Sunday and Serbia has promised to extradite him once his diplomatic immunity has expired.

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Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: maandag 1 september 2003 23:16
Onderwerp: Sloboda appeal to humanitarian organizations and
To: Office of the UN High Commissioner for Human Rights – Geneva

World Health Organization – Geneva

International Committee of the Red Cross - Geneva

Copies to: Office of The UN Secretary General – New York

The Permanent Missions of the Members of the UN Security Council – New York

Belgrade, August 29, 2003

Dear Sirs,

As an NGO dealing with issues of human rights, democracy and peace, a pending member of The World Peace Council, we would like to draw your attention and urge your immediate reaction to protect life, health and fundamental rights of the long term democratically elected President of the Federal Republic of Yugoslavia and of the Republic of Serbia Mr. Slobodan Milosevic, presently detained in UN Detention Unit at The Hague, The Netherlands.

The most extensive specialist medical report about the health condition of President Milosevic in detention, made on November 18, 2002 by the cardiologist Dr P. R. M. van Dijkman, appointed by the ICTY says:

“Essential hypertension with secondary organ damage: hypertrophy of the left ventricle. (...) In recent weeks during trial again steep increase in blood pressure up to around 220/130 mmHg. (...) During the tiring process of the trial, Mr Milosevic experiences a condition that looks like hypertensive urgency. (...)

Reducing (seriously) increased blood pressure also reduces the possibility of coronary disease, cerebrovascular accident, heart attack and death. (...)

It can be concluded that with combination of sufficient rest and medication

the level of Mr. Milosevic's blood pressure will be an acceptable one. (...)

I agree (...) that the pressure of the trial may lead to extreme exhaustion on the part of Mr. Milosevic. (...)

I leave it to the Tribunal to decide in what way sufficient rest periods can be incorporated in the trial."

In February 2003, President Milosevic has been examined also by a specialists' medical team from Belgrade. Serbian doctors agreed with their Dutch colleagues appointed by ICTY that the health situation of President Milosevic requires regular specialists' monitoring. But since then, in spite our many times repeated requests, there was no more specialists' examination and the access of the Belgrade doctors to President Milosevic was denied.

With the lack of proper medical care, with the denial to the Belgrade doctors to perform regular check-ups, and with the trial burden (two years lasting prosecution case with at least five hours of every day court sessions) in obvious contradiction with the above doctor's recommendation, the ICTY as a subsidiary organ of the UN Security Council, bears great responsibility for the life and health of President Milosevic and acts in violation to UN documents securing the fundamental human rights.

There are also other examples of arbitrary and illegal behavior of ICTY in relation to President Milosevic, such as their recent decision to ban all the visits of his close associates.

We are convinced that only the provisional release of President Milosevic for medical treatment and recuperation, can secure his life and health and can secure that the truth will be achieved in the subsequent continuation of the process.

For further information, we can be reached by phones +381 63 8862 301 and +381 11 630 206 and by fax +381 11 630 549.

We call you upon to act in accordance with your responsibilities and to act urgently.

Respectfully,

On behalf of Freedom Association,

Bogoljub Bjelica, president

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Militerie-proce 1 sept 2003

Het berechten van stints hoofden door andere states is
nu stijgt met het leyndel en imoniniteit, zelfs het
1 GH heeft instygteld. Maar het is niet want dat
dit anders van dnyge van intenduale tubonale.
Want van het ICC moet dit, van stent tot stent,
eent instyng huyge is het niet automatish.

Beantwaa is

Er is dus niet zo als es intenduale verhooyel
als: " tubonale rige, lij customay law, bevoeyel
van stints hoofden te berechten "

Dan is het in tweeën één: oef het de Security Council
heeft hier, met behulpe tot het ICT y, nieuw recht geshape
dat er wél zo'n regel van rye. En dat is dan nu
stijgt met het udyngpunt dat het de Verdrayent's wurd
hier in punt gye naar recht van helle geshape.

Oef zo'n volbraddelelye geynteraddelelye regel van e wél
rige, maar dan moet e vol leye en vord conyutinge!

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: maandag 1 september 2003 12:39
Bijlage: Hague Leaflet Nov.doc
Onderwerp: CDSM:Fw: Demo at The Hague on November 8: For Europe free from pogroms and persecutions! Freedom for Slobodan Milosevic!

Subject: Fw: Demo at The Hague on November 8: For Europe free from pogroms and persecutions! Freedom for Slobodan Milosevic!



SLOBODA | FREEDOM
udruzenje | association
YUGOSLAV COMMITTEE FOR THE LIBERATION OF
SLOBODAN MILOSEVIC

Belgrade, Rajiceva 16, tel./fax +381 11 630 549

Our demonstrations held on June 28 at The Hague delivered our demands to the "tribunal" and to UN, under which formal auspices this institution acts. It is not only that our main demands have not been fulfilled, but also the human rights violation record of the "tribunal" became even worse. For that reason SLOBODA/Freedom Association endorses the call of the Serbian-International Organizational Committee to hold new

DEMONSTRATIONS

at The Hague, on November 8, 2003

«By the terror and tyranny they try to prevent, or at least minimize, the obvious fiasco of the false tribunal, which is serving as the weapon of war against our country and our people. Nothing new! As Montesquieu wrote in 1742: "There is no crueller tyranny than one perpetrated under the shield of law, and in the name of justice." »

Slobodan Milosevic, 17 August 2003

- The "tribunal" at The Hague is not an instrument of justice, but of aggression and war;
- The "tribunal" at The Hague attempts to falsify Serbian history, to retaliate against the freedom fighters and to protect the perpetrators of the policies of war and colonization, condemned by the whole World;
- The "tribunal" at The Hague, by its terror against Serbian people and President Milosevic and by the persecution of his family and associates, attempts to silence the truth;
- A court which violates the human rights in the way the "tribunal" does, should not exist in any democratic and civilized country;
- For the existence of such "tribunal" most responsible are the governments USA and UK, but also of the other UN Security Council permanent member states;
- In the Autumn 70 years ago, "The Third Reich" "tried" Dimitrov. On November 8, 65 years ago, one of the biggest Nazi crimes was committed – the "Crystal Night" of pogrom. Killing nations – never again! Therefore:

Free Europe and World from "tribunals"!

**FREEDOM FOR SLOBODAN
MILOSEVIC!**

Freedom for Serbia and Yugoslavia!

**WE CALL UPON ALL THE PROGRESSIVE PEOPLE AND
ORGANIZATIONS IN EUROPE AND WORLD WIDE TO JOIN US!**

The demos and the struggle for these goals need the financial assistance.
Send a check to our address or transfer your donation to the following account:
German ICDSM, c/o Peter Betscher, Account Number (Konto-Nr.): 102013409
Bank: Volksbank Darmstadt, Bank Number (BLZ): 508 90 000, use: defense

SLOBODA urgently needs your donation.
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Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: dinsdag 2 september 2003 20:25
Onderwerp: CDSM:Fw: mr olaechea and mr
Dear All, The second letter below is of great interest to CDSM. Ian.

— Original Message —

From: canauk
To: Tribune Editor
Sent: Tuesday, September 02, 2003 6:53 PM
Subject: mr olaechea and mr milosevic

Mr Olaechea and Mr Milosevic

I paste below two letters, one a draft letter to be handed in to the Peruvian Embassy in London tomorrow. Wednesday 3rd September 2003.

We will be outside the Peruvian Embassy 52 Sloane Street Belgravia SW1 tomorrow from 4 pm until 6pm.

(We will also go round the corner to the Spanish Embassy to deliver a similar letter). I hope anyone able to join our demonstration will make an effort to do so.

The second letter is one I have sent to the UK Government Law Officers today re Mr Milosevic.

When this Court case gets going we will be very grateful for support. WS

TO: HE Amando Lecaros-de-Cossio

Embassy of Peru

52 Sloane Street

London SW1X 9SP

YOUR EXCELLENCY

We the undersigned gathered outside the Peruvian Embassy today here in London 3rd September 2003 wish to register our concern over the malfunctioning of the Peruvian and Spanish legal systems resulting in the unlawful abduction of Adolfo Olaechea from Spain to Peru, to face trial on terrorist charges which primarily relate to alleged membership of the Communist Party of Peru.

Mr Olaechea resolutely denies these charges.

These charges were originally brought against Adolfo Olaechea and various other intellectual and democratic minded individuals living in Peru and abroad by the notorious Fujimori-Montesinos regime who are now themselves being pursued legally to stand trial for their crimes.

The charges were intended to scare and silence those like Adolfo Olaechea who publicly articulated the frequent violations of human and civil rights committed by the authorities in Peru.

Your Excellency will note how even the authorities in Peru and the judiciary admit to a lack of evidence to support the case against Mr. Olaechea.

Hence, the Peruvian authorities are now seeking to bring on other charges by asking Spain to expand the terms of his extradition.

We strongly object to the pliability of the Spanish judiciary - its willingness to accommodate itself to political pressure rather than comply with European law in upholding the rule 39 indication of the European Court of Human Rights in respect to this case which constitutes a violation of international law.

It is a travesty of justice that Mr Olachea is being held in a maximum security prison whilst there is actually not one shred of evidence to prove any charges against him.

Clearly, Mr Olaechea, living in Britain for the past twenty years could not, and has not taken part in any terrorist activity in Peru.

On the contrary, as a Peruvian nationalist living abroad he has used his intellectual energy and resources to promote peace, justice and legality and was anxious to play a positive part in the reconstruction of Peru.

And as an internationalist in a protracted exile here he has contributed enormously to UK social and cultural life, in addition to promoting political discussion on a range of issues, including Peru. The prosecution of Mr Olaechea is misguided, unsound and amounts to a gross miscarriage of justice in the eyes of world public opinion.

The present Government of Peru must distance itself from the crimes and atrocities committed by former governments and promote democracy, freedom of thought, the rule of law and respect for human rights. This malicious and vexatious prosecution only distracts from the Governments own failure to promote a sensible strategy for achieving national reconciliation. Concerned that Mr Oleachea will not receive a fair trial in Peru, we call for his immediate and unconditional release and return to his family here in the UK.

Signed by Name Address

From William Spring 1 Scales Road London N17 9HB

2nd September 03

To the Legal Secretariat to the Law Officers,

**RE APPLICATION FOR ATTORNEY GENERAL'S CONSENT UNDER
SECTION 134 OF THE CRIMINAL JUSTICE ACT 1988**

Dear Sir/Madam

I refer to the letter of Ms Carmen Dowd dated to 13th January 03 on this question.

As you know I have decided to bring proceedings against Mr Justice May who is at the moment in charge of the trial of President Milosevic.

Verily I believe he is torturing the prisoner and intends to bring about his death.

I received from Ms Carmen Dowd the letter of 13th January in response to my initial communication.

I tried to phone her this morning to be told she is no longer with you.

Consequently this information should be given to whoever has taken over her responsibilities.

The point is since my original communication, things have got much worse for Mr Milosevic, who according to my information is held without access to friends, family or legal advisors.

Mr Justice May has forbidden Mr Milosevic to talk to anyone. He must remain in his cell all day long without exercise.

He is denied a computer, pens, paper, newspapers, books, and adequate and specialist medical attention.

His access to the Internet is denied, he is forbidden to give interviews, his postal communications are interfered with, and he has to listen to officials of the Court briefing journalists against him, while neither he nor his advisers are allowed to rebut the various scurrilous allegations made

against him by officials of the International Criminal Tribunal for the Former Yugoslavia.

Indeed visitors are not allowed by the Court to comment on their discussions with Mr Milosevic, which is an absolute outrage in itself and makes the ECHR a dead letter, and the Court another legal black hole like Guantanamo Bay, a zone where natural justice does not apply.

Quite frankly the Court is a school for legal terrorists, which is creating a system of positive law based on the principles of the Inquisition.

Mr Milosevic is and has been subjected to protracted torture by an official of the UK Government.

I do not believe I have to request your permission for a prosecution against Judge May prior to my laying the Information.

I am making contact with the Magistrates Court this week and will also provide to them a list of witnesses who will attest to the intensity of the torture and the psychological and physical pressures placed upon a man who is already very unwell.

Your Government, in cahoots with the Americans intend to hound Mr Milosevic to death, in the same way as your Government hounded to death Dr David Kelly.

Judge May is evidently just a cypher, appointed by your Department and the US administration, to carry out these foul deeds in the name of the "international community."

Should your Department seek to block in any way my prosecution of Judge May it will demonstrate that HMG's prohibition on torture is a dead letter - that HMG is free, and its officials (and Cabinet Ministers and the Prime Minister) to torture whoever they like, including their own civil servants, and, in the name of Victor's Justice, those who such as President Milosevic, who uphold the struggle for state sovereignty, democratic rights, and an international rule of legality, all of which things your Government abhors.

The only advantage as I see it accruing to Mr Milosevic right now is that he is at least a white man.

If he were Arab, his children and grandchildren would have already been murdered by the Americans, with the endorsement of your gloriously progressive government and Prime Minister.

I will make no further communication with your Department, and instead will talk to the Clerk of the Court .