

Milosevic & Aanklachten

Map 9A

Sagittarius

Van: "Jenny Ligtenberg"
 Aan: "Nico & Neeltje" <sagitar@hetnet.nl>
 Verzonden: donderdag 5 augustus 2010 10:17
 Onderwerp: Fw: cynisme

— Original Message —

From: Jenny Ligtenberg
 To: serge brammertz
 Sent: Friday, July 23, 2010 9:38 PM
 Subject: cynisme

Mijnheer Brammertz

Het Balkan syndroom waart als een spook door Europa!!

Na 65 jr. dood en verderf zaaien wereldwijd door Amerika werd als een geschenk van Boven een spirituele, jonge man Obama, anti-racist, tot President gekozen en draaide rigoreus de knop om.

Den Haag heeft gesproken en het onsterfelijke werk uit 1625 "DE JURE BELLI ET PACIS" van onze HUGO GROTIUS zwaar geschonden!

Partijdig, en oorlogsmisdadigers als Leaders die amper het J.T. van binnen gezien hebben. Haradinja mag terugkomen stond opnieuw op het lijstje van Delponte. Dat is toch die crimineel die organen liet verwijderen bij Servische burgers voor verkoop a.h. buitenland en hen nadien vermoordde?

Men praat over een burgeroorlog, maar wel een vooraf geplande, het draaiboek lag klaar, valse scenario's zoals Srebrenica, Racak, Rambouillet. De maker Albright die zichzelf ontmaskerd in haar "Mevr de Minister". HET gevaar voor de wereldvrede!

Alleen Serviers schijnen gevochten te hebben vlg. de Media maar dan wel om zichzelf te verdedigen als aangevallen SOEVEREIN land tegen alle leugens, manipulaties en vedraaiingen v.d. waarheid. "Fighting for Peace" memoreert Generaal Rose. Amerika wilde Kosovo, was voor de oorlog al bekend en heel brutaal plant men daar het grootste Amerikaanse bolwerk, GEEN NAVO dus, Camp Bondsteel, op gestolen vruchtbare grond, de mensen stikken v.d. armoe.

Hoe kan men mensen betichten van genocide terwijl de grootste boeven uit Amerika de EU en vooral Nederland meeheulen met fascist Tudjman die in "Deviation of the historic truth" GENOCIDE predikt zelfs aanmoedigt????????? Radicale islamiet Izetbegovic aaien en strelen om die vrouwen te laten jammeren en klagen ?????????????? want emoties doen het uitstekend bij het voorgelogen publiek.

Waar zijn de visuele getuigen? Alle drie hebben vermoord. Hoeveel staan nog op de dodenlijst die vrij rondlopen? Wat is in de Bandera Driehoek gebeurd waar Karremans niet mocht komen.

Waar zijn al die enorme bedragen gebleven voor Srebrenica en Kosovo?? In B-H zijn zij zo arm als de mieren. De Geneefse Conventie past toch de regel toe: aanval op soevereine landen behoren vergoed te worden door de aanvallers? Of worden de rijke boeven er weer beter van? Leugenaar Clinton c.,s. Politicoloog Van Schendelen twijfelt aan de intelligentie van dit soort overheden en grapt: "Later spijt krijgen van oorlog.....DAT is DOM"

Mijn profiel van Albright met haar hoge IQ riekt naar psychopathie i.e. chronisch immoreel/ antisociaal gedrag, zijn niet bang, kennen geen angst en deinzen niet terug voor agressieve situaties.

Die hele club van aanvallers van Kohl, Gensscher, Kinkel, EUcommissaris destijds van den Broek (Ned) en het schuim uit Amerika moeten ter verantwoording geroepen worden als de Hoofddaders.

Blaskic kreeg 45jr. door manipulaties schrijft Delponte in haar boek mocht hij na 9jr. naar huis. Plavzic zat 7jr. ging weg en Dr.Karadzic kwam, kreeg een aanklacht voorgeschoteld "alleen voor Serviers", Gotovina hoort men niets meer van. En G.Nice kwam 29/12/07 vertellen wie Delponte was en brak haar tot de grond toe af en dat zij zware straffen uitdeelde aan mensen die dat niet verdienden en andersom.

Ook zat juffr. Albright wel een paar keren op de stoel van rechters. In "Balkan a.d.Noordzee" ziet J.T. van binnen ook niet fris uit. 22 Amerikanen kwamen onverwacht binnenvallen zonder aankondiging c.q. zelfs onwetend voor de Ned.Regering. Gingen naar Bosnie kwamen met botjes terug en verdwenen met de botjes retour Amerika. Op de vraag wat doen jullie hier? Konden zij niet zeggen.....was geheim i.v.m. de veiligheid.....in.....een Tribunaal????????????? Professor Kalshoven, mede oprichter liep hard weg met de boodschap: "ik word hier stapelgek"

Komisch om te lezen als het niet zo'n drama/ oneerlijk ging voor het gros.

Zo wacht ik nog steeds of die bioloog Uges in Rijswijk die rifampicine al gevonden heeft. Hij beweerde toch dat Mr.Milosevic dat ingenomen/gekregen had? Van beroep weet ik dus dat deze stof een interactie geeft op medicijnen die Mr.Milosevic innam. Wat WIJ? niet weten waar hij aan gestorven is houd ik het op: gewoon.....dood-getreiterd, simpel en aannemelijk wanneer men dit schandalige proces gevolgd heeft. Zag enkele weken geleden bij VPRO: Milosevic on trial. Zag een nerveuze G.Nice die toch moeite had (gewetenswroeging?) met de procesgang, nam afscheid, zag emotie : "het is een bevredigend slot." Heeft ook het Tribunaal achter zich gelaten

Moet er toch iets naars door je heengaan om zulke woorden te vinden terwijl de hele wereld liever zag dat "men hem

lood geknuppeld had".....aldus ging men tekeer over iemand die men a) niet kent
 b) iemand die zich met hand en tand verzette tegen al dat onrecht voor de belangen van de olie en de dollars en....uitbreiding van de hegemonie. Kortom het stokje van Hitler overgenomen
 Dank je wel moordenaars v.d Indianen, dank je wel voor Pinochet, dank je wel CIA voor het verraad v.d. schuilplaats van Mandela dat hem 27jr. van zijn leven beroofd heeft, dank je wel voor Agent Orange, Vietnam waaraan dagelijks nog velen sterven, zoals Hiroshima en Nagasaki, dank je wel voor de bommen op Irak waar vooral kinderen slachtoffer werden en men Albright vroeg: "is het dat waard?" en zij beaamde (psychopatisch linkje), de bommen op Servie/Kosovo m.a.g. die verschrikkelijke ecoramp in vooral Pancevo, de doodseskaders in El-Salvador/ Wesley Clark, Indonesie met Soeharto waar miljoenen de dood vonden en dat is nog niet alles. BehalveEEN GROTE SCHANDE!!!

Mijnheer Brammertz, eerst die grote mannen.....en vooral die vrouw, die zo intens gemeen in elkaar zit
 dat op de oorlog Joegoslavie die zware stempel drukt

Servie was vogelvrij door haar intriges, sluwheid, meedogenloosheid. Men proeft de enorme haat in haar boek. Clinton vroeg haar in 1992 VS ambassadeur bij de VN. De NAVO maakte zij als gewapende arm v.d. VN, kon zo op beide grip houden, dat een gevaarlijke onderneming was. De VN werd uitgehold door de NAVO. In 1997 vroeg Clinton haar als zijn Minister v. Buitenl.Zaken.

In 1998 begon zij Servie te provoceren om Kosovo. Apendix b) van Rambouillet friemelde zij met opzet zo in elkaar om zeker te weten dat Servie dat niet zou tekenen. Zij had de bommen al besteld.

Foei, lelijk wijf, aan de schandpaal met jou !!!

MACHT is de grootste vijand van democratie. ONRECHT mijn grootste vijand.

Prettige zomervakantie, gegroet, Jenny Ligtenberg.

Obama heeft het zeer moeilijk met die heb-/oorlogzuchtige Republikeinen zoals juffr.PALIN.

Hoop dat vooral de jeugd de tweede termijn met hem mogen delen. Zo niet hoop ik dat de EU haar verstand gebruikt op tijd op de rem trapt bij uitwassen. Achterna hollen moet afgelopen zijn.

M

D

Kritische rechter verlaat Joegoslavië-Tribunaal

Uitgegeven: 5 augustus 2008 22:34

Laatst gewijzigd: 5 augustus 2008 22:41

NEW YORK/DEN HAAG - Wolfgang Schomburg (60) stopt op 1 november als rechter bij het Joegoslavië-Tribunaal. Dit heeft de woordvoerder van VN-secretaris-generaal Ban Ki-moon dinsdag laten weten.



De Duitse jurist heeft zich herhaaldelijk in het openbaar kritisch uitgelaten over het VN-hof in Den Haag.

Zo verweet hij toenmalig hoofdaanklaagster Carla Del Ponte in 2005 in een interview dat zij zonder voorafgaand grondig onderzoek aanklachten leek uit te vaardigen.

Schomburg

Vorige maand nog zei Schomburg op de Duitse radio dat de rechters van het tribunaal hun geduld hebben verloren met de manier van werken zoals die gebruikelijk was onder Del Ponte, die weigerde tenlasteleggingen "tot de essentiële punten te beperken".

Zo kon het komen tot marathonprocessen zoals dat tegen ex-president Slobodan Milosevic van Joegoslavië die in 2006 in het vijfde jaar van de rechtszaak overleed.

Processen

Schomburg pleit voor processen binnen "redelijke termijn". Het proces tegen de Bosnisch-Servische ex-president Radovan Karadzic hoeft volgens hem niet langer dan een jaar te duren, zo zei hij tegen de omroep Deutschlandfunk. Volgens hem mag een internationaal hof niet "historicus spelen" en proberen alles te onderzoeken.

(c) ANP

Advertentie



Aanbieding: gratis Samsung G600 icm
T-Mobile Relax van €14,50 voor €9,50

Zware straf voor handlanger Milosevic

Veiligheidschef Het Servische Hoogerechtshof heeft de vroegere veiligheidschef van Slobodan Milosevic gisteren tot veertig jaar gevangenisstraf veroordeeld. Het heeft acht jaar ge-
duurd voordat Radomir Markovic deze maximaal mogelijke straf kreeg voor zijn aandeel in een - mislukte - aanslag op Vuk Draskovic, een prominente tegenstander van Milosevic die later minister van Buitenlandse Zaken van Servië werd. Novum / AP

11-6-2007

Vrijspraak zoon Slobodan Milosevic

VONNIS. Een rechtbank in Servië heeft Marko Milosevic, de zoon van wijlen de Joegoslavische president Slobodan Milosevic, vrijgesproken van beschuldigingen dat hij politieke tegenstanders van zijn vader heeft gemolesteerd en mishandeld. De rechtbank in de voormalige woonplaats van de familie-Milosevic, Pozarevac, noemde de bewijzen tegen de verdachte gisteren onvoldoende. De veronderstelde slachtoffers van de naar Rusland gevluchte Marko Milosevic, leden van de studentenbeweging Otpor, spreken van een politiek proces. Zij kondigden beroep aan tegen de vrijspraak.

ANP

05-2008 Joey. TRIB.

Nu een Europees OM van start gaat, wordt de vraag nijpend waar de Europese balie blijft. Nederlandse strafadvocaten hebben immers veel ervaring met adhoc-tribunalen die geen behoorlijke organisatie voor de verdediging kenden. En de Nederlandse overheid heeft als vermoedelijk gastland van het Euro-OM de plicht om de evenredigheid van procesbewapening te doen garanderen.

In internationalibus is de verdediging nergens

Europese balie

G.A.M. Strijards

bijzonder hoogleraar internationaal strafrecht
Rijksuniversiteit Groningen

Het Europees Openbaar Ministerie komt er nu echt aan. In art. 69e Verdrag van Lissabon wordt de oprichting ervan in het vooruitzicht gesteld. Bij eenstemmigheid als het kan, maar is dat niet mogelijk dan kunnen negen lidstaten óók tot die oprichting besluiten. Het Europees Openbaar Ministerie zal bevoegd zijn opsporing te entameren in alle lidstaten, tot vervolging over te gaan en functioneren als strafuitvoeringsautoriteit. Het zal procederen voor de nationale gerechten van die staten, deels op basis van nog te ontwerpen EU-procesrecht, deels op basis van het nationale recht van de staat waar het optreedt, als was het openbaar aanklager van die staat. Het kan dus in bezwaar komen, in beroep gaan, kortom alle rechtsmiddelen aanwenden die de nationale vervolgingsinstantie óók zou kunnen bezigen. Het kan de dienovereenkomstige dwangbevoegdheden (zonder tussenkomst van de zittende

De ongelijkheid tussen aanklager en verdediger bij het Internationaal Strafhof was niet beoogd, maar werd door de staten dankbaar aan-

magistratuur, meestal de onderzoeksrechter), dwangmiddelen en (voorlopige) (straf)executiebevoegdheden (stilleggen bedrijf, verbeurdverklaring, ontzetting uit rechten, bevrozing van tegoeden) en maatregelen (onttrekking, onderbewindstelling) aanwenden. In het komende halfjaar, wanneer Sarkozy de voorzittershamer omklemt, moet het ervan komen. En Sarkozy heeft haast. Het Europees OM was al een Franse uitvinding, door Giscard d'Éstaing

opgenomen in de Grondwet-2004. Geen andere staat dan Frankrijk mag ermee aan de haal gaan. Die negen 'willing parties' heeft hij al in zijn zak. Nederland hoort daarbij.

Aanklager vragen

Als ik lees over nieuwe interstatelijke organen met transterritoriale strafvorderlijke bevoegdheden ten laste van het individu, denk ik automatisch: 'mooi, maar wáár is de verdediging? Heeft die óók bevoegdheden? Waar is dat geregeld? Ik ben behept met die geconditioneerde reflex omdat ik jarenlang ambtelijk betrokken ben geweest bij de oprichting van internationale straftribunalen en -hoven en hun betrekkingen tot Nederland, hun gastland.

Toen we op 17 juli 1998 de glazen van d'honneur hieven op de totstandkoming van het 'Statuut van Rome' en de oprichting van het internationale permanente strafhof, zetelplaats Den Haag, trof mij de verbitterde blik van Elise Groulx, de presidente van de International Criminal Defence Attorneys Association. Niet lang daarna zette zij de redenen voor haar somberheid uiteen. De diplomaten hadden allerlei rechten gegund aan de



verdediging in zaken die voor het hof zouden dienen, maar daartoe moest die verdediging ook 'georganiseerd' kunnen worden. Dat wil zeggen: logistiek zou de verdediging ergens een plaatje moeten hebben binnen de structuur van het hof, als orgaan van het hof. De verdediging zou moeten worden erkend als een dergelijk orgaan op dezelfde voet als de aanklager, zodat zij, op eigen titel, rechtsingang zou kunnen zoeken bij nationale gerechten, rechtshulp zou kunnen aanvragen bij staten, en waarheidsvinding zou moeten kunnen verrichten en doen verrichten ter plaatse waar misdrijven waren begaan. Maar dat stond niet alleen nergens, er waren zelfs geen criteria om te worden erkend als 'advocaat bij het hof'. Het bureau van de aanklager was wel gedefinieerd als hof-orgaan, kon transterritoriale bevoegdheden uitoefenen, rechtshulp aanvragen en zelfs verdragen sluiten. Wáár, o wáár, was hier de 'equality of arms' die in het Statuut zo duchtig beleden werd? En het ging nog wel uit van een 'adversarial system', het Angelsaksische tweepartijensysteem!

Groulx had gelijk. De verdediging was letterlijk nergens. Zoals, eigenlijk, ook bij de huidige adhoc-tribunalen,

.....
Waar kan de advocaat een klacht indienen tegen misbruik van het Europese vervolgingsmonopolie als het OM forumshopt ten detrimente van de verdediging?

waar zij afhankelijk is van de welwillendheid van aanklager of griffier. Vanaf het begin heeft de verdediging aan deze rechtsongelijkheid gelaboreerd. Wilde de verdediging ballistisch onderzoek doen plaatsvinden in Kosovo, dan moest

zij dat aan het 'Office of the Prosecutor' vragen. Was deze daartoe bereid, dan vond deze 'on site investigation' plaats; wilde deze niets, dan was de verdediging zo goed als machteloos, evenals in de gevallen dat zij autopsies ter fine van contra-expertise wilde doen plaatsvinden, gerechtelijke plaatsopnemingen aanvraag en rogatoire commissies wenste. Zij had nu eenmaal geen eigenstandige plaats in de procesregels van het Joegoslavië-tribunaal. Deze ongelijkheid was niet beoogd, maar nu ze bestond werd ze door de staten dankbaar aanvaard. Van wijziging van de statutaire uitvoeringsregelen kwam niets terecht, al stelde Nederland dat wel voor.

Leren wat je niet kent
 Wáár staat dat de Nederlandse advocaat in Italië in appèl of cassatie kan, als dat OM daar een zaak vervolgt waar een Nederlander bij betrokken is? Wáár vind ik enig aanknopingspunt dat hij een 'Beschwerdeschrift' kan indienen tegen

het voortduren van beslag in Oostenrijk? Hoe moet hij in Spanje om een gerechtelijke plaatsopneming vragen? Kortom: waar zijn de bepalingen die hem in staat stellen als werkelijke wederpartijder op te treden tegenover dat Europees OM? Wáár is de balie, als contra-gewicht in de verhouding tot die vervolgingsinstantie die door de EU-rechtsruimte kan optreden?

Natuurlijk: de Nederlandse advocaat kan zich voorzien van een buitenlandse confrère, die hij dan ter plaatse, waar de verdediging gevoerd moet worden, assisteert, zoals dat thans gebruikelijk is. Maar wie er wel eens in Frankrijk of Engeland als zo'n 'assistent' heeft bijgebungeld, weet hoe onpraktisch en onbevredigend dat kan zijn.

Het bezwaar tegen de constructie dat de advocaat in de Unie transterritoriaal bevoegd moet zijn, als was hij toegelaten tot de advocatuur in de territorialiteitsstaat, is steevast: zo iemand kent toch het nationale straf- en strafprocesrecht ter plaatse niet? En de taalmoeilijkheden? En net als de vertegenwoordiger van het Europees Openbaar Ministerie zal hij dát recht, het 'recht van de plaats' (de *lex loci*) en dus die taal, in de vingers moeten hebben. De vraag kan slechts zijn: waarom zou de Europese Openbare aanklager die kennis wél kunnen verwerven en de advocaat niet? Ik zeg met Reve: wat je niet kent, kun je leren.

Forumshoppen

Daar komt nog dit bij: het Europese Openbaar Ministerie gaat procederen in transterritoriale zaken voor de nationale gerechten, waar het mag optreden als was het het Openbaar Ministerie van die staat. Er is geen rechtsingang voorzien bij een Europees Strafhof, bijvoorbeeld in Luxemburg. Dat zou logisch zijn, vooral als dat Euro-Openbaar Ministerie Europees strafrecht gaat toepassen, zoals de bedoeling lijkt te zijn. Het is echter niet voorzien. Maar stel nu dat de verdediging vindt dat het Europese Openbaar Ministerie ten onrechte rechtsmacht aan zich trekt of dat het ten onrechte de zaak aanbrengt in Madrid, alleen maar omdat daar de bewijspositie van dat Openbaar Ministerie gunstiger is, kortom, als zonneklaar is dat het Openbaar Ministerie aan het 'forumshoppen' is, ten detriente van de verdediging. Wáár kan de

Het beginsel van 'equality of arms' veronderstelt dat tegenover een Euro-Openbaar Ministerie een institutioneel ingebedde, autonome 'defence unit' staat

advocaat dan een klacht indienen tegen dit misbruik van het Europese vervolgingsmonopolie? Dat kan immers niet bij een nationaal gerecht, bijvoorbeeld dat van de staat waar de verdachte woon- of verblijfplaats geniet, want het Euro-Openbaar Ministerie is een Unie-orgaan. Het is hiërarchisch bovengeschild aan de nationale gerechten, die geen rechtsmacht mogen claimen over dat Unie-orgaan. Dat is de reden waarom, volgens de Hoge Raad, de Nederlandse rechter geen rechtsmacht toekomt over een principaal Unie-orgaan als EURATOM (zie NJ 2008, 147).

Dat zou allemaal nog niet zo kwalijk zijn, als dat Euro-Openbaar Ministerie voor zijn vervolgingspolitiek verantwoordelijkheid zou zijn aan het Europese Parlement. Maar daar is geen sprake van. De verantwoordelijke Commissaris kán niet ter verantwoording worden geroepen voor die politiek: het Europese Parlement is immers niet bevoegd hem naar huis te sturen. De Commissie 'regeert' immers niet bij gratie van de veronderstelde afwezigheid van wantrouwen van het Parlement, zoals dat in de Nederlandse verhoudingen het geval is, waar de minister van Justitie steeds het vervolgingsbeleid jegens de volksvertegenwoordiging moet kunnen verantwoorden.

Plicht gastland

Tegenover het Euro-Openbaar Ministerie moet een institutioneel ingebedde,

autonome 'defence unit' staan, beschikend over interstatelijke rechtspersoonlijkheid, met eigen criteria voor de benoeming tot 'Europees advocaat', eigen tuchtrecht, een eigen 'code of ethics', eigen supervisie, eigen rechtspersoonlijkheid. Het beginsel van 'equality of arms', door de Straatsburgse rechter zo duchtig ontwikkeld, veronderstelt niet anders.

Aangezien het Euro-Openbaar Ministerie waarschijnlijk in Den Haag zal zetelen – EUROJUST, de prefiguratie van het Euro-Openbaar Ministerie zit daar immers óók en zal uiteindelijk in dat Europees Openbaar Ministerie opgaan – heeft Nederland een bijzondere zorg, nu het nog kan om de evenredigheid van procesbewapening alsnog in de uitvoeringsregelen die het Verdrag van Lisabon voorschrijft, te doen garanderen. Als gastland van 'the Legal Capital of the World' heeft het die plicht, mede als ratificator van het EVRM. Den Haag komt echter niet zo makkelijk in beweging.

De impuls daartoe zal mede van de Nederlandse Orde van Advocaten moeten komen. Juist de Nederlandse advocatuur beschikt, als geen enkele andere nationale balie, over strafjuristen, gepikt en gemazeld in de ervaringen met de adhoc tribunaal die vanaf 1993 in Nederland strafrechtsmacht in internationalibus uitoefenden zonder een behoorlijk opgetuigde 'organisatie voor de verdediging'. Ik noem geen namen, maar er zijn er onder de uitoefenaren van dit 'nobile officium' enkelen die een avondvullende lezing met lichtbeelden zouden kunnen geven hoe erbarmelijk hun 'ius standi in iudicio'-logistiek en organisatorisch (en dáár gaat het toch praktisch om?) is geregeld. En willen zij die lezing niet houden, dan wil ik dat wel doen.

Liefdewerk

Nog geen snipper papier was in 1993 beschikbaar voor de raadsman die de eerste verdachte voor het Joegoslavië-tribunaal moest gaan verdedigen. Er waren geen tafel en stoel beschikbaar, tenzij via de onverplichte benevolentie van griffier of aanklager, van wie met name de laatste inzag dat 'equality of arms' geen slogan voor de Bühne behoorde te zijn.

Laat het verdedigen in Europese strafzaken geen liefdewerk oud papier zijn.

Del Ponte: VN en NAVO bang voor Thaçi

2-6-3-2008

DEN HAAG – Hoogwaardigheidsbekleders van Unmik, het VN-bestuur in Kosovo, en KFOR, de door de NAVO geleide vredesmacht, waren bang voor het Kosovo-Bevrijdingsleger UÇK van de etnische Albanezen. Zij zagen UÇK-kopstukken als de huidige premier Hashim Thaçi als een bedreiging van de veiligheid van hun personeel.

Dit stelt oud-hoofdaanklaagster Carla Del Ponte van het Joegoslavië-Tribunaal in haar memoires. Nadat de internationale gemeenschap in 1999 het bestuur van de Servische provincie had overgenomen, kreeg Del Ponte tal van aanwijzingen binnen van mogelijke misdaden van het UÇK. Unmik zegde eerst medewerking toe aan het

onderzoek, maar hield dan de boof af.

Het VN-tribunaal in Den Haag zou uiteindelijk twee processen voeren tegen UÇK'ers, onder meer wegens moorden op etnische Serviërs en represailles tegen etnische Albanezen die niet wilden meewerken met het UÇK, dat in 1998/99 strijd voerde tegen het centrale gezag onder president Slobodan Milosevic in Belgrado.

Het UÇK-onderzoek was volgens Del Ponte „het meest frustrerende” in de geschiedenis van het Joegoslavië-Tribunaal. NAVO en VN toonden „weinig enthousiasme” voor politietaken. De Zwitserse kreeg eerst wel verbale steun, zoals van toenmalig baas Unmik-baas Bernard Kouchner, maar

liep daarna aan tegen een 'rubberen muur'. „Ik ben zeker dat sommige gezagsdragers van Unmik en zelfs van KFOR vreesden voor hun eigen leven en dat van de leden van hun missie”, aldus Del Ponte.

UÇK-leden worden beschuldigd van banden met de georganiseerde misdaad, met vertakkingen in heel Europa. Volgens Del Ponte beschouwden Unmik en KFOR Thaçi niet alleen als een risico voor hun eigen veiligheid. Hij werd gezien als „gevaar voor het hele vredesinitiatief op de Balkan” omdat hij in staat zou zijn ook buiten Kosovo onrust te stoken als daar een etnisch Albanese minderheid woont, zoals in Macedonië. (ANP)

Servië wil boek Del Ponte tegenhouden

6.5.08

BELGRADO, 11 MAART. De Servische regering probeert de publicatie van een boek van Carla Del Ponte, oud-hoofdaanklaagster van het Joegoslavië-tribunaal, tegen te houden. In een brief aan VN-chef Ban Ki-moon schreef de Servische regering dat het boek vertrouwelijke informatie bevat die de opsporing van verdachten van het tribunaal bemoeilijkt. In haar boek onthult Del Ponte onder andere wie in Servië Ratko Mladic, de gezochte oud-bevelhebber van het leger van de Bosnische Serviërs, helpt uit handen van de justitie te blijven. (VIP)

Del Ponte mag boek niet promoten

16-2-2008

GENEVE De Zwitserse regering heeft voormalig hoofdaanklaagster van het Joegoslavië-Tribunaal Carla Del Ponte verboden om haar boek *La Caccia* (De Jacht) te promoten. Het Zwitserse ministerie van Buitenlandse Zaken acht sommige uitspraken in het boek in strijd met haar huidige functie als ambassadeur in Argentinië.

Del Ponte moest zondag terugkeren naar haar post in Buenos Aires, terwijl ze in Italië was om de presentatie van haar memoires in Milaan bij te wonen. In het boek beschrijft Del Ponte haar ervaringen als hoofdaanklaagster van het Tribunaal in Den Haag, en vooral de tegenwerking die zij in haar werk ondervond. ANP

Del Ponte moet zwijgen over boek

2008

Door onze correspondent **CAROLINE DE GRUYTER** GENEVE, 8 APRIL. Op het Zwitserse ministerie van Buitenlandse Zaken wisten ze waar ze aan begonnen, toen ze Carla del Ponte, de niet zo diplomatieke voormalige aanklaagster van het Joegoslavië-tribunaal in Den Haag, benoemden tot ambassadeur in Argentinië. Althans, dat dachten ze. 'IJzere Carla' is pas sinds 1 januari op haar post. En nu al snoert haar werkgever haar de mond.

Del Ponte heeft met Chuck Sutedic van *The New York Times* een boek geschreven over haar ervaringen met de opsporing van oorlogsmisdadigers in het voormalig Joegoslavië. Dit boek verscheen zondag in Italië onder de titel 'La Caccia' – 'De Jacht; Ik en de Oorlogsmisdadigers'. Del Ponte beschrijft daarin onder meer hoe ze door de Servische en Bosnisch-Servische autoriteiten werd tegengewerkt bij haar pogingen om Ratko Mladic en Radovan Karadzic uitgeleverd te krijgen. Ook weidt ze uit over de handel die het Kosovaarse Bevrijdingsleger zou hebben opgezet in organen van vermoorde Serviërs – waarbij de huidige Kosovaarse premier Hasim Thaçi volgens

haar betrokken was.

Aanvankelijk wond men zich in Bern niet op over het boek. Wat mevrouw Del Ponte vroeger deed, luidde het officiële standpunt, „valt niet onder onze verantwoordelijkheid”. De minister wist dat Del Ponte een boek schreef.

Maar Zwitserland, dat de voormalige aanklaagster in december nog lauwerde als 'Populairste Politieke Persoonlijkheid van de Natie', heeft zich bedacht nu controversiële passages uit het boek de ronde doen. Maandag werd op het nippertje een persconferentie van Del Ponte in Milaan afgelast. Het ministerie ontkent niet dat Del Ponte per brief is verzocht af te zien promotie van het boek. Sterker: „Wij danken u voor uw spoedige terugkeer naar Buenos Aires”, eindigt de brief, naar Zwitserse begrippen ijselijk direct.

Nu Zwitserland Kosovo heeft erkend, heeft Servië zijn ambassadeur in Bern teruggeroepen. Diens tweede man bereidt een rechtszaak tegen Zwitserland voor, vanwege Del Pontes boek. Zwitserse bemiddelingspogingen op de Balkan komen knarsend tot stilstand. Del Ponte moet haar jacht bij nader inzien maar zwijgend voortzetten.



Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Nico & Neeltje" <sagitar@hetnet.nl>; "Jenny Ligtenberg" <jenny1@scarlet.nl>
Verzonden: zaterdag 15 maart 2008 4:04
Onderwerp: Book by Milosevic ally reveals damning details of Serbia's involvement in the New Light Shed on Belgrade Role in Bosnian War

Book by Milosevic ally reveals damning details of Serbia's involvement in the conflict.

By Edina Becirevic in Sarajevo (TU No 526, 16-Nov-07)

It has been just nine months since the International Court of Justice, ICJ, decided Serbia was not to blame for the genocide in Bosnia, but documents quietly published in Montenegro hint it may have been wrong.

At the time, it seemed bizarre that the ICJ declined to demand minutes of Serbia's Supreme Defence Council, SDC, as evidence in the case, and a few glimpses of the transcripts in a new book make it look even more so.

At the time, Belgrade had already supplied the documents to the International Criminal Tribunal for former Yugoslavia, ICTY, where judges had said in a procedural ruling that the transcripts showed Serbian president Slobodan Milosevic was complicit in genocide.

Without the documents, however, the ICJ decided that only the massacre of Muslim men and boys in Srebrenica in 1995 counted as genocide. Serbia was held responsible merely for failing to prevent it. Violent acts that went before Srebrenica, in which it was hardly a secret that Serbia was funding and organising Bosnian Serb forces in their campaign against Muslim civilians, were described as ethnic cleansing – not genocide.

Since then, the ICJ's decision has been criticised by international lawyers and academics, who say the evaluation of all obtainable evidence is the main pre-condition for any fair trial. By ignoring this elementary rule of justice, the court has fueled allegations that its judgment was the result of political compromise.

The ICTY judges certainly found the documents very persuasive in the case against Milosevic, because in the procedural ruling in Milosevic case from June 16 2004, they concluded that genocide in Bosnia started in spring 1992 with "the aim and intention to destroy a part of the Bosnian Muslims as a group".

But when the ICTY received copies of the documents, it appears to have promised that they would not be disclosed to the ICJ. The decision followed a deal between chief ICTY prosecutor Carla Del Ponte and Goran Svilanovic, Serbia's ex-foreign minister, and detailed in a letter she sent to him in May 2003. In the letter, she agreed not to challenge Serbia's right to protect its national interests with regard to the documents.

And now, some of these sensitive documents have been published in Podgorica by Momir Bulatovic, the former president of Montenegro who was planning to testify in defence of Milosevic, shortly before his Serbian colleague died of a heart attack in May 2006. The book is called Neizgovorena odbrana

(Unspoken Defence). Despite being written by a Milosevic partisan, it amply demonstrates Serbian involvement in the Bosnian war in a way that should surely have interested the ICJ judges.

For example, at the 14th meeting of the SDC, held on October 11, 1993, Momcilo Perisic, then chief of the general staff of the Yugoslav army, informed SDC members that, because of new legislation, it was difficult to define the status of Yugoslav army members who were at that time serving on Bosnian and Croatian territory, while their families still lived in Serbia.

Perisic added that the problem of the status of 3,612 Yugoslav army officers was not resolved, and he proposed that Milosevic, as the highest authority, issue an order which would enable them to receive salaries from the Yugoslav army.

"We've made up a fictional temporary formation in the Yugoslav army. That's where we are deploying [these officers]. So, they are in fact not here [in Yugoslavia], but on their current posts [in Bosnia and Croatia]," said Perisic, according to page 169 of Bulatovic's book.

Extracts from the 17th meeting of the SDC provide even more proof that the Serb rebel forces in Croatia, VRSK, and Bosnia, VRS, were actually functioning under the same command structure as Belgrade's troops. Bulatovic's book details steps under discussion to ensure that refugees who had fled to Serbia should be mobilised and sent back to fight in their homelands.

"There were some ideas, and I am not sure why they were rejected, that we only use VRS and VRSK stamps [on draft calls], that our police bring in those people, put them in the army barracks [in Serbia] and transport them [to Bosnia and Croatia] from there," said the book said.

According to Bulatovic, around 14,000 refugees were then in Yugoslavia who could have been conscripted and sent back to the war zones. He suggested the Yugoslav police use lists of names from the Red Cross to identify these conscripts and to arrest those who refuse to answer Republika Srpska's draft call.

At meeting No 31, held on January 18, 1995, there is additional proof that the VRS functioned as part of the Yugoslav army.

The temporary formation which Perisic mentioned earlier was actually the mechanism by which 5,000 officers in Serb-controlled Bosnia received salaries from Belgrade. Due to a conflict with the Bosnian Serb government at that time, Bulatovic suggested this fictional formation should be wound up and that Belgrade should no longer pay salaries for its officers who were fighting in Bosnia.

Even though he understood Bulatovic's point of view, Milosevic opposed the suggestion, because he wanted to keep control of the Bosnian Serb forces despite disagreements with Bosnian Serb leader Radovan Karadzic and his government.

There are numerous other documents that put Serbia's role in controlling the Bosnian Serb forces beyond doubt, and there would surely be many more in the full transcripts.

The Bosnian legal team did ask the ICJ judges to request access to the SDC transcripts. Had the ICJ demanded them, it could not, as the highest judicial organ of the United Nations, have been ignored.

Leaving that aside, the ICJ judges could also have requested the documents from the ICTY, regardless of the deal Del Ponte made with the Serbian government.

But sadly, the judges decided it wasn't worth the effort, because they said they already had enough evidence to make their decision. This reasoning alone breaks the main rule of a fair trial, which makes it an imperative for judges to review all available evidence, especially when it is potentially very important.

It would be difficult to speculate whether these documents would have changed the ICJ verdict, but even the small part of the documents detailed here must raise speculation that they could have done.

We could go on with numerous quotes from the book, all of which reveal various aspects of Serbia's involvement in the Bosnian war. However, it is very disappointing that neither the team who presented the Bosnian genocide case before the ICJ, nor Carla Del Ponte's office used the limited details in this book, which was published in the summer of 2006 and therefore available to them, as an argument to convince the judges to demand the confidentiality of all SDC documents be lifted before the judgment was rendered.

The revelations are a very strong argument for making the set of confidential SDC documents available to the public. The passages from this book should be presented to the judges, together with a question asking what sense there is in barring public access to the full transcripts when it would appear third parties can access them and publish them as and when they want.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Nico & Neeltje" <sagitar@hetnet.nl>; "Jenny Ligtenberg" <jenny1@scarlet.nl>
Verzonden: zaterdag 15 maart 2008 3:41
Onderwerp: Carla Del Ponte stopped The Indictment against top Serbian military and political
 An Interview with Marko Attila Hoare, former investigator at The ICTY OTP

Carla Del Ponte stopped The Indictment against top Serbian military and political officials

By Domagoj Margetic

In one of your articles you mentioned that you took part in investigation of Office of the Prosecutor against the military top of Yugoslavian army in Belgrade, to be more accurate against the yugoslavian generals Veljko Kadijevic and Blagoje Adzic, and against political top :Kostic, Jovic, Bulatovic. Can you describe what happened with that investigation and why was it stopped?

I was working with an investigating team that was responsible for the investigation of war-crimes by the Serbian/Yugoslav leadership in Bosnia. We were investigating which top officials could be indicted as members of the 'joint criminal enterprise'. We drew up an indictment for Milosevic, Kadijevic, Adzic, Jovic, Kostic, Stanisic, Simatovic, Seselj and others, who I think may have included Zivota Panic and Momir Bulatovic. However, Carla del Ponte rejected the draft indictment and ordered us to prepare a separate indictment for Milosevic alone. At the time (2001), I thought this was just a tactical arrangement; I did not realise that she had permanently shelved plans to indict Kadijevic, Adzic, Jovic, Kostic and the others. At the time, the rumour was that del Ponte wanted a personal contest between herself and Milosevic, and did not want other indictees to obscure the picture.

Why did Carla del Ponte stop investigaton and processes against Adzic, Kadijevic, Kostic, Bulatovic and Jovic?

I can only speculate. Until recently, I believed that she was afraid of pushing Serbia too hard, and did not want to indict more top Serbian figures, for fear of jeopardising her relationship with Serbia. In other words, the determined resistance to the ICTY of the criminal and state elite in Serbia, under Kostunica's leadership, deterred her from pursuing this process. I still think this was an element in her calculations. But since the affair has surfaced of Kadijevic and his stay in the US, and his collaboration with the US over Iraq, I strongly suspect that the US may have quietly informed del Ponte that she was not allowed to indict Kadijevic. And of course, if you do not indict Kadijevic, it is difficult to indict Adzic, Kostic and Jovic. Of course, this remains only a suspicion.

In your opinion, did Carla del Ponte give certain cession to Belgrade and made the decision that certain war crimes and war criminals won't be processed?

Yes; I think she was concerned with her own status and legacy, and wanted to be seen to be successful. So it was more important for her to retain a degree of Serbian collaboration that would allow the trials to take place according to the ICTY's timetables, even if, in return, she had to give

Belgrade concessions - such as allowing Belgrade to submit censored records of the Supreme Defence Council. I do not want to imply, however, that this was just del Ponte's personal failing. The ICTY is a bureaucratic institution with its own institutional interests, which are not the same as an interest in justice.

Do you think that del Ponte was ready to give certain concessions to Serbia as an aggressor on Croatia, in exchange for Milosevic?

The ICTY, of course, had no jurisdiction to rule on 'crimes against the peace', i.e. crimes of aggression. But, on the basis of Geoffrey Nice's letter to Jutarnji List, it appears that del Ponte gave Belgrade concessions over the submitting of censored documents of the Supreme Defence Council, without taking into account (or perhaps without caring) about how this would negatively impact upon Bosnia's case against Serbia at the ICJ. So, for del Ponte's 'little' concessions to Serbia, a heavy price has been paid at the expense of justice. But del Ponte is also not a very sophisticated person, and she has stated in the past that she does not care who was the aggressor and who was the victim. So the burden of the indictments have fallen on the small fry; the little people; Serbs from Bosnia and Croatia rather than top officials from Serbia; collaborators rather than aggressors. It was easier for the ICTY to pursue Milan Babic, a local collaborator of Milosevic who at least was ready to testify against him, rather than his former puppet-masters in Belgrade who were much more guilty.

Why evidences against the military and political top of Yugoslavia were not given to national governments as evidences against suspected war criminals?

The ICTY deliberately maintained a distance from the former Yugoslavs themselves; it did not want to allow former Yugoslavs to assume prominent functions in its own institutions; and it did not want to be seen to be too close to the national governments. The ICTY may have felt that to be closer to them; to collaborate with them more openly, would have compromised its reputation of impartiality.

Did Carla del Ponte at any moment tell you that there won't be indictments against the Yugoslavian generals and political top of Yugoslavia, and if so, why?

No, she did not. She only had personal contact with the more senior members of the investigative teams, and I do not know what she told them. But while I was working at the ICTY, in 2001, I believed that at least some of the members of the 'joint criminal enterprise' from the ranks of the top Serbian/Yugoslav leadership would eventually be indicted. And indeed, Stanisic and Simatovic were eventually indicted, separately from Milosevic. But I did not predict that Adzic, Kadijevic, Jovic and Kostic would escape justice; if del Ponte had already in 2001 decided not to pursue them, then that was kept secret from most or all of the investigators.

Why did you leave Office of the Prosecutor?

The British Academy offered me a fellowship at the University of Cambridge, for postdoctoral research in history. I was reluctant to leave the ICTY, as I was committed to the cause of bringing the war criminals to justice, and also because of the chance it gave me to carry out research into the

Milosevic regime. But for my career as a historian, and in order to have the chance to finish writing my books on Bosnian history, I decided to leave the ICTY and go to Cambridge. I should say also that my contract with the ICTY was a short-term one; although I think this contract would have been renewed repeatedly, I did not formally have job-security in my ICTY post. So for my personal development, research and career, I left the ICTY. But if I had not been offered the post at Cambridge, I would have remained at the ICTY.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "ProfRaymondKent" <rkk@mclink4.berkeley.com>; "Predrag Vitkovic" <p_vitko@hotmail.com>;
 <harald.kampffmeyer@total.de>; "Gordana Milanovic-Kovacevic" <gordana.m-k@gurrage.de>; "IAN JOHNSON" <cdsm@free-slobo-uk.org>; "Jurgen Elsasser" <info@juergen-elsaesser.de>; "Uwe" <u.gerkens@gmx.de>; "Jan Beentjes" <JJBeentjes@gmail.com>; "Nico & Neeltje" <sagitar@hetnet.nl>; "Dolf Loth" <j.loth@hccnet.nl>; "Jenny Ligtenberg" <jenny1@scarlet.nl>; "Hans Hupkes" <hans.hupkes@planet.nl>; "Marrie Kardol" <mkardol@mac.com>; "Herman de Tollenaere" <hde_tollenaere@zonnet.nl>; "Andy Wilcoxson" <andywilcoxson@comcast.net>; "Targets" <buro@targets.org>; <antic.miroslav@gmail.com>; "Boba Borojevic" <serbianna@serbianna.com>; "Branka Novakovic" <richardenbeba@wxs.nl>; "Branka uk" <1branka@tiscali.co.uk>; "Christina Grbic" <ssicc@planet.nl>; "Dejan Lukic" <dejan@dejlav.freemove.co.uk>; "Drobac Rade" <drobacr@tehnicom.net>; "Dusko i Ljubica Resan" <dresan@wanadoo.nl>; "Emil Vlajki" <vemil@wanadoo.fr>; <emperorsclothes1@aol.com>; "Gabriele Senft" <lalesenft@web.de>; "Gasparovski Stan" <minergy@bfinetnet.com>; "H Wolters" <henk.snezana@tiscali.nl>; "Meindert Stelling" <meindert.stelling@planet.nl>; <milan.kasic@3web.net>; "Natosued" <info@natosued.org>; "Nebojsa Joveljic" <nebojsa@xtra.co.nz>; "Nebojsa Malic" <nebojsamalic@hotmail.com>; <nedaista1@ntlworld.com>; "Ogledalo" <ogledalo@eunet.yu>; "Radmila Milentijevic" <RMilentijevic@aol.com>; <redakcija@srpskadijaspora.info>; "Ranko Lukic" <rlukic@vesti.de>; "Sasa Nikolic Vesti de" <s.nicolic@fad.denhaag.nl>; "Sava Vidanovic" <vidanco@look.ca>; "Silvia Fransen" <silvia@siki.demon.nl>; "sima mraovitch" <zsfmraovic@yahoo.fr>; "Slavoljub Sumadinac Ivanovic" <smed.palanka@web.de>; "Uros Suvakovic" <uros-s@EUnet.yu>

Verzonden: dinsdag 11 maart 2008 13:39

Bijlage: A9 ORIGINAL.DOC

Onderwerp: Fw: IN MEMORIUM

Dear friends,

At the request of sir Robin de Ruiter send you all bilage of its book: **WORLDWIDE EVIL AND MISERY**

Greeting, R. Despotovic

Beste vrienden,

Op verzoek van dhr. Robin de Ruiter stuur ik aan jullie allemaal een bilage van zijn boek: **WORLDWIDE EVIL AND MISERY**

Groeten, R. Despotovic

Postovani prijatelji,

Na zahtev gospodina Robina de Ruitera vam saljem u prilog deo njegove knjige: **WORLDWIDE EVIL AND MISERY**

Pozrava, R. Despotovic

> IN MEMORIUM
 > 11 MAART 2008

> Beste Roza,

>
 > Ingesloten een hoofdstuk uit mijn Engelstalige boek **WORLDWIDE EVIL AND MISERY**.

>
 > Misschien kun je het ergens op het internet plaatsen? Bovendien wil ik je vragen de bijlage door te sturen naar alle onderstaande e-mail adressen.

>
 > Hartelijke groeten,
 > Robin

>
 > — Original Message —
 > From: "R Despotovic" <despot@tiscali.nl>

>
 >>
 >>
 >>> <http://www.catholicherald.co.uk/features/f0000228.html>

>>> The West will live to regret its betrayal of the Serbs
 >>> An independent Kosovo offers a European foothold for jihadists, argues
 >>> Hermann Kelly
 >>> 7 March 2008
 >>>

Chapter 38

The Mysterious Death Of Slobodan Milošević

"It has been a slow and cold blooded premeditated murder of the lowest kind." Vladimir Krsljanin of the Slobodan Milošević Centre

Slobodan Milošević was found dead in his prison cell in Scheveningen on March 11th 2006 at 10 a.m. The autopsy was ordered by the Public Prosecutor's office. According to the autopsy report of the Dutch Forensic Institute (NFI) the death was caused by a myocardio infarction. The pathologists had established two kinds of heart problems that may explain the infarct.

In addition to the autopsy, the Public Prosecutor's office also ordered a toxicological investigation, to determine whether or not Milošević had been poisoned. No traces of toxic substances were found. "A number of the medications that have been prescribed to Mr Milošević were found in his body, but not in toxic concentrations", said the Public Prosecutor's office. Milošević was thought to have died of natural causes. The former president was buried in his hometown of Požarevac a week after his death. And that was that. Politicians, the press and the media cloaked themselves in an emphatic silence...

Immediately after this death things were quite different. During the apotheosis of the Yugoslavia tribunal Milošević was portrayed simply and myopically as a Hitler of the first hour who had managed to escape his rightful punishment. Typical of the way he was being portrayed in the media was the comment from CNN correspondent Christiane Amanpour: "When he came to power, he consolidated his position and from the outset determined what happened on the Balkans. He committed the most serious crimes against humanity that Europe and indeed the world has seen since the Second World War. This went on for the best part of the Nineties. To his enemies and victims he was known as the Butcher of the Balkans."

Milošević did not fare much better in the *New York Times* of March 12th, 2006. He was a cold-blooded ruler who, during several wars, had been prepared to lash out with a vengeance from Croatia in 1991 to Kosovo in 1999. "In the end, he disturbed the sensitive balance of power in Yugoslavia which he claimed he was defending, and was surprised by the violent destruction of his country." He was portrayed as a man for whom "the truth could always be manipulated by power." According to the *New York Times*, Milošević had reinvented the Croatian fascists from the Second World War. This is where the authoritative newspaper conveniently loses sight of history. It was the infamous fascist Ustasa that during the Second World War was responsible for the cold-blooded mass murder of nine hundred thousand Serbians and Jews. No mention is made of the fact that the political leg-

acy of this fascism played a major role in the ideology of emerging Croatian nationalism and separatism when Milošević was in power.

Before his death, Slobodan Milošević had been ill for some time. It is remarkable that his heart condition deteriorated since the beginning of the trial in February 2002. As a result, the proceedings were interrupted regularly. Nevertheless, the tribunal argued that there was no cause for concern, because Milošević's health was checked regularly by the highly qualified medical staff of the Scheveningen prison. No mention was made of the fact that this 'staff' consisted of one GP and one nurse. During the first year of his stay in prison, Milošević's treatment consisted of one aspirin a day. After that, he received medication that made him drowsy.

From the outset, Milošević's medical treatment was heavily criticised. One of Milošević's advisors, the Serbian lawyer Zdenko Tomanović, declared that the health of his client was systematically being undermined in The Hague. The Russian physician, Dr Leo Bokeria of the famous and specialised Bakulev Centre, told journalists: "Over the last three years, we have continually urged that Milošević be transferred to a hospital, so that doctors could make a proper diagnosis, but nothing was ever done. Had Milošević been brought to any specialised hospital, like our medical centre, he might have lived for years."

As early as May 2003, a group of thirteen German doctors expressed their concern about Milošević's health in writing to the Yugoslavia tribunal. The medical suggestions regarding the proceedings were ignored and no adequate therapy and medication were provided. Later written objections from the same group of doctors were not taken into consideration.

A group of doctors appointed by the tribunal offered the following diagnosis: "Highly increased blood pressure, secondary damage to various organs and emergency situations during which the high blood pressure may lead to cerebral haemorrhage, cardiac arrest and death." Lead prosecutor Carla del Ponte had the following to say about it in the *Neuen Zürcher Zeitung*: "Milošević is doing fine as far as his health is concerned. Many people of sixty and older suffer from high blood pressure. We are certainly not neglecting him, and I hope that is not the impression you have."⁹

A medical investigation into Milošević's health in 2005 indicated that an 'unknown' medication had been found in his blood, medication that neutralised blood pressure, reducing the effects of his officially prescribed medication. An international group of doctors realised that Milošević's life was at risk. Consequently, Milošević requested the tribunal that he be treated by Russian specialists. Doctors from the Bakulev Centre travelled to The Hague to examine Milošević. They claimed they would be able to treat Milošević successfully if they were allowed to

⁹ Carla del Ponte was born in 1947, in Bignasco (Switzerland). She worked as a lawyer in Tessin, and between 1994 and 1999 she was the lead prosecutor in Switzerland. In 1999 she assumed the same position in the Yugoslavia tribunal. In 1999, she was also given responsibility for the Ruanda tribunal in Arusha.

transport him to the Bakulev Centre in Russia. On December 12th 2005, Milošević requested that he be allowed to undergo treatment in the Bakulev Centre. The tribunal denied the request on the grounds that it had not been submitted in the correct manner. He was told that any request would only be considered if there were guarantees that he would return to The Hague to finish the trial. On January 18th 2006, the Russian government issued the guarantee that Milošević would be returned to The Hague after treatment. Despite the reassurance on the part of the Russian government that he would be available to stand trial, his request was still denied on February 23rd 2006. On the next day, Milošević announced that he would appeal this ruling.

Carla del Ponte defended the tribunal's decision by pointing out that Milošević had access to any treatment he would need in The Hague. He had access to medical care of the highest quality. And almost immediately after Milošević's demise, Del Ponte declared in the Italian newspaper *Repubblica*: "It is strange, although of course possible, that he died so suddenly without the doctors realising that his health had badly deteriorated."

The claim that Milošević died a natural death by heart attack is considered by many to be a lie. Ivica Dašić, chairman of the Serbian Socialist Party (SPS) stated: "Milošević did not die in The Hague, he was killed in The Hague."

The Russian general Leonid Ivashov said: "It was a political death to order."

According to Nico Varkevisser of the international Slobodan Milošević Freedom Centre, the death of the former Serbian leader is the result of a cruel and inhumane treatment as defined in Article 16 of the Anti-Torture Treaty: "The actions of the tribunal, in particular the decision of Justices Patrick Robinson, O-Gon Kwon and Ian Bonomy, offer sufficient grounds for a charge of murder. We will lodge a complaint with the Dutch Justice Department for cruel and inhumane treatment as defined in the Anti-Torture Treaty and manslaughter or murder," said Varkevisser.

Targets writes: "From the outset, Milošević has been deliberately denied adequate medical treatment, even when the Russian doctors made their case in November 2005 and the Russian government had issued a guarantee that he would return after treatment. The refusal of the judges, on two occasions, was literally a shot on the neck. That in itself is reason enough to charge them with premeditated murder."¹⁰

"One might argue that the tribunal has killed my brother", said Borislav Milošević. Slobodan's widow, Mira Marković, shares her brother-in-laws opinion.

The headlines in the Serbian newspapers all agreed: "The Hague killed Milošević." They all blamed the tribunal for his death.

As mentioned earlier, the autopsy of Milošević's body was carried out by the Dutch Forensics Institute (NFI). The autopsy was performed in the presence of Serbian minister Rasim Ljajić, who said: "My presence at the autopsy is intended

¹⁰ *Targets*, April 2006.

to dispell any speculations concerning the death of Milošević." However, his presence had the opposite effect, since it was common knowledge that the two men had been sworn enemies. Milošević's next of kin were suspicious and they insisted that an independent autopsy be carried out outside of the Netherlands under their supervision. And ... this request was ignored!

Suicide was not ruled out as a possible cause of death. With the end of the court case in sight, Milošević may have been ready to commit such an act of desperation. Carla del Ponte said: "It is possible that Milošević committed suicide, as a final act of pride, as a sign of contempt towards the Yugoslavia tribunal." Del Ponte pointed out "that it was not the first time that one of the accused preferred death to a conviction." Six days prior to Milošević's death, the Serb Milan Babić was found dead in his prison cell. His death was also ruled a suicide, and here too there were no indications that he had indeed taken his own life. All the usual security precautions had been taken: Babić's cell was checked every 30 minutes. Nevertheless, he was found dead in his cell the next morning. The cause of death remains a mystery on which the authorities refused to comment.

In a news programme by Dutch broadcasting company NOS, Heikelina Verrijn Stuart from Amnesty International, who had been a frequent observer of the trial, argued that Milošević's death had been the direct result of the medication that had been found in his blood. "We know for certain that this is what caused his death, this was by no means a natural death."

Verrijn Stuart had also spoken to someone close to Milošević. "The statements from this person indicate that Milošević had secretly taken the medication that countered the effects of his heart medication." One of Carla del Ponte's advisors hurriedly added that Milošević had caused problems before with regard to medication: "At that time, he refused to take them."

Rainer Rupp said: "This suicide is tremendously inventive. First he shot himself in the back three times and then he hanged himself. It wasn't that long ago that similar descriptions were found in the police files of local sheriffs in the South of the United States. This statement reminds me of the position of the 'independent' Dutch toxicologist Donald Uges, who made a similar statement regarding the 'suicide' of the Yugoslavian former president. According to Uges, Milošević had managed to smuggle illegal medication into his cell in the maximum security facility to damage his own health, in attempt to secure a one way trip to Moscow."

Toxicologist Donald Uges claimed that he examined Milošević's blood a few months before Milošević's death, because doctors wondered why the medications they had prescribed to Milošević to treat his high blood pressure were not working. In January 2006, Uges found rifampicine, a strong medicine for tuberculosis and leprosy, in Milošević's blood. This was supposed to have countered the effects of the medication Milošević took to reduce his blood pressure. According to Uges, the medication stimulated Milošević's liver, which neutralised the effects of the other medications. Uges then claimed that Milošević had taken antibiotics that had not been prescribed and that had damaged his heart. The toxicologist said that he

suspected Milošević did all this to try and force the court to let him go to Russia for treatment. "First he did not take his medication. Then he was forced to take them under supervision. But his blood pressure still did not fall", Uges said to the AP press agency. "A sophisticated medication is something nobody would have suspected. It gave his supporters a reason to protest that the Dutch doctors had no idea how to treat him." He went on to add: "I do not expect murder. Nor did he die as a result of the rifampicine. All the medication was meant to accomplish was to lure him to Moscow, where he would be freed. In Moscow, Milošević would stop taking the medication, he would suddenly recover, and the Netherlands would be ridiculed."

These statements by Donald Uges were ceased by the global press to give the relatives and supporters of Milošević, who were suspicious of what had happened a bad name. Every effort was made to undermine Milošević's credibility and the statements by his lawyer concerning the fact that he was poisoned. It was argued that Milošević risked his own life by damaging his health, in an attempt to escape justice. However, Donald Uges had been appointed by the Court of Justice as a toxicologist and not as a detective. Finding traces in a person's blood is one thing, but knowing exactly how it got there is quite another matter. It is 'impossible' for Donald Uges, a world famous professor in the field of biochemical analysis, to declare that Milošević deliberately did not take his prescribed medication. How could he know that?¹¹

After his arrival in the Netherlands, Slobodan Milošević declared that he had no suicidal tendencies. He emphasized that, if anything ever were to happen to him, it could never have been a suicide attempt¹². A few weeks before his death he said: "I did not suffer this long for my cause to harm myself."

More and more, people speculated about death by poisoning of the former president... And not without reason! In 2002, it became clear that Milošević had been given the wrong medication that, like rifampicine, increased his blood pressure. On November 23rd 2002, *NRC Handelsblad* reported: "In the Scheveningen prison, Slobodan Milošević has been given the wrong medication, as a result of which his blood pressure suddenly rose tremendously. That is the reason why the trial of the former Yugoslav president was suspended early November of 2002. A spokesperson of the tribunal denies that mistakes have been made. He did not want to address the matter further."

This means that even at that point, Milošević's high blood pressure was not dealt with adequately eventhough it was clear that something was wrong. At the end of August 2004, something truly remarkable happened when Milošević was given his hot dinner. There was great consternation when it turned out that someone else had been given Milošević's dinner. On the tribunal hearing of September 1st, 2004,

¹¹ Quoted from a letter by John Jeffries of the Irish branch of the International Committee for the Defense of Slobodan Milošević's (ICDSM).

¹² Nova, July 17th, 2001. "Ako ti kazu, umro san - ne veruj, je non e umem."

Milošević mentioned this incident. On that day, Milošević's defense was being discussed. The tribunal was planning to deny Milošević the right to defend himself; on grounds of incompetence this would effectively silence him. Milošević was told to transfer his defense to Mr Simon Kay¹³. Milošević protested vehemently to this course of events, and the relevant witnesses threatened to boycott the proceedings. This would have jeopardized the entire court case, and the tribunal was forced to back down¹⁴.

During the court hearings, Milošević referred to his doctors, who had stated that he had been capable of defending himself throughout the three years of the court proceedings.

Milošević said: "This means that for three years my doctors have considered me in sufficiently good health and physical condition to defend myself. And then something remarkable happens. Suddenly, an 'independent' doctor from Belgium, the country where NATO's headquarters are located, claims that my health makes it impossible for me to defend myself, and my own doctors here unanimously agree with that assessment."

Milošević then urged in favour of a detailed medical examination by doctors from Russia, Serbia and Greece. These doctors were ready to begin such an examination. Milošević then argued the claim that his health preclude him from defending his own case was a ploy designed to deny him the opportunity to tell the truth: "I see this as a manipulation to deny me the opportunity to tell the truth. That is the essence of this story. The prosecutor, Mr Geoffrey Nice, reinforces this argument by appointing a lawyer on the grounds that I am allegedly too involved and not independent enough. However, I feel that the opposition has shown itself to be somewhat too dependent in this matter." Milošević, with his usual politeness, once again emphasized the fact that he would never relinquish the right to defend himself, and also addressed the curious course of events during his detention: "I urge you to remember: I will never give up my right to defend myself, nor will I allow this right to be curtailed."

The following statement by Milošević is a literal translation of the transcript of the tribunal: "You may reach your own conclusions. However, know that I am taking medications that have been prescribed by your doctors, your staff. I am not certain as to what is happening here, but I can have the entire prison staff testify as to what happened when my dinner was switched with that of the other person on the other side of the corridor. There was quite a commotion to ensure that the right meal ended up in the right place, even though the meals were apparently identical. I made no issue of it. I did not know what was going on. However, I would ask you to be so kind as to take note of the fact that, for three years in a row doctors, have

¹³ Previous attempts to silence Milošević by appointing a lawyer to defend his case had failed.

¹⁴ Because Milošević was perfectly capable of defending himself, his Dutch lawyer and advisor N.M.P. Steijnen on behalf of Milošević lodged a complaint with the Dutch Order of Attorneys with regard to these proceedings.

declared that I am in good health, and that now - after this incident - the same doctors suddenly declare that I am no longer healthy. I have my suspicions, which may or may not be justified, but there is evidence to support them."¹⁵ Slobodan Milošević was then silenced when the judges ordered his microphone turned off. The alarming matter was never investigated!

Milošević increasingly suffered from an intense pressure behind his eyes and ears. When James Bissett, the Canadian ambassador to the former Yugoslavia (1990-1992), visited Milošević in Scheveningen, Milošević's suddenly turned red and he reached for his head. He was troubled by a loud tone inside his head that made it seem as though he were speaking into a bucket. Milošević said that, despite the fact that his blood pressure was under control, he constantly suffered from those constant tones and echoes in his head.

Rather than giving him the necessary treatment, his weak health was used to force him to give up defending himself. It had been clear for some time that the tribunal made many efforts to undermine his health, in an attempt to force him to hand over his defense to a lawyer. They did this by providing him bad medical treatment and deliberately wearing him out to cause his symptoms to surface. He was forced, on countless occasions, to wait on a wooden bench, allegedly because there was no way to transport him¹⁶.

The 'amici curiae' (Friends of the Court), who had to ensure that the trial was conducted in a fair manner, argued in favour of suspending the proceedings for one year. During that period, Milošević would be able to regain his strength. Lead prosecutor Carla del Ponte was livid when she heard about it. She claimed that Milošević received all the medical attention he required in Scheveningen prison.

On March 10th 2006, preparations were made to present the next witness: Monir Bulatovec, the former president of Montenegro. On this occasion, Milošević once again voiced his concerns to his lawyer Zdenko Tomanović, telling him he was afraid that people were trying to poison him. During his five year stay in Scheveningen, Milošević had never taken any kind of antibiotics, nor had he ever suffered from an infectious disease. However, the medical report of January 12th 2006, which Milošević laid his hands on two months later, showed that a medicine had been found in his blood that is normally used to treat tuberculosis and leprosy. As mentioned earlier, this medication effectively neutralised the effects of the medicine Milošević took to treat his blood pressure and heart problems. If Milošević had taken this medication himself, and it was known that he took it on January 12th, why did the authorities fail to intervene? And why was he not informed about the rifampicine in his blood prior to March 7th? Normally speaking, Milošević received all reports concerning his health condition immediately!

If Milošević had taken rifampicine deliberately, why did he speak about it in public? It was Milošević himself who, through his lawyer, spoke about it in public

¹⁵ Tribunal transcripts from September 1st 2004, pp. 32351-32358.

¹⁶ *Targets*, April 2006.

and who informed the Russian government. In his letter to the Russian government, in which he asks for protection, he writes that the tribunal's refusal to let him go to Russia to be treated was motivated by fear that the Russian doctors would discover that there was rifampicine in his blood.

It is safe to assume that Milošević was quite shocked when he read the results of his blood tests. Eye witnesses saw a dramatic deterioration. "When he took his walk, Milošević had to lean against the wall, and he went to the bathroom every few minutes."¹⁷ Why was nothing done? According to Verrijn Stuart, after March 7th, monitoring of Milošević's health was not intensified.

As mentioned above, Milošević was not informed of the results of his blood tests until two months after they took place. Verrijn Stuart: "It is a great mystery why a medical report of January 12th, 2006 was not presented before March 7th to the lawyers and to Milošević himself."

What is also remarkable is the late hour at which Milošević's body was discovered. From a press conference by Carla del Ponte it became clear that the regular checks (every 30 minutes) were not carried out on the night Milošević died!¹⁸ Nor apparently was there any video surveillance! Naturally, at the press conference questions were asked as to why the routine checks were not carried out on that particular night. Del Ponte answered: "I am not responsible for what happens in the prison."

At the very least, the Yugoslavian tribunal is guilty of gross negligence, if not downright manslaughter. Its failure to monitor the prisoner, whose body was not discovered until 10 am, will result in a complaint, according to Serbian media and the German newspaper *Die Welt*. There is no doubt that the tribunal and Washington, which pulls the strings behind the scenes, are responsible for Milošević's death.

Certain things Milošević said on the day before he died indicate that he was extremely worried. As mentioned earlier, he wrote a letter to the Russian Foreign Minister the day before he died, asking for help. He accused his jailers of attempting to drug him into silence. Why did Milošević need to be silenced?

"It would be better if Milošević were to die in the dock during the trial. If the proceedings are allowed to reach their conclusion there is a serious possibility that he will be convicted of nothing more than a minor offence", James Gow declared as early as 2004 in a television interview with *Channel Four*. Gow was being interviewed as an 'expert on war crimes' and advisor of the court in The Hague.

It is true that the case of the Yugoslavian tribunal was in poor shape. Had that not been the case, the media would certainly have reported it. Diana Johnstone, the erstwhile publisher of *In These Times* and former press secretary of the Greens in the European Parliament, said: "In the beginning, one could be sure that the media would report the show trial against the Butcher of the Balkans. However, the me-

¹⁷ *Der Spiegel*, January 12th, 2006, 129.

¹⁸ Conversation with Nico Varkevisser of the Slobodan Milošević Freedom Centre.

dia soon failed to mention the relevant and solid defense of Milošević during his own trial. Ever since, the trial has virtually taken place behind closed doors. And there are reason for that.”

Ralph Hartmann, the former German ambassador to Yugoslavia, stated: “The trial against the former president of Yugoslavia, which was announced as the ‘mother of all trials’ by NATO, has become a secret trial. The reasons for this may be clear to anyone who has read Milošević’s opening statement, which was published in numerous newspapers, in which he puts the irrefutable evidence and sensational facts concerning the major role played by the United States, Germany and other NATO countries in the destruction of the Federal Republic of Yugoslavia on the table. People may distort or ignore the truth, they can never conquer it.”

It became increasingly clear that the charges were not worth the paper they were written on. Slobodan Milošević had no reason to take his own life. “He has been murdered,” according to his Dutch advisor and lawyer N.M.P. Steijnen. It was not he, but the prosecutors of the tribunal, who were being driven into a corner. There was a clear motive for murder. Although it is true that Milošević was seriously ill, he was very optimistic about the fact that the trial was developing in his favour. He was convinced he would come out as the winner!

Vukašin Andrić, a doctor who examined Milošević in November 2005, said: “The tribunal wanted to murder Milošević because his death would make it impossible to get at the real truth. The leaders of the New World Order wanted to get rid of him.”

On March 9th, Milorad Vučelić, a member of the Serbian Socialist Party, spoke with Milošević over the phone: “He was excited and pleased about the way his defense went.” Vučelić concludes: “There is no possible doubt that the tribunal in The Hague slowly assassinated Milošević.” Klaus Hartmann, for years, had been aware of the danger of a ‘biological solution’ the Yugoslavia tribunal in The Hague would be prepared to resort to in order to silence Milošević¹⁹. Živadin Jovanović, the former Foreign Minister of Yugoslavia, made the following statement regarding this issue: “The Yugoslavia tribunal is responsible for the death of President Slobodan Milošević.”

Needless to say, Milošević’s death is very convenient for the prosecutors. In a period of five years, they had been unable to prove that Milošević was responsible for a genocide carried out by the Serbian army. The prosecution’s case was in bad shape. On February 24, 2006, *De Volkskrant* wrote: “No conclusive evidence against Slobodan Milošević.” On February 28, 2004, *NRC Handelsblad* reported: “The case against Milošević is falling apart.”

Time and again, witnesses for the prosecution were driven into a corner by Milošević’s questions. In addition, their testimonies were not of the kind Carla del Ponte wanted to hear. The former chief of the Serbian State Security, Radomir

¹⁹ Klaus Hartmann is the vice chairman of the International Committee for the Defense of Slobodan Milošević (ICDSM).

Rade Marković, when cross-examined by Milošević, stated that he had been promised a reduced sentence and a new identity in exchange for an incriminating testimony against Milošević. He was told there would be 'consequences' if he failed to do so (tribunal proceedings, July 24-27, 2002).

During the proceedings of February 19-21, 2003, as part of his testimony, Dragan Vasiljković quoted a document he received from the prosecutors, containing various promises in exchange for his incriminating testimony against Milošević (tribunal proceedings, February 19-21, 2003).

Also, suddenly all kinds of - very dubious - evidence emerged. Testimonies that no impartial judge would ever have accepted, were accepted as evidence. One witness, for example, declared that he had been shot with a machine gun, and to support his testimony he held up a shirt full of bullet holes and blood. Milošević then asked him about his wounds, and requested to see the scars. The man responded that he had not been injured, and that Allah had spared him to allow him to testify against Milošević. Rather than striking the man's testimony from the court's logs, the court accepted it as proof against Milošević!

Milošević produced one witness after another, who together tore apart the myth of a conspiracy to create a Great Serbia. Reports in the media were scarce when it came to Milošević's witnesses, and they failed to report on the repeated decisions by the court to strike testimony from the records.

The Boomerang Effect

On August 25th 2005, Geoffrey Nice was forced to admit that Milošević was no longer being accused of having tried to create a Great Serbia by force. As such, this effectively destroyed the foundation of the charges against him. After all, these charges had been based on, and connected by, the central accusation that Milošević, as the leader of a criminal organization, had done everything he had done in order to create a Great Serbia²⁰. The tribunal was painfully aware that they had no case against him. The chances of reaching a verdict that would satisfy public opinion become increasingly slender.

The Dutch lawyer N.M.P. Steijnen stated: "However, the chaos soon became even bigger. The accusations now turned on his Western accusers like a boomerang. What the tribunal feared were the revelations from Milošević and the people he called to the witness stand concerning the role of the Western world in dismantling the Yugoslav Federation, the evidence that would be presented by him with regard to the systematic lies propagated by the West concerning the alleged attempts to create a Great Serbia, and the crimes committed by NATO, in its aggressive war against Yugoslavia and Serbia, which he would bring to light. For instance, Milošević demonstrated, based on the testimony from predominantly western witnesses, that there had been no humanitarian emergency in Kosovo on the

²⁰ Press release written by Milošević advisor and lawyer N.M.P. Steijnen.

eve of NATO's war on Yugoslavia in 1999. It was not Milošević's case that was in poor shape, but the tribunal itself."

In a press release Steijnen wrote: "For years, the prosecutors had brought in hundreds of witnesses, in an endless row of 466 sessions, producing more than 5,000 documents in their case against him and they still failed to present a well-founded case. The lack of written evidence, the deals between the prosecution, and defendants who were willing to testify against Milošević, none of these benefited the trial. 'Tribunal worshippers' disguised as reporters have managed to cover up the fact that Milošević, based on witness testimony, has caused havoc among what was left of the charges."

Things only got worse for the tribunal when it was Milošević's turn to defend himself. He called to the stand important witnesses that presented Carla del Ponte with serious problems, especially in light of the fact that most of her witnesses presented vague testimony. It was with the gravest concerns that the tribunal awaited this moment.

Things became truly exciting when Slobodan Milošević announced at the end of February 2006, that he intended to call Bill Clinton to the stand. Apparently he wanted to show that the United States had waged an illegal war against Yugoslavia and that civilian targets had been attacked on purpose. Crimes against humanity! This plan was unacceptable not only to NATO but also because it threatened to destroy the Yugoslavia tribunal!

James Bisset, the Canadian ambassador to the former Yugoslavia (1990-1992) said: "I was always skeptical about the tribunal, because I am convinced that it is an instrument that is designed to cover up the fatal blunders of the United States and its allies in the tragedy on the Balkans. The tribunal's purpose is to hold Milošević and the Serbian people responsible for the all-out violence that hit this area in the 1990s."

The Russian general Leonid Ivashov stated: "Slobodan Milošević was the only man who was in a position to testify about the role of the United States in the bloody disintegration of Yugoslavia in the nineties - in full and in great detail. And that is precisely what he fought for during his trial for war crimes and genocide."

According to Ivashov, a failure to secure a conviction in the case against Milošević would not only have far reaching consequences for the Yugoslavian tribunal, but also for the condemnation of the aggression of NATO and its allies. Ivashov is still convinced that this is the reason Milošević was murdered.

Milošević was found dead in his prison cell just when his defense was gathering steam and he had begun building a solid case. He was too busy to contemplate taking his own life. He was very concerned about his health. But above all, he was motivated by a desire to tell what really happened on the Balkans. He had no reason whatsoever to kill himself, but the tribunal, which took its orders from the United States and its allies, had a clear motive to kill him. The tribunal was about to backfire in a serious way; it threatened to damage NATO the very organization

that had organised and funded the tribunal. Was Milošević silenced before he could expose the crimes of the United States and its NATO allies?

Closer inspection of the main causes of the crisis on the Balkans shows that the largest part of the responsibility for the destruction of Yugoslavia lies with the United States, Germany and other NATO allies. Every decision made by these allies was politically motivated and resulted in an escalation of the war and an increase in the number of conflicts among the population of Yugoslavia.

A few years after the disintegration of the Socialist Federal Republic of Yugoslavia, the International Monetary Fund (IMF) demanded that wages be frozen. Because prices continued to increase, however, this resulted in a dramatic reduction in average income. Under the supervision of the World Bank, more than half of the Yugoslav banks were ruined in 1989 and 1990. According to official statistics, more than 1,100 companies went bankrupt in that period, resulting in 625,000 workers losing their jobs. However, the World Bank was not yet satisfied. In September 1990, a record number of 2,435 companies went bankrupt, and 1.3 million people became unemployed. Within two years, two-thirds of all the nation's jobs had been sacrificed. Then, without any warning, all aid, credits and loans from the IMF and the Worldbank were suspended. The fatal combination of measures that was forced on Yugoslavia had its origin in twenty-three articles that had been included in the United States law 1191 on November 5 in Foreign Operation Law 101/513. This contains regulations and stipulations regarding the economic destruction of enemy governments. As a result of this law, the Federal Government of Yugoslavia was no longer able to pay the interest on its foreign debts. Also, the nation's industrial sector no longer had access to the raw material it needed. According to the *New York Times* of November 18th 1990, at that same moment a secret CIA document came into the open. That document predicted that Yugoslavia would collapse within 18 months. In 1991, the European Council of Ministers followed the path laid out by the United States, by intervening in the internal affairs of Yugoslavia through its own political demands and an economic intervention. As a result of these economic sanctions, the Yugoslav economy quickly fell apart.

During the Kosovo war, Lord Gilbert, the British Defense minister, in a remarkable statement admitted that NATO deliberately pushed for a war with Yugoslavia²¹. To this it needs to be added that, years earlier, after the Maastricht summit, it became clear in what way the French President Mitterand and John Major, the Prime Minister of the United Kingdom, had agreed to the dissolution of Yugoslavia²².

²¹ *NATO war was deliberate*, in *Targets of August*, 2000, 2.

²² Michel Collon, *Bluf Poker - De grootmachten, Joegoslavië en de komende oorlogen*, Berchem 2000, 91.

Slobodan Milošević was convinced of the need for a transition towards a market economy and a multi-party democracy²³. The transformation of Serbia towards a democratic civilian state took place under his leadership. However, throughout that process he adhered to Yugoslavia's principle values: independence, freedom and social justice. And he turned his back on international capital when he used IMF loans to pay teachers and military personnel wages that had long been overdue.

Milošević gave several speeches in which he described a group of dubious internationals that were deliberately creating chaos in the Balkans in order to take the next step en route to the New World Order. In earlier times, Milošević had been the darling of the Rockefellers and their cronies when he carried out the economic reforms and privatisations of state companies that the IMF had imposed. As soon as he stopped listening to them, the leaders of the New World Order turned their backs on him. The Illuminati gives orders and demands obedience and anyone who is brave enough to resist them is in for a merciless treatment. In this sense, the actions against Yugoslavia were, in every way, representative of the nature of the mighty men who hide in the shadows. The cruel war against Yugoslavia is a clear warning to all countries in the world that want to remain independent! Slobodan Milošević can be considered the first political prisoner in the so-called 'globalisation' of the capitalist ambitions. As a symbol of the resistance against the New World Order, he had to be condemned in a mock trial designed to sanctify NATO's war crimes, and he had to serve as an example to the 'unwilling' and dissidents who refuse to serve the New World Order.

Enforcing the free market and conquering important oil routes were not the only reason NATO went to war against Yugoslavia. NATO also wanted to show the world how important a global army was for world peace, and how effective such an army can be against a so-called aggressor. NATO and the military-industrial complex thus swindled their way to a new 'legitimization', and they used the conflict to test their logistics, their new communication systems and their reconnaissance technology in a 'live' conflict. This aggressive military extension to foreign policy should serve as a warning to all potential areas of conflict. The Caucasus and Central Asia will be NATO's future areas of operation²⁴. Under the name GUUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldavia), a joint 'Eurasian battalion' has already been created, designed to be deployed in so-called 'peace missions' in the region. The planned buffer zone just 'happens' to be situated in an area through which Russian pipelines transport oil and gas to the West. NATO is used to fight uncooperative governments. Let the reader be warned: new conflicts and wars are already being prepared. The earth is big and round and the powers that be still have a lot of work to do.

²³ His conviction drove him straight into the arms of the leaders of the New World Order.

²⁴ *NATO after enlargement*, 1999, 231. This book was compiled by NATO strategists.

Borislav Milosevic: "Serbians Will Never Accept Kosovo Independence"
06/03/2008 |

Borislav Milosevic, Ambassador of the United Republic of Yugoslavia to Russia from 1998 - 2001, elder brother of former President of Yugoslavia Slobodan Milosevic, told our correspondent in an exclusive interview about the political situation in Serbia and the future of Kosovo, and about Russian-Serbian relations.

Borislav is 71-years old and still trim and smart. He speaks fluent Russian, English, and French. He bears a slight resemblance with his late brother, Slobodan, and shares the same anxieties about the future of their beloved native land.

What is your opinion about the announcement of Kosovo's independence and its recognition by several countries?

MILOSEVIC: It is very painful for every Serbian. There is a feeling of humiliation and injustice, a trampling of international rights, the helplessness of the United Nations. It means that if you have force and resources, you can defend your rights in international relations. If you don't have such power, you don't have any rights. I think that the U.S. and the European Union made a gross and criminal mistake with far-reaching, serious consequences for international relations.

At the present moment (February 17) do you foresee any possibilities for the settlement of Kosovo's status problem?

MILOSEVIC: Yes, there are some. We should continue negotiations and the search for compromise. But some countries will continue to block this course. There were no real negotiations between Belgrade and Pristina. Actually, Albanian separatists during negotiations in Vienna and Brussels tested the Serbian side - to see what kinds of concessions they could win. The Serbian side made concessions. The Kosovo Albanians didn't make any offerings or concessions because the U.S. and some European countries promised them independence. Thus, Kosovo's separatists simply waited for the end of this show, and their bosses handed them this independence.

What do you think about Kosovo's future?

MILOSEVIC: There are no responsible and serious political parties in Serbia today that stand for recognition of Kosovo's independence. Russia and China in the Security Council of the United Nations stand for the territorial integrity of Serbia. The positions of Russia and China are very important for the system of international law. The situation around Kosovo may be a double precedent for global affairs. First, in March 1999 NATO unleashed aggression against Yugoslavia, and western politicians said this war was an exception of the rule. But now U.S. Secretary of State Condoleezza Rice says that it was a precedent: "Why can't we attack Iran? We bombed Yugoslavia without a mandate of the Security Council of the United Nations already!" Second, this is a precedent for all current points of separatism all over the world.

How do you estimate the chances of Belgrade to confirm and defend the territorial integrity of Serbia?

MILOSEVIC: We will never recognize Kosovo's independence; such a declaration... is illegal. Russia and China think the same way and they are opposed to any idea of Kosovo becoming a member of the United Nations. Without a membership in the UN, Kosovo remains just a territory, not a country.

What is your opinion concerning the use of military force by Belgrade to decide this present problem? Is it possible?

MILOSEVIC: I don't think so. The Serbian authorities declared it would use only peaceful methods, not military force, in the conflict with the Albanian separatists. My opinion is that there is no need to reject legal methods for the defense of our own people. Kosovo's Albanians, however, never give such promises to Serbians. On the contrary, they threaten the Serbians by warning them that if Kosovo doesn't receive independence, they won't be able to control the fury of the people, and conflict would be inevitable.

Frankly speaking, there are no Armed Forces in Serbia. More than 250,000 Serbians were driven out from Kosovo by Albanian separatists. Presently, Serbians are living in Kosovo like in a ghetto. After the NATO occupation, more than 150 ancient Orthodox churches were destroyed by Albanians in Kosovo. There are no repair works. Serbians are living there in constant fear. Even Serbian children cannot go to school without adults. After NATO's occupation, hundreds of Serbians were killed in Kosovo. More than 3,000 Serbians are "missing" in Kosovo (that means "killed"). There are no investigations. Presently, Albanians are capturing Serbia's federal, social, and private property. The occupation's forces in Kosovo, the so-called peacekeeping forces, ignored Resolution 1244 of the Security Council of the UN. They misrepresent the current situation in Kosovo in its reports to the UN General Secretary. Today, Kosovo is a crucial point in the drug trade, which traffics heroin from Afghanistan and Pakistan to Europe.

Why is the U.S. seeking independence for distant Kosovo?

MILOSEVIC: First, it is a matter of principle. The U.S. wants to demonstrate all over the world its hegemony in global affairs. That means only the U.S. can decide who may receive independence, and to whom it is not allowed. Second, it is another step in NATO's expansion in the East. It's not enough to control the territory by air and sea blockade. Full control of the territory requires having troops on the ground. American politicians are dreaming about the creation of the so-called 'security belt' from the Baltic Sea to the Balkans and Black Sea. Only Belarus prevents the fulfillment of this plan.

The target of NATO's enlargement to the East is not Serbia, but Russia, with its huge natural resources. This is obvious to many Russians. The U.S. have such cases in its geopolitical game in the Balkans. That means that Kosovo will join NATO.

There were some discussions in Russian mass media about Tomislav Nikolic's offer of Serbia's accession to the 'Union of Russia and Belarus' and the construction of a Russian military base in Serbia. What do you think of such an idea?

MILOSEVIC: This idea about Serbia joining the Union of Russia and Belarus is not new. President Slobodan Milosevic offered this plan in 1999. State Duma Chairman at the time, Gennady Seleznyov, visited Belgrade in April 1999 during NATO's air raids and discussed this plan. As to military bases, there are many fictions. Tomislav Nikolic said if the U.S. puts antiballistic missiles in Poland and the Czech Republic, Russia may deploy its own radar in Serbia.

Do you think that the Serbian population of Kosovska Mitrovica will join Belgrade? Is it possible that Serbian inhabitants in that area state their desire to divide Kosovo into two parts because they don't want to live with Albanians?

MILOSEVIC: I don't have a right to divide Kosovo. The whole region belongs to Serbia! The Serbian government cannot divide Kosovo, its own territory.

A big Serbian community lives in Bosnia and Herzegovina. Is it possible that the Republika Srpska will obtain independence? Is it possible to create a chain reaction in the Balkans?

Certainly, the Republika Srpska has a right to separate from Bosnia and Herzegovina. Why a part of Serbia may declare its independence, and a current part of Bosnia and Herzegovina, the Republika Srpska, cannot have such right? Furthermore, if the people want, the Republika Srpska can join Serbia. The parade of separatism and divisions can continue in the Balkans.

If Serbia will not recognize a separation of Kosovo and stop diplomatic relations with countries which support Kosovo, what do you see for Serbia's future?

Do you think that Serbia should submit to Kosovo's recognition by Western countries?

MILOSEVIC: I think that the Serbian people will never submit to the separation of Kosovo from their native land. As to the future of Serbia, I think that the joining to the European Union and NATO is not Serbia's only option. I think we may cooperate with Europe and America and have the strategic partnership with Russia and have close ties with China, India, and other countries.

Will Serbia continue to lean toward Europe?

MILOSEVIC: Surely, it will. Serbia is in Europe, we are Europeans. But Serbia has to join the European Union as a whole country with its borders recognized by the international community. This joining should be without robbery and black mail from Kosovo and The Hague.

You and Tomislav Nikolic met with a then-candidate for the presidential post, Dmitry Medvedev. What does he think?

MILOSEVIC: Russians cannot be more Serbian than Serbians themselves. Medvedev repeats the principal position of Russia that Kosovo's independence is unacceptable for Moscow. Nikolic and I were very impressed by Medvedev.

Now Belgrade is an ally of Moscow. Is it a friendship without problems?

MILOSEVIC: Persons and peoples are friends, but countries don't have emotions. States and organizations have only interests. In the present time relations between Serbia and Russia are excellent. And I am sure that our productive and mutually profitable cooperation will strengthen and develop. We respect Russia and Vladimir Putin.

Did Slobodan Milosevic make any mistakes concerning Kosovo?

MILOSEVIC: There are no politicians without mistakes in the world. Slobodan all his life defended people from terrorists, and territorial integrity of Serbia from separatists. There was no genocide against the Albanians. That is false. Slobodan was looking for a political settlement. He met with Ibrahim Rugova and other moderate Albanian leaders. But the West didn't let him reach a compromise; the West supported the Albanians... NATO unleashed a war against Yugoslavia in 1999. It was not a humanitarian operation, but an aggressive military operation to conquer and expand in the East.

Do you believe the results of the official investigation of your brother's death? Was it murder or assassination in The Hague?

MILOSEVIC: I don't think that somebody put poison in his tea or smothered him with a pillow. But it was murder nevertheless because prison denied him permission to go to Moscow for medical treatment at a special hospital. A conclusion was made by an international doctors' council that he required urgent medical treatment in a special hospital. The government of Russia agreed to receive Slobodan in Moscow's Bakulev Center for Cardiovascular Surgery. So yes, what happened was the murder of an innocent and guiltless person. Slobodan represented himself in court very well, so they decided to escape from him.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Jan Beentjes" <JJBeentjes@gmail.com>; <j.loth@hccnet.nl>; <sagitar@hetnet.nl>;
 <hans.hupkes@planet.nl>; <mkardol@mac.com>; <meindert.stelling@planet.nl>;
 <jenny1@scarlet.nl>; <u.gerkens@gmx.de>
Verzonden: zondag 2 maart 2008 0:34
Onderwerp: Hans Holcijus

De griffier van het Joegoslavië Tribunaal wordt in verband gebracht met een pedofielenetwerk. Extra pikant is dat deze Hans H. een voormalige hoofdofficier van justitie is, en betrokken was bij gevoelige rechtszaken. Heeft zijn seksuele voorkeur hem chantabel gemaakt?

De griffier van het Joegoslavië Tribunaal wordt in verband gebracht met een pedofielenetwerk. Extra pikant is dat deze Hans H. een voormalige hoofdofficier van justitie is, en betrokken was bij gevoelige rechtszaken. Heeft zijn seksuele voorkeur hem chantabel gemaakt?

Vandaag diende het kort geding dat een tot levenslange gevangenisstraf veroordeelde Koerd had aangespannen tegen Joris D., de hoogste ambtenaar op het ministerie van Justitie. Tijdens dat kort geding ontkende de landsadvocaat alle beschuldigingen van pedofilie aan het adres van D.. Die zou zich op zijn beurt met de zaak van de Koerd bemoeien omdat hij vanwege zijn pedofilie activiteiten wordt gechanteed door de Turkse overheid.

D. is niet de enige justitieambtenaar die van pedofilie wordt beschuldigd: betrouwbare bronnen melden aan Nieuwe Revu dat ook voormalig hoofdofficier Hans H. bij een heus pedofielenetwerk zou hebben gehoord.

Deze beschuldiging komt voort uit het zogeheten Rolodex-onderzoek. Dat onderzoek, eind jaren negentig uitgevoerd door de rijksrecherche, is genoemd naar de adreslijst van een Amsterdamse hoogleraar die als intermediair optrad tussen kinderporno-liefhebbers en 'jongetjesaanbrengers'. In het kaartenbaksysteem zouden namen voorkomen van tenminste twee hoofdofficiëren.

Het Rolodex-onderzoek levert geen strafbare feiten op, al blijven er flinke vraagtekens bestaan. Intrigerend is ook de link tussen H. en vleeshandelaar Eddy de Kroes (tevens suikeroom van Pim Fortuyn). De Kroes werd in 1986 veroordeeld tot twee jaar gevangenisstraf wegens fraude. Die straf zat hij nooit uit, omdat hij een vrijbrief van officier van justitie Hans Vos kon laten zien. De procureur-generaal die de zaak-De Kroes had behandeld, was Hans H.

[Lees er meer over in Revu van deze week.](#)

Guuz Hoogaerts

20-06-2007

Asiel voor vrouw en zoon Milošević

BELGRADO, 13 FEBR. Mirjana Markovic, de weduwe van de vroegere Joegoslavische president Slobodan Milošević, en haar zoon Marko Milošević hebben asiel gekregen in Rusland. Berichten in de Servische media werden gisteren door justitie in Belgrado bevestigd. Beiden worden door de Servische justitie gezocht wegens het leiden van een criminele bende van tabaksmokkelaars. Marko Milošević dook onder in Rusland na de val van zijn vader, Markovic volgde hem later. (VIP)

Weduwe en zoon Milosevic asiel

BELGRADO – Mira Markovic, de weduwe van Slobodan Milosevic, en haar zoon Marko hebben in Rusland asiel gekregen. Dat meldde gisteren de Servische krant Blic. Tegen beiden loopt een internationaal opsporingsbevel van de Servische justitie. De weduwe en zoon van de twee jaar geleden in de Haagse strafgevangenis overleden ex-president van Joegoslavië en van Servië wonen al jaren in Rusland. (ANP)

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Dolf Loth" <j.loth@hccnet.nl>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Jan Beentjes" <JJBeentjes@gmail.com>; "Hans Hupkes" <hans.hupkes@planet.nl>; "Nico & Neeltje" <sagitar@hetnet.nl>; "Jenny Ligtenberg" <jenny1@scarlet.nl>
Verzonden: dinsdag 18 december 2007 23:19
Bijlage: 999999.gif; _44292174_delponte203bafp.jpg; o.gif; start_quote_rb.gif; end_quote_rb.gif; _41629176_mladickaradzicapok.jpg; inline_dashed_line.gif
Onderwerp: Del Ponte exits in pride and frustration
 Del Ponte exits in pride and frustration
 By Paulin Kola
 BBC News

Four suspects got away

<http://news.bbc.co.uk/2/hi/europe/7137210.stm>

Carla del Ponte walks out of the office she has occupied for the last eight years in The Hague satisfied - if a little frustrated.

Statistics speak for her achievements at the International Criminal Tribunal for the former Yugoslavia (ICTY): 91 war crimes suspects taken into custody, 63 served with indictments - only four of them still at large - and 44 trials.

In her justice-for-the-victim quest, she reserved a "guilty-until-proven-innocent" treatment for the alleged perpetrators.

Carla Del Ponte says she has always championed the cause of victims. Her tenure "started, continued and ended with them", as she put it last week.

By her own count, more than 3,500 horrendous Balkan stories have been re-told inside the three courtrooms.

The first such tribunal since Nuremberg has been delivering verdicts on very senior officials - and on the history of the Balkans in the last decade of the last century - the bloodiest since World War II.

The long catalogue of cases heard includes:

- a.. Genocide, recognised as having been perpetrated in Srebrenica in Bosnia-Herzegovina in 1995
- b.. The siege of Sarajevo, now classified as a war crime
- c.. Rape used as an instrument of war

And questions over the legality of Nato's military intervention in Kosovo in 1999 without a United Nations authorisation are yet to come.

Carla Del Ponte's international teams sometimes seem to struggle in a web of Balkan conspiracy unfolding around place names likely to challenge the best-travelled linguist and historian

This is an impressive list - but the statistics may not necessarily cement Ms Del Ponte's, or the tribunal's legacy.

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Dolf Loth" <j.loth@hccnet.nl>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Jan Beentjes" <JJBeentjes@gmail.com>; "Hans Hupkes" <hans.hupkes@planet.nl>; "Nico & Neeltje" <sagitar@hetnet.nl>; "Jenny Ligtenberg" <jenny1@scarlet.nl>
Verzonden: dinsdag 18 december 2007 23:19
Bijlage: 999999.gif; _44292174_delponte203bafp.jpg; o.gif; start_quote_rb.gif; end_quote_rb.gif; _41629176_mladickaradzicapok.jpg; inline_dashed_line.gif
Onderwerp: Del Ponte exits in pride and frustration
Del Ponte exits in pride and frustration
By Paulin Kola
BBC News

Four suspects got away

<http://news.bbc.co.uk/2/hi/europe/7137210.stm>

Carla del Ponte walks out of the office she has occupied for the last eight years in The Hague satisfied - if a little frustrated.

Statistics speak for her achievements at the International Criminal Tribunal for the former Yugoslavia (ICTY): 91 war crimes suspects taken into custody, 63 served with indictments - only four of them still at large - and 44 trials.

In her justice-for-the-victim quest, she reserved a "guilty-until-proven-innocent" treatment for the alleged perpetrators.

Carla Del Ponte says she has always championed the cause of victims. Her tenure "started, continued and ended with them", as she put it last week.

By her own count, more than 3,500 horrendous Balkan stories have been re-told inside the three courtrooms.

The first such tribunal since Nuremberg has been delivering verdicts on very senior officials - and on the history of the Balkans in the last decade of the last century - the bloodiest since World War II.

The long catalogue of cases heard includes:

- a.. Genocide, recognised as having been perpetrated in Srebrenica in Bosnia-Herzegovina in 1995
- b.. The siege of Sarajevo, now classified as a war crime
- c.. Rape used as an instrument of war

And questions over the legality of Nato's military intervention in Kosovo in 1999 without a United Nations authorisation are yet to come.

Carla Del Ponte's international teams sometimes seem to struggle in a web of Balkan conspiracy unfolding around place names likely to challenge the best-travelled linguist and historian

This is an impressive list - but the statistics may not necessarily cement Ms Del Ponte's, or the tribunal's legacy.

After all, former Bosnian Serb leader Radovan Karadzic and his wartime commander, General Ratko Mladic, are still at large.

And their boss, the former president of Serbia and then Yugoslavia, Slobodan Milosevic, cheated justice by dying in his cell at the tribunal's detention centre last year.

Compromise and politics

Ms Del Ponte took particular pride in bringing the first head of state before a trial chamber, but her critics say this trial became such a huge marathon that it undermined the tribunal's work.

Milosevic was allowed to turn the trial into a political show. And arguably, a verdict would have been delivered if the indictment not been so all-encompassing, combining as it did charges relating to Bosnia, Croatia and Kosovo. Splitting the case into parts may have been a more effective way of handling it.

She was "furious" at Milosevic's death, she said recently. "For me," she said, "that meant four years of arduous work without legal satisfaction."

SUSPECTS STILL AT LARGE

- Radovan Karadzic
- Ratko Mladic
- Stojan Zupljanin
- Goran Hadzic

Profile: Carla del Ponte

Milosevic - among others - said he did not recognise the tribunal and saw Carla Del Ponte as a pawn of the West.

She did not agree, and in fact, reserved some withering criticism for the Western countries' failure, for political reasons, to have Karadzic and Mladic arrested in the run-up and the immediate aftermath of the 1995 Dayton Peace Accords

Furthermore, she says, the West's infatuation with getting Serbia to accept an independent Kosovo is hindering the search for Ratko Mladic.

But she had to play her own political game, contributing to the European Union policy of linking Serbia's - and Croatia's - path to membership to their co-operation with the tribunal.

And critics could not fail to notice how Karadzic dropped out of her vocabulary. Whether it was a political compromise or simple resignation - Del Ponte and many others believe Mladic is within grasp of the Serbian authorities, whereas Karadzic's trail has gone cold - remains unclear.

One of her predecessors, Richard Goldstone, told the BBC News website that Carla Del Ponte had displayed "tremendous determination" in her job.

"In particular, she fought extremely hard to obtain the detention of Karadzic and Mladic," Judge Goldstone said.

"That she has not succeeded is a great disappointment and I sincerely hope that her efforts will prove not have been in vain."

All are equal

Ms Del Ponte's efforts to show impartiality by making sure all Balkans nations were represented in the dock was another move that may have been motivated partly by political considerations.

But non-Serbs convicted by the tribunal have been rare exceptions.

And you get cases like that of former Kosovo Albanian guerrilla-turned-prime-minister Ramush Haradinaj, whose defence is so confident that prosecutors have not made their case, that it is not even bothering to call witnesses.

Carla Del Ponte's international teams sometimes seem to struggle in a web of Balkan conspiracy, unfolding around place names likely to challenge the best-travelled linguist and historian.

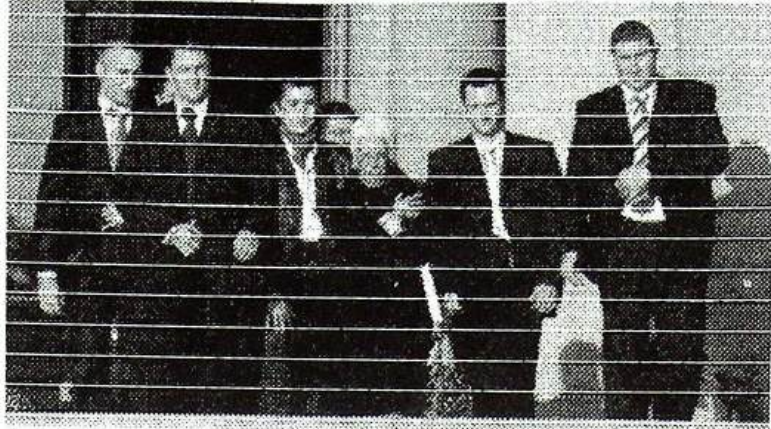
The outgoing chief prosecutor says The Hague "is not only about conviction of defendants".

But some critics wonder whether she has focused too much on delivering suspects for trial, rather than getting guilty verdicts.

In the Balkans, victims want those verdicts in order to get some semblance of closure.

13-12-2007

deVerdieping | overige artikelen | 13-12-2007



Carla del Ponte in oktober van dit jaar in Belgrado, omringd door haar lijfwachten, na overleg over de voortvluchtige Ratko Mladic en Radovan Karadzic. | © AFP

Afscheid Carla del Ponte / Vrouw met vijanden

Iris Ludeker

Carla del Ponte was als hoofdaanklager acht jaar lang het gezicht van het Joegoslavië-tribunaal. Ze maakte veel vijanden, niet alleen onder de tientallen oorlogsmisdadigers die ze achter de tralies kreeg.

Op de valreep kon Carla del Ponte gisteren nog een veroordeelde oorlogsmisdadiger op haar palmars bijschrijven. Dragomir Milosevic (geen familie van), een Bosnisch-Servische generaal die verantwoordelijk was voor het bloedige beleg van de Bosnische hoofdstad Sarajevo, kreeg 33 jaar celstraf opgelegd. Hij was de laatste van een reeks van vele tientallen misdadigers die tijdens Del Ponte's achtjarige bewind als hoofdaanklager van het Joegoslavië-tribunaal achter de tralies verdween.

Toch zal de Zwitserse jurist met gemengde gevoelens terugkijken op de afgelopen jaren. De drie belangrijkste verdachten ontglipten haar. De Servische ex-president Slobodan Milosevic stierf in 2006 in zijn Haagse cel, vlak voordat de rechters uitspraak konden doen. En Ratko Mladic en Radovan Karadzic, die verantwoordelijk worden gehouden voor het genocidale bloedbad op de moslims van Srebrenica, zijn nog steeds op de vlucht.

Tot voor kort achtte Del Ponte de kans dat Mladic voor het einde van het jaar zou worden uitgeleverd nog 80 procent, maar inmiddels heeft ze de moed opgegeven. Door het gedoe rondom Kosovo zal Servië nu zeker niet over de brug komen, schatte ze eerder deze week in. Ze verlaat haar post dan ook naar eigen zeggen als een 'teleurgestelde vrouw'.

En dat terwijl ze in 1999 met zoveel ambitie aantrad. Vanaf de jaren tachtig had ze al naam gemaakt door als officier van justitie in Zwitserland de strijd aan te binden met de Italiaanse en Russische maffia. Het leverde haar een handvol lijfwachten op, en een reputatie van een pitbull met lef.

In Den Haag kreeg Del Ponte er een stel bewakers bij, maar kampte ze ook al snel met een imago-probleem. Ze zou een slechte manager zijn, en zich autoritair opstellen. De pers hield ze bij voorkeur op afstand, en ze omringde zich met een klein clubje ingewijden. Dat is mooi

te zien in de documentaire Carla's list, die vandaag in Nederland in première gaat. De film toont hoe de Zwitserse als een soort Kuifje de wereld over trekt, op zoek naar steun voor haar missie.

Maar wat inderdaad ook opvalt is dat Del Ponte altijd hetzelfde groepje vertrouwelingen bij zich heeft, overwegend Franstalig. Volgens critici zou ze zich zo in een geïsoleerde positie hebben gemanoeuvreed, waarin ze te veel afstand hield ten opzichte van de Amerikanen en Britten. Die had ze juist nodig, om de druk op met name Servië hoog te houden.

Heeft Del Ponte er dan zelf voor gezorgd dat Mladic nooit werd ingerekend? Ton Zwaan, die als genocide-expert betrokken was bij het tribunaal, wil zo hard niet over haar oordelen. „Ik denk niet dat ze gefaald heeft met betrekking tot Mladic en Karadzic. Dat ging haar macht gewoon te boven. Ze heeft onder moeilijke omstandigheden goed haar best gedaan.”

Zwaan noemt haar een dappere vrouw, met lef en doorzettingsvermogen. En hij wijst op de beperkingen van haar positie: „Del Ponte heeft geen politiemacht tot haar beschikking die mensen kan arresteren. Ze is altijd afhankelijk van de medewerking van landen.

Ook Bogdan Ivanisevic meent dat Del Ponte niet veel te verwijten valt. De Servische jurist, die werkt voor het International Center for Transitional Justice, wijst erop dat Del Ponte haar uiterste best heeft gedaan om de Europese Unie tot bondgenoot te maken. Daarin slaagde ze redelijk: de EU hanteerde haar oordeel over de hulpvaardigheid van Balkan-landen als criterium om te bepalen of zo'n land mocht beginnen met EU-toetreding. Ivanisevic: „Maar de onwil van de Servische regering om Mladic uit te leveren was simpelweg te groot.”

In het geval van Kroatië leidde de druk van de EU in 2005 wél tot het oppakken van Ante Gotovina, een generaal die in eigen land door veel mensen als oorlogsheld werd beschouwd. Het zou een hoogtepunt voor Del Ponte blijken, alleen geëvenaard door de junidag in 2001 waarop Slobodan Milosevic in Den Haag aankwam.

De zaak-Milosevic liep voor Del Ponte echter uit op misschien een wel groter trauma dan de voortdurende voortvluchtigheid van Mladic en Karadzic. Het proces tegen de ex-president bleek een uitputtingsslag die zich over jaren uitstrekte. De verdachte was voortdurend ziek en bezweek uiteindelijk. In maart 2006 werd hij dood in zijn cel aangetroffen.



| FOTO ANP

Del Ponte werd overladen met kritiek. Ze zou de aanklacht van 66 punten, over misdaden in Kosovo, Bosnië én Kroatië, veel te omvangrijk hebben gemaakt. In deze krant stelde Milosevic' advocaat Kay dat het voor de verdediging (die Milosevic voor het grootste deel van het proces zelf voerde) vrijwel onmogelijk was een adequate zaak op te bouwen. Ook neutralere critici meenden dat Del Ponte de zaak beter overzichtelijk had kunnen houden om een veroordeling zeker te stellen.

De Servische jurist Ivanisevic zet kanttekeningen bij deze visie. „Natuurlijk had Del Ponte misdaden buiten de aanklacht kunnen houden, maar de vraag is of dat legitiem was geweest (ten opzichte van de slachtoffers, red.)” Bovendien, zo stelt hij, had je dan onherroepelijk gezeur gekregen als Milosevic op bepaalde punten was vrijgesproken.

Ook Göran Sluiter, hoogleraar internationaal recht aan de UvA, vindt de kritiek een beetje overdreven. „Als je kijkt naar het aantal feitelijke procesdagen, de dagen dat Milosevic ziek was niet meegerekend, dan valt het wel mee. Het was een lang en moeilijk, maar niet uitzonderlijk proces.”

Sluiter heeft op andere juridische punten wel kritiek op Del Ponte, alhoewel hij niet direct de indruk heeft dat de Zwitserse zelf bepaalde wat er in de rechtszaal gebeurde. („Ik geloof niet dat je haar ingewikkelde juridische vragen moet stellen.”) Neemt niet weg dat Del Ponte als hoofdaanklager eindverantwoordelijk was voor de gehanteerde strategie.

Sluiter vindt met name dat onder Del Ponte de rechten van de verdachten in het gedrang zijn gekomen. „Ze zitten vaak jaren in voorarrest. Del Ponte heeft in een tijd dat de aanklagers het werk al nauwelijks aankonden, toch een heleboel nieuwe zaken aanhangig gemaakt. Terwijl ze kon weten dat haar bureau al die processen niet binnen een redelijke termijn kon afhandelen.”

Zo vindt Sluiter ook dat de strafrechterlijke aansprakelijkheid onder Del Ponte wel erg ver is opgerekt. Hij doelt met name op de 'juridische truc' om mensen die niet zelf hebben vermoord toch verantwoordelijk te stellen voor oorlogsmisdaden. Dat gebeurt door ze het lidmaatschap van een criminele organisatie (joint criminal enterprise, jce) aan te wijven. Sluiter vindt dat daarmee de lat in sommige gevallen wel heel laag is gelegd: „In juridische kringen wordt jce ook wel vertaald als just convict everyone ('veroordeel iedereen maar').

Maar, stelt Sluiter ook, hij heeft toch veel respect voor de manier waarop Del Ponte zich heeft gehandhaafd de afgelopen jaren. „Ze heeft zich sterk gemaakt voor een eerlijke rechtsgang, voor alle partijen. Ze heeft niet alleen Serviërs vervolgd, maar ook Bosnische moslims en Albanese Kosovaren.”

Dat het tribunaal geen 'overwinnaarsrecht' hanteert, zou moeten bijdragen aan verzoening op de Balkan. Maar dat lijkt onder Del Ponte mislukt. In Servië was het tribunaal nooit populair, maar onder Del Ponte kalfde de aanhang ook onder Kroaten, Bosnische moslims en Albanese af.

Dat kwam bijvoorbeeld door de aanklacht tegen Naser Oric, moslimleider in Srebrenica en held van veel Bosnische moslims. Hij was volgens hen de enige die de bevolking van Srebrenica tegen de Serviërs probeerde te beschermen – hoe kon hij een misdadiger zijn? Jurist Ivanisevic stelt dat het Del Ponte er bovendien in Servië niet populairder op heeft gemaakt. „Zeker niet toen Oric tot maar twee jaar werd veroordeeld.”

Dat is dan per saldo het resultaat van acht jaar werken, zonder privéleven, altijd zwaar beveiligd: kritiek van alle kanten en een onbevredigende afloop in de belangrijkste zaken.

Neemt niet weg dat Carla del Ponte bijna honderd Balkan-boeven in Den Haag wist te krijgen.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "ksenija sigulinski" <ksenija@xs4all.nl>; "Dolf Loth" <j.loth@hccnet.nl>; "Jenny Ligtenberg" <jenny1@scarlet.nl>; "Marrie Kardol" <mkardol@mac.com>; "Jan Beentjes" <JJBeentjes@gmail.com>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Hans Hupkes" <hans.hupkes@planet.nl>; "Nico & Neeltje" <sagitar@hetnet.nl>
Verzonden: vrijdag 7 december 2007 0:53
Onderwerp: Woensdag 05 december 2007 Documentaire Milosevic on trial
VPRO's Import: Milosevic on trial

Woensdag 05 december 2007
23:30 - 00:35
Genre: Documentaire
Omroep: VPRO

2-delige documentaire. Het exclusieve verhaal achter de rechtzaak. Bijgenaamd De slager van de Balkan stierf Slobodan Milosevic op 11 maart 2006 aan een hartaanval. Hij stierf vlak voor het einde van een vier jaar durend proces, het grootste proces tegen oorlogsmisdaden sinds Neurenberg. Met exclusieve toegang tot het proces, werd er voor en achter de schermen van het gerechtshof meer dan 2000 uur gefilmd in een speciaal UN Tribunaal in Den Haag. Het proces nam een onverwachte wending toen Milosevic er op stond om zich zelf te verdedigen. De rechtszaak veranderde in een farce toen hij in 2004 meer dan 1600 mensen opriep als getuigen en Milosevic en zijn aanhangers lange toespraken hielden over hoe groot Milosevic was en dat hij niet verantwoordelijk gesteld kon worden voor de gewelddadigheden op de Balkan. De Engelse officier van justitie Geoffrey Nice en Milosevic gaan met elkaar de strijd aan. Nice probeert onder grote tijdsdruk te bewijzen dat Milosevic rechtstreeks verantwoordelijk is voor de genocide op de Balkan. Milosevic blijft zich verdedigen en vertrouwt op zijn macht en in de mensen die voor hem werken om zijn naam te zuiveren. Het proces wordt steeds absurder en grotesker en de gezondheidsproblemen van Milosevic veroorzaken veel vertragingen in de rechtsgang. Het langstlopende oorlogstribunaal eindigt abrupt wanneer Milosevic dood wordt aangetroffen in zijn cel enkele maanden voor de definitieve uitspraak. Afl. 1. Regie: Michael Christoffersen.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Jenny Ligtenberg" <jenny1@scarlet.nl>; "Nico & Neeltje"
Verzonden: vrijdag 2 november 2007 22:41
Onderwerp: Ambassador Bissett, on the Yugoslav war...]

CORRECTION ==

INSTEAD OF

" Reported JNA fire..."

READ

"CROATIAN FIRE on JNA POSITIONS"..."

Ambassador Bissett
<http://www.deltax.net/bissett/a-consequences1.htm>

Milosevic requested Ambassador Bissett to write this.

Years after the events, Croatia and "western" coaches dismantled roofs etc. and paraded the construction sites as "evidence" of the destruction.

The ITN production featuring Britain's consul in Dubrovnik show that in autumn 1991 there was no such destruction

The same fraudulent show – which was used as "evidence" in the Hague court room where Milosevic was being tried – reported JNA fire being aimed at targets outside the city walls and Croatian heavy weapons firing from inside the Old City.

My film as of 25 March 1992 showed that damage to the roofs of Dubrovnik was negligible.

Blue spray paint marks on the street showed that construction had not yet begun by that date.

This tactic matches the holocaust "revisionism" whose authors report that they saw no gas chambers at Auschwitz. They took their pictures 60 years after the dismantlement of gas chambers camouflaged as "shower rooms".

The "Dubrovnik burning" photos of November 1991 were analyzed by a Chicago Fire Department official, who said: It's obvious – a petroleum-based fire." The famous photo is used on the ICTY? Hague website and on the University of Groningen (Netherlands) site.

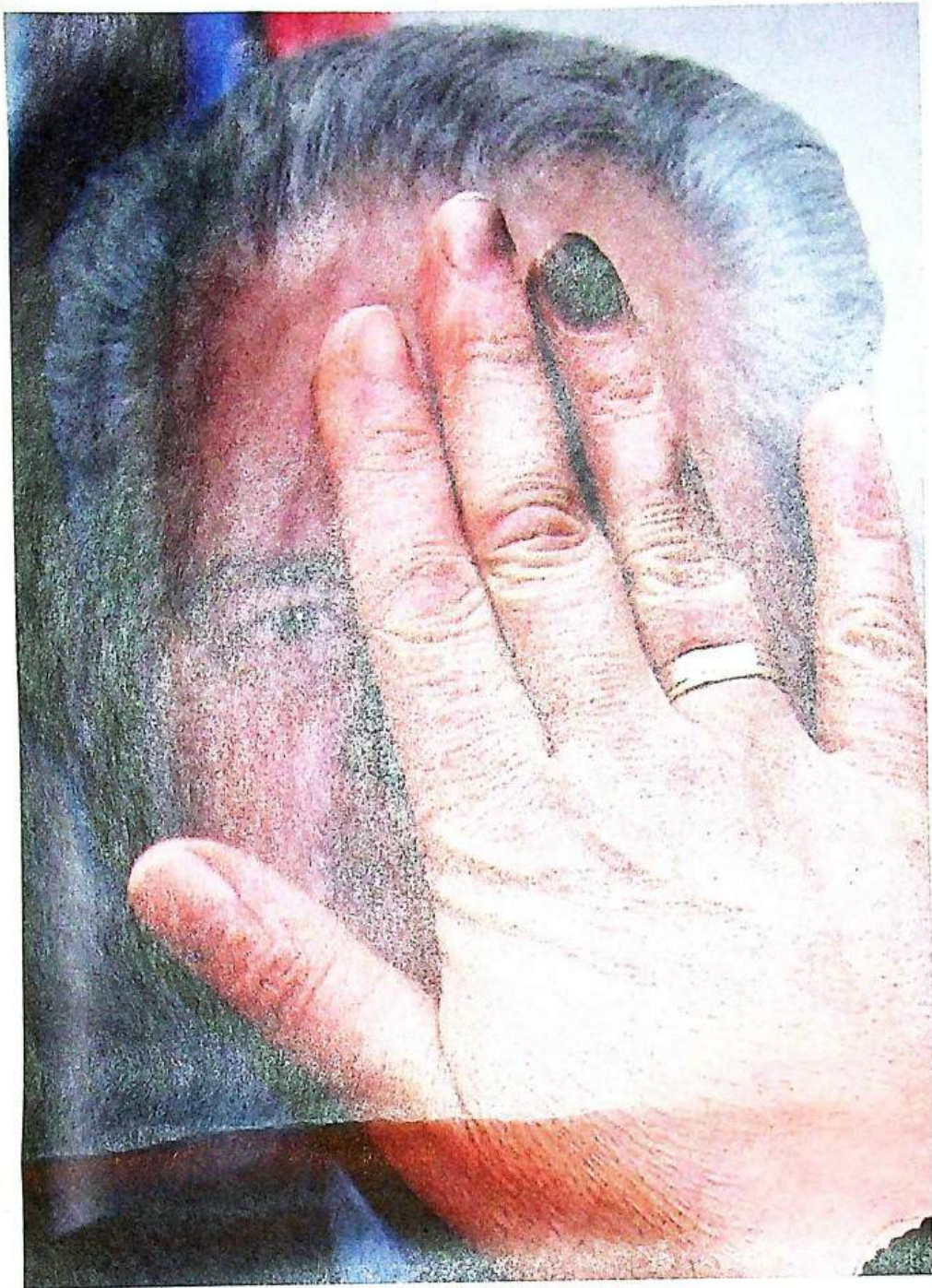
Milosevic selected me to testify as witness (fact & opinion) in regard to the media hoax of "the destruction of Dubrovnik". I conferred with him in February 2006, when he asked to return soon to the Hague to testify.

He was dead within the month, owing to the refusal of the Hague Inquisition to provide adequate medical care.

Prof. Emeritus J P Maher

12-11-07

1-12-2007



De documentaire **Milosevic on trial** volgt in twee afleveringen de langste rechtszaak wegens oorlogsmisdaden sinds de processen van Neurenberg.

DOOR HEERE HEERESMA JR.

TOEN Slobodan Milosevic op 11 maart 2006 in zijn Scheveningse gevangenis aan een hartaanval overleed, enige maanden voordat het Joegoslavië-tribunaal van de Verenigde Naties een uitspraak in zijn zaak zou doen, was het algemene gevoel dat de Slager van de Balkan, zoals zijn bijnaam luidde, zijn straf was ontlopen. Maar niet iedereen wilde het zo zien. 'Ik begrijp niet dat mensen zeggen dat Milosevic zijn straf is ontlopen. Het proces was de straf.' Aldus de Amerikaanse diplomaat Richard Holbrooke, architect van het Dayton-vredesakkoord, in de tweedelige Brits-Deense documentaire *Milosevic on trial*. Geoffrey Nice, de Britse

hoofdaanklager in de zaak tegen Milosevic, maakt het nog bonter: 'Ik denk dat een uitspraak in het proces een nog rampzaliger einde zou zijn geweest. Dus op een rare manier vind ik dit - en ik weet dat ik dit eigenlijk niet mag zeggen of zelfs maar denken - een bevredigend einde.' Het lijkt een machteloze poging een Pyrrus-overwinning te behalen op de aalgladde ont-snappingskunstenaar Milosevic, die met zijn voortijdige dood zijn meesterschap heeft bewezen. Sluwe 'Slobo' gaf iedereen het nakijken.

Smoking gun

De documentaire van Michael Christoffersen volgt in twee afleveringen van elk bijna een uur de langste rechtszaak wegens oorlogsmisdaden sinds de processen van Neurenberg. De zaak tegen Milosevic bestond uit 66 aanklachten van genocide, oorlogsmisdaden en misdaden tegen de menselijkheid. Bij de voorgeleiding in mei 2002 steekt de geslepen politicus Milosevic - ex-leider van de Joegoslavische communistische partij, ex-president van Servië, ex-president van Joegoslavië - meteen een staak in het wiel door het VN-tribunaal niet te erkennen en het ervan te beschuldigen een 'instrument te zijn van de buitenlandse machten die Joegoslavië willen vernietigen'. Ook weigert hij zich in de rechtszaal door een advocaat te laten verdedigen, ofschoon hij zich wel door Servische advocaten laat adviseren.

De Deense documentairemaker Michael Christoffersen (1954) maakt documentaires voor de Deense televisie en de BBC. Christoffersen had exclusieve toegang tot het tribunaal. Hij beschikte over meer dan tweeduizend uur beeldmateriaal en monteerde het tot een *showdown* tussen Milosevic, die op alle mogelijke manieren de rechtsgang tracht dwars te zitten, en hoofdaanklager Geoffrey Nice, die het onomstotelijke bewijs, de 'smoking gun', probeert te vinden, die moet aantonen dat Milosevic schuld draagt aan de oorlogsmisdaden van het Joegoslavische leger en de Servische paramilitaire eenheden in voormalig Joegoslavië. Uiteindelijk krijgen we nog minder dan een duizendste van het opgenomen materiaal te zien, maar dat is voldoende om ons te laten ervaren hoe slopend de gang van zaken voor de direct betrokkenen moet zijn geweest. Als het geen juridische haarkloverij is die de procesgang vertraagt, dan is het wel de zwakke gezondheid van de beklagde die voor maanden uitstel zorgt. De dood van Milosevic maakt alle inspanningen tenslotte nutteloos.

Aanklager Geoffrey Nice:
'Ik was ervan overtuigd dat de bewijzen sterk genoeg waren om een veroordeling te krijgen'

PROCES TEGEN SLOBODAN MILOSEVIC

Onschuldig gestorven

DE FILMER

Was het moeilijk om toegang tot het tribunaal te krijgen?

Michael Christoffersen: 'Eerst wilden ze niet, maar we wisten ze ervan te overtuigen dat het publiek openbaarheid verdient en dat het een mooi historisch document kon opleveren.'

Kon u alles filmen?

'Sommige vertrouwelijke besprekingen van de aanklagers mochten we niet bijwonen, omdat het de veiligheid van getuigen in gevaar kon brengen.'

Heeft u dingen gefilmd die u niet mocht uitzenden?

'Nee, de afspraak was dat ze de film voor uitzending mochten zien en ze hadden geen bezwaren. De enige beperking was dat we voor de uitspraak niks naar buiten mochten brengen. Daarom moesten de opnamen in het gerechtshuisgebouw blijven.'

Maar die uitspraak is er nooit gekomen.

'Ja, dus je kunt je de paniek wel voorstellen. Maar een week na de dood van Milosevic hebben ze de opnamen vrijgegeven.'

Waarom sprak u eigenlijk niet met Milosevic?

'Dat was niet toegestaan, want dan zou hij zijn zaak in de media gevoerd hebben. Dat is gebruikelijk bij rechtszaken.'

Was de voortijdige dood van Milosevic een probleem voor u?

'Niet echt. Als we een uitspraak hadden gehad zou het verhaal hebben vastgelegen. Nu kunnen we de waarde van de bewijzen en getuigenissen zelf beoordelen.'

Wat vond u van het proces?

'Milosevic had een vrij sterke zaak, maar hij presenteerde het slecht. Hij was een betere politicus dan jurist.'

Was er afdoende bewijs tegen hem?

'Hij had geen bloed aan zijn handen en er was weinig bewijs dat hem met de daders in verband

brengt. Volgens deskundigen zou hij voor Kosovo zeker zijn veroordeeld, omdat hij toen opperbevelhebber was als president van Joegoslavië. Maar voor Bosnië en Kroatië ligt het anders, net als voor Srebrenica.'

Was Milosevic een Servische nationalist?

'Hij was meer een power freak. Het ging hem alleen om de macht.'

U laat zien hoe hij zich van rabiate nationalisten als Seselj en Boban distantieert. Slimme man.

'Ja en nee. De man die Milosevic ontmaskert, is Milosevic zelf. Hij had beter kunnen zeggen: shit happened, maar ik kon er niets tegen doen. In plaats daarvan presenteerde hij de Serviërs als de vermoorde onschuld. Het was een goede verdediging in politiek opzicht, want het maakte hem populair in Servië, maar het was een slechte juridische verdediging.'

Wat is het belangrijkste moment in de documentaire?

'De vertoning van de video waarop Servische paramilitairen Bosniërs executeren. Dat gaf een grote schok, niet alleen in de rechtszaal, maar ook in Servië. Milosevic had altijd gezegd dat Serviërs geen onschuldige burgers executeren en toen kregen we dit te zien. It made him look bad.'

DE AANKLAGER

Sir Geoffrey Nice, QC (1945) heeft een aanzienlijke staat van dienst als aanklager.

Waarom noemt hij de dood van Milosevic een bevredigend einde? Had hij geen vertrouwen in zijn zaak? Geoffrey Nice: 'Zeker wel. Maar een uitspraak, ongeacht welke, zou altijd tot controverse hebben geleid, van beide kanten in de zaak. Terwijl de verzamelde bewijzen, die de ware erfenis vormen van het proces, niet gevoelig zijn voor zulke controverses. De verzamelde bewijzen staan in de weg van hen die willen ontdekken wat er gebeurd is.'

Was u er zeker van Milosevic veroordeeld te krijgen?

'Daar hield ik mij niet mee bezig. Ik wilde de

juiste antwoorden krijgen, geen veroordeling tot elke prijs.'

Maar was u overtuigd van zijn schuld?

'U zult mij geen uitspraak kunnen ontlokken over zijn schuld of onschuld. De aanklager presenteert zijn bewijzen en laat het oordeel aan de rechters over. Maar ik was ervan overtuigd dat de bewijzen sterk genoeg waren om een veroordeling te krijgen.'

Was het niet mogelijk Milosevic postuum te berechten?

'Dat staan de regels niet toe. De rechters hebben het overwogen in de zaak tegen Dokmanovic, die zich voor de uitspraak in zijn cel heeft opgehangen, maar ze hebben er vanaf gezien. De zaak tegen Milosevic was nog niet afgelopen, hij had nog bewijzen te presenteren en argumentatie te voeren.'

Een rechtbank in Servië achtte hem postuum wel verantwoordelijk voor de moord op Ivan Stambolic.

'Yes, absolutely.'

Welke straf zou u hebben geëist?

'Dat weet ik niet. Maar gezien zijn verantwoordelijke positie zou levenslang voor de hand hebben gelegen.'

Hebben de slachtoffers hun recht gekregen?

'Moeilijk te zeggen. Je mag hopen dat het werk van het tribunaal, de verzamelde bewijzen en de uitspraken, de slachtoffers en overlevenden een gevoel van gerechtigheid geeft.'

Omdat een beklagde wordt geacht onschuldig te zijn tot het tegendeel in een rechtszaak is bewezen, is Milosevic als onschuldig man gestorven. Zijn nabestaanden zouden kunnen overwegen het Joegoslavië-tribunaal aan te klagen wegens het gevangen houden van een onschuldige en een schadevergoeding te eisen. Met die beschaafde rechtspleging van de VN krijgen ze misschien nog gelijk ook.

VPRO's Import: Milosevic on trial

► WOENSDAG, NEDERLAND 2, 23.30-0.35 UUR

Nov 2007

FLORENCE

'westerse Landen werkten Joegoslavië-tribunaal welbewust tegen'

HARTMANN

In Frankrijk is een opmerkelijk boek verschenen over het Joegoslavië-tribunaal. Auteur Florence Hartmann was zes jaar woordvoerder en adviseur van hoofdaanklager Carla del Ponte. Op basis van de kennis die zij in die hoedanigheid verkreeg, beschuldigt ze de westerse grootmachten – Frankrijk, de Verenigde Staten en Groot-Brittannië – ervan de berechting van Milosevic, Mladic en Karadzic systematisch te hebben gesaboteerd.

Parijs – Florence Hartmann documenteert haar aantijgingen gedetailleerd. In *Paix et Châtiment* (Vrede en straf) citeert ze uitvoerig uit vertrouwelijke gesprekken, vergaderingen en notities. Ze beschrijft hoe er binnen het VN-tribunaal een continue strijd woedde, noemt politici en functionarissen met naam en toenaam, vertelt wie bewijsmateriaal achterhield en te-

onderbroken wordt door mensen die Hartmann uitnodigen voor een optreden of interview, legt ze haar bedoeling uit: 'Ik heb het boek geschreven als klokkenluider. Ik heb willen waarschuwen tegen het gevaar dat staten het Joegoslavië- en Rwanda-tribunaal, maar ook het Internationaal Strafhof, als politiek instrument gebruiken.' Hoofdrolspelers (zoals Richard

die zij noemt. Ook durven ze niet – 'flink hoor van die grote jongens' – naar Frankrijk te komen waar het boek gelezen is en ze repliek kunnen verwachten. Ze kraken het boek vanuit de verte af in de hoop, denkt Hartmann, dat geen Engelse uitgever zich eraan waagt. In ex-Joegoslavië zal dat niet meer lukken: een vertaling verschijnt dit najaar. Het Tribunaal zelf laat weten 'geen commentaar' te geven. 'Het is gewoon een boek', zegt een van de woordvoerders quasi-laconiek.

hoe de berechting van de verantwoordelijken verliep. Maar haar krant had daar geen belangstelling voor. 'Men beschouwde het Tribunaal als een schijnvertoning', zo verklaart ze die houding. Toen er een post vrijkwam als woordvoerder en adviseur van Del Ponte, aarzelde ze geen moment en werd aangenomen.

Over de Zwitserse hoofdaanklager doen verhalen de ronde dat ze een onmogelijk karakter heeft. Hartmann werd voor haar ge-waarschuwd, ze zou het niet lang bij haar uithouden. Maar ze trof een vrouw aan met een grote energie, die nooit opgaf en het onmogelijke toch probeerde en dat ook van haar medewerkers verlangde. Heel geschikt voor die post, meent Hartmann. 'Wat vanzelfsprekend is in een nationale rechtsstaat, is een dagelijkse strijd in de internationale arena. Je moet niet een di-

Hartmann houdt zich al sinds 1987 bezig met de Balkan. Als journalist voor *Le Monde* deed ze in de jaren negentig verslag van de oorlog in ex-Joegoslavië. Ze publiceerde in 1999 *Milosevic, la diagonale du fou*, waarin ze de Servische leider aanmerkte als de werkelijke regisseur van de etnische zuiveringen in Bosnië. Hartmann wilde volgen

'Ze zullen altijd zeggen dat Del Ponte in sommige dingen gefaald heeft omdat ze niet diplomatiek of aardig genoech was. Maar op zo'n plek is een vulkaan beter'

gen wie er vermoedens bestonden infiltrant te zijn. Het is een onthullend en schokkend kijkje achter de schermen. In een rumoerig Parijs café, waar ons gesprek om de tien minuten

Holbrooke, de vroegere Amerikaanse onderhandelaar in de Balkan) hebben de beschuldigingen van Hartmann afgedaan als leugens. Maar, zo merkt ze op, ze zijn niet ingegaan op de feiten



ARNAUD FÉVRIER

NAAM Florence Hartmann **WERKTE** elf jaar voor de Franse krant *Le Monde* als correspondent in voormalig Joegoslavië. Ze deed verslag van de oorlogen in Kroatië en Bosnië **WAS** van oktober 2000 tot oktober 2006 woordvoerder en adviseur van Carla del Ponte, procureur-generaal in Den Haag **ERGOEGEERDE** in 1999 *Milosevic, la diagonale du tou*, een biografie over Slobodan Milosevic

plomaat hebben, maar iemand die lastig is en direct. Ze zullen altijd zeggen dat Del Ponte in sommige dingen gefaald heeft omdat ze niet diplomatiek of aardig genoeg was. Maar dat is niet waar: Op zo'n plek is een vulkaan beter.'

Toen Milosevic ten val kwam en een half jaar later tot ieders verbazing aan Den Haag werd uitgeleverd, kwam zijn zaak in handen van de Britse aanklager Geoffry Nice. Deze was, schrijft Hartmann, eventjes snel benoemd terwijl Del

Ponte zich in het buitenland bevond. Nice en zijn onderzoeksteam probeerden uit alle macht Del Ponte ervan te overtuigen dat Milosevic' leidende rol bij het beleg van Sarajevo en de aanval op de enclave Srebrenica uit de aanklacht geschrapt moest worden. Er was volgens Nice en westerse militaire experts onvoldoende bewijs voor te vinden.

Hartmann ervoer hun optreden als surrealistisch. 'Ik wist natuurlijk dat je beschuldigingen moet kun-

nen bewijzen voor een rechter, soms moet je wachten met een beschuldiging tot je de bewijzen hebt verzameld. Maar het kan niet zo zijn dat de juridische waarheid een totaal andere is dan de realiteit die wij hebben gezien.' Ze vertelt, zoals zij ook aan de medewerkers van het Tribunaal vertelde, dat zij ooit als verslaggeefster opgepakt werd in Zvornik, Bosnië. Ze sprak met de soldaten en hoorde hen uit over waar ze naar de disco gingen en waar hun meisjes woonden. 'Het was duidelijk dat het geen

Bosnisch-Servische eenheid was, maar een Servische.' Ook zag ze met eigen ogen dat Bosnisch-Servische militairen in de Servische hoofdstad Belgrado hun soldij kregen uitbetaald. 'Ik heb voor het ministerie van Defensie met ze gepraat en gevraagd: door wie worden jullie betaald? Ik heb de salarisstroompjes gezien.'

De militaire experts bij het Tribunaal hadden tijdens de oorlog voor verschillende westerse inlichtingendiensten gewerkt, ze kenden de kaarten en de militaire structuren in voormalig Joegoslavië tot in detail. Maar ze deden hun best om alle banden tussen Belgrado en het slagveld in Bosnië te ontkennen. 'Ik stond perplex. Natuurlijk is de vraag hoe diep verweven die structuren met elkaar waren. Maar het uitgangspunt: er is geen relatie, dat vond ik ongelooflijk.'

Uiteindelijk, dankzij hardnekkig spuurwerk en op koppig aandrin-

gen van Del Ponte, zijn de salarisstroompjes die Hartmann ooit had gezien uit een Servisch archief tevoorschijn gekomen. 'Maar dan moet je er wel naar zoeken', zegt Hartmann.

Volgens Hartmann waren er bewijzen te over dat alle instructies, ook voor de aanval op Srebrenica, uit Belgrado kwamen. Maar deze werden door de westerse staten achtergehouden. Daarmee doelt Hartmann niet zozeer op Nederland. De Nederlandse regering heeft, zo is haar indruk, wel meegewerkt, maar beschikte zelf over weinig militaire inlichtingen. Het Tribunaal wist van het bestaan van door de Amerikanen afgeluisterde gesprekken. Vanaf

2002 vroeg Del Ponte de transcripties op, maar kreeg nul op het rekest. Tenslotte overhandigde een van de republieken in voormalig Joegoslavië een deel van het materiaal aan het Tribunaal. Maar de cruciale week van 11 juli 1995 – toen Srebrenica in handen van Mladic viel – ontbrak. Onder dwang, vermoedt Hartmann.

'Het Tribunaal was aanvankelijk opgezet als symbool. Men wilde het Tribunaal niet de mogelijkheid geven werkelijk te functioneren. Er werd nauwelijks budget aan toegekend. Maar toen ging het Tribunaal aan de slag en ontworstelede zich aan de controle van staten.' Met Milosevic waren in Dayton in november 1995, een paar maanden nadat Mladic Srebrenica veroverd had, vredesafspraken gemaakt. Daarbij werden de Bosnische enclaves Srebrenica en Zepa aan de Serviërs toegewezen. De westerse politici konden niet toegeven, ook

niet achteraf, denkt Hartmann, dat Milosevic voor een op zijn instigatie uitgevoerde genocide beloofd was. Vandaar hun gedrag.

Door middel van infiltratie, sabotage en pressie van buitenaf probeerden staten het Tribunaal te controleren, stelt Hartmann. 'Sommige medewerkers voerden in werkelijkheid een andere taak uit dan hun eigenlijke. We hebben in enkele gevallen twee of drie jaar verloren om bewijs te vinden, dat gewoon op het bureau aanwezig was, maar als "onbeduidend" terzijde was geschoven.' Maar het betekent niet, zo benadrukt ze, dat het Tribunaal als instituut een speelbal is geworden van de grote

staten. De tegenwerking ten spijt werd Milosevic na een jarenlange interne strijd toch aangeklaagd voor genocide. Hartmann is ervan overtuigd dat hij daarvoor veroordeeld zou zijn als zijn dood het proces niet voortijdig had afgebroken.

Het motto van het VN-tribunaal 'geen vrede zonder gerechtigheid', wordt in de praktijk niet onderschreven door de diplomaten die de rechtbank in leven hebben geroepen. Zij zijn er juist van overtuigd, zo leg ik Hartmann voor, dat de vrede bedreigd wordt door arrestaties en berechttingen. Hartmann: 'Diplomatie is vaak kortzichtig. En gerechtigheid is een lange-termijndoel. Er zijn veel gevallen waar het wel gewerkt heeft. Toen toenmalig hoofdanklager Louise Arbour in mei 1999 een aanklacht uitbracht tegen Milosevic, werd dat catastrofaal geacht. Op dat moment was de NAVO Servië aan het bombarderen wegens Kosovo. Milosevic, dachten de diplomaten, zou nu geen enkel vredesakkoord meer tekenen. Een paar dagen later tekende Servië een akkoord over de stopzetting van de Kosovo-campagne.'

Het sterkste bewijs dat de grote staten het Tribunaal tegenwerken, is het feit dat Mladic en Karadzic nog steeds vrij rondlopen. Hartmann beschrijft in het boek talloze momenten waarop de VS, Groot-Brittannië, Frankrijk en Rusland het tweetal lieten ontsnappen. Het was geen geheim dat Mladic in Belgrado woonde. Toen Del Ponte de Franse minister van Defensie daar eens op aansprak, zo noteert Hartmann, reageerde deze met het absurde antwoord: 'Als Mladic werkelijk in Belgrado is, laat u ons dan een foto zien.' Was er de eerste jaren na Dayton reden om hen met rust te laten – angst voor wraakacties op de IFOR-troepen en destabilisatie in Bosnië – na de uitlevering van Milosevic, gold dat motief niet meer.

In 2005, tien jaar na Srebrenica, vertelt Hartmann, klopte het team van Del Ponte op iedere deur om staten en de publieke opinie ervan te overtuigen dat de kans die er lag nu gegrepen moest worden. Del Ponte wijdde zich dat jaar vrijwel helemaal aan het aandringen op de arrestatie van Mladic en Karadzic. 'Word wakker. Dan zal niemand het meer hebben over waarom jullie tien jaar lang nalatig zijn gebleven. Maar nee, geen resultaat. Voor mij was het eind 2005 duidelijk dat ze welbewust weigerden in actie te komen. Kennelijk zijn ze bang voor onthullingen van Mladic en Karadzic dat de westerse landen hen – laten we zeggen – oranje licht hebben gegeven voor de inname van Srebrenica.'

De opheffing van het Joegoslavië-tribunaal is inmiddels in zicht. In 2008 moeten alle zaken in eerste aanleg zijn afgerond – dat lukt zeker niet meer met Mladic en Karadzic, al zouden ze vandaag worden opgepakt –, in 2010 ook de uitspraken in hoger beroep. De vraag is wat er met de aanklachten tegen Mladic en Karadzic zal gebeuren. Wordt er – als ze ooit gepakt worden – een ad hoc tribunaal ingesteld? Gaan hun zaken over naar het Internationaal Strafhof? Of sluit het Tribunaal de deuren en verliezen de aanklachten hun geldigheid? Hartmann: 'Dat is waarom ik het boek nu heb geschreven. Om de publieke opinie wakker te schudden. Want het zou natuurlijk krankzinnig zijn dat er vijftien jaar een Tribunaal bestaan heeft en dat de belangrijkste verdachten niet berecht zijn en de aanklacht tegen hen ongeldig is geworden. Laten we eens kijken hoeveel steun democratische staten geven aan het internationale recht.'

Hella Rottenberg

Reageren?
wordtvervolgd@amnesty.nl

Sagittarius

Van: "Mick" <cirqueminime@club-internet.fr>
Aan: "Mick Collins" <mickcoll@mac.com>
Verzonden: woensdag 17 oktober 2007 21:37
Bijlage: smlink.gif; s_trans.gif
Onderwerp: SELECTIVE PROSECUTION? Should Be A NO-NO – Even in International (in)

CirqueMinime/Paris

☐

URL: <http://cirqueminime.blogcollective.com/blog>

http://cirqueminime.blogcollective.com/blog/_archives/2007/10/17/3297160.html

[There are significant stirrings in the Military II trial in Arusha--that's The General's trial, and it's CM/P's own attorney general, Me Chris Black, who's filed the motion to investigate the Tribunal, in general, for selective prosecution. Apparently, in Florence 'the NATO flak' Hartmann's recent attempts to hang the blame on the Great Powers, and especially the US, for the total absence of any evidence at the ICTY for the charges of genocide or crimes against humanity, especially as regards the cases of Sarajevo and Srebrenica, on the part of the Serbian state, in general, and President Slobodan Milosevic, in particular; the ancient Le Monde scribbler went from just hormonal to totally hysterical in spilling the freeholies that the Anglophonies were balls-deep in backing the RPF death merchants by guaranteeing the ICTR prosecute only officials of the 'Hutu government' of the late Rwandan President Juvenal Habyarimana or their antecedents and supporters. This is not the way justice--even international (in)justice--is supposed to be played.

So, let's hope this motion moves things along in a more reasonable and judicious direction, and allows the application of the overwhelming body of new evidence as to the origins of the mass killings in Rwanda (and elsewhere) that has sprung from the Military I and II trials, as well as from the Bruguière Report (in English translation somewhere on this blog). --mc]

Rwanda: The International Criminal Tribunal for Rwanda/Military II - the Defence Requests an Investigation of the Prosecution

Hirondelle News Agency (Lausanne)
17 October 2007

Defense lawyers in the trial of four officers requested Tuesday an investigation of the prosecution of the International Criminal Tribunal for Rwanda (ICTR), doubting its independence.

Christopher Black (Canada), the lawyer for General Augustin Ndindiliyimana, supported by his colleagues, requested an inquiry commission, acting on a mandate from the general assembly of the UN, in order to examine the allegations of interference from the American government in the work of the prosecution.

Black, who made the announcement at the resumption of the trial known as Military II, which had been

adjourned since mid-June, bases himself in particular on the book "Paix et Châtiment" (Peace and Punishment) by Florence Hartmann, spokesperson of the former prosecutor Carla Del Ponte.

In this book, Florence Hartmann gives details of the intervention by the American government into the office of the prosecutor, so that it only prosecute former Hutu officials, according to Mr. Black. "Mr. Jallow (NDLR, the current prosecutor) agrees to follow the policy of the American government", affirms Mr. Black. Questioned by the Hironnelle agency after the publication of this book, the spokesperson of the prosecutor affirmed that Mr. Jallow did not have "any knowledge of these discussions or agreement".

The Canadian lawyer, who also refers to a recent letter from the prisoners opposing the transfer of cases to Rwanda, alleges that "the prosecution is trying to grant impunity to the RPF (former Tutsi rebellion currently in power in Kigali)" suspected of war crimes committed in 1994.

Affirming that Washington is an ally of the RPF, Black adds: "My client was targeted by the RPF, he also feels targeted by the American government which controls the ICTR by means of the prosecution."

The counsel for the former head of the Rwandan gendarmerie requested the suspension of the trial in order to carry out an investigation.

"My client does not understand why he is here. His rights are being violated. Not only must the prosecutor be sanctioned, but also the American government must explain its policies", indicated Mr. Black.

General Ndindiliyimana is accused alongside the chief of staff of the army in 1994, General Augustin Bizimungu, and two officials of the reconnaissance battalion, an elite unit of the former Rwandan army, Major François-Xavier Nzuwonemeye and Captain Innocent Sagahutu.

Nzuwonemeye's lawyer, Charles Taku (Cameroon), for his part raised the point that two American officials had last year taken a seat at the side of the prosecutor without the authorization of the tribunal. He asserted that it was all connected. They were excused, thereafter, at the request of the defence.

Nzuwonemeye was absent Tuesday due to health reasons.

"In appreciating the prosecution's evidence and the credibility of the witnesses, it will be necessary to take into account the circumstances which were underlined by Taku and Black" stated, for his part, Ronnie MacDonald, the Canadian co-counsel of General Bizimungu.

The president of the chamber, Sri Lankan Judge Joseph Asoka de Silva, indicated that he was going to transmit this motion to the president of the ICTR.

He, however, assured the parties that the judges will examine the evidence in all fairness and independence.

"I assure you that this chamber was approached by nobody. I assure you that we will do our work on the basis of the motions and evidence that we receive", declared Judge De Silva.

The Military II trial began on 20 September 2004. Currently it is General Bizimungu who is presenting his defence. The three accused will follow.

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Nico & Neeltje" <sagitar@hetnet.nl>; "Jenny Ligtenberg" <jenny1@scarlet.nl>
Verzonden: zondag 14 oktober 2007 1:30
Onderwerp: Ousted spook to finger MI6 for Diana's death claims the Princess' death was curiously similar to a fate planned by MI6 for Serbian leader President Slobodan Milosevic in the early 1990s.



Richard Tomlinson says the way the Princess and her boyfriend died closely resembles a British secret service plan to eliminate Slobodan

Ousted spook to finger MI6 for Diana's death

By Stuart Dye

NZ Herald, 06 October 2007

A New Zealander's evidence could form a crucial piece of the puzzle as the world waits to hear the true story behind the death of Diana, Princess of Wales.

Richard Tomlinson, a renegade British secret service spy who was born in Ngaruawahia, is due to give evidence to the Royal Courts of Justice in London during the inquests into the 1997 deaths of the Princess and Dodi Al Fayed.

Lord Justice Scott Baker, who is heading the inquests, has listed 20 key issues that he will focus on.

And one of those is whether Mr Tomlinson's evidence throws any light on the collision.

Mr Tomlinson, a highly controversial figure who worked for MI6 and was later sacked by the organisation, **claims the Princess' death was curiously similar to a fate planned by MI6 for Serbian leader President Slobodan Milosevic in the early 1990s.**

He also claims the Princess and Al Fayed's driver, Henri Paul, who was also killed in the crash, worked for MI6.

In an affidavit Mr Tomlinson gave to a French magistrate investigating the deaths in 1997, he said: "Whatever MI6's role in the events leading up to the death of the Princess of Wales, Dodi Al Fayed and Henri Paul, I am absolutely certain that there is substantial evidence in their files that would provide crucial evidence in establishing the exact causes of this tragedy."

Mr Tomlinson's evidence is among the most eagerly anticipated, particularly among people who believe there is evidence of a high-level conspiracy behind the Princess' death.

His evidence to the coroner's court is based on documents he saw when he was still a part of MI6.

He claims that in 1992 he was shown a three-page outline plan to assassinate Slobodan Milosevic, as Yugoslavia descended into civil war.

One of three scenarios was to cause his car to crash by disorienting the driver using a strobe flash gun.

The plan also involved arranging the crash in a tunnel so there would be more chance of death of serious injury and less chance of independent, casual witnesses, Mr Tomlinson claims.

The coroner's court hearing began on Tuesday and is expected to last four months. The court and an 11-member jury will visit Paris on Monday and Tuesday next week, with trips to the scene of the crash, the Ritz Hotel and the Pitie Salpetiere Hospital where the Princess was treated.

Tomlinson also claims that Henri Paul was on the payroll of MI6.

His affidavit says he read the personal file of an MI6 informant working at the Ritz Hotel, where Paul was deputy head of security. "I cannot claim that I remember from this reading of the file that the name of this person was Henri Paul, but I have no doubt with the benefit of hindsight that this was he."

The former spy has had a chequered career.

A brilliant scholar, he made his way from Ngaruawahia to Cambridge University where he gained a double first degree in aeronautical engineering. He spurned the first advances from the British secret service when he was just 21, but joined up in his late 20s. He performed spectacularly, quickly outstripping other probationers in his intake.

He was with MI6 for almost four years when he was unceremoniously ousted in August 1995. His employers said Tomlinson was unreliable, not a team player and prone to disappearing. Tomlinson said he was unfairly dismissed after what was essentially a disagreement with his superiors.

His subsequent battle against the perceived injustice has made him very unpopular with the secret service, which has continued to monitor him closely and harass him across three continents, according to Mr Tomlinson.

Matters deteriorated further when he attempted to publish his memoirs. He was jailed for a year for breaking the Official Secrets Act before his book was finally released in 2001.

The Richard Tomlinson file

* Born: Ngaruawahia

* Educated: Cambridge University, England

* Recruited: British Secret Service 1991

* Operations: Smuggling advanced Soviet weaponry out of the former USSR. **Unknown operations in Bosnia.**

Downfall: Sacked from MI6 in 1995

* Civilian: Arrested 11 times in five years and jailed for breaking Official Secrets Act

* Evidence: Claims Henri Paul was an MI6 informant and that **a plot to kill Serbian leader Slobodan Milosevic was strikingly similar to the manner in which Diana, Princess of Wales died.**

Tweestrijd van Tribunaal tussen vrede en bestraffing

10-9-2007

Achtergrond

► Verdachten konden telkens weer ontsnappen.

► Tribunaal heeft geen vertrouwen meer in NAVO.

Van onze verslaggeefster
Leen Vervaeke

AMSTERDAM *Paix et châtime*. Vrede en bestraffing. De titel van het boek van Florence Hartmann, dat beschrijft hoe de grote mogendheden het Joegoslavië Tribunaal in Den Haag tegenwerken, kon niet raker gekozen zijn. Want aan de basis van de politieke obstructie van het tribunaal ligt een tweestrijd: tussen vrede en bestraffing.

Carla del Ponte, de hoofdaanklager van het tribunaal van wie Hartmann tot 2006 woordvoerder was, wil in de eerste plaats de oorlogsmisdadigers op de Balkan bestraffen. Ze wil gerechtigheid, als basis voor verzoening.

Maar de Verenigde Staten, Rusland, Groot-Brittannië en Frankrijk, die het tribunaal in het kader van de VN-Veiligheidsraad oprichtten, zien het als een instrument. Een instrument om de machthebbers in het voormalige Joegoslavië onder druk te zetten, om amnestie uit te spelen als diplomatieke troefkaart, om vrede op de Balkan te forceren.

'Om te berechten wie zij willen, wanneer zij willen', schrijft Hartmann. En dat is dus niet Milosevic, zeker niet op het moment dat de Amerikaanse onderhandelaar Holbrooke met hem onderhandelt in Dayton. Dat zijn ook niet Karadzic en Mladic, die de grote mogendheden wel eens in verlegenheid zouden kunnen brengen omtrent Srebrenica, door te verklaren dat de massamoord volgens een vooropgezet plan verliep, waarvan die mogendheden op de hoogte geweest moeten zijn.

Om de sabotage van het tribunaal door de politiek aan te tonen,

citeert Hartmann volop uit vertrouwelijke gesprekken, uit geheime notities en uit onderonsjes van Carla del Ponte met de machtigen der aarde.

Zo citeert ze de Franse president Jacques Chirac, die in februari 2000 aan Carla del Ponte verklaart: 'Dat Karadzic niet is gearresteerd,

Auteur citeert volop uit vertrouwelijke gesprekken en notities

omt door tegenstand van de Russen (...) Boris Jeltsin heeft me gezegd: 'Karadzic weet te veel over Milosevic' (...) Hij heeft me geaarschuwd dat hij een vliegtuig al sturen om hem uit Bosnië weg te halen als het nodig is, maar dat hij Karadzic nooit zal laten arresteren.'

Chirac vertelt Del Ponte dat hij ervan overtuigd is dat er tijdens de

vredeonderhandelingen in Dayton een herenovereenkomst is gesloten met de Bosnisch-Servische leider Radovan Karadzic, maar dat hij het niet kan bewijzen. Als Del Ponte de Amerikaanse generaal Wesley Clark met de beschuldiging confronteert, kaatst hij die terug. Chirac zou zelf een pact hebben gesloten met Karadzic en zijn generaal Ratko Mladic, om in ruil voor amnestie de vrijlating van twee Franse piloten te bekomen.

Het tribunaal, dat voor de arrestatie van verdachten afhankelijk is van de NAVO maar daar geen vertrouwen in heeft, zamelt op een gegeven moment 150 duizend euro in om Karadzic en Mladic zelf te zoeken. Medewerkers van het tribunaal weten de twee verdachten meermaals te lokaliseren, maar de grote mogendheden laten hen telkens weer ontsnappen.

Die grote mogendheden 'vreezen' dat Karadzic en Mladic geheimen zullen onthullen over de rol van internationale gemeenschap tij-



Florence Hartmann

dens de oorlog, over de verborgen kant van de Daytonakkoorden, over het in de steek laten van Srebrenica', verklaart Hartmann het uitblijven van de arrestaties. 'Geheimen die schadelijk zijn voor de westerse regeringen.'

Ook het proces van Milosevic wordt volgens Hartmann gesaboteerd. Ze weigeren hun militairen en diplomaten toestemming om te getuigen, en houden bewijsstukken achter.

Zo vraagt Carla del Ponte aan de

Amerikanen de transcripties van door de CIA afgeleisterde telefoon-

gesprekken die de betrokkene van Milosevic bij de massamoord in Srebrenica kunnen aantonen. Washington weigert de transcripties te geven. Het tribunaal bemachtigt ze uiteindelijk toch, uit handen van 'een ex-Joegoslavische republiek'. Maar de transcripties van de week van 11 juli 1995 (toen de massamoord plaatsvond) ontbreken, en er is in de teksten geknipt.

Dat de grote mogendheden de betrokkenheid van Milosevic bij Srebrenica proberen te verduistern, gebeurt volgens Hartmann omdat ze willen ze dat de genocide in Srebrenica gezien wordt als een onvoorziene geweldsescalatie, die onmogelijk te voorkomen was. Als het tribunaal het bewijs levert dat de grote mogendheden 'over informatie beschikten die duidelijk aantoonde dat er een dreiging aanwezig was voor de islamitische bevolking, kunnen ze niet verant-

woorden dat ze niets hebben gedaan om dit te voorkomen'.

Of Hartmann de motieven van de westerse regeringen correct inschat is voer voor speculatie, maar haar aaneenschakeling van onthullingen maakt haar beweringen en analyse zeer overtuigend.

Tet beeld dat blijft hangen is dat

Grote mogendheden bang voor onthullingen over Srebrenica

van de voortdurende tweestrijd over wat het tribunaal mag en moet zijn: een garantie voor bestraffing, of een dreigement bij de onderhandelingen over vrede. Een tweestrijd die niet alleen de werking van het Joegoslavië Tribunaal ondermijnt, maar ook de toekomst van het Internationale Strafhof in Den Haag, dat oorlogsmisdadigers berecht.

De grote mogendheden kiezen duidelijk voor de tweede rol, als instrument in dienst van de vrede. Na de terugkeer van relatieve rust op de Balkan, de dood van Milosevic en de uitschakeling van Karadzic en Mladic heeft het tribunaal die taak afdoende vervuld. Elke nieuwe aanklacht kan de rust alleen maar verstoren. De beslissing van de V-raad dat het tribunaal in 2008 moet sluiten voor gewone zaken en in 2010 voor beroepszaken, is in dat opzicht extra wrang.

Von Clausewitz' stelling dat oorlog de voortzetting is van politiek, kan na lezing van Hartmanns boek worden uitgebreid. Ook internationale rechtspraak is 'de voortzetting van politiek, met andere middelen'.

Florence Hartmann: *Paix et châtime* - Les guerres secrètes de la politique et de la justice internationales
Flammarion, 320 pagina's, € 19,90
ISBN 978-2-0812-0669-4

Verenigde Staten, Rusland en Groot-Brittannië zouden arrestatie oorlogsmisdadigers geregeld hebben verhindert

'Mladic en Karadzic moeten vrij blijven'

10-9-2007

► Herenovereenkomst moet immuniteit van misdadigers beschermen.

► Boek noemt concrete gevallen van obstructie.

Van onze correspondent
Ariejan Korteweg

PARIJS De Verenigde Staten, Rusland en Groot-Brittannië hebben de arrestatie van de Bosnisch-Servische leider Radovan Karadzic en van generaal Ratko Mladic herhaaldelijk verhinderd. Er zou een herenovereenkomst bestaan die

hun immuniteit regelt. Dat schrijft Florence Hartmann in haar vandaag bij uitgeverij Flammarion te verschijnen boek *Paix et Châtiment* (Vrede en straf).

De Françoise Hartmann was van 2000 tot 2006 woordvoerder en Balkanadviseur van Carla del Ponte, hoofdaanklager van het Joegoslavië Tribunaal in Den Haag.

Hartmann noemt een aantal concrete gevallen van obstructie: toen er in 1997 jacht werd gemaakt op Karadzic zou hij door een Russisch militair vliegtuig naar Wit-Rusland zijn gebracht. Daar mocht hij zich een aantal maanden schuilhouden.

In 2002 maakten de NAVO-troepen Karadzic duidelijk dat hij op het punt stond te worden gearresteerd door met een helikopter over zijn schuilplaats te laten vliegen. In 2005 was het de CIA die de Bosnisch-Servische politie gebod het schaduw van Karadzic te staken.

De westerse mogendheden zouden Karadzic en Mladic niet in Den Haag willen laten getuigen uit angst voor wat zij zouden kunnen onthullen over de massamoorden in Srebrenica, speculeert Hartmann. Daar moesten Nederlandse VN-soldaten van Dutchbat toezien hoe duizenden moslimmannen

door de troepen van Mladic werden vermoord. Als door hun getuigenis zou blijken dat die massamoord onder verantwoordelijkheid van Milosevic (de toenmalige president van Joegoslavië) is gepleegd, zou dat betekenen dat de westerse mogendheden ervan op de hoogte konden zijn.

Hartmann volgde in de jaren negentig als correspondent van de Franse krant *Le Monde* de oorlogen in de Balkan. Haar boek biedt sailante onthullingen, vooral over de strijd van Del Ponte met de grote westerse mogendheden.

Sinds 1995, meldt Hartmann, heeft de CIA twee geheime bases in

Kroatië, waar het telefoonverkeer van vrijwel geheel voormalig Joegoslavië kan worden onderschept. De Amerikanen hebben systematisch geweigerd het materiaal, dat goed van pas zou komen bij de rechtszaak tegen voormalig president Milosevic, ter beschikking te stellen van het tribunaal.

Een opmerkelijke rol was volgens Hartmann ook weggelegd voor de Franse president Chirac. Kort voor het bestand in 1995 hadden de Serviërs twee Franse straaljagerpiloten gevangengenomen. Chirac drong daarom bij zijn collega's Blair en Clinton aan op de arrestatie van Karadzic.

Clinton wilde daar niet van weten zonder eerst de Russische president Jeltsin in te lichten. Chirac was bang dat die Karadzic zou waarschuwen, maar moest uiteindelijk toegeven. Resultaat: de Russen boden Karadzic een tijdelijke schuilplaats. Twee dagen na de vredeonderhandelingen in Dayton werden de Franse piloten vrijgelaten. Volgens Hartmann mogelijk omdat Chirac in ruil daarvoor had beloofd niet aan te dringen op de arrestatie van Mladic en Karadzic. Ze zullen nooit worden aangehouden, concludeert Hartmann.

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: "Andy Wilcoxson"
Verzonden: donderdag 28 juni 2007 17:56
Onderwerp: New book
Hoi Andy,

Congratulations with your new book. I certainly will come with some comment after carefully reading it. My first provisional comment is that, from a strategic point of view, to my opinion your dealing with Srebrenica is too short-cutted. Why not refer to the convincing part of the trial in which Milosevic effectively digged up that, as far as I remember, all which was later on, by the tribunal considered as evidenced about the 'genocide'-aspect as well as the numbers, was based upon deals with the prosecutor. Unfortunately I can't remember exactly where and when this took place in the trial.

This seems to me an important argument.

Further it may be noteworthy, reviewing the 'genocide'-allegations, to memorize that in the Krstic-verdict the tribunal faced the problem of contradicting evidence. If the Bosnian Serbs intended genocide of Bosnia muslims, then why:

- they transported Bosnian muslim woman to safety by busses;
- did not surround the town before its capture to prevent thousands of males from escaping to safety;
- the muslim soldiers willingly left their women, children and wounded to the mercy of the Serbs;
- 10.000 mainly muslim residents of Zvornik sought refuge from civil war in Serbia itself, as stated by the prosecution witness Borislav Jovic ?

Furthermore: why all the time using the terms "war" and "wars" where clearly civil wars took place, as pointed out by yourself in the book ? The term "war(s)" with respect to Yugoslavia is, as you know, deliberately introduced by the in order to criminalize Milosevic' Yugoslavia, and so bears a purely ideologic character. I would prefer the systematic use of the term 'civil war'.

So far now.

best regards,

Nico Steijnen

Nieuwe Revu 25
Juni 2007

Na topambtenaar Joris D. blijkt nu ook de voormalige hoofdofficier van justitie Hans H., tegenwoordig griffier van het Joegoslavië Tribunaal, in verband te worden gebracht met een pedofielenetwerk, zo achterhaalde Revu. De vraag werpt zich op of deze justitie-ambtenaren worden gechanteerd. Door Stan de Jong & Wim van de Pol

Het pedoschandaal rond hoge ambtenaren lijkt zich uit te breiden als een olievlek. Eerst ging het nog alleen om topambtenaar Joris D., secretaris-generaal op het ministerie van Justitie. Volgens een Telegraaf-publicatie van afgelopen zaterdag maakten echter ook twee (voormalige) hoofdofficiërs van justitie deel uit van een pedofielenetwerk. Een van hen was, zo hebben betrouwbare bronnen tegenover Nieuwe Revu bevestigd, de huidige griffier van het Joegoslavië Tribunaal: Hans H. Eind jaren negentig doet de rijksrecherche onderzoek naar een pedofielenetwerk waarvan ook hooggeplaatste vertegenwoordigers uit het ambtenarenapparaat deel zouden uitmaken. Ook de toenmalige BVD (inmiddels AIVD geheten) en de jeugd- en zedenpolitie worden ingeschakeld bij dit geheime 'Rolodex-onderzoek'. Spin in het web is de Amsterdamse 'pedokoning' Karel M., die samen met een Duitser ('Duitse Willy') kinderen zou importeren uit onder meer Polen om te werken als sexslaven in Amsterdam. Ook worden pornografische films met minderjarigen gemaakt. Een van de verdachten is een hoogleraar in Amsterdam die zou optreden als intermediair tussen de liefhebbers van sex met minderjarigen en de 'jongetjesaanbrengers'. Hij heeft er zelfs een handig kaartenbaksysteem voor aange-

legd; vandaar de naam Rolodex-onderzoek. Het onderzoek lijkt voortvarend te verlopen. Er worden door de CID (inlichtingendienst van de politie) telefoongesprekken gestapt, onder meer bij een jongensbordeel, en de creditcards van de twee hoofdofficiërs worden nage- trokken. Met name tegen hoofdofficier Hans H. zouden verklaringen liggen, zo vertelt een nauwbetrokkene bij het onderzoek.

Op dat moment is Hans H. (geboren juli 1947) hoofd van het landelijk parket van het Openbaar Ministerie in Rotterdam. Tevens is hij voorzitter van de Centrale Toetsingscommissie, een intern adviesorgaan van het Openbaar Ministerie dat het college van procureurs-generaal adviseert over de inzet van bijzondere opsporingsbevoegdheden, zoals infiltranten en kroongetuigen. Kortom, een machtig man binnen het justitieapparaat. H. heeft dan al een lange carrière achter de rug. Hij is begonnen als juridisch medewerker bij het ministerie van Defensie. Als rechterlijk ambtenaar in opleiding gaat hij midden jaren zeventig werken bij het parket in Den Haag. Daar schopt hij het tot officier van justitie en later tot advocaat-generaal bij het Haagse gerechtshof. Af en toe valt hij in als rechter, onder meer bij de rechtbank in Zutphen. In 1991 stapte hij over naar het parket in Zwolle waar hij hoofdofficier van justitie wordt. In 1995 krijgt hij de leiding over het (net opgerichte)



landelijk parket. Een functie waarin hij achter de schermen grote invloed uitoefent. Het Rolodex-onderzoek loopt in 1999 voor de hoofdofficiërs met een sisser af. Kort nadat de informatie tactisch is gemaakt (dat wil zeggen: er is formeel een gerechtelijk vooronderzoek gestart) worden er plotseling geen relevante telefoongesprekken meer opgevangen. Er volgen huiszoekingen, waarbij kinderporno wordt aangetroffen, maar aanwijzingen voor

Topambtenaar Joris D. in opspraak wegens 'pedofiele activiteiten'

Deze week vindt het kort geding plaats tegen Joris D., die hoogste ambtenaar bij justitie. Het is aangespannen door de raadslieden van de Koerd Hüseyin Baybasin, die in 2002 tot levenslange gevangenisstraf werd veroordeeld voor moord, gijzeling en leidinggeven aan een criminele organisatie. De advocaten eisen dat D. zich niet langer met hun cliënt bemoeit. Volgens hen

is D. gechanteerd door de Turkse overheid met zijn 'pedofiele activiteiten' in poging: Baybasin te pakken. Hiernaast loopt een onderzoek van de Nederlandse rijksrecherche naar D.. Eerder werd de topambtenaar in verband gebracht met misbruik van minderjarigen in publicaties in Panorama en de Gay Krant. Beide bladen moesten rectificeren.





Voormalig superofficier betrokken bij pedo-affaire

an chantage hoge ambtenaren justitie ligt op de loer

uitwisseling op grote schaal zijn verdwenen. De verdachten lijken ook geenszins verrast door de invallen. Het kan haast niet anders of de betrokkenen zijn van binnenuit getipt, luidt de conclusie van het onderzoeksteam.

Daarnaast komt er ineens wel heel spectaculaire informatie van een informant uit Haarlem die beweert dat ex-burgemeester Ed van Thijn, hoofdofficier Hans Vrakking en voormalig hoofdcommissaris van politie Eric Nordholt ook bij de pedozaak betrokken zijn. Een dwaalspoor, zo lijkt het.

Hoe het ook zij: in het Rolodex-onderzoek zouden geen strafbare feiten aan het licht zijn gekomen over de twee hoofdofficieren. Wel wordt 'pedokoning' M. veroordeeld. In december 2000 wordt Hans H. benoemd tot hoofd van de griffie van het Joegoslavië Tribunaal waar hij betrokken is bij het proces tegen de van oorlogsmisdaden verdachte Milosevic. Saillant is dat een familielid van H. een hoge

functie bij het ministerie van Justitie bekleedt, rechtstreeks onder de omstreden topambtenaar Joris D. (zie kader), die overigens óók al zijn carrière begon bij defensie.

Het belang van het pedoschandaal ligt hem niet eens zozeer in de pervertering van het ambtenarenapparaat, hoewel sex met minderjarigen natuurlijk strafbaar is. Relevanter is dat betrokken ambtenaren gevoelig zijn voor chantage, zoels mogelijk ook zou blijken uit de zaak van topambtenaar Joris D..

Intrigerend in dit verband is de link die er bestaat tussen Hans H. en de affaire-De Kroes. Vleestycoon, vastgoedhandelaar en multimiljonair Eddy de Kroes (tevens suikeroom van Pim Fortuyn) werd in 1986 veroordeeld tot een gevangenisstraf van twee jaar wegens fraude. Maar in 2003 onthulde tijdschrift Quote dat De Kroes nog nooit een dag van zijn gevangenisstraf had hoeven uitzitten. Opvallend was dat De Kroes een vrijbrief van officier van justitie

Hans Vos kon laten zien waarin staat dat hij zijn straf niet hoefde uit te zitten. Vos had mogelijk onrechtmatig gehandeld, maar voor De Kroes maakte dat al niet meer uit: hij bleef op vrije voeten.

Een opmerkelijke kwestie waar nimmer een bevredigend antwoord op is gekomen. Want hoe was het mogelijk dat De Kroes de dans ontsprong, waar elke andere Nederlander gewoon zijn straf moet ondergaan? In september 2003 openbaarde De Telegraaf de naam van de procureur-generaal van het Haagse hof die de zaak-De Kroes had behandeld: het bleek te gaan om Hans H.. Weliswaar was het niet zeker dat H. zelf opdracht had gegeven voor het verstrekken van de vrijbrief, wel werd duidelijk dat de top van het OM erachter zat, aldus de krant. Waarmee de vraag kan worden opgeroepen: wist iemand van het strafonderzoek naar de vermeende pedofiele contacten van Hans H. en is hij daarmee gehanteerd? ■

Wetenschapper vindt

'De oorlogs-tribunalen zijn in zichzelf gekeerd, overtuigd van het eigen gelijk'

'Niemand maakt zich druk over Omdraaiing van de bewijslast van aanklager naar verdediging, bij de voorlopige hechtenis'

Leon Heuts
journalist

'Het is opgelost', zegt hoogleraar internationaal strafrecht Göran Sluiter niet zonder ironie. In de oratie die hij eind juni aan de Universiteit van Amsterdam uitsprak stuurde Sluiter nog aan op een *clash* met het Joegoslavië-tribunaal; het tribunaal zou een 'censuur-eenheid' hebben. Sluiter kwam tot deze constatering nadat hij, samen met tribunaalmedewerker Alexander Zahar, een 'kri-

tisch-opbouwend' manuscript had geschreven over het functioneren van het tribunaal, en deze ter autorisatie had voorgelegd aan de griffie van het hof.

Sluiter, desgevraagd: 'We ontvingen het manuscript retour, met de eis om 166 correcties door te voeren. Die correcties waren met *highlights* in de tekst aangegeven, zonder nadere uitleg. Dat noem ik elimineren van kritiek'. Sluiter begon een '*mobilisation of shame*', waarna het tribunaal deels inbond; het boek *International Criminal Law - A Critical Introduction* wordt deze maand uitgegeven bij Oxford Press. Toch kan de concessie niet

roedekken dat medeauteur Zahar een officiële reprimande kreeg en werd gepasseerd voor een promotie. Sluiter: 'Zahar gaat binnenkort in Australië aan het werk. Zo'n gebeurtenis ontnam hem de lust nog veel langer bij het tribunaal te werken'.

Volgens Sluiter typeert de gebeurtenis de cultuur rond tribunalen. Die is in 'zichzelf gekeerd, overtuigd van het eigen gelijk'. Terwijl een jonge generatie academici uitermate kritisch is over het opereren van de oorlogs-tribunalen én het permanente Internationaal Strafhof, dat dit jaar met de zaak tegen de



Congolese militieleider Thomas Lubanga écht van start gaat. Kritiek die niet mals is; Sluiter stelt bijvoorbeeld dat mede door de gebrekkige ontwikkeling van het strafprocesrecht fundamentele mensenrechten worden geschonden. Omdat er volgens hem niet éénduidig een nationaal rechtstelsel, dat zichzelf heeft bewezen, als model wordt gekozen, maar 'compulsief' wordt gezocht naar een consensus van verschillende rechtssystemen, komt een effectieve en eerlijke rechtspleging in het gedrang. Ook de positie van advocaten is nog altijd beroerd.

Maar voordat Sluiter dat verder toelicht, wil hij één ding duidelijk stellen: deze kritiek hoort bij de volwassenwording van het internationale strafrecht, en niet met het dood verklaren ervan. 'Internationaal strafrecht beoogt het straffeloos weggan met grove mensenrechtenschendingen tegen te gaan. En dat is een nobel doel. De *rule of law* geldt voor iedereen, ook voor Milošević. Maar de paradox wil dat juist deze strijd tegen mensenrechtenschendingen precies leidt tot het schenden ervan. Dat is het *white knight-syndrome*. De gedachte "wij zijn met zoiets goeds bezig. Dus niet zeuren." Er is geen behoefte aan azijnpijssers. Dus maakt niemand zich

druk over bijvoorbeeld ellenlange voorarresten. Of omdraaiing van de bewijslast van aanklager naar verdediging met betrekking tot de voorlopige hechtenis. Het is opmerkelijk dat zelfs NGO's als Amnesty International hierover zwijgen. Blijkbaar geldt daar ook dat het noble doel de troebele praktijk moet toedekken. Sterker nog: mede door de lobby van mensenrechtenorganisaties neigt men er naar om slachtoffers deel te maken van strafzaken bij het Internationaal Strafhof. Ook dat klinkt weer heel nobel – maar men denkt niet na over de gevolgen voor het strafproces.. Zoals een Britse collega opmerkt: "It is difficult enough without them." De gevolgen voor het strafproces laten zich raden: onacceptabel lange vrijheidsberoving nog voor er vonnis is gesproken. Nederland, waar het Internationaal Strafhof immers is gevestigd, zou zich daar veel strenger over moeten uitlaten. Art. 5 EVRM, dat handelt over vrijheidsberoving, is in het geding. Maar ook in het nieuwe zetelverdrag dat de Nederlandse regering onlangs sloot met het hof, is dat onvoldoende gebeurd.'

Op eigen houtje

In dat zetelverdrag is de positie van advocaten verbeterd, maar volgens Sluiter

nog altijd onvoldoende. Sluiter: 'Vooral over de immuniteit van advocaten maak ik me nog steeds grote zorgen. Er is geen overtuigende internationale Orde van Advocaten, noch een goed functionerend tuchtrecht. Dat heeft gevolgen voor de kwaliteit van de advocaten, die af en toe – lang niet altijd – erbarmelijk is. Volgens het recht van het ICC heeft het nationale tuchtrecht voorrang voor advocaten, dus voor een Nederlandse advocaat geldt als eerste het Nederlandse tuchtrecht. Die kant moeten we niet op. Advocaten moeten niet naast internationale advocaten ook nog Britse of Nederlandse advocaten zijn. Waar dat toe leidt, blijkt wel uit het begin van het proces tegen Charles Taylor, toen Taylor zijn advocaat Karim Khan ontsloeg. De rechter droeg hem op om te blijven, maar Khan pakte zijn spullen en vertrok – mede omdat hij anders problemen zou krijgen met de Engelse Orde, die stelt dat een verdachte het recht heeft zijn advocaat te ontslaan. Wat zou er mooier zijn geweest dan dat de rechter op dat moment had gezegd: "Met het nationale recht hebben we niets te maken. Dit is een internationaal proces".

De positie van advocaten in het internationale strafrecht is hoe dan ook niet goed. Het beginsel tussen *equality of arms* tussen verdediging en aanklagers is bij internationale straftribunalen ver te zoeken. De verdediging wordt namelijk niet als orgaan van het tribunaal aangemerkt, waardoor advocaten meteen al op een enorme achterstand worden gezet. In tegenstelling tot de aanklager, die gesteund wordt door een internationale organisatie en alleen daarom al toegang kan krijgen tot – bijvoorbeeld – nationale archieven, moet de verdediging op eigen houtje ontlastend bewijs bij elkaar scharrelen.'

Waarom, ondanks de gebrekkige rechtsgang en de slechte positie van advocaten, toch internationaal strafrecht? Sluiter: 'Ik onderschrijf – ondanks al mijn kritiek – de woorden van hoogleraar mensenrechten Theo van Boven. Je hebt in deze wereld nog steeds meer kans gearresteerd te worden als je een brood hebt gestolen, dan als je genocide hebt gepleegd. Dat kan niet.'

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
 Aan: "Vladimir Krsljanin" <auroraplan@gmail.com>
 CC: "Ruza" <despot@tiscali.nl>
 Verzonden: zondag 22 juli 2007 15:09
 Onderwerp: Re: ICDSM goes on! Interview with Tiphaine
 Dear Vladimir,

We - Branko Rakic, mr. Milosevic' former most important legal adviser and associate, Patrick Barriot and Jonathan Widell - did already quite a lot on inquiry. As I was - and I always am - prepared to co-operate with them, I am also prepared to co-operate with the ICDSM for this sake. To my view, legal action should be adressed to the doctors who were part of the ICTY system, in order to bring about the ICTY's liability. And I see sound perspectives for such legal action against the responsible ICTY medicines at the disciplinary board in the Netherlands. As a first step to enforce a renewed discussion.

I was already assigned bij mr. Marko Milosevic to take legal action. But since he's on the run I lost contact. So till now unfortunately I wasn't able to discuss important final affairs with him. I think he and mr. Milosevic' wife are permanently in great trouble, especially since they are wanted again by the the justice of Serbia in a new, western inspired ,outraged campaign against them.

best regards,

Nico Steijnen

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

From: "Vladimir Krsljanin" <auroraplan@gmail.com>
 To: "sagitar" <sagitar@hetnet.nl>
 Sent: Tuesday, July 17, 2007 7:47 PM
 Subject: ICDSM goes on! Interview with Tiphaine Dickson

 INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC
 ICDSM Sofia-New York-Moscow www.icdsm.org

 Velko Valkanov, Ramsey Clark, Sergei Baburin (Co-Chairmen),
 Klaus Hartmann (Chairman of the Board), Vladimir Krsljanin (Secretary),
 Christopher Black (Chair, Legal Committee), Tiphaine Dickson (Legal
 Spokesperson), Cathrin Schuetz (Alternate Secretary)

 17 July 2007
 Special Circular
 auroraplan@gmail.com tel. +381 62 423 915

 DEATH OF PRESIDENT MILOSEVIC IN THE ICTY CUSTODY WAS THE PEEK OF CRIMINAL
 MISBEHAVIOUR OF THE ICTY. THE SERBIAN AUTHORITIES DIDNT TAKE ANY ACTION ON
 THIS GROUND, BUT THE ICDSM WILL GO ON!

22-7-07

Sagittarius

Van: "Vladimir Krsljanin" <auroraplan@gmail.com>
Aan: "sagitar" <sagitar@hetnet.nl>
Verzonden: dinsdag 17 juli 2007 19:47
Onderwerp: ICDSM goes on! Interview with Tiphaine

 INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC
 ICDSM Sofia-New York-Moscow www.icdsm.org

Velko Valkanov, Ramsey Clark, Sergei Baburin (Co-Chairmen),
 Klaus Hartmann (Chairman of the Board), Vladimir Krsljanin (Secretary),
 Christopher Black (Chair, Legal Committee), Tiphaine Dickson (Legal
 Spokesperson), Cathrin Schuetz (Alternate Secretary)

17 July 2007

Special Circular

auroraplan@gmail.com

tel. +381 62 423 915

 DEATH OF PRESIDENT MILOSEVIC IN THE ICTY CUSTODY WAS THE PEEK OF CRIMINAL
 MISBEHAVIOUR OF THE ICTY. THE SERBIAN AUTHORITIES DIDNT TAKE ANY ACTION ON
 THIS GROUND, BUT THE ICDSM WILL GO ON!

The current situation and the planned legal action are described in the
 interview with Maitre Tiphaine Dickson below. This action will also depend
 on your support!

V. Krsljanin

Tiphaine Dickson is a member of the Québec Bar, practicing primarily in
 international criminal law. She was lead counsel in one of the first UN
 genocide trials before the ICTR in Arusha, Tanzania. Maitre Dickson was also
 Legal Spokesperson of the International Committee to Defend Slobodan
 Milosevic (ICDSM) and she currently represents Mira Markovic.

Question:

Maitre Dickson, you are representing the wife of former Yugoslav president
 Slobodan Milosevic, Mira Markovic, in a legal investigation regarding the
 circumstances of his death in custody while he was standing trial before the
 ICTY. The official version is that he died of a natural cause, namely by a
 heart attack. What gives reason to doubt this information?

Maitre Dickson:

President Milosevic's death in custody was a disgrace. At minimum, that
 shocking outcome deserved a thorough, serious, scientifically sound, and
 above all, independent and impartial investigation. Instead, the ICTY, which
 does not even explicitly guarantee the right to a trial by an independent
 court, assigned one of its own judges, Kevin Parker, to head an "internal
 inquiry". Slobodan Milosevic died only two weeks after the ICTY Trial
 Chamber denied his request for provisional release, with guarantees from the
 Russian Federation - a permanent member of the Security Council, need it be
 added - for medical care at the Bakoulev Scientific Centre for
 Cardiovascular Surgery in Moscow.

Question:

And this ICTY report is the basis for the official cause of death?

Maitre Dickson:

Yes. This so-called "Parker Report", in broad strokes, exonerates the ICTY, and blames President Milosevic for his death. It does so with surprising lapses in logic and shaky reasoning, but in fairness, without a truly independent investigation, and without the benefit of outside experts, perhaps not much more could have been expected.

However, President Milosevic's family does expect, and is entitled to, a full accounting of circumstances surrounding his death, which was denied to it by the Parker Report. Marko Milosevic made plain to Mr. Parker, in an open letter drafted a year ago, that the content and conclusions of the report were "unacceptable", and pointedly remarked that "the autopsy was conducted without the presence of the independent expert team sent by our family, even though we insisted on it", "that the Russian doctors were denied the access to the body and the tissue samples", and that the family was denied access to the blood samples. The family's letter also raised persuasive objections to the legitimacy, objectivity, and propriety of the ICTY investigating itself.

Question:

So in other words the ICTY, the same institution that denied Slobodan Milosevic the needed treatment, judged the circumstances of which he died.

Maitre Dickson:

It is difficult to comprehend that not only was Slobodan Milosevic not granted the adequate medical care he had repeatedly requested, but that the cause of his death was not investigated objectively or transparently. Not even the questions put to the ICTY by the Russian Federation were adequately addressed, according to Ambassador Churkin, speaking at the 5453rd meeting of the Security Council. It is therefore impossible to accept the findings of the ICTY's internal inquiry, since beyond defects that can be discerned in a superficial reading of the report, the panel suffers from the fatal flaw of-at the very least-the appearance of partiality. Nemo iudex in sua causa. One cannot be the judge of one's own case.

Justice and minimal decency demand full disclosure of information obtained by the "internal enquiry" to President Milosevic's family. The findings, as they now stand, are unpersuasive, and a bereaved family is entitled to know-without institutional interests being brought to bear-the truth about their loved one's death in custody.

Question:

In your capacity as legal spokesperson of the International Committee to Defend Slobodan Milosevic (ICDSM) you have met Milosevic on several occasions in detention. You addressed the media in The Hague on the day the case was terminated due to Milosevic's death.

Maitre Dickson:

I was, in fact, that very day scheduled to hold a press conference supporting President Milosevic's appeal against the decision to deny him provisional release to Moscow for a number of tests and likely interventions that had been requested by specialists who had found his condition to be life-threatening in late 2005. We were very concerned about the deterioration of President Milosevic's health, and hoped that he would

...dly receive the treatment he required to pursue his defense in The Hague, and perhaps, to save his life. Unfortunately, my attendance at The Hague on March 14th, 2006, followed his death by a few days. I could only emphasize to the press that all medical data should be made public, and expressed the hope that the Secretary-General of the United Nations would accept to waive the civil and criminal immunity of any and all UN employees and subcontractors responsible for President Milosevic's death. It was a gruesome, shameful trip, one that was meant to support his medical provisional release, and certainly not to take stock of his death.

Question:

So if he would have been granted the therapy he may still live?

Maitre Dickson:

Permit me to put it this way: I strongly doubt that had President Milosevic been allowed to receive treatment at the Bakoulev Center in Moscow, he would have died in March 2006, as he did.

Question:

Milosevic's family openly calls it murder.

Maitre Dickson:

Last year, Marko Milosevic expressed his outrage with the findings of the Parker Report, and made the following comment:

"The question isn't whether or not my father was murdered or poisoned. The point is that a former head of state, being held in UN custody, was gravely ill and constantly complaining of his medical condition. His health condition was assessed many times by medical experts as dire. He was denied adequate (if any) medical treatment, and then he died. At the same time those who denied him treatment were undeniably aware of what the consequences would be. He asked for provisional release to receive medical treatment. Dr. Shumilina warned on November 6th (2005) that his condition was so critical that he could die at any moment."

He went on to state:

"The guaranties had been granted, and the ICTY ignored all of it. Obviously deliberately for they were aware of all the facts, both general and subtle. So he died.

The Tribunal, and everyone in charge, has committed a deliberate murder. They condemned him to death on February 24th when they rejected his request for provisional release, ignoring everything: his health condition, his rights, and the warnings of his doctors, which unlike the jail physician hired by the ICTY, had both - unquestionable competence and expertise, as well as his confidence. Ignoring even the guarantees of The Russian Federation (by the explanation that those guarantees lacked credibility, it seems that the Tribunal has given itself the mandate to evaluate the credibility of even the Security Council's permanent member states). The ruling handed down on February 24th came into effect on March 11th. That is the fact and the truth. Any other speculation is just evasive political manoeuvring."

This is to say that all the facts about Slobodan Milosevic's medical

condition were known, and yet, with deliberation, no steps were taken to ensure that he not die. In fact, the ICTY Trial Chamber denied-- in spite of unambiguous recommendations from highly reputable specialists and security guarantees from the Russian Federation-- a motion to permit him to obtain the treatment he urgently required in Moscow.

What is now needed is complete and transparent disclosure of all medical evidence-- including blood and tissue samples-- to examine the facts without concern for institutional reputation or appearances. I am not surprised by the family's characterization of Slobodan Milosevic's utterly shameful death in custody as "murder". They are well placed to know how serious his condition was, and how his attempts to obtain appropriate treatment were thwarted, leading to the most irreparable consequence: he was found dead. And as it stands there remain, despite the findings of the Parker Report, too many unanswered questions for any family in similar circumstances not to affirm that their loved one was murdered.

Question:

While the health problems of Milosevic were well known and led to several adjournments of his trial, the media often complained about Milosevic's alleged "tactics" to "disrupt" the process when talking about his illness.

Maitre Dickson:

President Milosevic's health problems were widely discussed, and interestingly, the facts were often twisted to suit angles adopted by the press, even when contradictions were glaring. For example, it was often alleged that President Milosevic was feigning illness when confronting "damning evidence" by the Prosecutor, and yet it was precisely when he was set to begin his own presentation of evidence that it was suggested that he was "too ill" to represent himself. Presumably, in the latter case, illness would not be a result of fear of evidence, or at least not from the standpoint of President Milosevic.

I think it important to point out how--despite undeniably serious medical issues--President Milosevic, though firmly and consistently demanding the respect of his right to adequate medical treatment, complained little, and how industriously and efficiently he worked during the entire period of his detention in The Hague. He was focused and was determined to demonstrate-- as he had stated on many occasions--that there had been one war: a war against Yugoslavia. That he maintained composure and dignity throughout the proceedings only heightens the dismay that he was left to die without adequate medical treatment, and that his death was blamed on him. His family understandably refuses to accept such a shocking state of affairs, and frankly, anything called justice deserves infinitely more than what they were offered. We are determined to bring to light all the facts about this disgraceful and pointless death, for the sake of truth, and for justice, two ideas that have been perverted enough.

A shorter version of the interview was published in the German daily Junge Welt on Monday, July 16, 2007

DONATIONS for this legal action are most urgently needed!

Transfers should be made to:

ereinigung für Internationale Solidarität (VIS) e.V.

BIC (SWIFT): POFICHBE

Bank: Swiss Post Postfinance, CH-3030 Bern

IBAN: CH35 0900 0000 9198 2587 8

For more information please contact:

Vladimir Krsljanin, ICDSM Secretary, auroraplan@gmail.com tel. +381 62 423
915

or

Cathrin Schuetz, ICDSM Alternate Secretary, cschuetz1@aol.com tel. +49
1788 656 159

Censuur Joegoslavië-tribunaal'

Joegoslavië-tribunaal
censuur: het dwingt
auteurs tot het aanpassen
van een boek dat is
gebaseerd op openbaar
gemaakte documenten,
zegt prof. Göran Sluiter.

Door onze redacteur
CEES BANNING

AMSTERDAM, 22 JUNI. Het Joegoslavië-tribunaal heeft een „censuur-eenheid”, die als doel heeft „het zuiveren van alle kritiek geuit in door medewerkers geschreven wetenschappelijke publicaties”. Dat zegt hoogleraar internationaal strafrecht Göran Sluiter in zijn vandaag uitgesproken oratie aan de Universiteit van Amsterdam.

Sluiter schreef met tribunaal-medewerker Alexander Zahar het nog niet verschenen boek 'International Criminal Law - A Critical Introduction'. De auteurs waren door de griffie van het VN-hof gedwongen in het manuscript 166 correcties door te voeren. „Ik ben daarvan geschrokken. Het past niet bij een open academisch debat en een internationaal straftribunaal”, zegt Sluiter in zijn oratie. „Het tekent ook een gesloten, in zichzelf gekeerde cultuur van het tribunaal.”

In een toelichting zegt Sluiter dat het om tekstuele aanpassingen

ging. Zo moest bijvoorbeeld het woord 'blunder' worden vervangen door 'fout' en 'in elkaar flansen' door 'creëren'. „Wij hebben een kritische en opbouwende analyse geschreven van uitspraken van het VN-hof”, zegt Sluiter. „Wij hebben daarbij openbare bronnen gebruikt. Het is een schending van de vrijheid van meningsuiting dat je als juridisch medewerker van het Joegoslavië-tribunaal op basis van deze documenten geen kriti-

tegen Milošević vier jaar duren? Volgens Sluiter heeft het internationaal strafprocesrecht „zich gebrekkelig” ontwikkeld en is het relatief nieuwe rechtsgebied nog „onvoldoende in staat om een effectieve en eerlijke rechtspleging te waarborgen”.

Nederland heeft, volgens Sluiter, bijzonder belang bij de bewaking van de kwaliteit van het internationaal strafprocesrecht omdat veel internationale strafprocessen

geautoriseerd zijn”, zegt Refik Hodzic, woordvoerder van het Joegoslavië-tribunaal. „En dat had Zahar verzuimd te doen.” Volgens Sluiter kreeg Zahar in september vorig jaar mondeling toestemming om te publiceren. Toen het tribunaal merkte dat het boek een kritische analyse zou bevatten, kwam men terug op deze toezegging en eiste men alsnog de tekst op voor autorisatie. Het boek lag inmiddels bij de drukker en zou vorige maand zijn uitgekomen.

Het Joegoslavië-tribunaal stimuleert medewerkers om te publiceren. Medewerkers hebben daarvoor toestemming nodig van de griffie en voorafgaand aan de publicatie wil het tribunaal toetsen of het artikel of boek ook vertrouwelijke informatie bevat. Sluiter zegt: „Wij gebruiken openbare bronnen, die voor iedereen toegankelijk en verifieerbaar zijn.” De correspondentie met het tribunaal bevestigt dit: het geschil richt zich op de kritische overwegingen.

Het Joegoslavië-tribunaal zocht - buiten de auteurs om - rechtstreeks contact met de uitgever Oxford University Press en vroeg de publicatie van het boek voor onbepaalde tijd uit te stellen. „Wij hebben Oxford University Press op de hoogte gebracht van de spelregels”, zegt Refik Hodzic. „VN-medewerkers mogen alleen geautoriseerde artikelen en boeken publiceren.”

'Dit past niet bij een open academisch debat en een internationaal straftribunaal'

sche analyse mag publiceren.” Met tegenzin hebben de auteurs de meeste correcties doorgevoerd omdat het boek anders niet zou worden gepubliceerd.

Sluiter doet onderzoek naar het internationaal strafprocesrecht zoals dat wordt toegepast door onder andere het Joegoslavië-tribunaal en het Internationaal Strafhof (ICC).

In zijn oratie uit Sluiter kritiek op het internationaal strafprocesrecht. Het overlijden van de voormalige president van Joegoslavië, Slobodan Milošević, resulteerde in veel aandacht voor het procesrecht van internationale straftribunalen. Waarom moest het strafproces

op Nederlands grondgebied gevoerd worden, zoals het Joegoslavië-tribunaal en het ICC. Nederland moet zich sterk maken voor meer openheid. Alle beslissingen van het ICC en Joegoslavië-tribunaal moeten worden gepubliceerd zodat gecontroleerd kan worden of ze bijvoorbeeld in strijd zijn met de rechten van de mens.

Volgens Sluiter ontbreekt het aan een kritisch debat over het internationaal strafrecht. Zo ontstond twee maanden geleden binnen het Joegoslavië-tribunaal grote onrust over het boek dat hij samen met Zahar had geschreven. „Alle artikelen en boeken die VN-medewerkers schrijven moeten

Milošević' zoon en weduwe gezocht door justitie Servië

BELGRADO, 23 JUNI. De Servische justitie heeft gisteren een internationaal arrestatiebevel uitgevaardigd tegen Mira Markovic, de weduwe van wijlen de Joegoslavische president Slobodan Milošević. Volgende week komt er ook een arrestatiebevel tegen zoon Marko Milošević. Moeder en zoon worden verdacht een crimineel netwerk voor de smokkel van sigaretten te hebben geleid en de staat daarmee voor tientallen miljoenen euro's te hebben opgelicht. Ze bevinden zich al jaren in Rusland. (AFP)

Sagittarius

Van: "Andy Wilcoxson"
Aan: "'Sagittarius'" <sagitar@hetnet.nl>
Verzonden: woensdag 4 juli 2007 18:36
Onderwerp: RE: New book
 Thank you Nico!

Your feedback is very important. If it is OK with you I would like to print part of what you have said here on the cover of the book. I think you have done a very good job of summarizing the main purpose of the book.

I would love to get the book translated into other languages and published. Although, I still need to find somebody who can publish it in English.

Warmest regards,
 Andy

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

From: Sagittarius [mailto:sagitar@hetnet.nl]
Sent: Monday, July 02, 2007 3:26 AM
To: Andy Wilcoxson
Cc: Ruza; hans.hupkes@planet.nl; Meindert Stelling
Subject: Re: New book

Hoi Andy,

I have read your concept by now for the most of it, and it seems to me that you have done a great job ! As far as I am aware it represents, till now, the one and only systematic effort to use the work done by Milosevic in his trial in order to redress the western predominant false view of recent history with respect to Yugoslavia and Nato's destruction of it.

And I think you succeeded in your quest ! As such, you continued the labour of Milosevic, by pointing out some of the most precious outcomes of his trial for your reasoning.

What you have written down, your theses, are in a cool way presented in the first place, subsequently analysed thoroughly with the help of well chosen undeniable facts, frequently emanating from the Milosevic trial, and finally resulting in the one and only just conclusion.

So your well-founded labour has an enormous potential to be an impetus for the necessary review of history in the next future. It seems to me worth to be translated also in other languages and to be edited also in non-anglosaxon countries.

Maybe we can help you with a Dutch translation and finding a Dutch editor when you consider it the right time.

It can tell you, the tribunal is doing everything possible to keep a complete control over whatever publication with respect to its performance. Just a few days earlier the prominent Dutch Newspaper NRC Handelsblad came with the news that all 'scientific' people linked to the tribunal one way or another have to accept to be censored in their publications about the tribunal's outcomes by the tribunal's registry. When they refuse to accept to be censored then a publication ban follows.

I'll try to find that article for you and send it to you separately.
 This makes your work all the more important and all the more challenging !

regards,

Nico S.

— Original Message —

From: Andy Wilcoxson
To: 'Sagittarius'
Sent: Saturday, June 30, 2007 9:33 AM
Subject: RE: New book

Hi Nico,

You're feedback is incredibly valuable. Thank you.

I think you're right I should emphasize the term "civil war" more because there is a wrong perception in the public that the Bosnian conflict was an external aggression from Serbia.

You are also right about Srebrenica. I need to ask the questions you listed.

Best regards,
Andy

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

From: Sagittarius [mailto:sagitar@hetnet.nl]

Sent: Thursday, June 28, 2007 8:57 AM

To: Andy Wilcoxson

Subject: New book

Hoi Andy,

Congratulations with your new book. I certainly will come with some comment after carefully reading it. My first provisional comment is that, from a strategic point of view, to my opinion your dealing with Srebrenica is too short-cutted. Why not refer to the convincing part of the trial in which Milosevic effectively digged up that, as far as I remember, all which was later on, by the tribunal considered as evidenced about the 'genocide'-aspect as well as the numbers, was based upon deals with the prosecutor. Unfortunately I can't remember exactly where and when this took place in the trial.

This seems to my an important argument.

Further it may be noteworthy, reviewing the 'genocide'-allegations, to memorize that in the Krstic-verdict the tribunal faced the problem of contradicting evidence. If the Bosnian Serbs intended genocide of Bosnia muslims, them why:

- they transported Bosnian muslim woman to safety by busses;
- did not surround the town before its capture to prevent thousands of males from escaping to safety;
- the muslim soldiers willingly left their women, children and wounded to the mercy of the Serbs;
- 10.000 mainly muslim redidents of Zvornik sought refugee from civil war in Serbia itself, as stated by the prosecution witness Borislav Jovic ?

Furthermore: why all the time using the terms "war" and "wars" where clearly civil wars took place, as pointed out by yourself in the book ? The term "war(s)" with respect to Yugoslavia is, as you know, deliberately introduced by the West in order to criminalize Milosevic' Yugoslavia, and so bears a purely ideologic character. I would prefer the systematic use of the term 'civil war'.
So far now.

best regards,

Nico Steijnen

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: "Andy Wilcoxson" <andywilcoxson@comcast.net>
CC: <hans.hupkes@planet.nl>; "Ruza" <despot@tiscali.nl>; "Meindert Stelling" <meindert.stelling@planet.nl>
Verzonden: maandag 2 juli 2007 14:02
Onderwerp: Fw: Joegoslavië Tribunaal censureert

Hoi Andy,

See the article at the site memorized right down under.
 Important parts are at the beginning and the end of the article, read as follows:

'CENSORSHIP YUGOSLAV TRIBUNAL'

The Yugoslav tribunal is censoring: it forces authors to adapt a book based upon disclosed documents, says professor Goran Sluiter.

By our correspondent Cees Banning

Amsterdam 22 June. The Yugoslav Tribunal possesses "a censor unit", aimed at "cleansing all critics voiced in scientific articles written by co-operators". This is said by professor Goran Sluiter in his today's oration pronounced at the University of Amsterdam.

Sluiter wrote, in co-operation with the tribunal's official Alexander Zahar, the not yet edited book 'International Criminal Law - A Critical Introduction'. The authors were compelled by the UN-Court's registry to implement in the manuscript 166 corrections. "I am shocked by it. It doesn't fit with an open academic debate and an international criminal court", says Sluiter in his oration. It confirms also a close-minded, self fixated culture at the tribunal."

Then follow some here irrelevant passages, and further on:

"All articles and books written by UN-officials should be authorized", says Refik Hodzic, spokesman of the tribunal.
 "And this was neglected by Zahar".

And then the final senses:

The Yugoslav Tribunal sought - without consulting the authors - directly contact with the editor Oxford University Press and asked to postpone the edition of the book indefinitely. "We have informed Oxford University Press about the rules of the game", says Refik Hodzic. "UN-officials may only publish authorized books and articles."

regards,

Nico S.

— Original Message —

From: Hans Hupkes
To: Sagittarius
Sent: Thursday, June 28, 2007 9:31 PM
Subject: Re: Joegoslavië Tribunaal censureert

Hoi Nico,

Kan het niet korter!?

Vr. gr. Hans.

— Original Message —

From: Sagittarius
To: Hans Hupkes ; Ruza ; Jan Beentjes ; Meindert Stelling
Sent: Thursday, June 28, 2007 5:08 PM
Subject: Re: Joegoslavië Tribunaal censureert

Hoi Hans,

Ja, ik had het gelezen. 't is weer onthullend !

Ik hoop nog deze zomer te kunnenn starten met het opstellen van de dagvaarding voor het RTS-proces, maar het kan ook pas de herfst worden.

Inmiddels heb ik een boekwerk gemaakt over de Volkskrant dat ik je binnenkort zal mailen. Ik geef dan even een seintje, want het is wel 250 pagina's lang ! Dat kan toch binnenkomen via jouw computer ?

Groeten, ook aan jouw Milosevic !

Nico

— Original Message —

From: Hans Hupkes

To: Ruza ; Jan Beentjes ; Meindert Stelling ; Nico Steijnen

Sent: Sunday, June 24, 2007 11:28 AM

Subject: Joegoslavië Tribunaal censureert

Hoi,

Hoe gaar het jullie allen? Heb je dit artikel al gelezen?

http://www.nrc.nl/buitenland/article727737.ece/Censuur_Joegoslavie-tribunaal

Vr. gr. Hans.

Mijn Postvak In wordt beschermd door SPAMfighter

406 spam-mails zijn er tot op heden geblokkeerd.

Download de gratis [SPAMfighter](#) vandaag nog!

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: "Andy Wilcoxson" <andywilcoxson@comcast.net>
CC: "Ruza" <despot@tiscali.nl>; <hans.hupkes@planet.nl>; "Meindert Stelling" <meindert.stelling@planet.nl>
Verzonden: maandag 2 juli 2007 12:26
Onderwerp: Re: New book
 Hoi Andy,

I have read your concept by now for the most of it, and it seems to me that you have done a great job ! As far as I am aware it represents, till now, the one and only systematic effort to use the work done by Milosevic in his trial in order to redress the western predominant false view of recent history with respect to Yugoslavia and Nato's destruction of it.

And I think you succeeded in your quest ! As such, you continued the labour of Milosevic, by pointing out some the most precious outcomes of his trial for your reasoning.

What you have written down, your theses, are in a cool way presented in the first place, subsequently analysed thoroughly with the help of well chosen undeniable facts, frequently emanating from the Milosevic trial, and finally resulting in the one and only just conclusion.

So your well-founded labour has an enormous potential to be an impetus for the necessary review of history in the next future. It seems to me worth to be translated also in other languages and to be edited also in non-anglosaxon countries.

Maybe we can help you with a Dutch translation and finding a Dutch editor when you consider it the right time.

It can tell you, the tribunal is doing everything possible to keep a complete control over whatever publication with respect to its performance. Just a few days earlier the prominent Dutch newspaper NRC Handelsblad came with the news that all 'scientific' people linked to the tribunal one way or another have to accept to be censored in their publications about the tribunal's outcomes by the tribunal's registry. When they refuse to accept to be censored then a publication ban follows.

I'll try to find that article for you and send it to you separately.

This makes your work all the more important and all the more challenging !

regards,

Nico S.

— Original Message —

From: Andy Wilcoxson
To: 'Sagittarius'
Sent: Saturday, June 30, 2007 9:33 AM
Subject: RE: New book

Hi Nico,

Your feedback is incredibly valuable. Thank you.

I think you're right I should emphasize the term "civil war" more because there is a wrong perception in the public that the Bosnian conflict was an external aggression from Serbia.

You are also right about Srebrenica. I need to ask the questions you listed.

Best regards,
 Andy

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

From: Sagittarius [mailto:sagitar@hetnet.nl]
Sent: Thursday, June 28, 2007 8:57 AM
To: Andy Wilcoxson
Subject: New book

Hoi Andy,

Congratulations with your new book. I certainly will come with some comment after carefully reading it. My first provisional comment is that, from a strategic point of view, to my opinion your dealing with Srebrenica is too short-cutted. Why not refer to the convincing part of the trial in which Milosevic effectively dugged up that, as far as I remember, all which was later on, by the tribunal considered as evidenced about the 'genocide'-aspect as well as the numbers, was based upon deals with the prosecutor. Unfortunately I can't remember exactly where and when this took place in the trial.

This seems to my an important argument.

Further it may be noteworthy, reviewing the 'genocide'-allegations, to memorize that in the Krstic-verdict the tribunal faced the problem of contradicting evidence. If the Bosnian Serbs intended genocide of Bosnia muslims, them why:

-they transported Bosnian muslim woman to safety by busses;

-did not surround the town before its capture to prevent thousands of males from escaping to safety;

-the muslim soldiers willingly left their women, children and wounded to the mercy of the Serbs;

-10.000 mainly muslim redidents of Zvornik sought refugee from civil war in Serbia itself, as stated by the prosecution witness Borislav Jovic ?

Furthermore: why all the time using the terms "war" and "wars" where clearly civil wars took place, as pointed out by yourself in the book ? The term "war(s)" with respect to Yugoslavia is, as you know, deliberately introduced by the West in order to criminalize Milosevic' Yugoslavia, and so bears a purely ideologic character. I would prefer the systematic use of the term 'civil war'.
So far now.

best regards,

Nico Steijnen

'Censuur Joegoslavië-tribunaal'

Het Joegoslavië-tribunaal pleegt censuur: het dwingt auteurs tot het aanpassen van een boek dat is gebaseerd op openbaar gemaakte documenten, zegt prof. Göran Sluiter.

Door onze redacteur
CEES BANNING

AMSTERDAM, 22 JUNI. Het Joegoslavië-tribunaal heeft een „censuur-eenheid”, die als doel heeft „het zuiveren van alle kritiek geuit in door medewerkers geschreven wetenschappelijke publicaties”. Dat zegt hoogleraar internationaal strafrecht Göran Sluiter in zijn vandaag uitgesproken oratie aan de Universiteit van Amsterdam.

Sluiter schreef met tribunaal-medewerker Alexander Zahar het nog niet verschenen boek 'International Criminal Law - A Critical Introduction'. De auteurs waren door de griffie van het VN-hof gedwongen in het manuscript 166 correcties door te voeren. „Ik ben daarvan geschrokken. Het past niet bij een open academisch debat en een internationaal straftribunaal”, zegt Sluiter in zijn oratie. „Het tekent ook een gesloten, in zichzelf gekeerde cultuur van het tribunaal.”

In een toelichting zegt Sluiter dat het om tekstuele aanpassingen

ging. Zo moest bijvoorbeeld het woord 'blunder' worden vervangen door 'fout' en 'in elkaar flansen' door 'creëren'. „Wij hebben een kritische en opbouwende analyse geschreven van uitspraken van het VN-hof”, zegt Sluiter. „Wij hebben daarbij openbare bronnen gebruikt. Het is een schending van de vrijheid van meningsuiting dat je als juridisch medewerker van het Joegoslavië-tribunaal op basis van deze documenten geen kriti-

tegen Milošević vier jaar duren? Volgens Sluiter heeft het internationaal strafprocesrecht „zich gebrekkig” ontwikkeld en is het relatief nieuwe rechtsgebied nog „onvoldoende in staat om een effectieve en eerlijke rechtspleging te waarborgen”.

Nederland heeft, volgens Sluiter, bijzonder belang bij de bewaking van de kwaliteit van het internationaal strafprocesrecht omdat veel internationale strafprocessen

geautoriseerd zijn”, zegt Refik Hodzic, woordvoerder van het Joegoslavië-tribunaal. „En dat had Zahar verzuimd te doen.” Volgens Sluiter kreeg Zahar in september vorig jaar mondeling toestemming om te publiceren. Toen het tribunaal merkte dat het boek een kritische analyse zou bevatten, kwam men terug op deze toezegging en eiste men alsnog de tekst op voor autorisatie. Het boek lag inmiddels bij de drukker en zou vorige maand zijn uitgekomen.

Het Joegoslavië-tribunaal stimuleert medewerkers om te publiceren. Medewerkers hebben daarvoor toestemming nodig van de griffie en voorafgaand aan de publicatie wil het tribunaal toetsen of het artikel of boek ook vertrouwelijke informatie bevat. Sluiter zegt: „Wij gebruiken openbare bronnen, die voor iedereen toegankelijk en verifieerbaar zijn.” De correspondentie met het tribunaal bevestigt dit: het geschil richt zich op de kritische overwegingen.

Het Joegoslavië-tribunaal zocht - buiten de auteurs om - rechtstreeks contact met de uitgever Oxford University Press en vroeg de publicatie van het boek voor onbepaalde tijd uit te stellen. „Wij hebben Oxford University Press op de hoogte gebracht van de spelregels”, zegt Refik Hodzic. „VN-medewerkers mogen alleen geautoriseerde artikelen en boeken publiceren.”

'Dit past niet bij een open academisch debat en een internationaal straftribunaal'

sche analyse mag publiceren.” Met tegenzin hebben de auteurs de meeste correcties doorgevoerd omdat het boek anders niet zou worden gepubliceerd.

Sluiter doet onderzoek naar het internationaal strafprocesrecht zoals dat wordt toegepast door onder andere het Joegoslavië-tribunaal en het Internationaal Strafhof (ICC).

In zijn oratie uit Sluiter kritiek op het internationaal strafprocesrecht. Het overlijden van de voormalige president van Joegoslavië, Slobodan Milošević, resulteerde in veel aandacht voor het procesrecht van internationale straftribunalen. Waarom moest het strafproces

op Nederlands grondgebied gevoerd worden, zoals het Joegoslavië-tribunaal en het ICC. Nederland moet zich sterk maken voor meer openheid. Alle beslissingen van het ICC en Joegoslavië-tribunaal moeten worden gepubliceerd zodat gecontroleerd kan worden of ze bijvoorbeeld in strijd zijn met de rechten van de mens.

Volgens Sluiter ontbreekt het aan een kritisch debat over het internationaal strafrecht. Zo ontstond twee maanden geleden binnen het Joegoslavië-tribunaal grote onrust over het boek dat hij samen met Zahar had geschreven. „Alle artikelen en boeken die VN-medewerkers schrijven moeten

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: "guido cramer"
Verzonden: donderdag 7 juni 2007 15:29
Onderwerp: Re:
Geachte heer Cramer,

Zie recent verschenen ook The Trial of Slobodan Milosevic and the Corruption of International Justice van John Laughland, ISBN 9780745326351.

vr. gr.

Nico Steijnen

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

From: "guido cramer" <guidoarnhem@hotmail.com>
To: <sagitar@hetnet.nl>
Sent: Wednesday, May 16, 2007 7:11 PM

- > Geachte meneer Steijnen.
- >
- > Ik heb inmiddels op uw aanraden verscheidene boeken gelezen over Slobodan
- > Milosevic en denk dat de mening die u is aangedaan inderdaad de juiste is.
- > Hierbij verwijst ik naar een brief van u die u enkele jaren geleden al hebt
- > gepubliceerd, en waarover ik u rond januari over heb bericht.
- >
- > Kunt u mij nog enkele interessante boeken aanraden, dit onderwerp
- > aangaande.
- > Of heeft u wellicht interessante documenten die ik zou mogen inzien.
- >
- > email: guidoarnhem@hotmail.com
- >
- > graag hoor ik van u
- >
- > Naar ik hoop stoor ik u niet al te veel,
- >
- > Met vriendelijke groeten
- >
- > Guido Cramer
- >
- >
- >

- > Windows Live Hotmail: Slim - Persoonlijk - Betrouwbaar en GRATIS!
- > <http://get.live.com/mail/overview>
- >

The ICTY Report On Milosevic's Death

By Jonathan Widell & Nico Steijnen*

Prosecution's case falls apart

Before discussing Milosevic's death, we would like to highlight a fairly recent development that makes all the difference. Mr Nice, the head of the prosecutor team, withdrew the Greater Serbia charges against Milosevic in August 2005. For those who have watched the trial closely, in particular Milosevic himself, this meant that the "joint criminal enterprise" had no basis. Arguably, that dealt a major blow to the Milosevic's criminal culpability in its entirety. When the tribunal proved reluctant to acquit Milosevic. Milosevic asked his judges with good reason on November 29, 2005:

"So what's the point of all these witnesses who talked about a Greater Serbia as my primary goal here? Are you going to take that out of the evidence, or are you going to let me examine them further? Also what about this joint criminal enterprise? And what would its objective be after this charge? And what is this phantom of a joint criminal enterprise that is being discussed here? And what is it that is exactly being alleged?"

The rest of the charges remained unchanged, however. That suggests that the withdrawal of the Greater Serbia charges was only apparent. It had no substantive consequences in terms of the other charges, as it should have, because it pulled the rug from under the criminal liability in the first place.

The predicament had begun a lot earlier for the prosecution. After the prosecution ended presenting its case, the two leading Dutch newspapers, Volkskrant and NRC Handelsblad, titled their articles "No Conclusive Evidence against Slobodan Milosevic" (VK February 26, 2004) and "Case against Milosevic Falls Apart" (NRC February 28, 2004).

However, the worst was yet to come: When the turn for presenting his case came, Milosevic presented, with mostly Western witnesses, forceful evidence that there was no humanitarian emergency in Kosovo on the eve of the NATO war of 1999 against Yugoslavia, that the KLA was conducting a large-scale terrorist campaign at the time, that international terrorism had secure positions in Bosnia while it was being supported by the West throughout the 1990's, that the Twin Towers suicide terrorist Hattar resided there in the 1990's for a number of years and that Osama Bin Laden was received by the Bosnian president Izetbegovic in November 1995.

As if this had not been bad enough for the prosecution's case, Milosevic's witnesses also gave evidence that the Albanians were not driven out by the activities of the Serbian army in Kosovo but mostly as a result of the intensive NATO bombings and the intimidation by the KLA. For that reason there were also relatively more Kosovo Serbs among the refugees than Kosovo Albanians during the 1999 war.

The final blow was the evidence given by Alice Mahon, who was a member of the NATO Parliamentary Assembly in 1999. She told the tribunal that the civil population was openly terrorized by the NATO bombings in the 1999 war. It is against this background that we may speculate why Milosevic was found dead in his cell a few days later.

Motive

This does not only suggest that Milosevic had no motive for a suicide but also that the prosecutors did have a motive for getting rid of him one way or the other. The withdrawal of the Greater Serbia charge was a tacit acknowledgment that the case was going very badly for the prosecution.

It is more than mere speculation that the prosecution and the judges are alive to the interests of NATO and its member states. In that sense, there may well be a connection between the prosecution case gone awry and Milosevic's death. When the former vice-prosecutor Hewitt resigned, he stressed in an interview given to the Dutch newspaper NRC Handelsblad that countless officials of the tribunal spent at least as much time in the US Embassy in The Hague as they did in the tribunal's office. Jamie Shea's memorable words during the Kosovo bombing are also to the point:

"NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers, and of course to build a second chamber so that prosecutions can be speeded up so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality and I don't anticipate any others at this stage."

Mr Shea could just as well have said that the tribunal was the finest judicial organ that money could buy. If financing was a way to buy immunity, then there is very little difference between financing and bribing.

Report

After Milosevic was found dead on March 11, 2006, the tribunal had to put off fires on a number of fronts when it published its report on the death of Milosevic which came out in May 2006. In its report, the tribunal did not delve into the motives of either Milosevic himself or any other parties. Instead, it dwelt on the technicalities. It is in this perspective that we will evaluate the report below although it would seem that the motives have been left out of the report for a good reason. It they had not, many of the hypotheses put forward would prove untenable. It is for that reason that we cannot neglect the motives either,

Motive

This does not only suggest that Milosevic had no motive for a suicide but also that the prosecutors did have a motive for getting rid of him one way or the other. The withdrawal of the Greater Serbia charge was a tacit acknowledgment that the case was going very badly for the prosecution.

It is more than mere speculation that the prosecution and the judges are alive to the interests of NATO and its member states. In that sense, there may well be a connection between the prosecution case gone awry and Milosevic's death. When the former vice-prosecutor Hewitt resigned, he stressed in an interview given to the Dutch newspaper NRC Handelsblad that countless officials of the tribunal spent at least as much time in the US Embassy in The Hague as they did in the tribunal's office. Jamie Shea's memorable words during the Kosovo bombing are also to the point:

"NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers, and of course to build a second chamber so that prosecutions can be speeded up so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality and I don't anticipate any others at this stage."

Mr Shea could just as well have said that the tribunal was the finest judicial organ that money could buy. If financing was a way to buy immunity, then there is very little difference between financing and bribing.

Report

After Milosevic was found dead on March 11, 2006, the tribunal had to put off fires on a number of fronts when it published its report on the death of Milosevic which came out in May 2006. In its report, the tribunal did not delve into the motives of either Milosevic himself or any other parties. Instead, it dwelt on the technicalities. It is in this perspective that we will evaluate the report below although it would seem that the motives have been left out of the report for a good reason. It they had not, many of the hypotheses put forward would prove untenable. It is for that reason that we cannot neglect the motives either, Milosevic's or the tribunal's, in what follows.

Rather surprisingly, the ICTY report on the death of Milosevic admits that Milosevic did not commit suicide, though that does not keep it from concluding that Milosevic caused his own death. The difference is subtle, but it must seem significant to the tribunal. That is an indication that the tribunal is doing its best to please everybody now that it got rid of its greatest enemy. The tribunal may have wanted to throw a bone to its detractors and continue its argument to others as if Milosevic had committed suicide anyway. In the end, it is difficult to tell what actually happened. It may seem outrageous to speak of culprits in this context, now that the tribunal suddenly seemed to run out of chances to prove Milosevic guilty as it had hoped, but that does not keep the tribunal from pinning the blame on Milosevic for his own death anyway. Proving that is a lot easier now that Milosevic is not there to give the tribunal a hard time. The tribunal seems to conclude that the only one who could damage Milosevic's health and ultimately bring about his death was Milosevic himself.

Heart condition

Even if the tribunal is willing to cater to different tastes in the matter, it does not back down from its premise that Milosevic is somehow to blame for everything that went wrong. This one-sided logic is evident throughout the report. For instance, even if the

tribunal concludes that Milosevic's condition was untreatable, it infers that it was Milosevic who brought on himself his own death. The report speaks of Milosevic acting "at obvious risk to himself" when it says that Milosevic "was manipulating the effectiveness of his prescribed treatment for other purposes, at obvious risk to himself" (par. 111). Those "other purposes" is as far as the report is willing to go to explain Milosevic's motives.

This is just the other side of the coin. The report suggests elsewhere that whatever the tribunal would have done to his health, including heart surgery or notably the lack thereof, did nothing to change the course of events because Milosevic was a doomed man anyway as far as his health was concerned (par. 95 to par. 102).

First, the tribunal feels obliged to answer the critics who say it did not do enough to save him. The report quotes two specialists when addressing the cause of his death and gives the impression that his condition was untreatable. The two specialists, Dr Tavernier and Professor Leclercq, speak of preventive treatment and preventing the cause of death, which in their opinion would have been impossible in this case (par. 100). However, if Milosevic had had a heart surgery, as recommended by Professor Bockeria (par. 96), he would not have undergone a preventive treatment. Just preventing somebody's death, or saving somebody's life, does not automatically qualify as preventive treatment. Before any conclusion is drawn in regard to the effectiveness of preventing the cause of death, it should be noted that both Leclercq and Tavernier were not sure that the cause of death was what the pathological report said it was (par. 101), which deals a severe blow to the tribunal's assumption that the autopsy report closes the matter.

The conclusions Leclercq and Tavernier reached concerning the supposed ineffectiveness of intervention are based on the pathologists' findings after Milosevic was dead. Normally a diagnosis comes too late if the physician waits for all the facts to come in after the patient is dead. In par. 102, the report even concludes that it was not certain whether surgery would have prevented the death of Milosevic. In vernacular, that is called benefit of hindsight. Only, in this case the tribunal concludes that even hindsight does not provide any benefit. As Jacques Vergès and Dr Patrick Barriot point out in their open letter to the Chief Prosecutor Carla del Ponte, even if a physician does not have an obligation de résultats, the physician does have an obligation de moyens, as they are called in French. In other words, the physician is responsible for treating the patient but not for the outcome of that treatment. Conversely, even if the success of a certain treatment is uncertain, the physician has to perform it if it has the possibility of benefiting the patient.

The tribunal says in par. 102 that there was a difference of professional opinion concerning the need for surgical intervention and its effectiveness, but that is not strictly speaking the point. Presumably that difference of opinion was between Professor Bockeria on the one hand and Professor Leclercq and Dr Tavernier on the other. If the overriding principle was to save the life of the patient, it is difficult to see what harm could have been done by "erring" on the side of Professor Bockeria, in whose opinion surgery would have saved Milosevic's life. In referring the case to Professor Bockeria, the physicians would have fulfilled their obligation de moyens.

Significantly, Dr Tavernier did have a recommendation: he recommended life-style changes. Milosevic would certainly have agreed. The trouble is that Milosevic doubtlessly had a broader interpretation of the appropriate life-style changes than the tribunal. And if Milosevic's condition was untreatable, why did Professor Leclercq offer a recommendation as well? As Jacques Vergès and Dr Patrick Barriot point out, Professor Leclercq stated in another context: "It is incontestable that the stress contributes to the irregularities of the blood pressure and a period of rest has to be prescribed." Leclercq was one of the three doctors who recommended

a six-week rest, which the report admits in par. 64. The report also admits that Dr Mijailovic had detected "untreated hypertrophy with alterations to the organ" as early as 2001 (par. 42), which suggests that the condition was treatable, even if the report then takes the liberty of contesting the recommendation by Professor Bockeria concerning the need for heart surgery.

Privileges

At the risk of exaggerating the same self-complementary logic, the report on the Milosevic's death repeats the word privileges 39 times to draw attention to the fact that Milosevic had wide-ranging privileges. It is hard to avoid the impression that Milosevic had the privilege of ending his days in such a fine establishment that made his health considerations prevail over everything else, a bit like Reverend Gardiner's Home for Wayward Boys in one of Stephen King's novels. Even when the report suggests that at least some of those privileges should have been revoked, its stated purpose was to prevent any non-prescribed medicines from being delivered to Milosevic.

However, talking about privileges is misleading. Milosevic was the only detainee in the detention unit who was not allowed to have visits by his family members. The report even suggests that he should not have used the telephone to call his family members, because the telephone was meant for "defense-related purposes" (par. 118). That already gives the lie to the concept of privileges in regard to Milosevic.

Jacques Vergès and Dr Patrick Barriot also point out that the tribunal did searches in Milosevic's cell in his absence, which was illegal. Of course the tribunal could justify that practice by the non-prescribed medication it then supposedly found in his cell, like the Prilazid Plus, which had been confiscated from Milosevic on his arrival in the detention center in 2001. Again, the tribunal could hold up the protection of Milosevic's health as the overriding principle for performing the illegal searches.

Health and the rights of the defense

The rule of thumb is that whenever the case was going bad for the prosecution, the more obsessed the tribunal became with Milosevic's health.

First, now that even the tribunal has admitted that "There is nothing in his medical documentation that could suggest a heightened risk of suicide" (par. 37), it may be hard to believe that at the beginning of the trial Milosevic was forced to sleep under the constant glare of lamps in his cell and he was kept under video surveillance for fear he might commit suicide. The reason cited was that both his parents had committed suicide. Even if the surveillance may have conceivably averted the danger of suicide, the surveillance and the lamps were sure to damage his health in the long run. In fact, there is no indication that the round-the-clock video surveillance of his cell was ever lifted, which also reduces the likelihood that Milosevic could have taken any non-prescribed medicines, as the report purports.

Second, Milosevic was told to have a psychiatric examination in November 2002. Maybe the interests of the prosecution seemed too obvious. Or maybe the scenario was simply too Stalinesque for the public to stomach. Anyway, the plan to have Milosevic undergo a psychiatric examination never got off the ground. He was, however, examined by a cardiologist at that time. One may speculate how different the report would look if Milosevic had agreed to the psychiatric examination when it was ordered by the judges.

Third, also in late 2002, the tribunal administered the wrong

medicine to Milosevic. Whether that was done deliberately was debated at the time. As the leading Dutch newspaper NRC Handelsblad of November 23, 2002 reported in its article "Milosevic got the wrong medicine":

"In the Scheveningen prison Slobodan Milosevic was given the wrong medicine, causing his blood pressure to rise very quickly. This was why at the beginning of this month the trial against the former president of Yugoslavia was suspended. Sources within the tribunal have confirmed this. However, a spokesman for the Tribunal denies that mistakes were made. He refuses to discuss the issue further on grounds that 'This is about the privacy of the defendant'."

Here we see the willingness of a tribunal official to hide behind the privacy of the defendant. However, that privacy did not keep Christian Chartier, Head of Public Information Services, from commenting that the medication Milosevic got was actually the best Milosevic could have and even denied that Milosevic had been given the wrong medicine at all. In other words, the tribunal can compromise the privacy of the patient if it is in its own interests to do so. Moreover, here we see the arrogance of the tribunal: it was the tribunal that knew what was best for Milosevic even when it turned out to be damaging to his health. That same brazen optimism was to last until Milosevic's death and beyond.

Fourth, in summer 2004, the tribunal kept Milosevic from representing himself in his defense by imposing defense counsels, Steven Kay and Gillian Higgins, to represent him. In its order, the Trial Chamber mentioned Dr Van Dijkman's report although it never quoted it. When the defense witnesses refused to appear in court under such circumstances, the tribunal had to reverse its decision concerning the imposition of defense counsels.

Paradoxically, the allegations that Milosevic was manipulating his treatment justified the curtailing of his rights even further. Jacques Vergès and Dr Patrick Barriot have enumerated the instances as follows: The tribunal suppressed the facilities that had been given to him for the preparation of his defense by the Order concerning the Preparation and Presentation of the Defence Case of September 17, 2003. It reduced the time for the organization of his defense and increased the rhythm of the sessions from three to four or five so that Slobodan Milosevic did not have the material and physical means to prepare his witnesses, because the fatigue and the stress became insupportable. And, finally, the tribunal rejected Milosevic's request for hospitalization in the Bakulev Institute in Moscow. The only regret that the report on his death expresses is that his "privileges" were not cut even further.

As to the last point it has to be remembered that the tribunal did allow Vladimir Kovacevic and Pavle Strugar to leave the detention center for treatment. Vladimir Kovacevic was granted provisional release to allow him to fly to Belgrade for the treatment of mental health problems. Pavle Strugar was allowed to go back to Serbia and Montenegro for a hip replacement surgery. On the other hand, Slavko Dokmanovic, Milan Kovacevic, Milan Babic were less lucky, like Milosevic, and died in the detention center. Dokmanovic and Babic reportedly committed suicide, while Kovacevic died of a rupture of the abdominal aneurysm. The tribunal treats all these incidents with laconic efficiency and death in detention is treated almost as a normal occurrence in the report on Milosevic's death.

Rifampicin

The report on Milosevic's death hinges on the finding that Milosevic had administered the leprosy medicine rifampicin to himself (par. 111). Rifampicin countervailed the effectiveness of the prescribed antihypertensive medicines, and the report suggests that Milosevic used the medicine to make his hypertension seem worse. However, the report itself provides a number of clues that Milosevic did not

administer the medicine to himself.

As the report says in par. 76, Milosevic did not know that he was tested for rifampicin until 3 March 2006. He had been tested for it for two months, since 12 January 2006. However, if Milosevic wanted to countervail the effectiveness of the antihypertensive medicines, why was he supposedly taking the antihypertensive medicine Prilazid Plus which the report says were found in his cell and which according to it was smuggled from Serbia (par. 82)? It was found in his cell on February 1, 2006, i.e. more than a month before Milosevic found out he was being tested for rifampicin. In other words, does it make sense for him to take an antihypertensive medicine of his own and another medicine that countervails its effectiveness, if he really wanted to keep his blood pressure up?

Interestingly, the ICTY admits that rifampicin was indeed found in his blood. One might expect the tribunal to deny such embarrassing information. A cynic might think that the tribunal must have a reason for admitting the fact. Indeed, from the fact that it had not been prescribed by the detention unit staff, the report draws the uncomplicated conclusion that Milosevic administered it to himself.

The open letter to Carla del Ponte written by Jacques Vergès and Dr Patrick Barriot has some interesting observations concerning both the rifampicin and the Prilazid Plus. The Prilazid Plus pills had expired in March 2003. Those were the same tablets that Slobodan Milosevic had in his pocket when he was "transferred" to The Hague in June 2001. They were confiscated on his arrival at the Detention Unit. For some reason, those tablets were found by the prison guards in Milosevic's cell on February 1, 2006.

The origin of rifampicin is even more interesting. Milosevic found out in March that he had been tested for rifampicin for a couple of months. As the report says, the crucial blood test, which eventually revealed the presence of rifampicin in his blood, was taken on January 12, 2006. In their report, the toxicologists noted that they were unable to account for the low levels of metoprolol and amlodipin in his blood.

Contrary to what the ICTY report suggests, Milosevic was told of the results of the blood tests already in January. Dr Falke told Milosevic on January 27 that the levels of the prescribed medicines in his blood were too low but he only suggested that his kidneys should be examined. Milosevic was not allowed to see Dr Touw's report.

Why was the level of metoprolol and amlodipin abnormally low in the blood samples? In his report of January 20, 2006 (pages 6 to 7), Dr Touw gave several possible explanations for a low reading of metoprolol: "Low metoprolol concentrations can therefore be caused by the following factors: 1. poor absorption from the gastrointestinal tract, 2. insufficient compliance with the therapy, 3. interaction with for example a substance binding with drugs such as activated carbon, 4. decreased absorption by induction of enzymes, for example, rifampicine, and 5. a fast metabolism for CYP2D6." Then he concluded in regard to Slobodan Milosevic's situation: "We cannot draw any conclusions on the poor absorption, compliance with the treatment and binding to for example activated carbon. An interaction resulting in an increased pGp activity is unlikely, in view of the combination with the amlodipine medication and CYP2D6 genotyping carried out on a blood sample taken on 6 August 2004 shows that there is no CYP2D6 gene duplication in any case, which is the most common cause of a fast metabolism in Caucasians."

Dr Touw excluded explanation number 5, the fast metabolism. That is what the tribunal also did in par. 107 of its report, referring to the testing of August 6, 2004, which was the same test - or actually only the same sample - that Dr Touw mentioned in his report. Dr Touw also expressed reservations about the possibility of "the increased pGp activity" which could have been induced by rifampicin. He

thought it was "unlikely" that rifampicin played any part because Milosevic was taking metoprolol in combination with amlodipine. In other words, even if Dr Touw did not rule out rifampicin outright, he thought it was an unlikely explanation and cited it only as an example.

However, two months later, on March 7, Dr Falke announced that he had received another report from Dr Touw, dated February 23. The report concluded that "a repeated analysis" of those same blood samples had revealed very high levels of rifampicin. In fact, those levels were so high that they would have corresponded to a dosage of 2 tablets of 300 mg a day for an adult. Stunningly, the rifampicin quantities were 100 greater than the quantities of other medications detected by Dr Touw, which suggests, if true, that the test must have been botched at least at one point. Dr Falke's accompanying letter, which was dated March 3, drew the triumphant conclusion that rifampicin must indeed be the reason Milosevic's medication was not having the desired effect. The first three possibilities seemed to have been discarded.

As the ICTY report says in par. 76, the blood test of January 12, 2006 was "the first time that a blood test of Mr Milosevic had undergone the additional specific testing for rifampicin". In this light, it is surprising that the toxicologists could initially do nothing else but speculate on the presence of rifampicin in the blood in their January report, especially as they noticed two months later that the levels were staggeringly high.

So, either there was rifampicin in his blood in the test taken in January, and the finding was omitted from the report, which suggests that the finding was too embarrassing for the tribunal to disclose, or there was no rifampicin in the blood test, even if the tribunal chose to accuse Milosevic of medicating himself two months later.

Ironically, the absence of rifampicin would be the least damaging scenario for the tribunal, in which case one might speculate why it admitted that the substance was found. First, if there was no rifampicin, then it would stand to reason that his urine did not turn red, as it would if rifampicin had been in his body. In that case, the tribunal would not have had to resort to the argument that Milosevic administered rifampicin to himself and did not tell anybody of the discoloration of his urine because he must have been aware of that side-effect in advance (par. 77). Second, if no rifampicin was found in his blood, then we do not have to wonder why there was no rifampicin at the time of the autopsy, which is a bigger problem than the tribunal cares to admit. If Milosevic had taken the medicine up to the time he found out that he was being tested for it, that is to say March 7 (or March 3 according to the report), would all the traces of the medicine really have disappeared from his blood when he was found dead four days later? Third, this option would also relieve the tribunal of the uncomfortable fact that the blood test was requested by Milosevic himself (or he "volunteered to take a further blood test," as the report says in par. 76), because it is unreasonable to assume that he thought he would not be tested for rifampicin when he made the request.

The tests were also performed under controlled circumstances. The tribunal even admits this in par. 132: "It is noted that when a strictly controlled test was conducted on 12 January 2006 a nurse actually administered the medication and a guard then watched Mr. Milosevic for two hours. Steps such as this can overcome subterfuge but they are hardly practical for normal practice." In other words, the idea of subterfuge on Milosevic's part, with which the tribunal likes to toy in its report in par. 132, is excluded at least in regard to the blood test of January 12, 2006, by the tribunal's own admission.

But why did the tribunal insist in the end that it did find rifampicin in

Milosevic's blood? One explanation may have been to sidetrack the growing chorus of Milosevic supporters. The report quotes Milosevic's letter in which he expresses his certainty that the tribunal had tried to poison him with rifampicin. Curiously, that is also the only "hard" evidence mentioned in the report to that effect. The supporters of Milosevic would then have no reason to doubt that rifampicin was found. Once the supporters got what they wanted (so to speak), the tribunal could treat Milosevic's detractors to the more palatable theory that he administered the medicine to himself and thus caused his own death (without committing suicide, curiously enough). What killed Milosevic in reality, in this scenario, might have been the shock caused by the sudden revelation of rifampicin findings in his blood and the certainty of his never getting out of the detention center now that his request for provisional release to fly to Moscow had been turned down.

The reality is even starker than that. The rifampicin was found at a time when the tribunal could no longer sell the story of Milosevic sabotaging his own treatment, as the prosecutor, the physicians and the Registrar had been claiming since the summer of 2004. That myth was about to be exploded when Milosevic requested the blood draw under controlled circumstances in January 2006. The first time Milosevic's blood was tested by the detention unit staff was in the second half of July, the second time was in August 2004, the third in November 2005 and the fourth in December 2005. Conveniently, those tests coincided with the imposition of counsels and the rejection of Milosevic's supposedly ill-timed request for provisional release. The tribunal insisted that Milosevic was manipulating his treatment. Even if all the previous blood draws showed the reading of the prescribed drugs to be lower than expected, no adequate examination took place until Milosevic himself demanded the controlled test that was carried out on January 12, 2006. It is then scarcely surprising that the tribunal had to scramble for an explanation in 2006 and thought that the presence of rifampicin suited it best.

It can hardly be stressed too much that the blood tests of January 12, 2006 were not prompted by the tribunal but by Milosevic. He wanted to put to rest the repeated accusations that he was manipulating his own treatment, although the tribunal did not hesitate to turn the results, whatever they were, against Milosevic himself. It was hard for the tribunal not to grant Milosevic's request. If it was administering rifampicin to Milosevic at that time without his knowing, the levels of the metoprolol and amlodipin were sure to turn out low, for which the tribunal was prepared. The disconcerting fact was that the rifampicin would also show up in the blood sample. The very dilemma the tribunal was facing would seem to account for the delay of two months that elapsed between the actual test and the time Milosevic was told of the results. By that time rifampicin might well have disappeared from his blood if its administration had been discontinued in January and all we had as evidence was Milosevic's own letter to the Russian Ministry of Foreign Affairs that the substance was ever found in his blood. That solution had something to offer to everybody, and nobody was likely to draw attention to the fact that if Milosevic was taking rifampicin until he was told he was being tested for it, the substance would probably still have been in the blood at the time of the autopsy a week later.

No matter which option is true, one question remains: If there was rifampicin in the blood to begin with, why was it not reported to Milosevic until March? The report says that this was due to "the difficult legal position in which Dr Falke found himself by virtue of the Dutch legal provisions concerning medical confidentiality". Strange to say, that is not entirely untrue. It is true that Dr Falke found himself in a difficult legal position. However, the reason was not that the Dutch law prohibited him from divulging the information to Milosevic. If the Dutch legal provisions concerning medical confidentiality played any part in what was going on, it was because they would have required Dr Falke to divulge that information to Milosevic at his request. The amici curiae Gillian Higgins and Steven Kay had informed the Trial Chamber of the way Dr Falke and others

seemed to be doctoring the relevant medical information. However, the Trial Chamber only required them to defend themselves in writing, which they did, and the matter was considered settled.

The report then dutifully criticizes those Dutch provisions in par. 134 and following. The substantive problem with this argument is, however, that there are no legal provisions in Dutch law that prohibit a doctor from telling a patient the result of his own blood test. Even if there were, a delay of almost two months would seem excessive. Obviously, the tribunal was willing to peddle such a blatant untruth in order to buy that crucial two-month period during which it could spin a tale around the blood test results.

If there was rifampicin in Milosevic's blood, then the reasons for the delay in telling Milosevic himself of the findings are particularly relevant. It is significant that the tribunal made no public announcement of the findings. The report quotes no such announcement. Instead, it quotes the letter by Milosevic to the Ministry of Foreign Affairs of the Russian Federation (par. 80). As the report admits, the information in the letter appeared to have reached representatives of the media through a legal associate of Mr Milosevic. That letter is indeed the only document that made the findings public to the outside world.

However, it seems preposterous that the tribunal clings to the only public document that shows that rifampicin was found in Milosevic's blood, namely Milosevic's letter Ministry of Foreign Affairs of the Russian Federation, and then spins a tale around it that directly contradicts what the letter says. It is easy to understand why the tribunal would do that. The blood draw results do not seem to stand the light of day. The spin would also divert the attention from the uncomfortable fact that Milosevic was found dead in his cell about three weeks after his request for further treatment in Moscow had been rejected. The tribunal understandably tries to spin a tale around that unfortunate event too, but as one of the common law principles states: *res ipsa loquitur*, i.e. the thing speaks for itself. In medical malpractice cases, the plaintiff only has to show that a particular result occurred and would not have occurred without someone's negligence. That is the case here.

It is hard to resist the conclusion that the tribunal did not communicate the finding to the public directly because it wanted to "frame" Milosevic as the architect of his own death. If the tribunal was so sure that Milosevic had administered the medicine to himself, then, in an apparent display of magnanimity, the tribunal wanted Milosevic to be the only one who should know about it. That possibility might persuade some unsuspecting observers, if such magnanimity were not so rare or even unheard-of. But why did Milosevic make the findings public in the first place, if he knew he had taken the medicine himself? The quote the tribunal has chosen for its report might seem to suggest to some that Milosevic was in panic after being "found out" and used the "poisoning" to get a trip to Moscow. However, it would appear to be more than a coincidence that the tribunal did not divulge that information to Milosevic until it had turned down Milosevic's request to that very effect on February 23, 2005. It would then appear plausible that the tribunal waited until the rejection of Milosevic's request before it made the rifampicin findings known to Milosevic.

The tribunal would never revisit its rejection. Milosevic appealed the decision, but he was found dead in his cell less than a month later, on March 11, which is in itself too close for comfort. And the additional complication is that the tribunal admits in its report that Milosevic did not commit suicide. Yet, it supposes that Milosevic in effect poisoned himself, although the report also says that he was not poisoned.

Milosevic's letter sounds true. Yet we must remember that it is the only evidence the report gives of rifampicin having been found in his

blood. It would appear that if Milosevic's letter involved any spin, it could not have been ascribable to Milosevic. Even if Milosevic had indulged in spin, does the tribunal suppose that Milosevic decided to die a few days later after writing his letter just to show the tribunal that he knew what the tribunal was doing and he wanted everybody else to sympathize with him? In other words, was Milosevic prepared to pay the ultimate price, his life, just for the pleasure of "framing" the tribunal as his murderer, which would be the prima facie case when a patient dies within three weeks from the rejection of his request for provisional release?

As Michael Crichton writes in his techno-thriller *The State of Fear*:

"If someone tried to kill you, you did not have the option of averting your eyes or changing the subject. You were forced to deal with that person's behaviour. The experience was, in the end, a loss of certain illusion. The world was not how you wanted it to be. The world was how it was."

And that is the feeling one gets reading Milosevic's letter.

The only remaining problem is that rifampicin should have caused the discoloration of his urine. Why did Milosevic not tell the nurse or anybody else in the detention center? For those who know Milosevic, this question is contrived. Of course he would not tell.

Just look what happened on November 15, 2005 when he tried to discuss his medical report with the Trial Chamber:

Judge Patrick Robinson: I do not wish to have it discussed now. Are you deaf? Call your next witness.

Milosevic: I probably am deaf.

Judge Robinson: Well if you are, we'll see about that. Call the next witness.

However, the discoloration of his urine and the arrogance of the trial judges would account for his urge to get treated in Moscow. Milosevic was not stupid. If his urine had turned red, he would probably have suspected the tribunal first. He would have expected the tribunal to deny that the eventual discoloration was attributable to the treatment. Obviously, that is exactly what happened.

One has to note two reservations. First, Milosevic did not tell anybody, not even his closest associates. That has to be taken into account, although the blood of one's urine is not necessarily something one likes to discuss with anybody. Second, some of those involved in the case appear too hasty to wash their hands of any responsibility. That suggests that the tribunal must have had its own reasons for "canonizing" the rifampicin scenario, which suggests at least to some observers that there was no rifampicin to begin with.

The tribunal's willingness to designate a so-called independent expert is a case in point. The trial chamber requested the Registrar in January 2006 to designate an "independent expert" who could give his opinion on the results of the blood tests, albeit without doing any other blood tests himself (par. 70). The Registrar chose Professor Uges (par. 71). Professor Uges did not see or test Milosevic's blood at any point. However, the tribunal states that Professor Uges' report was delayed because it was Milosevic who refused his consent for the relevant medical information to be provided to him (par. 71). That leaves unanswered the question what it means by the "relevant medical information", because Milosevic himself did not hear of the supposed rifampicin findings until early March. On the other hand, it is known that whatever the "relevant medical information" was, there is no indication Professor Uges handled the blood samples.

That technicality did not keep Professor Uges from writing a report which concluded that Milosevic did not take the prescribed medicines and administered the rifampicin to himself. At least, that is what Professor Uges told the media two days after Milosevic's death. On the other hand, the Registry was not aware of any report by Dr. Uges other than the one dated January 24, 2006, which did not mention rifampicin. If Professor Uges is right about his writing another report, then he knew, quite spectacularly, without even seeing the samples on which he was to give his expert opinion, 1) that rifampicin had been found in Milosevic's blood; 2) that Milosevic had administered the medicine to himself; and 3) that Milosevic did this to twist the tribunal's arm to get a provisional release to fly to Moscow. It is not clear how Professor Uges could give his medical opinion on who had administered the medicine, and even less clear how he could give a medical opinion on Milosevic's supposed motives for doing so. If Professor Uges is wrong about his having written a report to that effect, however, it does not matter what he said in the report that he did write.

Other medicines

In support of its view that Milosevic had taken the non-prescribed medicine himself, the report is at pains to establish a certain pattern of the use of non-prescribed medicines on Milosevic's part. Those non-prescribed medicines include cilazapril/hydrochlorothiazide, cotrimoxazole, diazepam, nordazepam and prazepam.

First, the report mentions cilazapril/hydrochlorothiazide in par. 108. Interestingly, in par. 109 the report mentions that "another medication", Prilazid Plus, was found. However, Prilazid Plus was not "another medication": Prilazid Plus consists of cilazapril/hydrochlorothiazide, as the report says itself in par. 82. As we have already noted, the Prilazid Plus was confiscated on his arrival in Scheveningen and then miraculously found in his cell.

It must also be noted, as Jacques Vergès and Dr Patrick Barriot point out, that Dr. W. Zwart Voorspuij had concluded in his forensic report of March 11, 2006 on the discovery of the body that Milosevic was known to take non-prescribed medicines. He wrote that Milosevic took a medicine that was not available in the Netherlands, namely Vascase Plus, which contains cilazapril and hydrochlorothiazide, mentioned above. However, Vascase Plus appeared in the prescriptions in July and August 2002 and it seems to be available in Vascase Plus. Did Dr W. Zwart Voorspuij confuse Vascase Plus and Prilazid Plus? That already raises the suspicion that the truth never stands in the way of a good story, although the forensic report was supposed to be only about facts. Dr. W. Zwart Voorspuij was so eager to mention this supposedly relevant detail that he did so even before describing how the body was found.

Second, the report mentions in par. 109 that diazepam and nordazepam had been found in Milosevic's blood and says that he had not been prescribed either of them "at the time" (i.e. November and December 2005). Yet in par. 68 we read that he had been prescribed diazepam for his back pain a month before (October 2005) and that diazepam transforms into nordazepam in the body. However, since Professor Donald Uges thought that neither of the substances would be found after two weeks in the blood, the inference was that Milosevic was taking non-prescribed medicines. On the other hand, in his statement given in the middle of February 2006, Dr Falke admitted that Diazepam was given to Milosevic several times during his stay in the detention unit, although it did not appear in the medical report until the autumn of 2005 (for some reason).

If Diazepam was thought to be a non-prescribed medicine at the time of the four blood tests taken between November 20 and December 16, 2005, we may infer that Milosevic was being tested for not only for the prescribed but also for non-prescribed medicines

before the strategic blood test of January 12, 2006, in which rifampicin, a non-prescribed medicine, was then reportedly found. That suggests that any non-prescribed substance should have been detected right away in January.

Third, the report discusses nordazepam, this time in connection with prazepam, a minor tranquillizer, in par. 106. It evidently ascribes the presence of the nordazepam in Milosevic's blood to medicines which belonged to Dragoslav Ognjanovic, nicknamed Misa. To the credit of the tribunal, it must be said that those medicines were not found in his cell but in his office. The date was July 9, 2004. From the viewpoint of the tribunal it must have been a happy coincidence that Misa was one of Milosevic's legal associates. To clamp down on the "privileges" of Mr Ognjanovic the tribunal first had to suppose that the medicines were actually meant for Milosevic. The tribunal had no other proof for its assumption than the two blood tests of July 2004 which contained nordazepam and prazepam. However, Branko Rakic, one of Milosevic's legal associates, has denied that prazepam was found in the blood test, which means that the nordazepam must have been a trace of diazepam.

As we already noted, diazepam was prescribed in 2005 for Milosevic's back pain, so the medicine could not really have been "non-prescribed". We also noted that diazepam transforms into nordazepam in the body, as the report says. Indeed, that may offer an explanation for the presence of nordazepam in the blood draw of July 2004, too, although diazepam did not appear in the medical report until the autumn of 2005. There is then no need to account for the presence of nordazepam by way of prazepam, which was found in the envelope belonging to Misa, although prazepam transforms into nordazepam as well.

Branko Rakic adds that Milosevic's legal associates kept some of their belongings in the same office, such as books, pens, different documents etc. Since they also worked there, it was normal to leave or even forget something there. He also remarks that the last time Mr Ognjanovic, or Misa, had been in the office was about May 20, 2005, and when the envelope with the medicines was found, it was still sealed, which means that nobody had taken the medicine in the intervening period of 50 days. Milosevic did not know of its existence, because it was in a drawer used by Mr Ognjanovic.

After that discovery, all the visitors were searched manually from head to toe. From the beginning of 2005, a guard would permanently watch Milosevic and his visitors through the glass of the office door. The visitors also underwent x-ray controls. Even if the ICTY report pretends to deplore the inevitable lacunae in the surveillance system, it would have been impossible for anybody could have smuggled a daily dosage of 2 tablets of rifampicin to Milosevic. The supposed dosage was so high that Rakic, Vergès and Barriot do not believe that it would have been possible even for the tribunal to administer it without Milosevic knowing. Significantly, rifampicin was never confiscated at any point, which would make the tribunal's theory at least a little more plausible, even if we did not forget what the tribunal did with the Prilazid Plus.

Those technicalities do not prevent the tribunal from concluding that Milosevic "administered rifampicin to himself". On the other hand, we have accounted for all the medicines on the tribunal's "bad book" except for co-trimoxazole, an antibiotic, which is mentioned in par. 108.

As if to add a touch of humor, the report suggests that other "incriminating" evidence includes a bottle of whisky that had been found, not in his cell, but in "Milosevic's privileged office" (par. 106 and par. 127). However, the tribunal is not joking. Branko Rakic points out that Milosevic's legal advisers told Milosevic's visitors that no gifts were allowed. Even those who did not ask his advisers' advice did not hide what they had with them. For instance, Carolos

Papulas, President of Greece, declared the bottle of ouzo he had brought with him at the entrance of the jail and it was taken away from him.

Culprits

In cases like this, it would seem natural to ask who assisted Milosevic in whatever he was doing. The tribunal remains strangely uninterested in that question. An additional complication is that the tribunal admits in its report that Milosevic did not commit suicide, while suggesting that Milosevic did in effect poison himself. The tribunal remains oblivious to that discrepancy. Its main preoccupation is to divert the suspicion away from itself.

The tribunal seeks "to avoid any repetition of such conduct", meaning the surreptitious way Milosevic supposedly got the medicines (par. 130). It does not address the issue who delivered them. Of course, it would be for the Dutch police to find out culprit, but the report wisely lashes out against the Dutch legal system. The pretext is the supposed confidentiality of medical information under Dutch law. The report does not cite any actual law to substantiate its claim, so the criticism sounds much like a warning not to come too near the tribunal.

The tribunal may be conscious of the lack of the culprit, apart from Milosevic, of course, even if he did not commit suicide. Instead, the report does paint a rather curious picture of Dr Van Dijkman, perhaps unfairly. Dr Van Dijkman's main preoccupation seems to have been to keep Milosevic's blood pressure down (in particular par. 56 and following). It seems, however, that hypertension was not even the biggest of Milosevic's worries. True, Dr Mijalovic had mentioned arterial hypertension to Dr Falke, but it was only one among many other problems such as "untreated hypertrophy with alterations to the organ" (par. 42). Likewise, Professor Tavernier established that Milosevic had a target organ damage (par. 55). And all Dr Van Dijkman does is to treat his hypertension.

Dr Van Dijkman dutifully established that Milosevic's ECG remained "unchanged" (par. 57, 58 and 62), though that does not mean that the ECG was not all wrong to begin with. In fact, Prof Elena Golukhova had found significant ECG abnormalities in 2003 (par. 50). (That same "no change" ploy is again used in par. 83). Dr Van Dijkman suggests lifestyle changes (i.a. par. 46), which must have been a very appealing suggestion to Milosevic considering the life he led in the detention center cut off from the visits by his family. In face of that fact, Dr Van Dijkman has the audacity to suggest that Milosevic was suffering of "a mental stress of an unknown nature" (par. 51). The report also mentions that the problem was that Milosevic did not make the changes to the lifestyle that he was strongly encouraged to (par. 103).

But more to the point, what happened to the "periods of rest" Dr Van Dijkman prescribed (par. 45 etc.)? As the report says, "The Trial Chamber adjourned for three months to allow Mr. Milosevic to prepare his defense" (par. 51). Obviously, the three months were not enough, so he had to use his so-called "periods of rest" to prepare his defense too. That, again, was Milosevic's fault: he should have used his rest time "adequately" (par. 48).

As if to show whose side he was on, Dr Van Dijkman even thought that the period of rest of at least six weeks would be "too much" (par. 17). What does he mean by "too much"? The rest of six weeks was recommended by Drs Leclercq, Shumilina and Andric, who examined Milosevic on November 4, 2005. They had all been chosen by Milosevic himself. The tribunal writes in its report that the Trial Chamber did meet those physicians' recommendation for six-week rest from December 12, 2005, while denying Milosevic's request for provisional release for Moscow (par. 94). The trial would have been suspended for a three-week winter recess anyway.

The fact that Dr Van Dijkman, "an experienced cardiologist of high standing" (finding #4), was allowed to act as Milosevic's cardiologist suggests that Milosevic's needs could not be met in the Netherlands (cf. par. 66) and the Trial Chamber was wrong to turn down Milosevic's request to fly to Moscow.

The report stresses the findings of the autopsy report. In finding #3 it says that the independent findings by Dutch authorities show that Milosevic was not murdered. However, its faith in the report is relative. In order to rebut Prof Bockeria's claim that surgery would have saved Milosevic because he suffered from myocardial infarction, as the autopsy report apparently stated, Judge Parker, the writer of the report, has to turn against the autopsy report for a while. He writes that in Prof. Leclercq's opinion the trouble was not myocardial infarction at all, even if that was what the Dutch term hartinfarct meant to her (par. 101). However, if there is such a discrepancy between the specialist opinion and the autopsy report, why does that discrepancy not count elsewhere? The report refuses to dwell on the matters raised by Dr Shumilina for the very same reason although the reasoning is now inverted: because the autopsy report did not indicate any connection between her findings and the death of Milosevic (par. 92). That reasoning might be valid if the autopsy report had mentioned Dr Shumilina at all. It is easy to guess that the tribunal did not agree with Dr Shumilina, in which case she had to be ignored.

Apparently (although this is very unclear in the report), one of the reasons of the heart attack was hypertrophy of the myocardium (par. 101). But it had to be a curable condition even if the tribunal now tries to argue that it could do nothing to treat it. As noted above, Dr Mijaliovic had talked about an "untreated hypertrophy with alterations to the organ" (par. 42), which suggests that it could be treated

Nature of the report and further action

All in all, the report is pleading for the innocence of the tribunal. There is nothing in the report that suggests that tribunal did anything wrong. It supposes that the tribunal should be given the benefit of the doubt as in any criminal case. Indeed, it is a plea. But where is the judge who will hear this plea? The fact that the report has been written by a judge hardly matters. It is imperative that the matter be investigated by an independent organ. Relegating the investigation of the death of a former head of state to the bureaucracy of the ICTY itself only adds insult to injury.

We are indeed at a crossroads. The ICTY statute put an end to the immunity of the heads of state, like Milosevic. The logical next step is to put an end to the immunity of the officials of international judicial bodies like the ICTY.

Nico Steijnen is a member of the Dutch Bar and has been authorized by Milosevic to act on his behalf in defending his fundamental human rights in the Dutch courts.

7-3-2007 (Dossier Servius/1752m.)

1 DAT HET ICTY ALTIJD TEN ONRECHTE
VAN DE FICTIE IS UITGEGAN DAT
HET GEEN BURGROORLOG WAS, MAAR
EEN DOOR SERVIË GEÏNSTITUEERDE
OORLOG, WAARAN DOOR DE IGH-
UITSPRAAK IN 2. BOSNIE/SERVIË
NU EEN FOND IS GEKORREN,
IS NHERYKLED IN EEN ART.
IN DE NRC VAN 10 maart 2007
IN DOSSIER DE WENKLAAR
Dulac I

Vrijspraak Servië maakt einde aan juridische fictie

Een betere toekomst van de Balkan loopt niet langs gerechtelijke uitspraken. Daarom is de vrijspraak voor Servië verheugend, zegt **Raymond van den Boogaard**.

Dat het Internationale Hof van Justitie maandag de staat Servië niet schuldig heeft verklaard aan genocide in Bosnië-Herzegovina, en de Bosnische aanspraken op herstelbetalingen heeft afgewezen, is verheugend: de uitspraak breekt met de juridische fictie dat de oorlog in ex-Joegoslavië geen burgeroorlog was, maar een door Servië geïnstigeerde oorlog tussen staten.

Deze fictie – die het uitgangspunt is van de strafzaken voor het Haagse Tribunaal – heeft altijd gewrongen. Juist de opdeling van Joegoslavië in verschillende staten was immers de inzet van het conflict. Het was, begin jaren negentig, één politieke elite die ertoe overging om in Joegoslavië de ex-communistische boedel niet langs de weg van onderhandelingen, maar met geweld op te delen, daarbij gebruikmakend van archaische etnische tegenstellingen.

Sommige Europese landen, zoals Duitsland, dragen een zware verantwoordelijkheid door in een vroeg stadium aan te dringen op

erkenning van Slovenië en Kroatië. Dit beloofde degenen die met de wapenen tot afscheiding overgingen. Het was een perfide politiek: iedereen kon weten dat de 'democratische' schaamlap – erkenning als onafhankelijke staat na een referendum – in Bosnië-Herzegovina macabere gevolgen zou hebben.

Prompt ontstond een burgeroorlog tussen drie partijen: de Bosnisch-Servische die zich tegen

Door alle partijen werden misdaden gepleegd

afscheiding van Joegoslavië verzette, de moslim-oorlogspartij en de Kroatische oorlogspartij. De Bosnische oorlog was, meer nog dan de Kroatische en de korte Sloveense, een afgrijselijk conflict, waarin door alle partijen ernstige misdaden zijn gepleegd.

De vraag of sommige oorlogspartijen meer verantwoordelijkheid dragen voor het gebeurde, is geen juridische maar een politieke. Ik zou zeggen dat het beeld van een Servische oorlogspartij die onder leiding van Milosevic van meet af aan uit zou zijn geweest op een gewelddadige ontkenning, veel te

maken heeft met de perceptie van Servië als een minder 'beschaafd' of minder 'Europees' land dan Slovenië of Kroatië. Dergelijke opvattingen zijn als oorlogspropaganda te kwalificeren. Aan de andere kant heeft de opstelling van Milosevic in de jaren vóór de oorlog zeker bijgedragen tot een klimaat, waarin onderhandelen over de toekomst van Joegoslavië geen zin leek te hebben.

Dit zijn echter politieke appreciaties, waarover het oordeel niet in de rechtszaal thuishoort. Dat was al gebleken tijdens het proces tegen Milosevic in Den Haag.

De voormalige oorlogspartijen moeten hun tijd niet langer verdoen met het oprakelen van oude frustraties. Uit het drama van de oorlog is namelijk een ander drama voortgekomen: Balkanlanden die zonder burgeroorlog vermoedelijk al jaren deel hadden uitgemaakt van de EU, bestaan nu uit verarmde staten, waarvan sommige een soort internationaal protectoraat zijn.

Het ware beter als voor het laatste onopgeloste conflict, in Kosovo, zo spoedig mogelijk een oplossing door onderhandelingen wordt gevonden. In ieder geval loopt de weg naar een betere toekomst niet langs – in gerechtelijke uitspraken – gestolde rancune en herstelbetalingen.

Raymond van den Boogaard is redacteur van NRC Handelsblad.