

Milosevic & Aanklacht

Map 5B

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <SAGITAR@HETNET.NL>
Verzonden: zondag 3 oktober 2004 21:44
Onderwerp: CDSM: 1) James Bissett interview 2) Milosevic Speech to the Nation 2nd Oct.

1. Interview on Canadian Radio with James Bissett - 27th September 2004.

THE HAGUE TRIBUNAL: CHARGES AGAINST MILOSEVIC PURE FANTASY

[Excerpts from the interview with the former Canadian Ambassador to Yugoslavia, James Bissett, September 27, 2004]

Stalled by reluctant witnesses and an uncooperative defendant, judges in Slobodan Milosevic's war crimes trial adjourned the proceedings for a month Wednesday (15. September 2004) to give the former Yugoslav president's court-appointed lawyers time to prepare their case. At least 20 of Milosevic's witnesses, including high-level foreign politicians, have refused to show up since the court limited Milosevic's ability to mount his own defense. Milosevic faces 66 counts of war crimes for his alleged criminal role in atrocities committed during the violent breakup of the former Yugoslavia in the 1990s. Those are very serious charges with potential consequences for the whole Serbian nation.

Mr. James Bissett, former Canadian ambassador to Yugoslavia is one of foreign politicians who refused to go to The Hague to testify. His refusal to testify has prompted the media at home and abroad to ask him to explain why he made this decision?

One of the fundamental principles of law is that if you are accused of something that you have right to defend yourself. That is enshrined in law and has been for many centuries. It is one of the core principles of the law. Even the Constitution of the Tribunal itself makes it clear that all of the defendants have right to defend themselves if they choose to do so, including Mr. Milosevic.

Yet the Tribunal has now decided to take that right away from him. This decision served to confirm my early suspicions that the Tribunal was really a political court. It was the final straw that convinced me I did not want to be a witness at the trial. It was my own decision. I was surprised, but pleased, to see that most of the other witnesses agreed not to appear.

Judges citing medical reports that Milosevic was unfit to take charge of his defense. Is this right?

Anyone who reads Tribunal's transcripts will see that Milosevic is more than able to defend himself. His cross examinations have destroyed many of the witnesses who have come before him. I think the Tribunal is using health reasons simple as an excuse to prevent him from defending himself. [The prosecution] came up with this fantasy theory that he, Karadzic and the Serb leader in Croatia entered into criminal conspiracy to ethnically cleans all non Serbs out of Bosnia and Croatia. This is pure fantasy. The prosecution is having a very difficult time of proving all this. It is pretty clear that they got to try to keep him off the stand. If he is on the stand, he is going to destroy their arguments.

You have always been a defender of the rule of law and you believed in the UN charters. Given what we have seen so far at The Hague, have you changed you mind about the UN court and the justice the UN is capable to administer?

I am afraid to have to say yes. From the outset the legitimacy of the Tribunal has been in question. The UN Security Council established it yet there is nothing in the United Nations Charter that gives the Security Council the authority to establish a Tribunal or Court. Nevertheless the Tribunal did get the blessing of the UN Security Council and the UN Secretary General. Therefore one could argue that despite its dubious origin it has taken on a quasi-legal position. Mr. Milosevic has been accused of some of the most serious crimes since the Nazi leaders were on trial at Nuremberg. It was therefore incumbent upon Tribunal to get it right. By that I mean - to ensure there was fairness, to ensure there was a presumption of innocence on the part of the accused and to follow the other basic principles of law. This the Tribunal has not done.

We also know that the Tribunal was financed by George Soros and by some of the Arab states. This in itself calls into question the impartiality of the Tribunal. The court has been dominated and managed by the United States. It is in the interests of the USA to continue the pretence that Milosevic is solely responsible for everything that went wrong in the former Yugoslavia. I am convinced that the Tribunal was established to make Mlosevic and the Serbs guilty of all the crimes committed in the Balkans. His guilt is essential if the Germans and the Americans who played such a critical role in causing much of the bloodshed and the violence in the Balkans are to be let off the hook.

What is the biggest misconception of the war in the former Yugoslavia that people in the West have?

The US led NATO powers have done a masterful job through manipulation of the popular media of blaming the Serbs and Milosevic for everything that happened since the breakup of Yugoslavia. They have been able to convince the people in the West that Milosevic and the Serbs not only broke up Yugoslavia, but also are responsible for all the killings and ethnic cleansing. This is a very scary thing. It shows how easy public opinion can be manipulated. That is why it is important for the truth to come out

Already we see that people have forgotten Kosovo. It is no longer a subject of interest to the media. Over 2000 Serbs have been murdered in Kosovo since NATO and the UN took over and not one person has been charged. Almost all the non-Albanian population has been forced to leave Kosovo. Yet, not a word of complaint about ethnic cleansing. Albanians have burned or blasted down over 150 Christian churches, some of them treasures from the 12th and 13th centuries. Not a word of protest from Christian leaders in the USA and Canada. How can this be explained?

We are dealing here with double standard and the manipulation of western public opinion. It is shocking and frightening. This is why the Tribunal in The Hague must be discredited because if it is not - its files and testimonies will form an important part of the historical record. Unfortunately it seems obvious that Milosevic's guilt has already been ordained by the Americans. And they represent as we know the most powerful nation in the world.

Mr. James Bissett was Canadian ambassador to Yugoslavia in 1992.

BOBA BOROJEVIC, producer

Monday's Encounter on CKCU 93.1FM

Ottawa, Canada

6 Oct 2004

About Us
Slobodan Milosevic Freedom Center The Hague

At the request of President Milosevic a new organisation has been established in The Netherlands: 'Slobodan Milosevic Freedom Center The Hague'. The purpose of the Freedom Center is to inform the public about what is happening at the ICTY in The Hague; the violations of international law and violations of the basic human rights of President Milosevic. Our purpose is also to bring out the truth about what happened in Yugoslavia after 1989, and to clarify the real objectives of this so-called Tribunal and its masters.

The necessity of this organization has become even more urgent since the so-called Tribunal has prohibited President Milosevic from presenting his own defense, and the biased way that the so-called "trial" is covered in the media.

The truth of what happened in the former Yugoslavia is of utmost importance for all those seeking justice and peace. Not only to do justice for those who have suffered and perished, but also to expose the real agenda and the real forces that were behind the destruction of Yugoslavia.

The destruction of Yugoslavia is in no way an isolated incident, nor solely the result of internal factors. It is the result of the new post-cold war international relations, and therefore an understanding of what happened to Yugoslavia is a precondition to understanding the present situation, in particular the so-called war against terrorism and the reemergence of fascism.

President Milosevic is fighting against monstrous machinery, which is determined to use any means to punish the Serbian people for their resistance against the destruction of Yugoslavia by terrorist and fascist forces.

President Milosevic is not only fighting for the truth of what happened in the past, but for the very future of the whole Serbian people. In this fight he is an ally of all who are fighting for justice and peace, and against old and new forms of colonialism and fascism.

He has asked all his friends to increase their forces, bring out the truth, and to undertake the important work of reaching out to the minds and hearts of all peace loving people in the world, to unite and fight against fascism, terrorism and war.

The fact that he is fighting in The Hague makes it necessary to have an organization in the Netherlands. For that reason President Milosevic has appointed Nico Varkevisser from Amsterdam as his assistant, and as the coordinator of this organization.

'Slobodan Milosevic Freedom Center The Hague' will operate as an independent entity within the Dutch Foundation 'Holland Yugoslavia', an organisation which emerged during the protests against the NATO aggression against Yugoslavia in 1999. Apart from Nico Varkevisser, the board of the Freedom Center will include Mr. Nico Steijnen, an attorney from the Netherlands and Andy Wilcoxson, an analyst from the United States.

'Slobodan Milosevic Freedom Center The Hague' will collaborate with the greatest possible range of organizations and persons, for the following objectives:

1. To support President Slobodan Milosevic in his struggle against the ICTY and the false indictment

2. To inform the public about the illegal establishment of ICTY and to expose its real nature as instrument of the NATO powers to cover up their aggression and crimes against the former Yugoslavia and their continuing interverence in the internal affairs of the new republics, Serbia in particularly.
3. To fight against the secrecy and lack of justice by which the ICTY is characterized, the violations of the basic human rights of Slobodan Milosevic and other prisoners— in particularly the so-called 'Tribunal's decision to deny him to lead his own defense - and the intolerable conditions of his imprisonment.
4. To undertake all necessary initiatives, on national level in the Netherlands as well as international level - in particularly the institutions of the United Nations – for his immediate release from prison and the creation of a protected environment in which he can prepare his defense in fair and humane conditions.
5. To represent President Milosevic before the Dutch and subsequently international legal courts, to fight his illegal extradition and violation of his basic human rights.
6. To provide the media and the public with relevant news and background information to accurately understand the truth of how the former Socialist Federal Republic of Yugoslavia was destroyed, and the forces behind it.
7. To counter the accusations and campaigns against the Serbian people as being the culprit for the tragedies that happened in the former Yugoslavia, in order to punish Serbia in length of years.
8. To contribute to the awareness that the destruction of Yugoslavia cannot be seen as an isolated incident, caused by internal factors, but as a part of the world wide political and military campaign to establish a New World Order, with far reaching consequences for the world as a whole and Europe in particular.
9. To contribute to the awareness of the increasing danger of fascism and terrorism, used as instruments by the leading powers to divide and destabilize nations and to destroy entire states.
10. To contribute to the mobilization of forces for peace, justice, freedom and equality of the peoples; against a new colonization of the world and the destruction of international law.

Members of the board of Slobodan Milosevic Freedom Center The Hague:

Nico Varkevisser: Spokesman, and assistant to the President

E-mail: nico.v@slobodan-milosevic.org

Nico Steijnen: Legal affairs

E-mail: nico.s@slobodan-milosevic.org

Andy Wilcoxson: Trial reporter, researcher and analyst

E-mail: webmaster@slobodan-milosevic.org

Address:

Slobodan Milosevic Freedom Center The Hague:
Sloterkade 20
1058 HE Amsterdam
Netherlands

Phone/Fax: + 31 20 615 1120

General e-mail: center@slobodan-milosevic.org
Web site: www.slobodan-milosevic.org/hague.htm

Donations should be sent to:

Postbank NV
P.O. Box 1800
1000 BV Amsterdam
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For: (please write full name)
Stichting Nederland-Joegoslavië
Milosevic Freedom Center

International Bank Account: NL 90 PSTB 0000 0122 80
Bank swift (BIC) code: PSTBNL21

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: <nico.v@slobodan-milosevic.org>
CC: "Andy Wilcoxson"
Verzonden: vrijdag 8 oktober 2004 14:21
Bijlage: Miklakay.dat; Perskay.dat
Onderwerp: text of the complaint against Kay
Hello,

Herewith I send you 1) the (improved en final) text of the complaint to be filed with the Disciplinary Board of the Bar Association, and 2) some additions for further announcement to the press, to be dealt with by Nico.

I remember that we must try to involve also the British Bar Association en that we may file also a complaint there.

I would like to ask Andy to post the text of the complaint on the site. Thanks in advance !

I forgot one point of comment regarding the press release.

And that is the need to stress that the 'Slobodan Milosevic Freedom Centre the Hague is on request of Mr. Milosevic himself. So I propose to introduce, in the first sentence "Too support Slobodan Milosevic in his struggle...has been established in the Netherlands, after the words "has been established", the phrase "urged by Mr. Milosevic himself". Or is this forbidden to him to urge something like this ?

best regards,

Nico S.

Sagittarius

Van: "Global Reflexion" <office@globalreflexion.org>
Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
Verzonden: donderdag 7 oktober 2004 13:54
Onderwerp: concept Press Conference -1

Press release

The Hague, October 8 2004.

On October 12, Slobodan Milosevic Freedom Center The Hague will hold its first press conference in Hotel Bel Air, Johan de Wittlaan 30, 2517 JR The Hague. The Bel Air Hotel is located next to the Tribunal and the International Congress Center.

The press conference will start immediately after the proceedings of the tribunal, around 2 p.m.
 Issues that will be discussed:

1. The present situation concerning the defense of President Milosevic and the steps taken by the Freedom Center against the imposition of a lawyer by the tribunal
2. Presentation of revealing material showing the close relations between the Bosnian Muslims and Al Qa'ida and the co-operation between the Democratic candidate for the American Presidency, John Kerry, and Albanian terrorists.

The press conference will be attended by Nico Varkevisser (spokesman) and Mr. Nico Steijnen (lawyer).

Slobodan Milosevic Freedom Center The Hague

To support Slobodan Milosevic in his struggle against The Hague Tribunal and the false indictments, the 'Slobodan Milosevic Freedom Center the Hague' has been established in the Netherlands.

The purpose of the Freedom Center is to inform the public of what is happening at The Hague Tribunal, the violations of international law and the gross violations of the rights of those accused by the tribunal.

The necessity of the Freedom Center has become extremely urgent since the Tribunal, in violation of international law and even its own rules, denied Milosevic the right to present his own defense.

Our goal is to present the truth about what happened in Yugoslavia, and to clarify the overriding political objectives of the tribunal, and its supporters.

President Milosevic is fighting against a monstrous machinery that is determined to use any means to punish the Serbian people for their resistance against the destruction of Yugoslavia by terrorist and fascist forces.

The Serbian people are the real ones accused by the Tribunal, and President Milosevic is in The Hague fighting for their future.

The destruction of Yugoslavia is not an isolated incident, nor is it solely the result of internal factors. It is also the result of external factors, and therefore an understanding of what happened to Yugoslavia is a precondition to understanding the present global situation.

It is necessary that all people devoted to peace, truth and justice increase their forces, to expose the truth and undertake the important work of winning the hearts and minds of peace loving people, to unite and fight against fascism, terrorism and war.

The fact that Milosevic is in The Hague makes it necessary to have an organization in the Netherlands. For that reason President Milosevic appointed Nico Varkevisser from Amsterdam to be his assistant, and the coordinator of this organization.

'Slobodan Milosevic Freedom Center the Hague' is an independent entity within the Dutch Foundation 'Holland Yugoslavia', an organization established during the NATO aggression against Yugoslavia in 1999. Apart from Nico Varkevisser, the board of the Freedom Center will include Nico Steijnen, an attorney from the Netherlands and Andy Wilcoxson, an analyst from the United States.

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nr: (please write full name)
Stichting Nederland-Joegoslavië
Milosevic Freedom Center

International Bank Account (IBAN): NL 90 PSTB 0000 0122 80
Bank swift (BIC) code: PSTBNL21

Press release

The Hague, October 8, 2004.

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The press conference will start immediately after the adjournment of the Milosevic trial, at around 2 p.m.

Issues and material to be presented:

1. The current situation concerning the defense of President Milosevic, and the steps being taken by the Freedom Center against the tribunal's decision to impose counsel.
2. The presentation of evidence showing a relationship between the war-time Bosnian Muslim leader Izetbegovic, and senior Al-Qaeda leadership.
3. The relationship between the Democratic candidate for the American Presidency, John Kerry, and Albanian terrorists in Kosovo.

The press conference will be attended by Nico Varkevisser (spokesman) and Mr. Nico Steijnen (lawyer).

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Slobodan Milosevic Freedom Center The Hague:
Sloterkade 20
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Netherlands

Phone/Fax: + 31 20 615 1120
General e-mail: center@slobodan-milosevic.org

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International Bank Account (IBAN): NL 90 PSTB 0000 0122 80
Bank swift (BIC) code: PSTBNL21

Sagittarius

Van: "Global Reflexion"
Aan: <andywilcoxson@comcast.net>
CC: <sagitar@hetnet.nl>
Verzonden: zaterdag 9 oktober 2004 17:52
Onderwerp: Fwd: Bravo to defense of Milosevic
For your information

X-Originating-IP: [64.113.127.96]
X-Originating-Email: [malista9@hotmail.com]
X-Sender: malista9@hotmail.com
From: "Alex A" <malista9@hotmail.com>
To: <nico.v@slobodan-milosevic.org>
Subject: Bravo to defense of Milosevic
Date: Fri, 8 Oct 2004 23:33:11 -0700
X-Mailer: Microsoft Outlook Express 6.00.2800.1437
X-OriginalArrivalTime: 09 Oct 2004 06:30:01.0707 (UTC) FILETIME=
[67F09BB0:01C4ADC9]
X-RCPT-TO: <office@globalreflexion.org>

Dear Mr. Nico Varkevisser,

I admire and your team to defend Milosevic. What Clinton did was a crime worse than the invasion of Iraq. What is worse is how the Democrat establishment has ignored this horror bombing and destruction.

I refuse to vote for either Bush or Kerry. Both are one and the same.

Milosevic is innocent! This is a nonsense trial! I hope victory is brought forth since Clinton sponsored terrorism who ignored that Al Queada and the KLA were supporting each other.

Sincerely,
Alex Aliferis

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <SAGITAR@HETNET.NL>
Verzonden: zaterdag 9 oktober 2004 20:29
Onderwerp: CDSM: 1. Milosevic Documentary 2. Letter in Response to the Times Kay

1. Milosevic Radio Documentary.

BBC Radio 5 is broadcasting a Slobo documentary this Sunday evening (10th October) at 8pm. Perhaps people who can get Radio 5 could be ready to respond as this will probably be a hatchet job because the history of the BBC in covering anything to do with Yugoslavia has been shameful.

(Thanks to CK for the advance warning).

2. A Letter to the Times Newspaper in Response to the Kay Interview.

Milosevic case collusion

The Times (London) - October 5, 2004, Tuesday

From John Laughland.

Sir, I was disappointed in your interview with Stephen Kay (Law, September 21), that you seemed to approve, at least in part, the decision of the International Criminal Tribunal for the former Yugoslavia to impose counsel on Slobodan Milosevic. The judges of the trial chamber have ruled repeatedly against the prosecution's request for counsel to be imposed, and their ruling of April 4 last year gives 20 pages of legal reasoning and precedent to justify their decision.

When on September 2 the ICTY went against all its earlier rulings and decided to impose counsel on Mr Milosevic, it did not quote one single legal convention or precedent in support of its new position. The decision, justified only in the name of expediency, is therefore as pure an example of a lawless and arbitrary decision as one can imagine. The decision confirms that the judges are actively colluding in achieving the outcome for which this political tribunal was set up in the first place - a conviction of Slobodan Milosevic at all costs.

Yours faithfully, JOHN LAUGHLAND, British Helsinki Human Rights Group, 81 Hammersmith Grove, London W6 0NE.

SECTION: Features; Law; 10

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Sagittarius

Van: "Global Reflexion" <office@globalreflexion.org>
Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
Verzonden: zondag 10 oktober 2004 16:07
Onderwerp: Re: Website

Hello Andy, I am really impressed on the work you have done. I think you have made a very ballanced site in terms of recources and links - including Serbian websites, emperor's cloths and others) and so to see a very impressive devided archive. It looks like the Freedom center existts allready a long time.

One thing to for now, it might be good to publish Milosevic statement before the Tribunal, in particularly his defence opening statement on a more permanent prominent spot, instead of below the list. The other things we have discussed can be ad later.

Excellent job you did.

Nico

At 06:27 10-10-2004, you wrote:

>Our website is ready to go!

>

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

>

>Check it out and let me know if any changes have to be made.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <SAGITAR@HETNET.NL>
Verzonden: maandag 11 oktober 2004 4:02
Onderwerp: CDSM: BBC Radio Programme 'The Real Slobodan Milosevic' - A

THE REAL SLOBODAN MILOSEVIC – BBC RADIO FIVE 8p.m. 10th OCT. 2004

The misnamed BBC programme, The Real Slobodan Milosevic, (or should that be 'the Zarko Korac show?') was broadcast to coincide with the opening of the defence case at the Hague tribunal. Surprisingly then, that during its 60 minutes running time, the programme failed to mention the fact that Mr Milosevic has actually been denied the fundamental legal right to defend himself. An 'oversight' that was sadly predictable given the history of BBC reporting on Yugoslavia.

Entirely appropriately the presenter of this latest BBC propaganda piece was television chat show host and comedian Clive Anderson. (Presumably chosen because at some point in the past he practised in the legal profession).

The programme relied heavily on contributions from the usual suspects such as the already discredited 'journalist' Samantha Power, former British Foreign secretary's Robin Cook and Douglas Hurd and Jim O'Brien from the Clinton administration, all united by a single thread - their opposition to an independent Yugoslavia.

No members of the Milosevic camp appeared.

However the programme relied to a disproportionate extent on contributions from Mr Zarko Korac.

Prior to his term as Serbian deputy prime minister, Mr Korac had been appearing for over a decade on Western television described as 'an expert on Yugoslav psychology' and he is very much America's man.

It was Mr Korac who put about the story, printed in the New York Times 2nd April 2001, that prior to being taken into detention Mr Milosevic was 'suicidal' and had 'threatened to kill himself and his wife and daughter'. (Presumably not in that order though!) The story was untrue of course, as later verified by people who were actually present when Mr Milosevic was taken, such as Banislav Ivkovic, "In fact, Mr Milosevic was quite calm, which is amazing given the threat to himself, his family and his supporters. Why is Mr. Korac, who was not present, telling these lies about Mr. Milosevic's actions?"

Therefore perhaps it is no surprise to learn that Zarko Korac is still in the business of representing America's interests above those of his country.

Interestingly a brief contribution from Dr Cees Wiebes, a professor at Amsterdam University, went against the main thrust of the programme by revealing that there is no evidence linking Milosevic to the Srebrenica charge. Wiebes headed a team of intelligence specialists commissioned by the Dutch government to look into Srebrenica because its own forces were present in the town under the UN flag. Wiebes also stated his team offered their evidence to the Hague tribunal chief prosecutor Carla del Ponte, but were brushed off. 'What I heard from good sources in The Hague is that Miss del Ponte thinks that we're too nuanced and not seeing things in black and white,' he said.

The programme soon attempted to drown this brief glimpse into reality by trying to paint a picture of

Slobodan Milosevic as cynical, power hungry, corrupt, paranoid, a dictator and ultimately a weak man (they forgot to mention he eats babies as well). And this was being presented as objective reporting?

According to the programme it was Yugoslavia alone that tore itself apart, thus conveniently ignoring the well documented evidence of unprecedented outside interference in the affairs of the FRY by the Western powers. (For example funding to opposition forces was channelled through the US government agency, the National Endowment for Democracy (NED). Founded in 1983, the NED took over functions that were once the responsibility of the CIA. Unlike the CIA however the NED receives open congressional appropriations, as opposed to the previously covert funding, and thus their activities are openly documented. For instance NED programme operator Paul McCarthy revealed in his testimony to the Commission on Security and Cooperation in Europe that the NED, in 1998, was responsible in Yugoslavia for the newspapers Nasa Borba, Vreme and Danas, the TV station Negotin, the news agency BETA and the Belgrade station Radio B-92.

Significantly, in August 1999, the NED increased their funding to the Serbian 'youth' organisation Otpor, essentially recruiting the most reactionary layers from the ranks of the unemployed. The fruits of this strategy are outlined in the NED's own literature. " Otpor's activists played a crucial role in the street demonstrations that followed the elections and led to Milosevic's ultimate downfall on October 5th." And further: "Otpor's first major campaign was a nation-wide effort to pressure the regime to arrest Slobodan Milosevic." That Otpor were following a strategy laid down by Washington was emphasised when Richard Holbrooke admitted to the New York Times of 8th April 2001, "The arrest of Mr Milosevic resulted from American pressure."

It is worth noting that included among the directors on the board of the National Endowment for Democracy are Wesley Clark – former Supreme Commander of Nato, Richard Holbrooke – former Assistant Secretary of State and Francis Fukuyama – author of the anti-communist diatribe, 'The End of History.').

For any programme to therefore state that 'Yugoslavia tore itself apart' reveals more about that programme's intentions than it does about what actually happened in the Balkans.

Former British foreign secretary Douglas Hurd contributed to this fictional presentation by adding that if only Milosevic had accepted 'liberalisation' Yugoslavia could today be like Poland.

For the record it is worth noting that a recent article by James Petras, (<http://globalresearch.ca/articles/PET406B>), outlined the results of this road as seen in other countries over the last fifteen years. His findings on Poland:

'In Poland, the former Gdansk Shipyard, point of origin of the Solidarity Trade Union, is closed and now a museum piece. Over 20% of the labor force is officially unemployed (Financial Times, Feb. 21/22, 2004) and has been for the better part of the decade. Another 30% is "employed" in marginal, low paid jobs (prostitution, contraband, drugs, flea markets, street vendors and the underground economy).'

As expected the programme concluded that Mr Milosevic will rightly be found guilty of 'most of the charges' he is facing at the Hague.

Listeners hoping for an insight into the creation and legal status of the Hague 'tribunal' or the notorious anti-Serb Rambouillet 'peace treaty' or the real ethnic cleansing of Serbs by Croatian forces under United States command in the Krajina region would be disappointed, these issues were not addressed.

Indeed what could you expect from a BBC documentary on Slobodan Milosevic and Yugoslavia.....the truth? Hardly.

Pagina 3 van 3

Ian Johnson

October 2004.

11-10-04

Sagittarius

Van: "Vladimir Krsljanin"
 Aan: <Undisclosed-Recipient:;>
 Verzonden: maandag 11 oktober 2004 21:27
 Onderwerp: Sloboda/ICDSM Appeal

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

SLOBODA/FREEDOM ASSOCIATION - Member of the World Peace Council
www.sloboda.org.yu
 Belgrade

FUNDRAISING APPEAL
 =====

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We need legal professional work more than ever, so the creation of conditions for that is the imperative of the moment.

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3000-5000 EUR per month is our immediate need. History and people oblige us to go on with necessary action. But without these funds this will not be possible.

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

Peter Betscher
Stadt- und Kreissparkasse Darmstadt, Germany
IBAN: DE 21 5085 0150 0102 1441 63
SWIFT-BIC: HELADEF1DAS

or

Vereinigung für Internationale Solidarität (VIS)
4000 Basel, Switzerland
PC 40-493646-5

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

Peter Betscher (ICDSM Treasurer) E-mail: peter_betscher@freenet.de
Phone: +49 172 7566 014

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

ICDSM and Sloboda have to address governments, international human rights and legal organizations, to launch legal proceedings. ICDSM plans a legal conference at The Hague. Sloboda has just sent to the patriotic factions in the Serbian Parliament an initiative to adopt a parliamentary Resolution against the human rights violations by the Hague tribunal and to form an international experts team to make an extensive report on these violations which would be submitted to the UN.

By truth and law against aggression!
Freedom for Slobodan Milosevic!
Freedom and equality for people!

On behalf of Sloboda and ICDSM,

Vladimir Krsljanin,
Foreign Relations Assistant to President Milosevic

To join or help this struggle, visit:
<http://www.sloboda.org.yu/> (Sloboda/Freedom association)
<http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic)
<http://www.free-slobo.de/> (German section of ICDSM)
<http://www.icdsm-us.org/> (US section of ICDSM)
<http://www.icdsmireland.org/> (ICDSM Ireland)
<http://www.pasti.org/milodif.htm> (ICDSM Italy)
<http://www.wpc-in.org/> (world peace council)
http://www.geocities.com/b_antinato/ (Balkan antiNATO center)

'Moedjahidien vochten aan kant UCK'

12 okt 2004
TROUW

Proces tegen Milosevic na maand weer hervat

Van onze redactie buitenland
AMSTERDAM – Na een onderbreking van een maand is gisteren voor het Joegoslavië-tribunaal het proces tegen Slobodan Milosevic hervat met de getuigenis van de Duitse onderzoeksjournalist Franz-Josef Hutsch. Hij werd ondervraagd door Steven Kay, de Brit die zeer tegen de zin van Milosevic door de rechters is aangewezen om de oud-Servische president te verdedigen.

Hutsch vertelde onder meer over de tijd die hij in 1998/1999 doorbracht met het Kosovaarse Bevrijdingsleger (UCK). Hij zei dat tientallen buitenlandse moedjahidien uit onder meer Algerije en Saoedi-Arabië meevochten met de Albaneese Kosovaren. Ook verklaarde hij dat het UCK betrokken was bij zaken als drugshandel en mensensmokkel. Volgens Hutsch probeerde het UCK op allerlei manieren de westerse media te bespelen. Zo werden gevluchte Kosovaren onder erbarmelijke omstandigheden vastgehouden in de bergen, waarna zij aan westerse journalisten werden getoond.

Ook vertelde Hutsch over een interview dat hij in 1996 had met generaal Mladic. De Bosnisch-Servische legerleider vertelde hem toen dat hij geen bevelen uit Belgrado had ontvangen over de operatie in Srebrenica in 1995. Daar werden toen, na de val van de moslimenclave, duizenden moslims vermoord. Milosevic is aangeklaagd wegens onder meer genocide na de val van Srebrenica.

De getuigenis van Hutsch was de eerste zitting in het Milosevic-proces in bijna een maand tijd.

Enkele weken geleden besloten de rechters Milosevic een advocaat toe te wijzen, wegens de slechte gezondheid van de voormalige Servische president. Artsen achtten hem niet in staat zichzelf te verdedigen. De rechters vonden Steven Kay bereid als advocaat op te treden. Kay had eerder in de functie van amicus curiae (vriend van het Hof) de taak toe te zien op een eerlijk verloop van het proces.

Milosevic is het niet eens met het besluit dat hij niet meer zichzelf mag verdedigen en weigert contact te hebben met Kay. Die kreeg meteen moeilijkheden met het oproepen van getuigen; veel mensen die door Milosevic waren benaderd, willen niet door Kay worden ondervraagd. Dat leidde ertoe dat, hoewel de benoeming van een advocaat bedoeld was om de procesgang te versnellen, het proces weer stilgelegd moest worden om Kay de kans te geven een nieuwe strategie te bepalen.

Tegelijk tekende Kay beroep aan tegen zijn eigen benoeming. Dat beroep loopt nog altijd, maar desondanks ging het proces gisteren toch verder. Kay zegt de komende dagen nog 'vooruit' te kunnen met getuigen. Servische media berichtten echter dat van de ongeveer 100 potentiële getuigen die Kay heeft benaderd, het overgrote deel niet wil komen.

Gistermiddag kondigde Milosevic' Nederlandse advocaat, mr. Nico Steijnen, aan dat Milosevic bij de Orde van Advocaten in Den Haag een klacht indient tegen Kay. De klacht betreft de inbreuk op het 'fundamentele recht' van Milosevic om zijn eigen verdediging te voeren, aldus Steijnen.

Sagittarius

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient;>
Verzonden: dinsdag 12 oktober 2004 20:25
Onderwerp: Four Appeals from Sloboda

1. To the Serbian Government, to the UN Security Council and to the international public
2. To the Bar Council of England and Wales
3. To the Serbian Parliament
4. Joint Sloboda/ICDSM Fundraising Appeal

APPEAL

of the

ASSEMBLY OF THE FREEDOM ASSOCIATION

- THE NATIONAL COMMITTEE FOR THE LIBERATION OF PRESIDENT SLOBODAN MILOSEVIC -

On its Session of 11 September 2004 the Assembly of the FREEDOM Association - The National Committee for Liberation of the President Slobodan Milosevic - deliberated the commencement of the defence case - the second phase of the process against long term President of the Republic of Serbia and FR Yugoslavia Slobodan Milosevic, which begun on 31 August 2004. Special attention has been paid to the decision of the "Trial Chamber" of the Hague "Tribunal" to impose a defence counsel on President Milosevic against his will, and by that, to deprive him of the right of defence. After the matter had been duly considered by the Assembly with participation of the prominent legal experts, the Assembly adopted the following

APPEAL

To the Governments of Serbia and State Community of Serbia and Montenegro, to the United Nations Security Council and to the international public

The decision of the "Trial Chamber" of the Hague "Tribunal" of 2 September 2004 to impose a defence counsel on President Milosevic, thus depriving him of possibility to defend himself, has been strongly condemned not only by legal experts at home and abroad, but also by all people of good-will who are dedicated to legality and justice.

In addition to the fact that the Hague "Tribunal" had been founded in an illegal manner, the decision of the "Trial Chamber" represents a flagrant violation of the Article 11 of the Universal Declaration of Human Rights which provides that an accused is entitled to a "public trial during which all necessary guarantees for his defence will be ensured".

The decision also violates the Article 6 of the European Convention on Human Rights and Fundamental Freedoms. That article provides for the right to a fair trial before an independent and impartial court "established in accordance with the law". Article 6 also guarantees an accused the right to defend himself in person or to have an assistance of defence counsel of his own choosing. That right is guaranteed also by the most important international document in this field, the International Covenant on Civil and Political Rights in its Article 14.

The right of an accused person to defend himself in person is also expressly guaranteed by the Article 21, paragraph 4, of the Statute of the Hague "Tribunal", and the Statute had been adopted by the UN Security Council. Again, the said provision provides a defendant with the right to defend himself in person or have a defence counsel of his own choosing.

In spite of the fact that Slobodan Milosevic continually reinstates his decision to defend himself in person, the "Trial Chamber" imposed Mr. Stephen Kay and Ms. Gillian Higgins as his defence counsel. This has been resolutely rejected by President Milosevic.

The decision of the Hague "Tribunal" has been met with consternation and strong condemnation by legal expert across the globe. In this respect, we recall the August 2004 Petition signed by over 90 law professors and lawyers from 17 countries. The Petition was addressed to the President of the UN Security Council and to other UN organs. The Petition was an appeal and attempt to prevent the shameful decision of the "Tribunal". In spite of this, the decision to impose the defence counsel has been made, causing bitter protests from legal experts from the USA, Canada, Russia, France, Italy and other countries.

The Assembly of the FREEDOM Association stresses that the imposition of defence counsel on President Slobodan Milosevic against his clearly expressed will represents the flagrant violation of his basic human rights guaranteed not only by international conventions, but also by the Statute of the "Tribunal". The decision proves the "Tribunal's" fear of the truth which will come out and its admission of defeat in this process, during which it failed to prove any of the false and shameful allegations against President Milosevic.

The decision of the so-called Hague "Tribunal", which pretends to fight "the gross violations of international humanitarian law" has shown to the world that, in fact, the "Tribunal" itself violates the basic human rights, including those guaranteed by its own Statute. Defence counsel imposed on Slobodan Milosevic are not his lawyers, but represent a new tool of the prosecution and the "Trial Chamber" whose common goal is to silence the truth and put the blame for the violent destruction of Yugoslavia and crimes against the Serbian people on President Milosevic and Serbian people itself. Thus the illegal "Tribunal" showed once again that it is not a court of law and justice, but a political tool of the USA and NATO which is used in an attempt to justify the aggression against the FR Yugoslavia and in order to provide a cover for numerous crimes against its peoples.

Considering all this, the Assembly of the FREEDOM Association demands the authorities of Serbia and the State Community of Serbia and Montenegro to take all necessary steps in order to protect the basic human rights of Slobodan Milosevic, as a citizen of this country whose rights have been flagrantly violated and taken away from him by the recent decision of the "Tribunal".

The Assembly of the FREEDOM Association calls upon the UN Security Council to act without delay and suspend the decision of its subsidiary body - the Hague "Tribunal" - since that decision represents a flagrant violation of the Security Council Resolution by which the Statute of the "Tribunal" had been adopted.

The Assembly of the FREEDOM Association also calls upon the international public and media to resolutely and firmly condemn the injustice committed by the Hague "Tribunal", the injustice which is directed not only against the freedom and sovereignty of the Serbian people, but also against the peace and equality in the world. Such body, established in contravention of the UN Charter, and its practice, have nothing in common with the higher ground of international law and justice.

The "Tribunal" should be abolished without delay and President Milosevic set free at once.

Done in Belgrade on 11 September 2004

The Assembly of the FREEDOM Association

- The National Committee for the Liberation of President Slobodan Milosevic

of the

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Proces Milošević hervat ²⁰⁰⁴ _{NRC}

Door een onzer redacteurs

DEN HAAG, 13 OKT. Slobodan Milošević heeft het Bosnisch-Servische leger geen opdracht gegeven om de moslim-enclave Srebrenica te overmeesteren en de moslims te vermoorden. Dat zei gisteren de Duitse onderzoeksjournalist Franz-Josef Hutsch, getuige, in het Milošević-proces voor het Joegoslavië-tribunaal.

Na een onderbreking van bijna een maand is gisteren het proces tegen de oud-president van Joegoslavië hervat. Steven Kay, de toegewezen advocaat van Milošević, riep zijn vierde getuige op. Franz-Josef Hutsch heeft in 1996 een vraaggesprek gehad met generaal Ratko Mladić. De Bosnisch-Servische legerleider vertelde hem dat hij geen bevelen uit Belgrado had ontvan-

gen over de operatie in Srebrenica in 1995. Daar werden toen, na de val van de moslimenclave, zeven-duizend moslims vermoord. Milošević is door het tribunaal onder meer aangeklaagd voor de genocide na de val van Srebrenica.

Ruim een maand geleden besloten de rechters van het VN-hof dat Kay als advocaat zou worden toegewezen in verband met de slechte gezondheid van Milošević. Tot dan toe volgde Kay als amicus curiae (vriend van het hof) het proces. Kay heeft beroep aangetekend tegen zijn benoeming. Dat beroep is nog in behandeling, maar desondanks is het proces gisteren hervat. Kay zei gisteren dat hij de komende dagen nog genoeg getuigen heeft. Veel potentiële getuigen willen niet komen als protest tegen de

toewijzing van de advocaat. Milošević beroept zich op zijn recht om zichzelf te verdedigen – hij weigert contact te hebben met Kay.

Gistermiddag kondigde de Nederlandse advocaat van Milošević, Nico Steijnen, aan dat zijn cliënt bij de Orde van Advocaten in Den Haag een klacht gaat indienen tegen Kay. De klacht betreft volgens Steijnen de inbreuk op het „fundamentele recht” van Milošević om zichzelf te verdedigen. Steijnen vindt dat Milošević „zich op briljante wijze heeft verdedigd”, sinds het proces op 12 februari 2002 begon. Door zijn optreden heeft Milošević aanklagers en rechters „in paniek gebracht”, aldus Steijnen. Dat is „de werkelijke reden om mijn cliënt van zijn recht om zichzelf te verdedigen te beroven”.

Sloboda/Freedom Association
Member of the World Peace Council
Belgrade, 13 October 2004

PRESS RELEASE

The Freedom Association has submitted to the parliamentary factions of the Serbian Radical Party, the Democratic Party of Serbia and the Socialist Party of Serbia in the National Assembly of the Republic of Serbia an initiative to adopt, in urgent procedure, a Resolution against the human rights violations by the Hague tribunal.

13-10-04

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

SLOBODA/FREEDOM ASSOCIATION - Member of the World Peace Council
www.sloboda.org.yu
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13-10-04

The initiative emphasizes that the recent depriving of President Slobodan Milosevic of his right to defence represents a peak of the many-years practice of negation and violation of human rights by the tribunal. This practice had as a consequence, inter alia, the loss of at least seven human lives.

The Freedom Association demands also a set up of a Parliamentary Investigative Commission and an experts' team to prepare an extensive professional report on human rights violations by the tribunal to be submitted to the United Nations.

In the reasons for the initiative it is also said that its acceptance would considerably strengthen the position of our country before the political pressures connected with the "cooperation" with the tribunal.

THE INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC
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Milosevic)

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

<http://www.pasti.org/milodif.htm> (ICDSM Italy)

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

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


Sagittarius

Van: "Sagittarius"
Aan: "Ruza" <despot@tiscali.nl>
Verzonden: zaterdag 16 oktober 2004 16:11
Onderwerp: Fw: Four Appeals from Sloboda
 Hoi Roza,

Loopt het allemaal een beetje bij jullie ?

Ik ben momenteel weer volop bezig voor Milosevic en heb even geen tijd voor andere dingen, zoals de PC-akties, dat komt straks wel weer.

Het gaat er nu om Kay zoveel mogelijk onder druk te zetten.

Daarom willen we ook een klacht indienen tegen hem, niet alleen bij de Nederlandse balie, zoals nu al gebeurd is, maar ook bij de Britse balie.

Zodat hij van twee kanten onder vuur komt te liggen.

Waarschijnlijk heb jij ook de hieronderstaande berichten gekregen, waaronder dus de brief aan de Britse Orde van Advocaten van prof. Zurovac.

Die brief klinkt mooi, maar is geen klacht, dus erop ingaan hoeven ze niet, laat staan dat Kay hier bang voor zou moeten zijn. Maar er moet wel een klacht komen namens Milosevic bij de Britse Balie.

Ik wil graag, namens M., zo'n klacht indienen tegen kay bij de Britse Balie.

Maar heb niet de beschikking over de Engelse reglementen waaraan Britse advocaten gebonden zijn. Zou jij gebruik kunnen maken van je goede contacten met Misha Gavrilovi9c en hem kunnen vragen of hij een ex van de "Code of Conduct", die geldt voor leden van de Britse Orde van Advocaten, zou kunnen bemachtigen, dan wel de vindplaats op internet daarvan zou kunnen vinden.

Zodat ik een zo goed mogelijk onderbouwde klacht bij de Engelse tuchtrechter tegen Kay zou kunnen indienen ?

De 'klacht' die nu door prof. Zurovac is ingediend, is geen klacht, en is trouwens ook niet ingediend.

Dus leidt tot niets.

Elders gaa ik daar op in, ik stuur je dat ook toe.

Liefs,

Nico S.

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

From: "Sagittarius" <sagitar@hetnet.nl>

To: <nico.v@slobodan-milosevic.org>

Sent: Wednesday, October 13, 2004 12:42 PM

Subject: Fw: Four Appeals from Sloboda

>

> ----- Original Message -----

> From: "Vladimir Krsljanin" <slobodavk@yubc.net>

> To: <Undisclosed-Recipient:;>

> Sent: Tuesday, October 12, 2004 8:25 PM

> Subject: Four Appeals from Sloboda

>

>

>> *****

>> 1. To the Serbian Government, to the UN Security Council and to the

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: maandag 25 oktober 2004 15:20
Onderwerp: The Nature of the Hague Beast by Tiphaine Dickson and Aleksandar

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

www.globalresearch.ca

Centre for Research on Globalisation
 Centre de recherche sur la mondialisation

"That Is The Nature Of The Beast":
 Why The Hague ICTY Cannot Afford
 Slobodan Milosevic's Right to Self-Representation

by Tiphaine Dickson and Aleksandar Jokic

www.globalresearch.ca 24 October 2004

The URL of this article is: <http://globalresearch.ca/articles/DIC410A.html>

When Slobodan Milosevic was asked to plead to the indictment filed against him, after being whisked off to The Hague as a result of a transfer whose legality bore more resemblance to kidnapping for ransom than to extradition, his response to the ICTY Chamber was not the typical "Not guilty." Milosevic instead said: "That is not my problem, that is your problem."

And, indeed, the ICTY's problem it has become. When the prosecution rested its case after the resignation of the Trial Chamber's President, Richard May, last spring, many in the media bemoaned the failure to prove genocide, and others were unimpressed by the picture of confusion left by weak witnesses, deflated in cross-examination by a defendant who consistently stated the ICTY was not a legal, or judicial, institution. Voices rose to express increasingly strident concern that the trial was going off the rails. Expectations appeared not to have been met.

As the defense approached, and Milosevic announced that he would secure the attendance of 1600 witnesses to support the case he announced he would make from the beginning-namely that the "Balkan Wars" had in fact been one war, against Yugoslavia, planned and carried out by Western powers, whose gruesome apotheosis was NATO's 78-day bombing campaign in 1999-the ICTY's most prestigious supporters zeroed in on the upcoming defense, arguing that Milosevic's right to represent himself had been granted "long enough."

The media onslaught was, and remains, significant and raises an obvious question: what is it about the present stage of the hearings that requires such collective effort to defeat?

The latest offensive is apparently triggered by fear, and not only challenges the internationally mandated right to self-representation (and the resulting freedom to present a true defense), but is further calculated to prevent Milosevic from demonstrating the ICTY's illegality, and functions. President Milosevic has indeed consistently argued that the ICTY

erves up apologia for the destruction of Yugoslavia, provides justification for aggression, and rewrites history. Hence, the seemingly endless references, not to Milosevic's health, but to his deleterious impact on the "Court's reputation", "credibility" and "legitimacy."

Public lobbying of the ICTY supporting the imposition of counsel on Slobodan Milosevic has been undertaken by a trio of its stalwart supporters: David Scheffer, Michael Scharf, and Judith Armatta. Their claims-perhaps inadvertently-betray the political nature of the institution.

Writing in the pages of International Herald Tribune ("Enough of Milosevic's Antics" July 13, 2004), David Scheffer, former Ambassador at Large for War Crimes Issues under Secretary of State Albright, dehumanizes Milosevic, and urges the ICTY to reassert its "authority" over him. Writes Scheffer: "When he was the presiding judge, the late Richard May deftly handled Milosevic's exercise of his right to self-representation by giving him enough leash every day to speak his mind and then jerking that leash when he overstepped his bounds." The metaphor of "leash jerking" is powerfully deployed here in light of the painfully recent Abu Ghraib prison atrocities in Iraq, immortalized by the infamous photograph of Pfc. Lynndie England holding a naked human being on a leash. Is Scheffer urging the ICTY to become more like Abu Ghraib, but in the judicial, rather than military theater of operations? Whatever his intent, in one important respect there is hardly any difference between the physical and metaphorical leash jerking: they are both firmly grounded in the most primitive racist or reifying attitudes toward their targets. And who exactly is the target of David Scheffer's comments? It would appear to be only Mr. Milosevic who is thus rendered inhuman, but there is another, even more crucial objective: the ICTY's judges and prosecutor are implicitly reminded here that they are mere tools (res) of the Empire, so they had better deliver.

And what were the goods to be delivered by the ICTY? The process is staggeringly costly, so it follows that a conviction is necessary, and that "justice" mandates the gagging of Milosevic, who is: "charged with crimes of enormous gravity in the Balkans: genocide, crimes against humanity and war crimes. They scream out for accountability. The United Nations and its member states are expending large sums of money on these trials for the purpose of justice, not political diatribes and meandering defenses." It is unclear whether this is a legal or political argument. It may be that Scheffer's position-promoting a novel legal approach-is that since Milosevic has been charged with the most serious crimes of all, and that they "scream out for accountability," this very fact ipso facto constitutes proof beyond reasonable doubt of his actual guilt. For who could imagine that the ICTY might bring frivolous charges and indict a sitting President in the midst of a war of aggression against his country? Alternatively, Scheffer's words might be expressing a direct political claim: "We paid for this, and we certainly did not pay for this man to jerk us around."

Scheffer advocates the imposition of counsel, to: "ensure the integrity of the process, which may be nearing a breaking point with the international community." The impatience expressed on behalf of the phantom "international community" might in fact be just Scheffer's own and those of his ilk, well connected to the establishment of the ICTY. In any event, the point is that the ICTY has no legal authority beyond the powers granted by the Security Council, and deemed legally valid by its own appeals chamber, i.e., itself. Hence, its authority "must be asserted." The very process, which is an abuse, must be protected from "a crippling abuse," that is, from denunciation by Milosevic, and in particular his witnesses: "A massive

criminal enterprise of this character deserves a long, carefully developed trial that inevitably will experience delays. That is the nature of the beast. But the time has arrived to reassert the court's mandated authority and prevent a crippling abuse of the process by the likes of Slobodan Milosevic. "Nature of the beast", indeed. It is urgent that this be accomplished since the ICTY, as opposed to judicial bodies the world over, is a "limited engagement," and is attempting to complete investigations, trials, and appeals before a Security Council-mandated deadline-known as the "completion strategy"-in 2010. A conviction must be secured before then. Just as performances must end before the circus can leave town.

Also urgent is that "Serbs," specifically, "respect the court's authority," and presumably this transformation can only take place if Milosevic is gagged, and the illegality of the body never mentioned again: "Perhaps if the discipline of a competent counsel is brought into the courtroom, Milosevic's Serb supporters would learn to respect the authority of this tribunal."

In his conclusion Scheffer fittingly returns to his tired leash metaphor to reinforce his point that Milosevic must be silenced "permanently" since he is inhuman: "Milosevic has jerked the court around long enough. It is time to permanently pull in Judge May's well-worn leash."

Michael Scharf, visiting professor of law at Case Western Reserve University, and instrumental in the creation of the ICTY, followed Scheffer's opening salvo in the Washington Post, and, with bone-chilling clarity, made the case for imposition, employing strikingly political arguments. ("Making a Spectacle of Himself: Milosevic Wants a Stage, Not the Right to Provide His Own Defense", August 29th, 2004) Drawing on the now-familiar refrain that Slobodan Milosevic is "playing for the home audience", Scharf is outraged by the idea that the unrepresented defendant would somehow make use of a show trial to gain support in Serbia and Montenegro, when the ICTY was created, he deadpans, precisely to remove Milosevic from politics, and "educate" Serbs, so that he and his like would be put out of commission forever. That his own argument confirms the political nature of the ICTY and candidly clarifies its objectives as non-judicial does not deter Scharf from the description of the process as an "international war crimes trial" and the institution as a "court of law."

According to Scharf: "Milosevic's caustic defense strategy is unlikely to win him acquittal, but it isn't aimed at the court of law in The Hague. His audience is the court of public opinion back home in Serbia, where the trial is a top-rated TV show and Milosevic's standing continues to rise. Opinion polls have reported that 75 percent of Serbs do not feel that Milosevic is getting a fair trial, and 67 percent think that he is not responsible for any war crimes. 'Slobo Hero!' graffiti is omnipresent on Belgrade buses and buildings. Last December, he easily won a seat in the Serbian parliament in a national election."

What any of these concerns and political trivia could possibly have to do with international law-if considered as an activity of a judicial nature-is unclear. If, however, playing to an uninformed Western public, the idea is to suggest that by granting basic internationally recognized human rights to the man who was the West's principal interlocutor in Balkan peace negotiations for over half a decade, the ICTY is failing in its mission to "educate" the Serbs, then the point is well taken. Scharf deplors the fact

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nat opinion polls show that "75% of Serbs do not feel Milosevic is getting a fair trial." Scharf's disappointment in this expression of popular distrust-which may well be directed to the institution as a whole-assumes that public opinion in Serbia and Montenegro is misguided, and that it fails to appreciate the "fairness" of the proceedings. But if, as Scharf claims, ICTY hearings are "top rated" TV shows, then public opinion was formed by actually observing the proceedings; in which case the problem might not be collective delusion abroad, but rather Western ignorance of the ICTY's day to day workings. The latter are largely inconsistent with the widely held Western belief-based, perhaps, on faith or missionary zeal-that proceedings in The Hague are inherently fair.

Scharf's preoccupation with graffiti adorning the buses and buildings of Belgrade is perhaps an expression of concern for the environment. However, any threat posed by "Slobo Hero!" pales in comparison to the effects of NATO's bombing, and in particular, with the presence of depleted uranium in the soil and groundwater of Serbia and Montenegro. It may be that "Serb" public opinion has not yet been sufficiently educated by the "court of law" to lose sight of this disturbing reality, which will remain with it for decades, and possibly centuries. Perhaps this reality and the ever-present reminders of NATO's bombing in the streets of Belgrade have had some influence on the public perception of the ICTY's "fairness."

Scharf's assault on Mr. Milosevic's right to self-representation, while in line with Scheffer's demand that the "leash be pulled in permanently," presents one significant difference in approach. Where Scheffer depicted the late judge May as an uncompromising animal-tamer of sorts, Scharf presents him as a misguided fool. Rather than invoke his capacity for discipline, he accuses him-in an eloquent demonstration of the reification of the ICTY's functionaries, in particular the deceased-of having been lax and in error by having granted the right to self-representation to Milosevic in the first place. He writes: "Virtually everything that has gone wrong with the Milosevic trial can be traced back to that erroneous ruling."

And what has "gone wrong" is that Milosevic made "disparaging remarks about the court" and "browbeat" witnesses. He doesn't recognize the ICTY, and he has said so. As for the "browbeating" of witnesses, that is to a certain extent, whether we like it or not, part of the art of cross-examination. But Scharf's emphasis is placed not so much on these complaints as on his wild claims about Mr. Milosevic's growing popularity in Serbia and Montenegro. Scharf makes plain that the ICTY was created for political reasons, yet advocates imposing counsel on Slobodan Milosevic to prevent him from making precisely the same point. The only difference is that Milosevic is "disparaging," while Scharf argues that the ICTY's evident political objectives are somehow valid:

"In creating the Yugoslavia tribunal statute, the U.N. Security Council set three objectives: first, to educate the Serbian people, who were long misled by Milosevic's propaganda, about the acts of aggression, war crimes and crimes against humanity committed by his regime; second, to facilitate national reconciliation by pinning prime responsibility on Milosevic and other top leaders and disclosing the ways in which the Milosevic regime had induced ordinary Serbs to commit atrocities; and third, to promote political catharsis while enabling Serbia's newly elected leaders to distance themselves from the repressive policies of the past. May's decision to allow Milosevic to represent himself has seriously undercut these aims."

The idea that affording the right of self-representation to Milosevic had "seriously undercut" the "aims" of the ICTY's very establishment strains credulity. However, if those aims were, and continue to be, "to pin" responsibility on Slobodan Milosevic, and to "educate" Serbs about how bad he was-or, ultimately, how bad Yugoslavia was-then these aims are assuredly not shared by the defendant. Indeed, Milosevic has no intention of assisting the ICTY in "convincing Serbs" that acts of aggression committed against Yugoslavia were justified. Furthermore, whether or not the political aims set out by Scharf are valid, morally correct, or politically expedient, they cannot make legal what is illegal, they cannot make legitimate what is illegitimate, and they cannot, most crucially, turn a political body into a court.

As was perhaps inevitable, the ICTY did impose counsel. On September 2nd, two of the former amici curiae were "assigned"-the Trial Chamber pointedly insisted on the use of this term, instead of the apparently indelicate "imposed"-to represent Slobodan Milosevic, and given full responsibility over his defense, including the formation of his strategy and choice of witnesses. The prerogatives granted to imposed counsel were far more intrusive than what had been expected; even, apparently, by the prosecution's senior trial attorney who had appeared during the hearings to envisage a "standby counsel" prepared to step in should Milosevic's health prevent him from acting. Instead, the defense was handed over to strangers, who in addition to receiving no instructions from their "client" happened to have acted as another party in these proceedings, as "friends" of a "court" the defendant does not recognize.

That this imposition of counsel constitutes a conflict of interest, that it violates the International Covenant for Civil and Political Rights, that neither the South African Apartheid regime nor Nazi Germany imposed counsel against Mandela or Dimitrov, respectively, and that imposition has actually caused more delay of the proceedings (while Milosevic is healthy) does not deter those who defend the ICTY's decision to strip President Milosevic of the right to call his witnesses, and present his defense. And his defense is the problem, as it is candidly presented as a political defense, before a political body.

Imposed counsel struggled in vain to present more than five witnesses since early September, and were confronted with the refusal of experts, diplomats, officers and dozens of others to participate in a defense that was not the defense they had agreed to support. (Of note, here, is that before a normal judiciary, witnesses have no say in whether or not they wish to participate in the workings of justice. The etymology of the word "subpoena"- "under penalty"-makes clear that legal courts also have legal authority) This latest crisis before the ICTY prompted new intervention in the media, for the sake of the ICTY's credibility. But the political nature of the claims has had the opposite effect.

Judith Armatta, a lawyer acting as trial observer for the US-based Coalition for International Justice (Justice, not Political Platform for Milosevic, IHT, October 7th), much like her predecessors, Scheffer and Scharf, betrays the true reason for imposition of counsel on Slobodan Milosevic. Clearly neither Armatta nor the ICTY appreciates his "political defense". Armatta implies that Milosevic-and others before the ad hoc Security Council bodies, such as the ICTR in Arusha, Tanzania-are simply capricious accused who refuse to respect established court procedure, while these embattled courts

struggle to provide fair trials in the face of obstructionism from "unreasonable" defendants. This is a mischaracterization both of Slobodan Milosevic's position (and that of Rwandan accused at the ICTR) and of the ad hoc tribunals' legitimacy.

Armatta writes that the "trial of Slobodan Milosevic before the International Criminal Tribunal for the Former Yugoslavia has reached a standoff, where the will of the UN-established court is pitted against the will of one individual, the accused."

This depiction of the Milosevic case as a battle of wills is peculiar, to say the least, as it falsely presents ICTY as an underdog in this "standoff" requiring some assistance and encouragement. What could possibly disadvantage the ICTY-which enjoys the full support of the only super power-in its "test of wills" with Milosevic? The message sent by ICTY supporters, such as Armatta, is that the ICTY's handicap is its tendency to go overboard with fairness. Trying to be as fair as possible creates difficulties for the forces of justice. Thus calls on ICTY like this one: "It is incumbent on this tribunal to stand up to Milosevic, assert its authority and bring the world one step closer to the rule of law." But is accomplishing fairness the ICTY's central concern? And how does "standing up" to Milosevic bring anybody any closer to the Rule of law, in particular when international human rights instruments are violated in the process?

The problem is what Milosevic has to say. That the ICTY pointedly imposed counsel for "health reasons" is a secondary consideration for Armatta, as it might well have been for the Chamber who disregarded the fact that Slobodan Milosevic has defended himself quite ably for the past three years, and suffered from hypertension for ten. In fact, since counsel was imposed, the health reasons that justified the measure have gradually been replaced by suggestions that Milosevic lacks sufficient "respect for the court."

Armatta's criticism of Slobodan Milosevic's behavior suggests she has privileged access to his mind. She not only chastises him for not cooperating with the ongoing violation of his rights, but reveals why he embarks on such a baffling course: "the accused refuses to communicate with counsel or assist in selecting and securing witnesses or developing a defense strategy, since he seeks not to defend himself but to use the trial as a platform to advance his political agenda. "

Were it acceptable to apply such psychoanalysis to the ICTY, instead of Milosevic, the inquiry could address the wholly predictable consequences of imposition of counsel. Armatta describes the situation in the following manner: "Nearly half the witnesses initially scheduled to testify on his behalf have followed his example by refusing to appear in court if Milosevic is not allowed to represent himself." If we wanted to speculate, we could posit that the reason for imposition of counsel had nothing to do with his health or fairness. On the contrary, the reason might be that the ICTY wanted to prevent the appearance of most of his witnesses, as they would expose the illegal nature of ICTY. So, while in the realm of speculation, one could imagine that they correctly predicted that by imposing counsel on Milosevic they would bring about a boycott by those witnesses and bring the proceedings to a quick conclusion without most of them ever appearing.

But this type of speculation is deemed improper. And it is inconsistent with Armatta's depiction of the current situation as a battle of the wills, which

provides absolute clarity as to where the good and the bad will lie. And what better way to expose the unsavory intent of the one deemed to have bad will than to point to his consistent opposition to the process that is assumed to be inherently fair? Armatta states, as if this established his bad faith, that Mr. Milosevic: "has consistently maintained, he does not recognize the legitimacy of the tribunal but will use whatever opportunity is provided to make his political case to the public."

It should be obvious by now that if Slobodan Milosevic maintains that the ICTY is illegal, he will naturally take every opportunity he gets to let the world know about that fact. Is Armatta suggesting that those who contend, relying on reasonable legal arguments, that the institution is illegal should nonetheless quietly succumb to it and personally contribute to the illegal activities undertaken against them? Armatta-as well as Scheffer and Scharf-express concern about the deleterious effects of self-representation in other cases. Scharf fears Saddam Hussein could use "the unique opportunity of self-representation to launch daily attacks against the legitimacy of the proceedings and the U.S. invasion of Iraq." Is it then that all targets of aggression are to be denied the right to self-representation? Or does the very creation of the ICTY, by the Security Council, (who then proceeded to establish the ICTR, a body without jurisdiction to consider the invasion of Rwanda by US-supported "rebels", which aggression sparked that country's tragic war) send another message? Could it be that there is no right of self-defense when the US, or their clients, are the aggressors?

The essence of Armatta's complaint against Milosevic, whose will must not be allowed to prevail over the will of the ICTY, comes from a flawed view of the ICTY and its process. She states:

"As a legitimate court, it is charged with seeing justice done for the heinous crimes, including genocide, committed throughout the territory of the former Yugoslavia during the 1990s. Its fundamental responsibility, as that of all courts, is to justice."

It is probably no accident the court is here described as "legitimate." Since the institution's legality is dubious, the goal is to portray it as "legitimate" instead. This is the same well known gambit employed by Antonio Cassese, the former President of the ICTY, whose unequivocal assertion that the US war against Yugoslavia (by means of NATO) in 1999 was illegal, but a good ("legitimate"?) thing since it might lead to the emergence of a new legal principle. Could it be that even Armatta agrees with Milosevic on the illegality of the ICTY? This minor problem of illegality can be totally overlooked, however, since "the court's fundamental responsibility is to justice". The picture emerges of an illegal but legitimate court dispensing justice! If one finds it baffling that an illegal court could be legitimate, it is all the more challenging to conclude that the ICTY dispenses justice. For how can a court dispense justice without observing due process?

Nonetheless, Armatta, reacting to the boycott of the proceedings by many of Slobodan Milosevic's witnesses, argues that they have some kind of duty towards the process: "Witnesses who can testify on those issues owe it to the accused, the public and the victims to participate in the trial." But if the trial is essentially unfair, and the court is illegal, there is no one to whom the witnesses owe anything.

The need to preserve the Rule of law is advocated by Armatta in support of her contention that the ICTY is correct in refusing to be "highjacked" or "blackmailed" by President Milosevic. But the "Rule of law" means something quite different from the process Armatta seeks to legitimate. A. V. Dicey, the celebrated British constitutional scholar, offers the classic definition:

"We mean, in the first place, that no man is punishable or can be made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land."

Slobodan Milosevic is by no means being tried "in the ordinary legal manner before the ordinary courts of the land." The ICTY was not established by treaty or by a vote of the UN General Assembly. The Constitutional court of Yugoslavia found that Milosevic had been "transferred" to The Hague in violation of Yugoslav and international law. The concept of "joint criminal enterprise", which does not require the prosecution to establish genocidal intent in some instances, is a recent jurisprudential development. (Not all would consider this caselaw consistent with the idea that the requisite intent for genocide must reflect the gravity of the crime, and that it must therefore be special. The first judgment of an ad hoc court defining genocide, *Prosecutor v. Akayesu*, called this *dolus specialis*. Most, however, would argue that the relaxed requirements are "good". Again, perhaps a manifestation of "illegal but good.") Dicey also defines Rule of Law as a system that adheres to equality before the law. The ICTY's Prosecutor (an actual "organ" of the body, as per its Statute) did not consider it necessary to bring a single charge as a result of the myriad breaches of international law alleged as a result of NATO's 78-day bombing campaign against Yugoslavia in 1999.

Michael Scharf argues that the ICTY's aims are to "educate" the Serbian people, and to promote "reconciliation" in the Balkans. But these are not judicial functions, and Slobodan Milosevic should have the right to point out what the ICTY's creators-Scharf is considered to have been instrumental in the adoption of Security Council Resolution 827, which adopted the ICTY's Statute-unhesitatingly state themselves.

To argue that the ICTY is not violating fundamental rights and international law, but is rather protecting the "Rule of Law" is not only false, but debases the very idea.

On October 21st, the ICTY's Appeals Chamber heard the parties on assigned counsels' appeal against the Trial Chamber's decision to impose them as Milosevic's lawyers. Slobodan Milosevic argued that imposition of counsel and the violation of the right to defend oneself in person is the province of political courts, such as the 17th century Star Chamber, and pointed to Scharf's statement that the ICTY's objectives were transparently political, not judicial, in nature. Hence, Milosevic stated that given the fact the process was political, he required a political defense, which could only be achieved through self-representation. (Indeed, recent amendments to the ICTY's Code of Conduct for defense lawyers state that lawyers:

"must not have engaged in conduct, whether in pursuit of his profession or otherwise (...) likely to diminish public confidence in the International Tribunal (...) or otherwise bring the International Tribunal into disrepute.")

The ICTY's President, Theodor Meron, responded by saying:

"I really believe, and I believe that all my colleagues very strongly believe that this trial is not a political trial. It is a legal trial under human rights and due process to determine, under international law and the Statute, whether -to determine whether you are guilty beyond a reasonable doubt or you are not. And we would not have been conducting those proceedings this way if we were not convinced that this is really not only a legal trial, but I believe it is a model of a fair trial."

While we note that President Meron's remarks constitute an implicit disavowal of Scharf's conception of the ICTY's aims, the fact remains that the ICTY did not clearly indicate that it would not tolerate such claims. For who and what endangers the ICTY's credibility? President Milosevic, who is prevented from arguing that the ICTY is a political body, or people like Scheffer, Scharf and Armatta, who make plain that it is? Could it simply be that the ICTY is in fact a political body, whose creation, as well as its conclusion-in other words, whose birth and death-are the result of political decisions?

That political reality eloquently reveals "the nature of the beast." And the fact that not everyone is entitled to make that very point only reinforces Slobodan Milosevic's arguments, even if he is stripped of the right to articulate them.

Tiphaine Dickson is a Montreal-based criminal defense lawyer and was lead counsel in one of the first UN genocide trials before the ICTR in Arusha, Tanzania.

Me. Dicksoon is also Legal Spokesperson of the International Committee to Defend Slobodan Milosevic (ICDSM).
She can be reached at tiphainedickson@videotron.ca

Aleksandar Jokic is Professor of Philosophy at Portland State University, and Director of the Center for Philosophical Education in Santa Barbara. He can be reached at ajokic@sbceo.org

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

SLOBODA/FREEDOM ASSOCIATION - Member of the World Peace Council
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URGENT FUNDRAISING APPEAL

After the Hague Tribunal declared war against human rights and International Law by banning President Milosevic's right to self-defense, our activities for his liberation and for the restoration of his freedom and for the national sovereignty of the Serbian people need to be reorganized and intensified.

We need professional, legal work now more than ever. Thus, the creation of conditions for that work is the imperative at this moment.

The petition of 100 lawyers and law professors from 18 countries, and other related activities of the ICDSM Legal Committee, produced a public effect incomparable to any other previous action by the ICDSM.

President Milosevic has the truth and law on his side. In order to use that advantage to achieve his freedom, we must fight this totally discredited tribunal and its patrons through professionally conducted actions which would involve the Bar Associations, the European Court, the UN organs in charge and the media.

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

3000-5000 EUR per month is our imminent need.

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

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

Peter Betscher
Stadt- und Kreissparkasse Darmstadt, Germany
IBAN: DE 21 5085 0150 0102 1441 63
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or

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

Peter Betscher (ICDSM Treasurer) E-mail: peter_betscher@freenet.de
Phone: +49 172 7566 014

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

The ICDSM and Sloboda need to address governments, international human rights and legal organizations, and to launch legal proceedings. The ICDSM plans a legal conference at The Hague. Sloboda has just sent to the patriotic factions in the Serbian Parliament an initiative to adopt a parliamentary Resolution against the human rights violations by the Hague Tribunal and to form an international team of experts to make an extensive report on these violations which would be submitted to the UN.

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

On behalf of Sloboda and ICDSM,

Vladimir Krsljanin,
Foreign Relations Assistant to President Milosevic

To join or help this struggle, visit:
<http://www.sloboda.org.yu/> (Sloboda/Freedom association)
<http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic)
<http://www.free-slobo.de/> (German section of ICDSM)
<http://www.icdsm-us.org/> (US section of ICDSM)
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Sagittarius

Van: <despot@tiscali.nl>
Aan: <nico.s@slobodan-milosevic.org>
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Onderwerp: Milosevic's Lawyers Seek to Quit
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Milosevic's Lawyers Seek to Quit Case

By ARTHUR MAX
Associated Press Writer

October 27, 2004, 4:33 PM EDT

AMSTERDAM, Netherlands AP) -- Slobodan Milosevic's court-appointed lawyers have asked to quit because they cannot properly defend an unwilling client, leaving the U.N. tribunal in a dilemma over how to conclude the most important war crimes trial in half a century in a way history will judge as fair.

Steven Kay and his assistant, Gillian Higgins, submitted applications to the tribunal's registrar late Tuesday seeking to withdraw from the case, said spokesman Jim Landale. They will remain as defense counsel until the tribunal removes them, he said.

Kay and Higgins "feel they are unable to fulfill their role for the defense of the accused according to the code of conduct for defense counsel," said a statement Wednesday from Kay's London office.

Kay has complained to tribunal panels in The Hague that his efforts to defend Milosevic have been stymied by his client's refusal to cooperate with him and by the difficulty in finding witnesses to testify.

Milosevic conducted his own defense for the first 30 months of the marathon trial. After repeated interruptions because of his fragile health, the judges removed him on Sept. 3, acting on the advice of doctors who warned his chronic high blood pressure could lead to a heart attack.

Kay, arguing on Milosevic's behalf to an appeals court last week, said self-representation was a fundamental right.

He also said Milosevic's refusal to cooperate with his defense team meant they could not mount an adequate case, and he said people were "kidding themselves, making believe that what is happening here is a proper defense."

Milosevic is accused of genocide and more than 60 other counts of war crimes and crimes against humanity during the breakup of Yugoslavia during the 1990s.

Kay's request to step aside leaves the court with only unattractive options.

It can insist that Kay stay. But dozens of Milosevic's witnesses have refused to come to The Hague unless the Serb leader regains control of the case. They would have to be subpoenaed and appear in court as hostile witnesses.

Milosevic's Belgrade lawyers, now acting as legal assistants and researchers, could be assigned to the case but would be unlikely to accept if Milosevic opposed the idea.

A third option would be to agree to Milosevic's demand.

Armatta, of the independent Coalition for International Justice, said allowing Milosevic to represent again would only help him undermine the court's legitimacy – which she said has been his goal all

He is not now and never has been interested in defending himself. His objective is to destroy the tribunal," Armatta said. If the court accedes to his demand, "Mr. Milosevic will have won a very important round in his attempt to destroy the credibility of the tribunal."

Kay was assigned to the case in September, shortly after Milosevic gave his opening argument, in which he claimed he was being prosecuted for political reasons by his enemies, including the United States and other NATO countries.

Although the British barrister was given a four-week break in the trial to prepare witnesses, Kay found only four people to testify.

On Friday, the court announced a recess until Nov. 9 because the defense lacked witnesses.

Kay's frustration was evident as he argued to the appellate court to let Milosevic again conduct his defense. He said Milosevic's antagonism toward him was so great "that we are ineffective in this trial and we are unable to say we are acting in the interest of justice," Kay said.

"Right from the start we wanted to show ourselves willing, but we have driven ourselves into the sand," he said.

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This article originally appeared at:

<http://www.newsday.com/news/nationworld/wire/sns-ap-war-crimes-milosevic,0,1653896.story?coll=sns-ap-nationworld-headlines>

Visit Newsday online at <http://www.newsday.com>

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: <nico.v@slobodan-milosevic.org>
Verzonden: vrijdag 29 oktober 2004 14:48
Onderwerp: Fw: Milosevic: This is a political trial (21 October
 Hoi Nico,

Zie onderaan de bijgaande tekst van Vlada.
 Daarin geven hun plannen weer.

Ik stel me voor dat je de volgende boodschap hierover naar M. zou kunnen overbrengen:

Ze willen ons dus gaan beconcurreren ! Of willen ze met ons samenwerken ?
 Ze zien nu klaarblijkelijk ook de noodzaak van het voeren van allerlei procedures, zelfs voor de Bar of Lawyers, althans dat ZEGGEN ze. Kennelijk DOEN ze wel geringschattend over ons, maar intussen pikken ze onze ideeën op/in.

Ze leren het dus wel (van ons).

Da's punt 1 dat gesteld moet worden

Dan het tweede punt.

Ze willen dus ook, ZEGGEN ze, procedures voor het Europese Hof voor de Rechten van de Mens gaan doen. Dat kan dus alleen maar als eerst alle stadia (kort geding/hoger beroep/Hoge Raad) in Nederland zijn doorlopen. De enige die dat kan uitvoeren, ben ik. Een andere advocaat inhuren (een Nederlandse moet dat zijn) kost een godsvermogen, nog afgezien van het feit dat ie dan 't politieke benul mist.

ZEGGEN ze dus dat ze juridische procedures willen voeren (buiten het ICTY om), dan ZEGGEN ze dus eigenlijk dat ze met ons zullen moeten samenwerken.

M. moet dus Vlada vertellen dat ze voor de realisatie van deze ideeën die ze hier zelf lanceren, BIJ ONS moeten zijn.

Da's dus punt twee

Dan punt drie.

Verder willen ze een conferentie organiseren in Den Haag. Althans dat ZEGGEN ze.

Hierover lijkt het me zaak tegen M. te zeggen dat wij bereid zijn daarover samen te werken en dat hij dat Vlada moet vertellen. Dat aanbod lijkt me een strategisch goeie zet, want, schat ik het goed in, dan zullen ze dat NOOIT willen, en dus weigeren. Of Ja zeggen en nee doen. En dus al spoedig saboteren.

Dan kunnen we daarmee vervolgens naar buiten komen.

En onze eigen plannen doorzetten.

Ik anticipeer bij het uitzetten van deze strategie op wat ik aan reacties van M. heb ervaren. Hij zal zeker zeggen: proberen jullie samen te werken.

Punt uit.

We kunnen zonder problemen onze bereidheid daartoe uitspreken en ook bij Vlada kenbaar maken.

Want:

1. Voor wat betreft de JURIDISCHE PROCEDURES, daarbij kunnen ze niet langs ons heen. Zodat ze op dat vlak maar twee opties hebben: hetzij samenwerken op ONZE voorwaarden (WIJ hier in Nederland DOEN immers die procedures),

wel ZEGGEN dat ze procedures willen, maar die in feite saboteren.
ze dat laatste dan kunnen we dat naar buiten brengen.

op het vlak van het voeren van rechtsprocedures hebben ze dus, met andere woorden, de keuze om bij ons aan de hand te lopen, dan wel als saboteurs te kijk te worden gezet.

2. Dan het idee van de conferentie. Ze ZEGGEN dat ze zoiets willen. Maar samenwerking zullen ze persé willen voorkomen. Daarom kunnen we m.i. rustig tegen M. zeggen dat WIJ bereid zijn tot samenwerking. En vervolgens kunnen we dan aantonen en naarbuiten brengen dat ZIJ dat saboteren.

Ik stel dus voor dat we M. kenbaar maken dat het aan ONS niet zal liggen als het op samenwerking aankomt.

Vlada c.s. komen dan vanzelf wel hetzij in onze invloedssfeer, hetzij vallen ze definitief door de mand als saboteurs.

Zeggen dat we NIET willen samenwerken leidt alleen maar tot immobilisme en ingegegraven posities, waar ook wij niets mee opschieten.

We moeten ze juist tot bewegen dwingen (waarbij wij inhoud en koers bepalen), dan wel defintief bewijzen dat ze in feite helemaal niet willen bewegen. En ze aldus als saboteurs ontmaskeren.

Daarom moeten we het spel meespelen. Om het in feite te kunnen dicteren.

Nico S.

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

From: "Vladimir Krsljanin" <slobodavk@yubc.net>

To: <Undisclosed-Recipient:;>

Sent: Friday, October 29, 2004 2:59 AM

Subject: Milosevic: This is a political trial (21 October transcript)

> *****

> NOTE: After the 21 October session of the Appeals Chamber of the ICTY, most

> of the Western media were quoting Steven Kay ar

Sagittarius

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient:>
Verzonden: donderdag 28 oktober 2004 20:03
Onderwerp: Bar Association of Belgrade against ICTY

THE BAR ASSOCIATION OF BELGRADE
Decancka 13, 11000 Belgrade, Serbia and Montenegro
Phone: +381 11 3239 805, +381 11 3239 875; Fax: +381 11 3237 082
E-mail: komora@eunet.yu

Acting in accordance with the conclusions of its Managing Board of 13 October 2004, the Bar Association of Belgrade submits the following

PUBLIC STATEMENT

Acting strictly on the professional and ethical basis and disregarding any political considerations, the Bar Association of Belgrade points out that the right to defence of some individuals tried before the International Criminal Tribunal for the former Yugoslavia (ICTY) has been blatantly violated.

This violation is reflected in the changes of rules while the procedure is in progress, by which the defendants are prevented of preparing and presenting their defence, in conditions of an inappropriately short time given and uncritical and unprincipled treatment of their health. In this way, the principle of equality of arms between defence and prosecution is violated and defendants are put in totally unequal position. The imposition of defence counsel which acts without instructions of the accused is also an impediment for the accused to prepare his defence and use all the evidence and procedural tools he wishes to.

The above especially applies to the trial of former President Slobodan Milosevic.

Acting in this way, the ICTY compromises the right of defendants to defence and by that to a fair trial to the utmost, this right being guaranteed to any accused before any court of law.

Advocates of Belgrade consider that by acting in this was the ICTY itself contributes to the loss of its credibility not only in the eyes of experts, but also in the eyes of wide public; acting in this way the ICTY directly contradicts the efforts of the official, state organs which call upon those indicted to voluntarily surrender to the Tribunal.

Adhering to the principles of truth and justice, in the belief that Advocates must bring the truth to courts, we express our protest against the violation of the rights to defence and fair trial of the accused. We demand that any accused, without regard to his or hers nationality, be accorded the right to defence guaranteed by all international human rights conventions and documents relative to the procedure before the ICTY.

At the same time, we appeal to all the colleagues at home and abroad not to accept the dishonorable role of an imposed defence counsel on an unwilling accused, thus showing respect for the ethics of our profession and the ICTY

atute.

The Bar Association of Belgrade will inform the international bodies for the protection of human rights about its position and conclusions from this statement. The International Union of Advocates will also be informed, the Union of which the Bar Association of Belgrade is a founding member since 1928.

President of the Bar

Association of Belgrade

Vojislav S. Nedic

(Published as an ad in the daily "Politika", Belgrade, 23 October 2004)

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

SLOBODA/FREEDOM ASSOCIATION - Member of the World Peace Council
www.sloboda.org.yu
Belgrade

URGENT FUNDRAISING APPEAL

After the Hague Tribunal declared war against human rights and International Law by banning President Milosevic's right to self-defense, our activities for his liberation and for the restoration of his freedom and for the national sovereignty of the Serbian people need to be reorganized and intensified.

We need professional, legal work now more than ever. Thus, the creation of conditions for that work is the imperative at this moment.

The petition of 100 lawyers and law professors from 18 countries, and other related activities of the ICDSM Legal Committee, produced a public effect incomparable to any other previous action by the ICDSM.

President Milosevic has the truth and law on his side. In order to use that advantage to achieve his freedom, we must fight this totally discredited tribunal and its patrons through professionally conducted actions which would involve the Bar Associations, the European Court, the UN organs in charge and the media.

Our practice has shown that ad hoc voluntary work is not enough to deal properly with these tasks. The funds secured in Serbia are still enough only

cover the expenses of the stay and work of President Milosevic's legal associates at The Hague (one at the time). The funds secured by the German section of the ICDSM (still the only one with regular contributions) are enough only to cover minimal additional work at The Hague connected with contacts and preparations of foreign witnesses. Everything else is lacking.

3000-5000 EUR per month is our imminent need.

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

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

Peter Betscher
Stadt- und Kreissparkasse Darmstadt, Germany
IBAN: DE 21 5085 0150 0102 1441 63
SWIFT-BIC: HELADEF1DAS

or

Vereinigung für Internationale Solidarität (VIS)
4000 Basel, Switzerland
PC 40-493646-5

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

Peter Betscher (ICDSM Treasurer) E-mail: peter_betscher@freenet.de
Phone: +49 172 7566 014

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

The ICDSM and Sloboda need to address governments, international human rights and legal organizations, and to launch legal proceedings. The ICDSM plans a legal conference at The Hague. Sloboda has just sent to the patriotic factions in the Serbian Parliament an initiative to adopt a parliamentary Resolution against the human rights violations by the Hague Tribunal and to form an international team of experts to make an extensive report on these violations which would be submitted to the UN.

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

On behalf of Sloboda and ICDSM,

Vladimir Krsljanin,
Foreign Relations Assistant to President Milosevic

To join or help this struggle, visit:

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

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

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

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

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

<http://www.pasti.org/milodif.htm> (ICDSM Italy)

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

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

Sagittarius

Van: "R.Despotovic" <despot@tiscali.nl>
Aan: "Nico Varkevisser" <office@globalreflexion.org>; "Nico & Neeltje Steijnen"
CC: "R Despotovic" <despot@tiscali.nl>
Verzonden: woensdag 27 oktober 2004 19:54
Onderwerp: Balkan justice joust By Jeffrey T. Kuhner (Washington Times)
Balkan justice joust By Jeffrey T. Kuhner (Washington Times)

The Bush administration is now demanding that the chief prosecutor for the International Criminal Tribunal for the former Yugoslavia, Carla Del Ponte, bring her prosecutions to an end. Washington is insisting that war crimes cases relating to the Balkan wars of the 1990s be tried either in domestic courts or be given an amnesty. This shift not only marks a dramatic change in U.S. policy toward the ICTY, but more importantly, it is a fatal blow to the power and credibility of Mrs. Del Ponte. In a recent interview, Undersecretary of State for Arms Control John Bolton told me Washington is deeply concerned that the ICTY, rather than fostering ethnic reconciliation, has emerged as a threat to regional stability. "There is a very real risk that the ICTY prosecutions will not resolve the situation in the Balkans," Mr. Bolton said, "but will create new animosities that lead to tensions in the future." He emphasized the Bush is demanding war crimes cases at The Hague be sent back to national domestic courts. Mr. Bolton and other senior State Department officials are finally realizing what Mrs. Del Ponte and her fellow left-wing globalists have refused to acknowledge: The ICTY has degenerated into a politicized tribunal that has failed to live up to its original mandate. The irony is that the Clinton administration was largely responsible for creating the ICTY. Washington, however, now realizes that it has unleashed a Frankenstein monster. Instead of being an impartial body that seeks to punish those who committed or ordered war crimes, the tribunal has become a vehicle by which Mrs. Del Ponte has sought to rewrite the history of the Balkan wars. She has abused her office by issuing deeply flawed and weak indictments. The most obvious example is the bogus indictment against fugitive Croatian Gen. Ante Gotovina, the commander of a 1995 military operation that effectively ended the Croatian-Serbian conflict. As Mr. Bolton notes, the problem with the ICTY is that it has no democratic accountability. Hence, there are no checks or balances against the misuse of power. Therefore, the Bush administration has concluded the only solution is to kick war crimes cases back to national domestic courts. "That is why our strategy with respect to the ICTY is to bring these prosecutions to an end and to return responsibility to Serbia, Croatia and to the other nations," Mr. Bolton said, "because, after all, many of the alleged crimes were carried out in their name and they need to confront that reality. They need to make the decisions whether to prosecute or not to prosecute Serbs or Croats respectively." The senior Bush administration official emphasized that "responsibility" for trying alleged war crimes "should rest on the shoulders of the people who have to live with the decisions they make." Ultimately, the United States rightly believes that the ICTY has become not only an undemocratic institution, but a direct threat to the development of democracy throughout the former Yugoslavia. Its greatest flaw is that, by virtue of being an international tribunal with little accountability, it is retarding the growth of independent judicial bodies and the rule of law within Croatia, Serbia and Bosnia. For viable democracies to take root in the stony soil of the Balkans, it is imperative to cultivate fully functioning legal institutions. "One of the downsides of any distant court is that it takes away responsibility, and I don't think that is conducive to the political maturation of societies that we hope will become democratic and realize that they have to confront actions that their prior governments took," Mr. Bolton said. "So that is why our approach to the ICTY and with the Rwanda tribunal is to make and create institutions in the respective countries and to turn that authority back over to them." The record is now clear: The ICTY has been a dismal failure. The trial of the former Serbian strongman, Slobodan Milosevic, continues to drag on with no end in sight. Notorious Bosnian Serb leaders Gen. Ratko Mladic and Radovan Karadzic remain at large. The Gotovina indictment threatens to destabilize Croatia. Bosnian Muslims and Kosovo Albanians feel they will never receive justice. Serbs perceive the tribunal as being biased against them. Mrs. Del Ponte has managed to accomplish what no other person has before: Temporarily unite the warring peoples of the former Yugoslavia in their opposition to her. She is the Lady Macbeth of the Balkans, an unscrupulous political climber with delusions of grandeur. And like Lady Macbeth, Mrs. Del Ponte's lust for power has led to her downfall. Washington is right to yank her off the stage. Jeffrey T. Kuhner is editor of the Ripon Forum magazine and communications director at the Ripon Society, a Republican think tank.

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Van: "R.Despotovic" <despot@tiscali.nl>
Aan: "Andy Wilcoxson" <andywilcoxson@comcast.net>; "Niko, V." <nico.v@slobodan-milosevic.org>; "Nico, S." <nico.s@slobodan-milosevic.org>
Verzonden: vrijdag 29 oktober 2004 22:23
Onderwerp: Balkan justice joust By Jeffrey T. Kuhner
 Balkan justice joust By Jeffrey T. Kuhner (Washington Times)

The Bush administration is now demanding that the chief prosecutor for the International Criminal Tribunal for the former Yugoslavia, Carla Del Ponte, bring her prosecutions to an end. Washington is insisting that war crimes cases relating to the Balkan wars of the 1990s be tried either in domestic courts or be given an amnesty. This shift not only marks a dramatic change in U.S. policy toward the ICTY, but more importantly, it is a fatal blow to the power and credibility of Mrs. Del Ponte. In a recent interview, Undersecretary of State for Arms Control John Bolton told me Washington is deeply concerned that the ICTY, rather than fostering ethnic reconciliation, has emerged as a threat to regional stability. "There is a very real risk that the ICTY prosecutions will not resolve the situation in the Balkans," Mr. Bolton said, "but will create new animosities that lead to tensions in the future." He emphasized the Bush administration is demanding war crimes cases at The Hague be sent back to national domestic courts. Mr. Bolton and other senior State Department officials are finally realizing what Mrs. Del Ponte and her fellow left-wing globalists have refused to acknowledge: The ICTY has degenerated into a politicized tribunal that has failed to live up to its original mandate. The irony is that the Clinton administration was largely responsible for creating the ICTY. Washington, however, now realizes that it has unleashed a Frankenstein monster. Instead of being an impartial body that seeks to punish those who committed or ordered war crimes, the tribunal has become a vehicle by which Mrs. Del Ponte has sought to rewrite the history of the Balkan wars. She has abused her office by issuing deeply flawed and weak indictments. The most obvious example is the bogus indictment against fugitive Croatian Gen. Ante Gotovina, the commander of a 1995 military operation that effectively ended the Croatian-Serbian conflict. As Mr. Bolton notes, the problem with the ICTY is that it has no democratic accountability. Hence, there are no checks or balances against the misuse of power. Therefore, the Bush administration has concluded the only solution is to kick war crimes cases back to national domestic courts. "That is why our strategy with respect to the ICTY is to bring these prosecutions to an end and to return responsibility to Serbia, Croatia and to the other nations," Mr. Bolton said, "because, after all, many of the alleged crimes were carried out in their name and they need to confront that reality. They need to make the decisions whether to prosecute or not to prosecute Serbs or Croats respectively." The senior Bush administration official emphasized that "responsibility" for trying alleged war crimes "should rest on the shoulders of the people who have to live with the decisions they make." Ultimately, the United States rightly believes that the ICTY has become not only an undemocratic institution, but a direct threat to the development of democracy throughout the former Yugoslavia. Its greatest flaw is that, by virtue of being an international tribunal with little accountability, it is retarding the growth of independent judicial bodies and the rule of law within Croatia, Serbia and Bosnia. For viable democracies to take root in the stony soil of the Balkans, it is imperative to cultivate fully functioning legal institutions. "One of the downsides of any distant court is that it takes away responsibility, and I don't think that is conducive to the political maturation of societies that we hope will become democratic and realize that they have to confront actions that their prior governments took," Mr. Bolton said. "So that is why our approach to the ICTY and with the Rwanda tribunal is to make and create institutions in the respective countries and to turn that authority back over to them." The record is now clear: The ICTY has been a dismal failure. The trial of the former Serbian strongman, Slobodan Milosevic, continues to drag on with no end in sight. Notorious Bosnian Serb leaders Gen. Ratko Mladic and Radovan Karadzic remain at large. The Gotovina indictment threatens to destabilize Croatia. Bosnian Muslims and Kosovo Albanians feel they will never receive justice. Serbs perceive the tribunal as being biased against them. Mrs. Del Ponte has managed to accomplish what no other person has before: Temporarily unite the warring peoples of the former Yugoslavia in their opposition to her. She is the Lady Macbeth of the Balkans, an unscrupulous political climber with delusions of grandeur. And like Lady Macbeth, Mrs. Del Ponte's lust for power has led to her downfall. Washington is right to yank her off the stage. Jeffrey T. Kuhner is editor of the Ripon Forum magazine and communications director at the Ripon Society, a Republican think tank.

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Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient;>
Verzonden: vrijdag 29 oktober 2004 1:59
Onderwerp: Milosevic: This is a political trial (21 October

NOTE: After the 21 October session of the Appeals Chamber of the ICTY, most of the Western media were quoting Steven Kay and not President Milosevic. These days, after he files a "request for withdrawal", instead of a simple, although late resignation, again it is Steven Kay who gets all the publicity.

The Appeals Chamber session was open. Its transcript (like for any other session) was done next day and had to be available to all parties. For days, and with different excuses, it was denied to assistants of President Milosevic to get the transcript in the electronic form. Finally, when there were no more excuses, the transcript appeared on the ICTY web site. Additional proof that it appeared only due to the pressure from President Milosevic's team is the fact that the transcript of 19 October, when ICDSM Vice-Chair Liana Kanelli slammed the ICTY had not been posted yet. Here we give the words of President Milosevic, that someone tried to hide from the public as long as possible.

The whole transcript can be read at:

<http://www.un.org/icty/transe54/041021DR.htm>

The whole text of the 'Lawyers Petition' extensively quoted by President Milosevic can be read at:

<http://www.icdsm.org/Lawappeal.htm>

Everything about the political campaign to silence President Milosevic can be read at:

<http://globalresearch.ca/articles/DIC410A.html>

Thursday, 21 October 2004

[Appeal Proceedings]

[Open session]

PRESIDENT SLOBODAN MILOSEVIC: In my deep conviction concerning this decision to take away my right to represent myself, this was not prompted by health reasons nor legal reasons but by political reasons.

Health reasons were taken exclusively as an excuse or pretext.

I would like to turn your attention to the fact that there was a campaign conducted not to permit me to speak. On the 29th of August, one of the drafters of your Statute, Michael Scharf published in the Washington Post an article as part of this campaign in which he said, amongst other things -- I'm not going to quote the entire article, I would just like to point to a few things or excerpts from it.

"At the start of the trial in February 2002, the original presiding judge, Britain's Richard May, ruled that 'under international law, the defendant has a right to counsel but he also has a right not to have counsel.'

Virtually everything that has gone wrong with the Milosevic trial can be traced back to that erroneous ruling."

As part of that campaign, therefore, things set out from insisting that the Chamber, which was presided by Judge May, wrongly decided to enable me to

speak, and then this is explained by stating:

"By acting as his own counsel, Milosevic was able to begin the trial with an 18-hour long opening argument, which included Hollywood-quality video and slide-show presentations showing the destruction wrought by the 1999 NATO bombing campaign."

That is what disturbed all those who do not wish to hear the truth from this place, because for three years now, the other side has been explaining crimes that I did not commit, ascribing to me intentions which I never had. We're talking about legal alchemy here, which is jeopardized by the possibility that truth be spoken here and that what really happened be talked about here.

In his article, Scharf explains that or provides an explanation from which it can be seen that we're not talking about law here but politics. I will quote just one more excerpt:

"In creating the Yugoslavia tribunal statute, the UN Security Council set three objectives: First, to educate the Serbian people, who were long misled by Milosevic propaganda, about the acts of aggression, war crimes and crimes against humanity committed by his regime ..."

As you can see, he is citing a political reason which only a twisted mind can use in view of the fact that there was no war in Serbia and that Serbia was the only one that maintained the structure of population as it was before and that there was no discrimination at all. This is part of the propaganda which is being affirmed here.

Secondly, "to facilitate national reconciliation by pinning prime responsibility on Milosevic and other top leaders and disclosing the way in which the Milosevic regime had induced ordinary Serbs to commit atrocities; and third, to promote political catharsis while enabling Serbia's newly elected leaders to distance themselves from the repressive policies of the past. May's decision to allow Milosevic to represent himself has seriously undercut these aims."

He also explains that this is also very wrong because this trial is being followed, because the majority of the citizens in Serbia give their support to me, which is not a surprise, because everybody had the opportunity to hear what is being said here.

For example, this statement of mine of the 31st of August and the 1st of September was published in newspapers with the broadest circulation. It was also broadcast on television. It was published in hundreds of thousands of copies. So I can expose myself to the trial of the -- or to the scrutiny of the public, whereas the other side cannot. And that is the main reason why it is not being permitted here, the truth, or arguments be brought out in favour of the truth and that this truth be proved by facts.

I would like to also draw your attention, gentlemen, because you are all experts in the legal profession, that in relation to this question of assigning counsel, denying me my right, taking away my right, about 100 prominent legal scholars, professors, experts in international and criminal law from Serbia, Russia, Greece, Italy, Ireland, Germany, the United States, Canada, India, Belgium, Denmark, Bulgaria, Hungary, Netherlands, Czech

Republic, Great Britain, France, submitted a petition to the General Secretary and to the United Nations Security Council.

You probably did not pay attention to this, but many arguments were stated there against this decision which was adopted by the Trial Chamber.

They say that this imposition of counsel, "This apparently punitive measure is contrary to international law, incompatible with the adversarial system of criminal justice adopted by the Security Council in Resolution 808, and ignores the Court's obligation to provide adequate medical care and provisional release to the defendant. ... The ICTY has ignored repeated requests for provisional release, to which everyone presumed innocent is entitled, has imposed unrealistically short preparation periods ..."

I warned you, Mr. Meron, the last time that we had a discussion here and when we were talking about me being granted three months for preparations compared to several years that the other side had, I drew your attention specifically to the existing decision of doctors that I can only work for three days a week and that that time is very short. At the time, you said that you would review all of these things. There has been no subsequent review of these issues.

I would also like to remind you that in the decision of the Appeals Chamber of the 18th of April, 2002, comprising of Claude Jorda, David Hunt, Mehmet Guney, Fausto Pocar and Theodor Meron - that's what it states here on the cover page - in paragraph 27 it was stated since the reasons for decision on Prosecution interlocutory appeal from refusal to order joinder was being discussed at the time,

"As has been shown to be necessary in all long trials before this Tribunal, the Trial Chamber will from time to time have to take a break in the hearing of evidence to enable the parties to marshal their forces and, if need be, to unrepresented accused to rest from the work involved."

This was not respected either. And in connection with that, I would like to say that when the three-day work rule was being respected, these three workdays are not only days spent in court but three workdays in general. This was not taken into account. But there were no problems at the time. I will come back to that later.

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Gentlemen, we are facing a practice here which, as you can see, is being dealt with in a way which is not a -- which does not serve as a compliment. In this case, it says:

"Imposition of counsel, even 'standby counsel', as appears to be presently envisaged by the ICTY, will not alleviate any of the difficulties facing the process: it will not treat, much less cure, Slobodan Milosevic's malignant hypertension; it will not provide the defendant with the time and conditions to prepare his case; it will not redress the gross imbalance in the resources accorded the Prosecutor and the Defence," et cetera.

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Covenant for Civil and Political Rights. The United Nations should not tolerate these continuing violations of international law in the name of expediency. Using a detained person's inappropriately treated illness as an excuse to infringe upon his rights and silence him and embark on a 'radical reform' of the proceedings - as the Chamber is now considering, by changing the rules in the mid-trial, and to the defendant's detriment- is a perversion of both the letter and the spirit of international law."

That is about 100 legal scholars and professionals said on this matter. I mentioned them before.

Mr. Meron, we are talking here about the cogent norms of international law, *ius cogens*, imperative norms which do not allow a restrictive interpretation and which in my deep conviction and according to the conviction of many lawyers throughout the world say that I cannot be denied of my right to represent myself. Therefore, the fact that you question my surprise at all that the Trial Chamber could have adopted such a decision at all is something that does not surprise me but astonishes even many people throughout the world, especially when we keep in mind that we're talking here about the denial of the minimum rights which I should enjoy here.

So I would like to be very brief. I would like for my right to be restored to me.

As far as arguments that were utilised which say that because of my hypertension many sittings had to be suspended, I would like to say that it is my deep conviction that the doctors on this matter have also been manipulated, because some elements were stated in a context in which they cannot be considered to hold.

As you can see here, I have a letter from Dr. van Dijkman to the Detention Unit physician, Dr. Falke, where he says -- this letter is dated on the 10th of June, 2004, and it says that on the 9th and 10th of June I was monitored for 24 hours, my blood pressure was monitored for 24 hours, and it explains "... blood pressure during daytime 164/103." Et cetera. And he goes on to say, "I do not consider the blood pressure to be so high -- ... cease his activities." Therefore, when it was high, he believed it did not justify a cessation of my activities. On the 26th of July, the date when I was examined the last time in order to agree in the future with Dr. Tavernier's findings, my pressure was 150/95. Therefore, it was better. And then when it was better, it served as a basis for concluding that I was medically unfit to defend myself.

And furthermore, they manipulated the information about a loss of ten days, allegedly because of my health situation. And you will agree, gentlemen, that when this piece of information is used, it is in relation to days when my blood pressure was high. That's what it seems. However, that is not accurate. I have an official document stamped and signed by the authorised officer of the Detention Unit, the only one who is in charge of medical records, which states in view of the fact that on several occasions I had a very severe case of flu with high fever, and it says "Dates of flu." In 2001, it was one week. In 2002, it was one week. In early 2003, it was ten days. In May 2003, two weeks. And finally in 2004, in February, two weeks. In total, that amounts to six and a half weeks of flu involving high fever in various periods.

What happened then, gentlemen, then back in February 2004, when I was running a high fever and having flu and was bedridden, I received notification that the appeal -- that the Prosecution case had been completed and that I was to prepare my list of witnesses. I therefore asked the liaison officer from the Registry, who is sitting here, whether, being ill, I was allowed to have an extension of that deadline because the task involves a huge amount of work. In those six and a half weeks, I was supposed to prepare a list of witnesses and was not able to start immediately.

I was informed by a Trial Chamber, through their legal assistant or whatever they call it, that the deadline cannot be moved. Therefore, I practically had to work from my bed at a very high intensity and to work very hard to comply with the deadline and submit that list within the six weeks given me from the time when I was informed of the completion of the Prosecution case.

That is what caused stress, shortage of sleep, and other problems.

And this complete disregard for the rule that I was allowed to work for only three days a week drove my tension and blood pressure up. In other words, it was the Trial Chamber who caused it with their decision and the fact that they set unreasonable deadlines. And then the resulting problems were used as an excuse to impose counsel on me with the explanation that I was unable to handle the preparations required myself. That is what happened.

I can give you this paper which shows exactly how many weeks were in issue, with appropriate dates and signatures. The loss of days caused by this was completely unrelated to the problems I was experiencing. It is, therefore, abundantly clear that this is a manipulation of findings and facts.

It is, as a consequence, abundantly clear that all talk of obstructionism is malicious, because if you say that about somebody who spent 300 days examining the witnesses of the other side, calling him an obstructionist, which he had never been in any of the 300 days of dealing with the case of the opposing side. It is nonsense, to say the least.

Even Mr. Nice putting forward his arguments before the Trial Chamber, trying to deny me an extension, said that I was working very efficiently and did not need an extension of the deadline. Therefore, in my then-health situation, I experienced additional pressure which caused a deterioration of my health, which was then used as a pretext for assigning counsel on me.

When I did not have any other health problems, I worked quite efficiently indeed, except for the times when I had flu with high fever, which nobody is immune from, and nobody can guarantee that it would not happen to them.

You asked me a number of questions that I will attempt to answer.

What is the best solution? The best and the only solution, in my opinion, is for you to give me back my rights. Your stand-by counsel is of no interest to me whatsoever.

Mr. Kay used to be an amicus curiae. He, as well as his colleague, upon leave of the Trial Chamber, put questions to witnesses when he deemed fit. As far as I am concerned, I have no objection to such practice at all. As far as I'm concerned, in that capacity he can continue if you think that

necessary. He can continue to put questions to witnesses or perform any other tasks.

But it is indubitable that the only solution, the only one I see as just, fair, logical and reasonable is to give me back my right to represent myself, to call witnesses, to examine them, and to lead evidence in my Defence case.

That amounts, practically, to the guarantees I enjoy under every international covenant, agreement, treaty, and finally your own Statute.

And I cannot agree to anything less because that is my principled position, one from which I do not intend to retreat. So much, Mr. Meron. Thank you for your attention.

THEODOR MERON: Thank you, Mr. Milosevic. Mr. Milosevic, what would you suggest to the Court? How should it act if you would have to reduce your presence in the courtroom even beyond the three days that you have been able to cope with in the past? Imagine for a moment that you could be in the court, bearing also -- taking into account also the time you would need in the detention centre to prepare, only one day a week. Would you -- do you believe that the Court can go on if the situation would arise in that context? Do give us some practical suggestions to try and, in fairness, to remedy the situation that has arisen.

PRESIDENT SLOBODAN MILOSEVIC: Mr. Meron, your question is completely logical. I believe, however, that one should take into account the history of the accumulation of the present problems. Namely, several times - and this is known to everybody sitting here and it can be seen from the transcript - at the moment when this so-called trial began with charges from the Kosovo indictments, indictments on Croatia and Bosnia were issued. At that time, I received over half a million pages of material from the other side in connection with the charges raised then.

On several occasions, I asked them, "When do you gentlemen suppose that I can read this? Will you give me time to review this material, to familiarise myself with it and to respond?" The answer I constantly received was that the Trial Chamber would consider it.

And finally we ended up in this situation where I have not been given time to talk to my potential witnesses. In fact, I talked to as many witnesses as I had time to talk with. And during the summer recess and preparation, I was allowed to receive witnesses three days a week.

I assume you know that the opposite side spends sometimes several days speaking to one witness. I speak to one witness a day, sometimes two witnesses per day. I cannot be any more expedient than that. I believe, therefore, you should bear in mind that if it is true, and it is written in para 10 of the reasoned decision of the Trial Chamber on the assignment of counsel, since on the 30th of September it heard the arguments of sides to the proceedings, the Trial Chamber made its decision on the basis of the medical report concerning the accused's health that the Chamber would sit three days each week.

That decision was made back then, and I believe that coupled with observation of this rule, a three-day work rule for the courtroom, and in

view of the fact that I had not been given the opportunity in a timely manner to talk to my witnesses, a compromise is being made now between this and the decision made as a result. You should see what is fair in this situation. I believe that we can keep up the dynamics of three workdays per week with the proviso that weeks off should be taken occasionally so that I can proof witnesses I intend to call. And that would be a perfectly reasonable timetable enabling us to conduct these proceedings in a perfectly normal manner, achieving all that we have to achieve.

Those are my practical suggestions.

THEODOR MERON: Thank you, Mr. Milosevic. Of course, some of the difficulties that you have alluded to in terms of pressure on you, in terms of tension, are a result of the fact that you chose not to have a counsel. You have your legal advisors. Had you named them as your counsel, they would have borne some of the burden that you -- that you took upon yourself. And from the perspective of the Court, shouldn't a person accept the consequences of his decision? You chose to go this way, and you made things so much more difficult for yourself. Mr. Milosevic.

PRESIDENT SLOBODAN MILOSEVIC: Mr. Meron, in support and in favour of Mr. Kay, who very correctly put forward his position, because I really have nothing personal against him, and he is doubtlessly a very capable lawyer, nevertheless, no lawyer, Mr. Kay or any other lawyer, is able to replace me in this job. It is simply because of the nature of these charges.

This is a political trial. What is at issue here is not at all whether I committed a crime. What is at issue is that certain intentions are ascribed to me from which consequences are later derived that are beyond the expertise of any conceivable lawyer.

The point here is that the truth about the events in the former Yugoslavia has to be told here. It is that which is at issue, not the procedural questions, because I'm not sitting here because I was accused of a specific crime. I'm sitting here because I am accused of conducting a policy against the interests of this or another party. The nature of the proceedings here is such that a lawyer cannot deal with it. In fact, even that is not the issue. The issue is whether I have the right to represent myself under the Statute, and the Statute says I do.

PRESIDENT SLOBODAN MILOSEVIC: You should be clear on this mystification regarding the alleged failure to comply with my therapy.

You can find out the truth from the authorised medical personnel at the Detention Unit. I'm going to explain.

There is no mystification whatsoever. I was told one day that the next day a test would be made to ascertain how much of the medication I'm taking is actually absorbed by my body, and that I would receive medication at 7.00 a.m. in order to take a blood sample five hours later at 2.00 p.m. and the concentration of the medication would be measured in my blood. There is a record of this. At 7.00 a.m. exactly I took the medication, and two hours later a blood sample was taken. The analysis, however, showed that the concentration in my blood was not sufficient.

What business of that is mine? Please tell me. I don't know what was wrong,

whether there was enough of the concentration of the medication in the pill itself or not or something else was the problem. In any case, I complied with the procedure fully. Everything was done properly. And to base a theory on the allegation that I'm refusing to take my medicine is absolutely senseless. The procedure could have been checked. Another method could have been chosen, because no method is absolutely foolproof, but to take such conclusions is absolutely uncalled for, especially by laymen such as Mr. Nice. I will not waste any more time on this.

Second, regarding the campaign, you intervened, Mr. Meron, when I used the word "campaign" and when I mentioned Michael Scharf. Michael Scharf used to be the legal advisor of Madeleine Albright, as you know, I suppose. You also know that I was brought here on the 5th of July, being ill when the Trial Chamber ignored the fact that I'm ill, and the press came here to hear my opening statement although they were not notified that there would be no opening statement on that day.

You know, Madeleine Albright was here and that she personally is anxious, in view of her own responsibility for the bombing of my country and her own participation in aiding Croatian forces in the Operation Storm when several hundred thousand Serbs were expelled from Croatia.

And the next day, Mr. Prosper, the ambassador of your country, a person in charge of these issues, arrived.

Mrs. Albright is often referred to as the mother of this Tribunal and her personal interest, vested interest, is indubitable. It is doubtless that she has a role in this campaign, and you can see this argumentation that she shares in the transcript of Mr. Nice's speech.

Mr. Nice spoke here, and I wish to respond to several of the things he said. He said it was up to me whether I would accept what has been offered. This is not a situation of offering or accepting. We are not at the bazaar where people are offering and taking. We have a completely different situation here. We are discussing the minimum of my rights, on which I insist. It is not a case of offering and accepting or not accepting wherein I am to take the consequences of my own refusal.

What is at issue here is to observe the minimum of my guaranteed rights.

Second, isn't it absolutely clear that I have the right to appoint counsel, but I also have the right not to appoint counsel? I am exercising my right not to appoint counsel; in other words, my right to represent myself. Therefore, I am acting in full conformity with the spirit of the right given me.

Furthermore, Mr. Nice says that a judgement can be taken even without a Defence case, because several witnesses have been here, none of which have provided any evidence. So a judgement can be taken without a Defence. That is precisely their aim, because a Defence put forward by an imposed counsel is not my defence. That, I hope, need not be proven.

Defence through an imposed counsel is a legal fiction.

Furthermore, Mr. Nice says that I gave a list of witnesses to Mr. Kay. That is not true. I disclosed my witness list through the liaison officer

answerable to the Trial Chamber. Mr. Kay, in his official capacity, has access to that list of witnesses, and through no fault of his, he has -- he doesn't know what to do with it, as he doesn't know what to do with the list of thousands of exhibits that I made available, because if we keep this limit of 150 days, Mr. Kay does not know what selection I personally would have made out of the 1.600 witnesses to fit into the 150 days. And you will admit, gentlemen, that a bad use of witnesses and exhibits is worse than a complete failure to use witnesses and exhibits.

Then Mr. Nice asked the question, Who is running this court? That is not the question here. The question here is, Who is running my Defence, me or Mr. Nice?

For the duration of their half time, I didn't show a shadow of intention to interfere with their business, whereas they have wanted all the time to organise my Defence and to dictate the terms and conditions of my exercise of my own rights. That is absolutely inappropriate. I didn't take away my own right to self-representation; it was taken away from me by the Trial Chamber.

I therefore demand my right to represent myself back. I believe that my legal position cannot be changed in the middle of the trial, or my capacity to defend myself, and I demand my right back. Thank you.

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

SLOBODA/FREEDOM ASSOCIATION - Member of the World Peace Council
www.sloboda.org.yu
Belgrade

URGENT FUNDRAISING APPEAL

After the Hague Tribunal declared war against human rights and International Law by banning President Milosevic's right to self-defense, our activities for his liberation and for the restoration of his freedom and for the national sovereignty of the Serbian people need to be reorganized and intensified.

We need professional, legal work now more than ever. Thus, the creation of conditions for that work is the imperative at this moment.

The petition of 100 lawyers and law professors from 18 countries, and other related activities of the ICDSM Legal Committee, produced a public effect incomparable to any other previous action by the ICDSM.

President Milosevic has the truth and law on his side. In order to use that

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient;>
Verzonden: vrijdag 29 oktober 2004 2:59
Onderwerp: Milosevic: This is a political trial (21 October)

NOTE: After the 21 October session of the Appeals Chamber of the ICTY, most of the Western media were quoting Steven Kay and not President Milosevic. These days, after he files a "request for withdrawal", instead of a simple, although late resignation, again it is Steven Kay who gets all the publicity.

The Appeals Chamber session was open. Its transcript (like for any other session) was done next day and had to be available to all parties. For days, and with different excuses, it was denied to assistants of President Milosevic to get the transcript in the electronic form. Finally, when there were no more excuses, the transcript appeared on the ICTY web site. Additional proof that it appeared only due to the pressure from President Milosevic's team is the fact that the transcript of 19 October, when ICDSM Vice-Chair Liana Kanelli slammed the ICTY had not been posted yet. Here we give the words of President Milosevic, that someone tried to hide from the public as long as possible.

The whole transcript can be read at:

<http://www.un.org/icty/transe54/041021DR.htm>

The whole text of the 'Lawyers Petition' extensively quoted by President Milosevic can be read at:

<http://www.icdsm.org/Lawappeal.htm>

Everything about the political campaign to silence President Milosevic can be read at:

<http://globalresearch.ca/articles/DIC410A.html>

Thursday, 21 October 2004

[Appeal Proceedings]

[Open session]

PRESIDENT SLOBODAN MILOSEVIC: In my deep conviction concerning this decision to take away my right to represent myself, this was not prompted by health reasons nor legal reasons but by political reasons.

Health reasons were taken exclusively as an excuse or pretext.

I would like to turn your attention to the fact that there was a campaign conducted not to permit me to speak. On the 29th of August, one of the drafters of your Statute, Michael Scharf published in the Washington Post an article as part of this campaign in which he said, amongst other things -- I'm not going to quote the entire article, I would just like to point to a few things or excerpts from it.

"At the start of the trial in February 2002, the original presiding judge, Britain's Richard May, ruled that 'under international law, the defendant has a right to counsel but he also has a right not to have counsel.' Virtually everything that has gone wrong with the Milosevic trial can be traced back to that erroneous ruling."

As part of that campaign, therefore, things set out from insisting that the Chamber, which was presided by Judge May, wrongly decided to enable me to

speak, and then this is explained by stating:

"By acting as his own counsel, Milosevic was able to begin the trial with an 18-hour long opening argument, which included Hollywood-quality video and slide-show presentations showing the destruction wrought by the 1999 NATO bombing campaign."

That is what disturbed all those who do not wish to hear the truth from this place, because for three years now, the other side has been explaining crimes that I did not commit, ascribing to me intentions which I never had. We're talking about legal alchemy here, which is jeopardized by the possibility that truth be spoken here and that what really happened be talked about here.

In his article, Scharf explains that or provides an explanation from which it can be seen that we're not talking about law here but politics. I will quote just one more excerpt:

"In creating the Yugoslavia tribunal statute, the UN Security Council set three objectives: First, to educate the Serbian people, who were long misled by Milosevic propaganda, about the acts of aggression, war crimes and crimes against humanity committed by his regime ..."

As you can see, he is citing a political reason which only a twisted mind can use in view of the fact that there was no war in Serbia and that Serbia was the only one that maintained the structure of population as it was before and that there was no discrimination at all. This is part of the propaganda which is being affirmed here.

Secondly, "to facilitate national reconciliation by pinning prime responsibility on Milosevic and other top leaders and disclosing the way in which the Milosevic regime had induced ordinary Serbs to commit atrocities; and third, to promote political catharsis while enabling Serbia's newly elected leaders to distance themselves from the repressive policies of the past. May's decision to allow Milosevic to represent himself has seriously undercut these aims."

He also explains that this is also very wrong because this trial is being followed, because the majority of the citizens in Serbia give their support to me, which is not a surprise, because everybody had the opportunity to hear what is being said here.

For example, this statement of mine of the 31st of August and the 1st of September was published in newspapers with the broadest circulation. It was also broadcast on television. It was published in hundreds of thousands of copies. So I can expose myself to the trial of the -- or to the scrutiny of the public, whereas the other side cannot. And that is the main reason why it is not being permitted here, the truth, or arguments be brought out in favour of the truth and that this truth be proved by facts.

I would like to also draw your attention, gentlemen, because you are all experts in the legal profession, that in relation to this question of assigning counsel, denying me my right, taking away my right, about 100 prominent legal scholars, professors, experts in international and criminal law from Serbia, Russia, Greece, Italy, Ireland, Germany, the United States, Canada, India, Belgium, Denmark, Bulgaria, Hungary, Netherlands, Czech

Republic, Great Britain, France, submitted a petition to the General Secretary and to the United Nations Security Council.

You probably did not pay attention to this, but many arguments were stated there against this decision which was adopted by the Trial Chamber.

They say that this imposition of counsel, "This apparently punitive measure is contrary to international law, incompatible with the adversarial system of criminal justice adopted by the Security Council in Resolution 808, and ignores the Court's obligation to provide adequate medical care and provisional release to the defendant. ... The ICTY has ignored repeated requests for provisional release, to which everyone presumed innocent is entitled, has imposed unrealistically short preparation periods ..."

I warned you, Mr. Meron, the last time that we had a discussion here and when we were talking about me being granted three months for preparations compared to several years that the other side had, I drew your attention specifically to the existing decision of doctors that I can only work for three days a week and that that time is very short. At the time, you said that you would review all of these things. There has been no subsequent review of these issues.

I would also like to remind you that in the decision of the Appeals Chamber of the 18th of April, 2002, comprising of Claude Jorda, David Hunt, Mehmet Guney, Fausto Pocar and Theodor Meron - that's what it states here on the cover page - in paragraph 27 it was stated since the reasons for decision on Prosecution interlocutory appeal from refusal to order joinder was being discussed at the time,

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And then there is a quote from the Faretta versus California case, from which they -

"It speaks of the 'assistance' of counsel, and an assistant, however expert, is still an assistant. The language and spirit of the Sixth Amendment contemplate that counsel, like the other defence tools guaranteed by the Amendment, shall be an aid to a willing defendant - not an organ of the State interposed between an unwilling defendant and his right to defend himself personally. To thrust counsel upon the accused, against his considered wish, thus violates the logic of the Amendment. In such a case, counsel is not an assistant, but a master, and the right to make a defence is stripped of the personal character upon which the Amendment exists."

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"In the long history of British criminal jurisprudence, there was only one tribunal that ever adopted a practice of forcing counsel upon an unwilling defendant in a criminal proceedings. The Tribunal was the Star Chamber. That curious institution, which flourished in the late 16th and early 17th centuries, was of mixed executive and judicial character and characteristically departed from common law traditions. For those reasons, and because it specialised in trying 'political' offences, the Star Chamber has for centuries symbolized disregard of basic individual rights."

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"Imposition of counsel, even 'standby counsel', as appears to be presently envisaged by the ICTY, will not alleviate any of the difficulties facing the process: it will not treat, much less cure, Slobodan Milosevic's malignant hypertension; it will not provide the defendant with the time and conditions to prepare his case; it will not redress the gross imbalance in the resources accorded the Prosecutor and the Defence," et cetera.

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So I would like to be very brief. I would like for my right to be restored to me.

As far as arguments that were utilised which say that because of my hypertension many sittings had to be suspended, I would like to say that it is my deep conviction that the doctors on this matter have also been manipulated, because some elements were stated in a context in which they cannot be considered to hold.

As you can see here, I have a letter from Dr. van Dijkman to the Detention Unit physician, Dr. Falke, where he says -- this letter is dated on the 10th of June, 2004, and it says that on the 9th and 10th of June I was monitored for 24 hours, my blood pressure was monitored for 24 hours, and it explains " ... blood pressure during daytime 164/103." Et cetera. And he goes on to say, "I do not consider the blood pressure to be so high -- ... cease his activities." Therefore, when it was high, he believed it did not justify a cessation of my activities. On the 26th of July, the date when I was examined the last time in order to agree in the future with Dr. Tavernier's findings, my pressure was 150/95. Therefore, it was better. And then when it was better, it served as a basis for concluding that I was medically unfit to defend myself.

And furthermore, they manipulated the information about a loss of ten days, allegedly because of my health situation. And you will agree, gentlemen, that when this piece of information is used, it is in relation to days when my blood pressure was high. That's what it seems. However, that is not accurate. I have an official document stamped and signed by the authorised officer of the Detention Unit, the only one who is in charge of medical records, which states in view of the fact that on several occasions I had a very severe case of flu with high fever, and it says "Dates of flu." In 2001, it was one week. In 2002, it was one week. In early 2003, it was ten days. In May 2003, two weeks. And finally in 2004, in February, two weeks. In total, that amounts to six and a half weeks of flu involving high fever in various periods.

What happened then, gentlemen, then back in February 2004, when I was running a high fever and having flu and was bedridden, I received notification that the appeal -- that the Prosecution case had been completed and that I was to prepare my list of witnesses. I therefore asked the liaison officer from the Registry, who is sitting here, whether, being ill, I was allowed to have an extension of that deadline because the task involves a huge amount of work. In those six and a half weeks, I was supposed to prepare a list of witnesses and was not able to start immediately.

I was informed by a Trial Chamber, through their legal assistant or whatever they call it, that the deadline cannot be moved. Therefore, I practically had to work from my bed at a very high intensity and to work very hard to comply with the deadline and submit that list within the six weeks given me from the time when I was informed of the completion of the Prosecution case.

That is what caused stress, shortage of sleep, and other problems.

And this complete disregard for the rule that I was allowed to work for only three days a week drove my tension and blood pressure up. In other words, it was the Trial Chamber who caused it with their decision and the fact that they set unreasonable deadlines. And then the resulting problems were used as an excuse to impose counsel on me with the explanation that I was unable to handle the preparations required myself. That is what happened.

I can give you this paper which shows exactly how many weeks were in issue, with appropriate dates and signatures. The loss of days caused by this was completely unrelated to the problems I was experiencing. It is, therefore, abundantly clear that this is a manipulation of findings and facts.

It is, as a consequence, abundantly clear that all talk of obstructionism is malicious, because if you say that about somebody who spent 300 days examining the witnesses of the other side, calling him an obstructionist, which he had never been in any of the 300 days of dealing with the case of the opposing side. It is nonsense, to say the least.

Even Mr. Nice putting forward his arguments before the Trial Chamber, trying to deny me an extension, said that I was working very efficiently and did not need an extension of the deadline. Therefore, in my then-health situation, I experienced additional pressure which caused a deterioration of my health, which was then used as a pretext for assigning counsel on me.

When I did not have any other health problems, I worked quite efficiently indeed, except for the times when I had flu with high fever, which nobody is immune from, and nobody can guarantee that it would not happen to them.

You asked me a number of questions that I will attempt to answer.

What is the best solution? The best and the only solution, in my opinion, is for you to give me back my rights. Your stand-by counsel is of no interest to me whatsoever.

Mr. Kay used to be an amicus curiae. He, as well as his colleague, upon leave of the Trial Chamber, put questions to witnesses when he deemed fit. As far as I am concerned, I have no objection to such practice at all. As far as I'm concerned, in that capacity he can continue if you think that

necessary. He can continue to put questions to witnesses or perform any other tasks.

But it is indubitable that the only solution, the only one I see as just, fair, logical and reasonable is to give me back my right to represent myself, to call witnesses, to examine them, and to lead evidence in my Defence case.

That amounts, practically, to the guarantees I enjoy under every international covenant, agreement, treaty, and finally your own Statute.

And I cannot agree to anything less because that is my principled position, one from which I do not intend to retreat. So much, Mr. Meron. Thank you for your attention.

THEODOR MERON: Thank you, Mr. Milosevic. Mr. Milosevic, what would you suggest to the Court? How should it act if you would have to reduce your presence in the courtroom even beyond the three days that you have been able to cope with in the past? Imagine for a moment that you could be in the court, bearing also -- taking into account also the time you would need in the detention centre to prepare, only one day a week. Would you -- do you believe that the Court can go on if the situation would arise in that context? Do give us some practical suggestions to try and, in fairness, to remedy the situation that has arisen.

PRESIDENT SLOBODAN MILOSEVIC: Mr. Meron, your question is completely logical. I believe, however, that one should take into account the history of the accumulation of the present problems. Namely, several times - and this is known to everybody sitting here and it can be seen from the transcript - at the moment when this so-called trial began with charges from the Kosovo indictments, indictments on Croatia and Bosnia were issued. At that time, I received over half a million pages of material from the other side in connection with the charges raised then.

On several occasions, I asked them, "When do you gentlemen suppose that I can read this? Will you give me time to review this material, to familiarise myself with it and to respond?" The answer I constantly received was that the Trial Chamber would consider it.

And finally we ended up in this situation where I have not been given time to talk to my potential witnesses. In fact, I talked to as many witnesses as I had time to talk with. And during the summer recess and preparation, I was allowed to receive witnesses three days a week.

I assume you know that the opposite side spends sometimes several days speaking to one witness. I speak to one witness a day, sometimes two witnesses per day. I cannot be any more expedient than that. I believe, therefore, you should bear in mind that if it is true, and it is written in para 10 of the reasoned decision of the Trial Chamber on the assignment of counsel, since on the 30th of September it heard the arguments of sides to the proceedings, the Trial Chamber made its decision on the basis of the medical report concerning the accused's health that the Chamber would sit three days each week.

That decision was made back then, and I believe that coupled with observation of this rule, a three-day work rule for the courtroom, and in

view of the fact that I had not been given the opportunity in a timely manner to talk to my witnesses, a compromise is being made now between this and the decision made as a result. You should see what is fair in this situation. I believe that we can keep up the dynamics of three workdays per week with the proviso that weeks off should be taken occasionally so that I can proof witnesses I intend to call. And that would be a perfectly reasonable timetable enabling us to conduct these proceedings in a perfectly normal manner, achieving all that we have to achieve.

Those are my practical suggestions.

THEODOR MERON: Thank you, Mr. Milosevic. Of course, some of the difficulties that you have alluded to in terms of pressure on you, in terms of tension, are a result of the fact that you chose not to have a counsel. You have your legal advisors. Had you named them as your counsel, they would have borne some of the burden that you -- that you took upon yourself. And from the perspective of the Court, shouldn't a person accept the consequences of his decision? You chose to go this way, and you made things so much more difficult for yourself. Mr. Milosevic.

PRESIDENT SLOBODAN MILOSEVIC: Mr. Meron, in support and in favour of Mr. Kay, who very correctly put forward his position, because I really have nothing personal against him, and he is doubtlessly a very capable lawyer, nevertheless, no lawyer, Mr. Kay or any other lawyer, is able to replace me in this job. It is simply because of the nature of these charges.

This is a political trial. What is at issue here is not at all whether I committed a crime. What is at issue is that certain intentions are ascribed to me from which consequences are later derived that are beyond the expertise of any conceivable lawyer.

The point here is that the truth about the events in the former Yugoslavia has to be told here. It is that which is at issue, not the procedural questions, because I'm not sitting here because I was accused of a specific crime. I'm sitting here because I am accused of conducting a policy against the interests of this or another party. The nature of the proceedings here is such that a lawyer cannot deal with it. In fact, even that is not the issue. The issue is whether I have the right to represent myself under the Statute, and the Statute says I do.

PRESIDENT SLOBODAN MILOSEVIC: You should be clear on this mystification regarding the alleged failure to comply with my therapy.

You can find out the truth from the authorised medical personnel at the Detention Unit. I'm going to explain.

There is no mystification whatsoever. I was told one day that the next day a test would be made to ascertain how much of the medication I'm taking is actually absorbed by my body, and that I would receive medication at 7.00 a.m. in order to take a blood sample five hours later at 2.00 p.m. and the concentration of the medication would be measured in my blood. There is a record of this. At 7.00 a.m. exactly I took the medication, and two hours later a blood sample was taken. The analysis, however, showed that the concentration in my blood was not sufficient.

What business of that is mine? Please tell me. I don't know what was wrong,

whether there was enough of the concentration of the medication in the pill itself or not or something else was the problem. In any case, I complied with the procedure fully. Everything was done properly. And to base a theory on the allegation that I'm refusing to take my medicine is absolutely senseless. The procedure could have been checked. Another method could have been chosen, because no method is absolutely foolproof, but to take such conclusions is absolutely uncalled for, especially by laymen such as Mr. Nice. I will not waste any more time on this.

Second, regarding the campaign, you intervened, Mr. Meron, when I used the word "campaign" and when I mentioned Michael Scharf. Michael Scharf used to be the legal advisor of Madeleine Albright, as you know, I suppose. You also know that I was brought here on the 5th of July, being ill when the Trial Chamber ignored the fact that I'm ill, and the press came here to hear my opening statement although they were not notified that there would be no opening statement on that day.

You know, Madeleine Albright was here and that she personally is anxious, in view of her own responsibility for the bombing of my country and her own participation in aiding Croatian forces in the Operation Storm when several hundred thousand Serbs were expelled from Croatia.

And the next day, Mr. Prosper, the ambassador of your country, a person in charge of these issues, arrived.

Mrs. Albright is often referred to as the mother of this Tribunal and her personal interest, vested interest, is indubitable. It is doubtless that she has a role in this campaign, and you can see this argumentation that she shares in the transcript of Mr. Nice's speech.

Mr. Nice spoke here, and I wish to respond to several of the things he said. He said it was up to me whether I would accept what has been offered. This is not a situation of offering or accepting. We are not at the bazaar where people are offering and taking. We have a completely different situation here. We are discussing the minimum of my rights, on which I insist. It is not a case of offering and accepting or not accepting wherein I am to take the consequences of my own refusal.

What is at issue here is to observe the minimum of my guaranteed rights.

Second, isn't it absolutely clear that I have the right to appoint counsel, but I also have the right not to appoint counsel? I am exercising my right not to appoint counsel; in other words, my right to represent myself. Therefore, I am acting in full conformity with the spirit of the right given me.

Furthermore, Mr. Nice says that a judgement can be taken even without a Defence case, because several witnesses have been here, none of which have provided any evidence. So a judgement can be taken without a Defence. That is precisely their aim, because a Defence put forward by an imposed counsel is not my defence. That, I hope, need not be proven.

Defence through an imposed counsel is a legal fiction.

Furthermore, Mr. Nice says that I gave a list of witnesses to Mr. Kay. That is not true. I disclosed my witness list through the liaison officer

answerable to the Trial Chamber. Mr. Kay, in his official capacity, has access to that list of witnesses, and through no fault of his, he has -- he doesn't know what to do with it, as he doesn't know what to do with the list of thousands of exhibits that I made available, because if we keep this limit of 150 days, Mr. Kay does not know what selection I personally would have made out of the 1.600 witnesses to fit into the 150 days. And you will admit, gentlemen, that a bad use of witnesses and exhibits is worse than a complete failure to use witnesses and exhibits.

Then Mr. Nice asked the question, Who is running this court? That is not the question here. The question here is, Who is running my Defence, me or Mr. Nice?

For the duration of their half time, I didn't show a shadow of intention to interfere with their business, whereas they have wanted all the time to organise my Defence and to dictate the terms and conditions of my exercise of my own rights. That is absolutely inappropriate. I didn't take away my own right to self-representation; it was taken away from me by the Trial Chamber.

I therefore demand my right to represent myself back. I believe that my legal position cannot be changed in the middle of the trial, or my capacity to defend myself, and I demand my right back. Thank you.

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

SLOBODA/FREEDOM ASSOCIATION - Member of the World Peace Council
www.sloboda.org.yu
Belgrade

URGENT FUNDRAISING APPEAL

After the Hague Tribunal declared war against human rights and International Law by banning President Milosevic's right to self-defense, our activities for his liberation and for the restoration of his freedom and for the national sovereignty of the Serbian people need to be reorganized and intensified.

We need professional, legal work now more than ever. Thus, the creation of conditions for that work is the imperative at this moment.

The petition of 100 lawyers and law professors from 18 countries, and other related activities of the ICDSM Legal Committee, produced a public effect incomparable to any other previous action by the ICDSM.

President Milosevic has the truth and law on his side. In order to use that

advantage to achieve his freedom, we must fight this totally discredited tribunal and its patrons through professionally conducted actions which would involve the Bar Associations, the European Court, the UN organs in charge and the media.

Our practice has shown that ad hoc voluntary work is not enough to deal properly with these tasks. The funds secured in Serbia are still enough only

to cover the expenses of the stay and work of President Milosevic's legal associates at The Hague (one at the time). The funds secured by the German section of the ICDSM (still the only one with regular contributions) are enough only to cover minimal additional work at The Hague connected with contacts and preparations of foreign witnesses. Everything else is lacking.

3000-5000 EUR per month is our imminent need.

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

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

Peter Betscher
Stadt- und Kreissparkasse Darmstadt, Germany
IBAN: DE 21 5085 0150 0102 1441 63
SWIFT-BIC: HELADEF1DAS

or

Vereinigung für Internationale Solidarität (VIS)
4000 Basel, Switzerland
PC 40-493646-5

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

Peter Betscher (ICDSM Treasurer) E-mail: peter_betscher@freenet.de
Phone: +49 172 7566 014

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

The ICDSM and Sloboda need to address governments, international human rights and legal organizations, and to launch legal proceedings. The ICDSM plans a legal conference at The Hague. Sloboda has just sent to the patriotic

factions in
the Serbian Parliament an initiative to adopt a parliamentary Resolution
against the human rights violations by the Hague Tribunal and to form an
international team of experts to make an extensive report on these
violations which would be submitted to the UN.

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

On behalf of Sloboda and ICDSM,

Vladimir Krsljanin,
Foreign Relations Assistant to President Milosevic

To join or help this struggle, visit:

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

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

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

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

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

<http://www.pasti.org/milodif.htm> (ICDSM Italy)

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

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

Sagittarius

Van: "Global Reflexion"
Aan: <andywilcoxson@comcast.net>
CC: <sagitar@hetnet.nl>
Verzonden: maandag 1 november 2004 15:14
Onderwerp: article B92 of today

Milosevic appeal granted | 13:29 November 01 | [B92](#), [Beta](#)

THE HAGUE -- Monday -- The Hague Tribunal's Appeals Court has returned to Slobodan Milosevic the right to lead his own defense.

Although an appointed defense council will remain on the case, Milosevic will now have the right to decide what witnesses he will call and to question them after they have finished being questioned by his defense counsel.

The court decision states that the appointed defense attorneys will resume the responsibility of leading the case only if Milosevic is unable to do so because of illness.

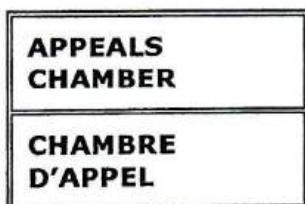
Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
 Aan: <SAGITAR@HETNET.NL>
 Verzonden: dinsdag 2 november 2004 23:20
 Onderwerp: CDSM: 1. ICTY Press Release 1st November 2004. 2. ICDSM/Sloboda Statement 31st October

1. **ICTY PRESS RELEASE 1st November 2004.**
2. **ICDSM/SLOBODA STATEMENT 31st October 2004 (Prior to the Appeals Chamber ruling)**

1. ICTY Press Release 1st November 2004.

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



The Hague, 1 November 2004
 CT/ P.I.S./906-e

APPEALS CHAMBER RENDERS DECISION ON THE ASSIGNMENT OF DEFENCE COUNSEL IN THE MILOSEVIC TRIAL

- **Appeals Chamber affirms imposition of defence counsel**
- **Appeals Chamber reverses Order on Modalities**
- **Milosevic to take lead in presenting his case**
- **Assigned counsel to enable trial to continue if Milosevic is unable to participate due to ill-health**

Today, 1 November 2004, the Appeals Chamber consisting of Judges Meron (presiding), Pocar, Mumba, Güney and Weinberg de Roca issued its "*Decision On Interlocutory Appeal Of The Trial Chamber's Decision On The Assignment Of Defence Counsel.*" The Interlocutory Appeal was filed on 29 September 2004, following the Trial Chamber's ruling, at a hearing on 2 September 2004 that defence counsel would be assigned to Mr. Milosevic.

The Disposition of the Appeals Chamber Decision reads as follows:

In light of the foregoing discussion, the Appeals Chamber affirms the Trial Chamber's imposition of defense counsel, but reverses its Order on Modalities. On remand, the Trial Chamber should craft a working regime that minimizes the practical impact of the formal assignment of counsel, except to the extent required by the interests of justice. At a minimum, this regime must be rooted in the default presumption that, when he is physically capable of doing so, Milošević will take the lead in presenting

9-11-04

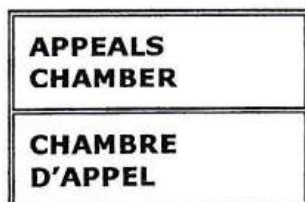
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9-11-04

his case – choosing which witnesses to present, questioning those witnesses before Assigned Counsel has an opportunity to do so, arguing any proper motions he desires to present to the court, giving a closing statement when the defense rests, and making the basic strategic decisions about the presentation of his defense. But this presumption is just that: a presumption. Under the current circumstances, where Milošević is sufficiently well to present a vigorous, two-day opening statement, it was an abuse of discretion to curtail his participation in the trial so dramatically on the grounds of poor health. The Appeals Chamber can hardly anticipate, however, the myriad health-related difficulties that may arise in the future, or use this occasion to calibrate an appropriate set of responses to every possible eventuality. It is therefore left to the wise discretion of the Trial Chamber to steer a careful course between allowing Milošević to exercise his fundamental right of self-representation and safeguarding the Tribunal's basic interest in a reasonably expeditious resolution of the cases before it.

The Appeals Chamber stresses the following point: in practice, if all goes well, the trial should continue much as it did when Milošević was healthy. To a lay observer, who will see Milošević playing the principal courtroom role at the hearings, the difference may well be imperceptible. If Milošević's health problems resurface with sufficient gravity, however, the presence of Assigned Counsel will enable the trial to continue even if Milošević is temporarily unable to participate. The precise point at which that reshuffling of trial roles should occur will be up to the Trial Chamber.

The decision below is affirmed in part and reversed in part, and the case is remanded for further proceedings not inconsistent with this decision. The Trial Chamber may grant orders to enhance the proceedings as and when necessary.

The full text of the Appeals Chamber's Decision is available on the Tribunal's website at www.un.org/icty.

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2. ICDSM/SLOBODA STATEMENT 31st October 2004.

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

SLOBODA/FREEDOM ASSOCIATION - Member of the World Peace Council
Belgrade
www.sloboda.org.yu

COOPERATE, OR ELSE:
THE ICTY RAMBOUILLET

JOINT STATEMENT OF THE INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN
MILOSEVIC AND OF THE SLOBODA/FREEDOM ASSOCIATION

Issued: 31 October 2004

The integrity of President Milosevic's consistent refusal to recognize the ICTY as a judicial body, and his determination to demonstrate the West's active destruction of Yugoslavia-- and this despite his own constant efforts, largely successful, to negotiate peace in the face of

a concerted campaign to increase hostilities, divisions, unrest, and violence, unto months of bombing, in stunning violation of international law-- has succeeded in showing the dead end of the institution's imposition of counsel, and, ultimately, of the institution itself.

And, as President Milosevic argued in his opening statement, just before counsel was imposed:

"I am aware, gentlemen, that it is illusory to look for logic in a show trial. There were such processes before, the one of Dreyfuss or of Dimitrov - regarding the Reichstag fire, but this process exceeds those by the depth of the tragic consequences that it entails. I do not even wish to say anything on a personal note in this, but I would like to stress the depth of the tragic consequences for the whole world since the universal legal order has been destroyed.

In the past, there were honourable authors who have carved the truth into history so that coming generations would be ashamed and would not repeat the mistakes. In the true history of this era, your ad hoc "justice" will be listed as an illustration of monstrous events on the toggle between the two centuries.

You, gentlemen, cannot imagine how big privilege it is, even in these conditions that you have imposed on me, to have truth and justice as allies.

You certainly, I am sure about that, cannot even conceive this."

Counsel to resign, ICTY to shut down?

On Tuesday, October 26th, Steven Kay, QC, and his colleague, Gillian Higgins, filed a request to withdraw as imposed lawyers for President Milosevic, arguing that they could not ethically carry out their functions as defense counsel in absence of instructions from him, or cooperation from his witnesses. This comes at a significant moment in the ICTY's now clearly threatened existence.

Despite a subsequent denial from Washington, US media last weekend published comments by undersecretary for arms control John Bolton, stating that the current administration was dissatisfied with proceedings at the ICTY, and wished to see its "completion strategy" accelerated. In other words, close it down, transfer cases back to domestic courts, and even grant amnesty.

Last June, the ICTY adopted an amendment to its rules of procedure and evidence permitting just such deferrals. Undersecretary Bolton and other senior State Department officials are said to believe that the "ICTY has degenerated into a politicized tribunal", but their complaints are aimed solely at Carla Del Ponte, and not at any of the other equally politicized organs of the institution. Washington also clearly stated its frustration with the pace of the Milosevic case, which has as of yet failed to produce a conviction. From Bolton's comments, it is obvious that President Milosevic would not be a suitable candidate for transfer to the jurisdiction of Serbia and Montenegro, unlike, for example, Operation Storm's Ante Gotovina, whose indictment-- described as "bogus"-- could conveniently be deferred to Croatia. Mere days after this article was published in the Washington Times, ICTY President Theodor Meron traveled to Zagreb, to discuss the "completion strategy" with the Croatian government, according to an ICTY press release.

An institution whose birth-- keeping in mind that former ICTY President Gabrielle Kirk-MacDonald described Madeleine Albright as the "mother of the Tribunal"-- and death are the result of political decisions cannot be said to be judicial. This has been President Milosevic's argument from the start, and it is becoming increasingly apparent that he has

been correct all along.

Imposition of counsel immediately before defense witnesses are called was therefore required to put a stop to a presentation that would have embarrassed the institution far more than an illegitimate conviction. For the past two months, President Milosevic has demanded his right to self-representation be restored. The Trial Chamber's president, Patrick Robinson, has called these requests "petulant" and "puerile". Prosecutor Nice has called Milosevic "irrational".

Imposition of counsel to prevent a political defense before a political body

Imposed counsel appealed the September 2nd ruling assigning them to represent Slobodan Milosevic. Steven Kay told the Appeals Chamber that President Milosevic's objection to imposition, as well as his choice to present his own case-- derided by the Prosecutor, of all people, as "political" and "irrational"-- was "a rational demonstration of his position rather than anything irrational."

Indeed, President Milosevic demonstrated during this hearing how imposition of counsel was the result of a campaign to silence him, (as well as his witnesses) and set out the sequence of events that led to imposition. He first pointed out that Madeleine Albright had attended the ICTY the very day it expressed its intention to "radically" reform the process last July, which visit was soon followed by that of US War Crimes Ambassador Pierre-Richard Prosper. Then came a blatantly political attempt to have counsel imposed in the Washington Post by Michael Scharf, a former high-level employee of Albright's. Professor Scharf clearly stated that the very objectives of the ICTY, at the moment of its creation in 1993, were already to "pin responsibility on Milosevic", to "educate Serbs" about the crimes committed by his "regime", and, oddly, already in 1993, "promote catharsis", by permitting "newly-elected" leaders to distance themselves from the policies of the past.

Those most intimately connected with the creation of this Security Council institution advocate imposition of counsel, in the media, for political reasons. Imposition violates international law, and is at odds with the right to self-representation granted by such dubious examples of fairness as Apartheid South Africa and Nazi Germany in the Mandela and Dimitrov trials, respectively. Furthermore, they have no hesitation candidly demonstrating that this process is fundamentally political, and a tool of Western foreign policy. At the very least, the principle of equality of arms and basic concepts of fairness and equity should support President Milosevic's right to represent himself, and to present his case without interference from those who would have the surprising gall to call it "political".

As President Milosevic informed the court, a petition signed by 100 lawyers from the world over, establishing the basis under international law for the right to self-representation, was sent to the Security Council, the Secretary-General of the United Nations, and to the ICTY. The Belgrade Bar Association has similarly published a considered and well-argued statement objecting to the violation of Mr. Milosevic's rights under international human rights instruments and the ICTY's own rules.

Imposed Counsel and "non-cooperation"

Slobodan Milosevic's witnesses have acted with integrity in pointing out that they had agreed to testify for his defense, and not an ICTY-appointed defense, designed by lawyers who had been acting on behalf of another party for years, and in particular as "friends of the court", this "court" which Mr. Milosevic still refuses to recognize. That conflict of interest, known in Great Britain as "professional embarrassment", is a cause for removal from a brief under the British

Code of conduct to which the two imposed counsel are subject. Mr. Kay and Ms. Higgins had already in August indicated that they would be professionally embarrassed if imposed against the will of President Milosevic. Yet, when imposed as counsel for Milosevic on September 2nd, they accepted their assignments without question. And as they began their presentation of witnesses, without even requesting a minimal period of preparation, -- this after having themselves stated, in their August 13th motion opposing imposition of counsel, that witnesses would likely not cooperate with them-- the issue of professional embarrassment, conflict of interest, or absence of instructions from President Milosevic were not raised. A mere five witnesses were called over a period of 2 months, punctuated by interruptions, and increasingly public opposition, by the witnesses, to any participation in the violation of President Milosevic's rights. And despite their "client's" consistent objection to their representation, the realization that it is impossible ethically to present his defense only just occurs?

Yet the imposed counsel, while acting as amici curiae, argued last August that: "To impose counsel against the will of an accused is to contravene his right to self-representation," and added that imposition could also cause its own delays as the defense counsel would need a long time to familiarize themselves with the case. These delays-- the avoidance of which had been the Chamber's stated preoccupation mere months before-- have indeed been caused by imposition itself, and not because imposed counsel requested time to prepare. Delays no longer seem such a central concern. Imposed counsels simply do not have what they describe as the "cooperation" of the defendant, or of his witnesses, and therefore frequently had nothing to present.

In contrast, former amicus curiae Branslav Tapuskovic had been approached over the summer months by the ICTY Registry and been asked whether he would consider acting as imposed counsel for Slobodan Milosevic. He flatly refused, and in an interview with the German daily Junge Welt, argued that defendants have a right to self-representation that cannot be defeated by their ill health. He further stated: "If the physicians conclude that Slobodan Milosevic is ill, unfit to defend himself, and cannot be present in the court, then there can be no trial at all." His former colleagues Kay and Higgins did not articulate that position.

Endgame

There is little or no chance that the Appeals Chamber will overturn the decision to impose counsel on President Milosevic. Too much is at stake, and it is obvious the clock is winding down. Trial Chamber President Robinson has repeatedly admonished President Milosevic that he himself was responsible for the fact that a defense was not being presented, and that "assignment" (the Chamber prefers this to "imposition", which perhaps gives the wrong impression) was made in the interests of a fair trial. These interests apparently supercede an accused person's right to present his own defense. And since President Milosevic is described by assigned counsel as the source of their ethical inability to further act, and that the Chamber has told him that he must cooperate with assigned counsel, which he will not do, as it violates his rights, it could be absurdly suggested that it is he, Slobodan Milosevic who is violating the ICTY's right to a fair trial.

Perhaps he has not violated the ICTY's "right" to a fair trial, at least as envisaged by international law. It is, however, quite likely that he has succeeded in derailing a process which was meant to attain the political aims set out by Professor Scharf: to educate "Serbs", pin responsibility on Milosevic, and to permit newly-elected leaders to distance themselves from him-- and presumably move much closer to the West, in particular to those countries who bombed Yugoslavia precisely when Milosevic was indicted. He has simply inflicted collateral damage

to their completion strategy.

If President Milosevic is deemed responsible for the deadlock, there is little to be done but to wrap up the matter, and return the judgment. This has been Prosecutor Nice's position, and it is ultimately supported by Mr. Kay's submissions to the effect that it is Mr. Milosevic's non-cooperation which prevents him-- and indeed any other lawyer put in a similar position-- from representing him without violating several provisions of the ICTY's own Code of professional conduct. If no lawyer can represent him, as Kay argues, without infringing professional ethics, then there are only two possibilities: (a) restore the right to self-representation, in accordance with the provisions of the International Covenant on Civil and Political Rights, or (b) persist in misguided, illegal imposition, and create a deadlock that President Milosevic can conveniently be blamed for. The latter "solution" would speed up pending matters before the ICTY considerably, and certainly contribute to an acceleration of the "completion strategy", setting the stage for a deferral of cases to domestic jurisdictions such as Croatia and Bosnia, and the granting of amnesty to select indictees. Such a decision would not be consistent with the requirements of legality, nor would it have any legitimacy, no matter how forcefully the ICTY, its media cheerleaders, or academic apologists would argue that "Milosevic brought it onto himself".

If the ICTY were not a political construct, it could and would simply restore President Milosevic's right to self-representation. Judicial institutions are independent bodies who suffer no interference from the executive branch; they do not rewrite their own rules in mid-trial, they do not emerge from the ether, survive for a few years, then hurry to shut down their operations. Criminal courts are committed to an unwavering respect for the Rule of law, which in adversary proceedings means that people can only be tried "in an ordinary manner, before the ordinary courts of the land". Courts do not engage in public relations activities, "outreach programs", nor do they attempt to influence the policies of foreign governments.

And so, since Mr. Kay argues compellingly that no lawyer can meaningfully represent President Milosevic, as assigned counsel, or even as "stand-by counsel", nor can he or she do so without violating professional ethics, we see that there can be no defense at all unless the right to self-representation is restored.

But as Steven Kay told the Appeals Chamber: " in terms of a solution, it may be that he undertakes his own consequences rather than us wasting resources believing, and people kidding themselves, making believe that what is happening here is a proper Defense."

"His own consequences". A familiar phrase. Could it be that we are witnessing the ICTY's sequel to Rambouillet? Let us endeavor to learn from history, this time.

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient;>
Verzonden: woensdag 10 november 2004 19:37
Onderwerp: Substantial Disruption of the International Law by the Hague 'Tribunal'

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

 SLOBODA/FREEDOM ASSOCIATION - Member of the World Peace Council
 Belgrade
www.sloboda.org.yu

- *****
 1. SLOBODA Press Release of 2 November 2004
 2. Analysis of Me. Tiphaine Dickson, ICDSM Legal Spokesperson of 9 November 2004

 Belgrade, 2 November 2004

PRESS RELEASE

By his extraordinary effort, President Milosevic have reached a win for International Law and human rights protection. Important part of his fundamental rights has been restored.

The illegal institution which keeps him in illegal detention was forced to do that and to further expose its illegal and political character. The same institution which is now turning, as a consequence of President Milosevic's struggle, from one of the most important tools for colonization of the Balkans, into a burden for its creators.

This win should enable the continuation of the victorious struggle he fights for truth about our people, for freedom, equality and national dignity.

His effort had the broadest support of the progressive, patriotic and professional public at home and abroad. Over 100 legal experts and lawyers from the whole world, Bar Association of Belgrade and other organizations, groups and individuals stood up in defense of the fundamental rights of President Milosevic.

The fact that the political and illegal Hague institution was forced to reverse in part its illegal and criminal decisions, does not mean that the "prosecution", all its Hague assistants and all those who encourage or back them, have gave up from their attempts to imperil the law and even life of President Milosevic by misuse of the procedure and of his health condition.

SLOBODA/FREEDOM Association

 "Substantial Disruption" at The Hague:
 Will Slobodan Milosevic be Tried In Absentia?

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: vrijdag 12 november 2004 19:53
Onderwerp: Milosevic conveys condolences on Arafat's

President Slobodan Milosevic have sent a message of condolences to the Palestinian leadership and people following the death of Yasser Arafat. The message reads:

"Following the loss of Yasser Arafat, the historical leader of the friendly Palestinian people, President of Palestine and one of the most important symbols of the struggle for the rights of peoples in our times, I express deepest condolences to his family, to the Palestinian leadership and people.

The Hague, 11 November 2004

Slobodan Milosevic"

URGENT FUNDRAISING APPEAL

After the Hague Tribunal declared war against human rights and International Law by banning President Milosevic's right to self-defense, our activities for his liberation and for the restoration of his freedom and for the national sovereignty of the Serbian people need to be reorganized and intensified.

We need professional, legal work now more than ever. Thus, the creation of conditions for that work is the imperative at this moment.

The petition of 100 lawyers and law professors from 18 countries, and other related activities of the ICDSM Legal Committee, produced a public effect incomparable to any other previous action by the ICDSM.

President Milosevic has the truth and law on his side. In order to use that advantage to achieve his freedom, we must fight this totally discredited tribunal and its patrons through professionally conducted actions which would involve the Bar Associations, the European Court, the UN organs in charge and the media.

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

MILOSEVIC QUESTIONS HIS FIRST DEFENSE WITNESS

www.slobodan-milosevic.org - November 16, 2004

Written by: Andy Wilcoxson

Slobodan Milosevic questioned his first defense witness at the Hague tribunal on Tuesday. The witness, Mihajlo Markovic, a Serbian social sciences professor, testified about a number of topics, including a 1986 draft memorandum of the Serbian Academy of Arts and Sciences, which he helped to write.

A number anti-Serb propagandists, including the ICTY prosecution, have taken bits and pieces of this incomplete memorandum out of context, and tried to twist it into being some sort of platform for virulent Serbian nationalism.

The professor put a great many manipulations concerning this memorandum to bed. The memorandum explicitly states that all of the nationalities in Yugoslavia had to be equal. It stipulated that Yugoslavia could only survive if the principle of equality among peoples was respected.

The memorandum stated on a number of occasions that human rights and high democratic standards had to be rigorously adhered to.

In the context of the need for equality and human rights for everybody in Yugoslavia, the memorandum made note of the dire situation of Kosovo's non-Albanian population, and observed that in the 1980s (much as today) the human rights of Kosovo's non-Albanian population was not respected. The memorandum condemned the ethnic discrimination as being unacceptable anywhere in Yugoslavia.

Markovic destroyed any idea that the Albanian secessionism in Kosovo is the result of any of Milosevic's politics. Markovic pointed out that Albanian secessionists attempted an insurrection in 1968 and that Tito had to send in the Army to quell it. He also pointed out that there were other secessionist outbursts by Albanians in Kosovo in the early and mid-1980s; before Milosevic ever came to power.

Markovic pointed out that each time the Kosovo-Albanian secessionists ramped up their activities, the non-Albanian population was subjected to increased pressure and violence which, already before Milosevic came to power, had led to an exodus of tens of thousands of non-Albanians from Kosovo. He pointed out that this expulsion of non-Albanians is what gave rise to the term "ethnic cleansing" in the first place.

In addition to Albanian secessionism in Kosovo, Markovic testified about Slovenian and Croatian secessionism. He pointed out that these secessionist movements also began before Milosevic ever came on the scene.

Markovic testified that Slovenia had already made up its mind to leave Yugoslavia in the mid-1980s. He spoke of a conference that he attended in Ljubljana in 1985 where eminent figures in Slovenian intellegencia and politics were already saying that "Yugoslavia was dead," and that Slovenia only regarded Yugoslavia as "a transit station."

Markovic noted that a Croatian secessionist movement was already well underway with the so-called "mass national movement" in 1971.

Markovic spoke of the HDZ's 1990 congress. He said that secession was already foremost on the HDZ agenda, and that approximately 100 former members of the Ustasha attended the HDZ congress.

Markovic destroyed the idea that Yugoslavia collapsed because it was dominated by Serbs. In fact the witness observed that the opposite was true. Serbs, who were the largest ethnic group, were under represented in Yugoslavia.

At the time of Yugoslavia's dissolution, in the early 1990s, the Prime Minister of Yugoslavia was a Croat, the Defense Minister was half Croat, the Foreign Minister was a Croat, and the President of the Presidency of Yugoslavia was a Croat. In the top echelons of the Yugoslav Military there were 16 Croats compared to only 2 Serbs. There was absolutely no Serb domination in Yugoslavia when the country broke apart.

Professor Markovic explained the origins of this propaganda about Serb domination. He traced it back to Soviet attempts to destabilize and take-over Yugoslavia. He said that the Soviet Union had a plan to take over Yugoslavia and annex it to the USSR.

The Soviet plan called for turning the other Yugoslav nationalities against the Serbs (the biggest group in Yugoslavia) by putting forward an idea that the Serbs were unfairly dominating the country.

Markovic said that the Soviet plan called for supporting nationalistic and secessionist groups, which would invariably arise in order to escape the phony Serb domination.

In this way, the Soviets hoped to subdue the biggest part of the Yugoslav population (the Serbs), by turning the other

nationalities against them. Then, once Yugoslavia's unity was destroyed and the Serbs were subdued, the USSR could walk in and take-over.

The Soviets never saw their plan bear fruit, but the Germans and the Americans did what the Soviets failed to do. They managed to destroy Yugoslavia by precisely the method laid-out in the Soviet plan.

Professor Markovic laid the thesis to rest that Milosevic had abolished Kosovo's autonomy in 1989. Markovic pointed out that the constitutional changes that were adopted preserved Kosovo's autonomy, and that those changes were agreed to by the Kosovo assembly, and by all of the other republics in Yugoslavia.

Markovic gave the results of the vote in the Kosovo Assembly when the constitutional changes were adopted. 180 out of 190 deputies were present, 10 voted against, 4 abstained, and 166 voted in favor of adopting the constitutional changes.

Professor Markovic was an eye witness to Milosevic's famous 1989 speech in Kosovo. Many anti-Serb propagandists, including Mr. Nice, have manipulated and told lies about this speech, but Markovic's testimony puts those people in their place.

Markovic testified that it was not a nationalistic speech, and that it did not incite ethnic intolerance. In fact that the speech did the opposite; the professor testified that the speech called for brotherhood and unity among the peoples of Yugoslavia.

In order to prove the tolerant nature of the speech, Milosevic read out excerpts from the speech and asked Professor Markovic to comment on them. Milosevic also provided the tribunal with the english translation of the speech (which he obtained from www.slobodan-milosevic.org). Milosevic also tendered a video tape of the speech in to evidence.

Professor Markovic, who played an important role in defining the ideology of the Socialist Party of Serbia in the early 1990s, testified that there were more than 50,000 non-Serbian members of the SPS.

Markovic who is one of the drafters of the SPS platform, and a former vice-president of the party, cited internal party documents which show that the SPS and its leadership desired a political solution to the Kosovo crisis, and always insisted on full equality and rights for Kosovo's Albanian population in spite of the problems with Albanian terrorism.

Markovic said that Milosevic, far from espousing any ideas about greater Serbia, would not even let the SPS expand outside of Serbia's borders. In spite of the fact that the SDA (Bosnian-Muslim Party of Democratic Action) was allowed to establish branches in Serbia, primarily in the Raska district (Sandzak).

Markovic categorized the Hague Tribunal's indictment against Milosevic as being untrue and illogical. Markovic observed that Milosevic was not a dictator, and that Serbia's ethnic make-up remains the same today as it was in the 1970s, which is something that other former-Yugoslav republics can not say.

Professor Markovic's examination was very successful for Milosevic. The fact that so much important evidence was brought forward in only one day proves that Slobodan Milosevic is the only one competent to lead his defense. Mr. Kay never would have done such a good job.

It is even more amazing that President Milosevic managed to elicit all of this evidence in spite of frequent interruptions and harassment both from the Judges and from Mr. Nice.

President Milosevic managed to conclude his examination-in-chief by the end of the day. Markovic will continue his testimony tomorrow with cross-examination from Mr. Nice.

###

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <SAGITAR@HETNET.NL>
Verzonden: woensdag 17 november 2004 14:52
Onderwerp: CDSM: Alarming reformers, Milosevic allies consolidating power in

> Thanks to BJP for this.

>

>

> <http://www.sfgate.com/cgi-bin/article.cgi?f=/news/archive/2004/11/16/international1451EST0615.DTL>

>

> Alarming reformers, Milosevic allies consolidating power in Serbia

>

> DUSAN STOJANOVIC, Associated Press Writer

> Tuesday, November 16, 2004

>

> (11-16) 11:51 PST BELGRADE, Serbia-Montenegro (AP) --

>

> Slobodan Milosevic sits in a jail cell at the U.N. war crimes tribunal in

> the Netherlands, but his political allies are back in power in many

> Serbian

> towns, and are consolidating key positions in the army and police.

>

> Their comeback has triggered alarm in the West and among the

> pro-democracy

> groups in Serbia that toppled the former president in 2000, after a decade

> of war in the Balkans. Some critics blame the country's prime minister,

> who

> they accuse of refusing to make a clean break with Milosovic loyalists.

>

> The resurgence threatens to draw Serbia, the dominant republic in the

> Serbia-Montenegro union, further away from its proclaimed goal of one day

> joining the European Union and NATO. And some fear it could spell trouble

> for the stability of the Balkans.

>

> "Serbia has obviously made a tragic return to the era of Slobodan

> Milosevic," said Vuk Draskovic, Serbia-Montenegro's foreign minister, who

> survived two assassination attempts allegedly mounted by Milosevic

> supporters in the 1990s.

>

> Milosevic, who faces life imprisonment if convicted of genocide or crimes

> against humanity stemming from the Balkan wars, is unlikely ever to return

> to his homeland. But his loyalists -- ultranationalist Radicals and

> members

> of Milosevic's Socialist Party -- have taken power in several key Serbian

> towns since local elections in September.

>

> Their success serves as a warning to Serbia's squabbling pro-Western

> parties

> that Milosevic loyalists could regain national influence when general

> elections are held, probably next year.

>

> "There is a real danger of that happening," said Dragan Sutanovac, a

- ader
 > of the pro-Western Democratic Party.
 >
 > Draskovic accuses Serbian Prime Minister Vojislav Kostunica and his
 > conservative-led government of allowing the "political and spiritual
 return"
 > of Milosevic's allies.
 >
 > Kostunica is widely blamed by the pro-democracy movement for preventing a
 > final break with the loyalists when he succeeded Milosevic as Serbia's
 > president in 2000. He became prime minister this year.
 >
 > He has refused to extradite top Serb war crimes suspects, including
 > Milosevic allies, to the U.N. tribunal -- a key Western condition for
 > financial and political support of the economically shattered country.
 >
 > Kostunica has rebuffed his critics, saying he could not purge Milosevic's
 > commanders from the army and police, and could not order the arrest and
 > extradition of war crimes suspects, without destabilizing the country.
 >
 > Instead, his conservative Democratic Party of Serbia has forged alliances
 > with Milosevic's groups in local elections, allowing them to take over
 > several towns.
 >
 > "Milosevic's military personnel are now running the army, secret service
 and
 > the police," former Prime Minister Zoran Zivkovic said recently. Foremost
 > among them, he said, is Gen. Aco Tomic, Milosevic's former military
 > intelligence chief and a military security adviser to Kostunica.
 >
 > "Aco Tomic is actually running the country from the shadows," Zivkovic
 > claimed in an interview with the Blic newspaper.
 >
 > Kostunica, who was part of the pro-Western camp in 2000 but soon split to
 > become a fierce critic of the reformist bloc, has ruled thanks to
 > parliamentary backing from Milosevic's Socialist Party, which has
 > conditioned its support on several issues, including a ban on extraditing
 > war crimes suspects to The Hague.
 >
 > The worst blow for the previous pro-Western government came in March 2003,
 > when Serbia's first democratic prime minister, Zoran Djindjic, was
 > assassinated.
 >
 > Authorities indicted 13 members of a paramilitary group and criminal
 figures
 > for the killing, without making any conclusions about whether they
 intended
 > to pave the way for the return to power of Milosevic's loyalists.
 > Kostunica's critics say the suspected assassins have all but succeeded.
 >
 > "New elections are inevitable," said Draskovic, the foreign minister, who
 > believes the vote will be "a referendum on who wants isolation and who
 wants
 > to join Europe."
 >
 >

MR. NICE CROSS-EXAMINES PROFESSOR MARKOVIC

www.slobodan-milosevic.org - November 17, 2004

Written by: Andy Wilcoxson

Professor Mihajlo Markovic was cross-examined by prosecutor Geoffrey Nice in the Hague Tribunal's proceedings against Slobodan Milosevic today.

Mr. Nice was remarkably unprepared for the task of cross-examination. Mr. Nice wanted to question Markovic about articles and papers that he had written, but he didn't have the texts of the documents. What Mr. Nice attempted to do instead was pass off what somebody else had written about Markovic's writings as if that material was what Markovic had written.

Mr. Nice's cross-examination was so sloppy that it drew a rare rebuke from Judge Bonamy, who accused the prosecutor of wasting time.

Mr. Nice was completely unable to discredit any of Markovic's testimony. Mr. Nice failed miserably in all of his attempts to use Markovic's testimony as a vehicle to incriminate Milosevic. In fact, Mr. Nice's cross-examination only brought out more details that favored Milosevic.

Markovic testified in cross-examination that Milosevic opened the doors to freedom of speech in Serbia. Markovic noted that the League of Communists under Ivan Stambolic had pursued what he called a "witch hunt" against the Serbian Academy of Arts and Sciences.

Professor Markovic said that Milosevic ushered in a new era of free speech and democracy in Serbia. He testified that Milosevic ended the witch hunt against Serbian intellectuals, that Milosevic abolished laws pertaining to so-called "verbal crimes," and that Milosevic freed all political prisoners who were held by the communists.

Mr. Nice, realizing that his cross-examination was in a shambles, turned his attention to Kosovo and asked the witness if tanks had been sent in to Kosovo in order to intimidate deputies in the Kosovo assembly to vote for the constitutional changes that were adopted in 1989. Markovic refuted the testimony of an earlier prosecution witnesses and said that there were no tanks.

Un-phased by the fact that the complete texts of both, the 1986 memorandum of the Serbian Academy of Arts and Sciences and Milosevic's 1989 speech at Gazimestan, had been provided and extensively quoted from the previous day Mr. Nice none-the-less tried to manipulate these documents.

For example, Nice quoted an article from an obscure Slovenian newspaper that reported negatively on Milosevic's 1989 speech. Nice treated the newspaper's opinion about the speech as if it were a better indicator of the speech's content than the actual transcript of the speech itself.

Markovic answered Nice's intellectually dishonest questions with poise and dignity. Markovic simply quoted from the memorandum and the speech, and all of Nice's attempts to obscure the truth were defeated.

The only time that professor Markovic showed the slightest hint of anger towards Mr. Nice, was when Nice made the absurd suggestion that the Serbs were "provoking" the Albanians by celebrating the 600th anniversary of the Battle of Kosovo, as if the Serbs have no right to commemorate the anniversary of a significant event in their history.

Mr. Nice's cross-examination was so ineffective that Milosevic didn't have the need to ask a single question in re-examination.

But to be fair, Mr. Nice was at a major disadvantage. First of all, professor Markovic is clearly much smarter than Mr. Nice. This fact was demonstrated repeatedly over the course of the cross-examination, Nice repeatedly tried to confuse and trick the witness with misleading questions and was beaten every time.

Secondly, professor Markovic only told the plain and simple truth, whereas Mr. Nice has the near impossible burden of keeping all of his lies straight. There was no contest, Mr. Nice never stood a chance.

The only bad thing about what happened today is the fact that Mr. Nice wasted an entire day of the time allotted for Milosevic's defense case, which has been limited to a mere 150 days (as opposed to the nearly 300 days that the prosecution was given).

The proceedings have been adjourned until next Monday's late session.

Sagittarius

Van: "R.Despotovic" <despot@tiscali.nl>
Aan: "Marrie Kardol" <mkardol@mac.com>; "Niko, V." <nico.v@slobodan-milosevic.org>; "Nico, S." <nico.s@slobodan-milosevic.org>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Jan Beentjes" <jbeentjes@mac.com>; "hans hupkes" <hans.hupkes@planet.nl>
Verzonden: woensdag 17 november 2004 23:22
Onderwerp: Fw: Mihajlo Markovic: Milosevic was a victim of demonization

— Original Message —

From: [nebojsa](#)
To: [R.Despotovic](#)
Sent: Wednesday, November 17, 2004 11:31 AM
Subject: Mihajlo Markovic: Milosevic was a victim of demonization

ENGLISH SERVICE**MILOSEVIC A VICTIM OF**

The "bad image" of the SANU Memorandum and "misinterpretation" of Milosevic's speech at Gazimestan in July 1989 were, according to SANU member Mihajlo Markovic, the result of the "demonisation" of Serbia and its former president.

<http://www.sense-agency.com/portal/english/index.php?sta=3&pid=5893>



THE HAGUE, 16.11. (SENSE) - The famous Memorandum of the Serbian Academy of Arts and Sciences (SANU) published in the summer of 1986 was not a "Serbian national program," but was a response to Albanian, Croatian and Slovene separatism and the crisis in Yugoslavia.

This explanation was provided today by SANU member Mihajlo Markovic, one of the authors of the SANU memorandum, in response to Milosevic's questions. Markovic is the sixth defense witness called by Milosevic and the first one to be examined in chief by the accused himself following the Appeals

Chamber's restoration of his right to defend himself. English lawyers Steven Kay and Gillian Higgins are still in the courtroom: they will remain assigned counsel until the Trial Chamber rules on their request to withdraw.

According to Markovic, the authors of the Memorandum advocated "democratic federalism and equality among nations" and were against "national egotism, ethnocentrism and unlimited powers of the oligarchies in the republics." When the accused noted that prosecutors presented the Memorandum as the "platform for ethnic cleansing," Markovic responded that it "made no sense." He added that in his opinion, the prosecution, when drafting the indictment, "lacked a motive" to charge Milosevic with genocide and ethnic cleansing, and "they figured they would find it in the Memorandum."

Markovic claims that Milosevic "has nothing to do with the Memorandum"; at the time it was drafted, "he was not a well-known person." He even "established a commission to investigate the matter... although he himself never expressed any views on that," in his capacity at the time as Communist Party head in Belgrade.

"The bad image" of the Memorandum, in Markovic's opinion, is the result not only of its being discussed and condemned by those who never read it, but of the "bad intentions" or the "demonisation of Serbia" which was "systematic, especially in the German media."

After they reached an agreement about the Memorandum, the accused and the defense witness then embarked upon an analysis of the famous speech Milosevic made at Gazimestan in July 1989. According to Markovic, this was "a very peaceful, tolerant speech, which was a disappointment to those who expected Milosevic to launch an attack on Albanian separatism; he chose to speak about accord instead." Markovic claims that the very same people who praised him in 1989 described and condemned the speech 10 years later as a "fierce, passionate, hysterical war-mongering speech."

Markovic's explanation for this is, again, the "demonisation of Serbia," which was described at the time as "recalcitrant" and the "last bastion of communism."

Milosevic quoted to the witness the famous sentence about the battles Serbia faced at the time, "not armed battles ... although those battles cannot be ruled out either," claiming that what he had in mind was primarily a "battle for prosperity," and that the prosecution manipulated it in order to prove its argument about a "war-mongering speech."

Markovic, however, did not address the issue of the "battle for prosperity," noting that every country has the right to defend itself and to "respond to force by force."

Mihajlo Markovic's testimony will continue.

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 Checked by AVG anti-virus system (<http://www.grisoft.com>).
 Version: 6.0.794 / Virus Database: 538 - Release Date: 10-11-04

RUSSIAN POLITICIANS OFF TO THE HAGUE TO DEFEND MILOSEVIC

BBC Monitoring International Reports - November 18, 2004

(Presenter) Russian politicians are leaving for the Netherlands to defend the former Serbian President Slobodan Milosevic and, as they say, to fulfil their civil duty. This has been stated by a former Soviet Prime Minister Nikolay Ryzhkov. Gen Leonid Ivashov is also flying to the Hague with him. Yevgeniy Primakov, chairman of the Russian Chamber of Commerce and Industry, will join them by the end of the month. (Passage omitted)

(Ivashov) Objectivity and once again objectivity. On the side of the accusation are high- ranking officials responsible for initiating aggression and war against Yugoslavia and encouraging the creation of illegal armed formations, effectively of a 100,000-strong terrorist army of Kosovo Albanians. These people are the accusers in this case and we would like to balance this process out.

Source: Ekho Moskvyy radio, Moscow, in Russian 1500 gmt 18 Nov 04

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BBC Monitoring International Reports

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IVASHOV AND RYZHKOV TO APPEAR AS DEFENSE WITNESSES AT MILOSEVIC TRIAL IN HAGUE

RIA Novosti - November 18, 2004

MOSCOW, November 18 (RIA Novosti) - Leonid Ivashov and Nikolai Ryzhkov are flying on Friday to The Hague to appear as witnesses for defense at the trial of ex-Yugoslav president Slobodan Milosevic, Leonid Ivashov, vice-president of the Academy of Geopolitical Problems, told RIA Novosti.

"Nikolai Ryzhkov and myself are flying on Friday to The Hague to give evidence. The current head of Russia's Chamber of Commerce and Industry, Yevgeny Primakov, will also go to The Hague at the end of the month," Mr. Ivashov said.

He pointed out that the aim of his appearance at the trial is to give objective witness evidence about processes that were under way inside the federal republic of Yugoslavia and around it.

Mr. Ivashov motivated his desire to address the court by the fact that "on the other side high-profile NATO officials come forward with statements, exonerating themselves and justifying the aggression. They demonize Milosevic, the Serbs and the political leadership of Yugoslavia."

According to him, the Russian representatives will appear in the courtroom of the International Tribunal for the former Yugoslavia on Saturday and Sunday.

This week, defense witnesses for the former Yugoslav president resumed giving evidence. Slobodan Milosevic is accused of genocide in Bosnia and Herzegovina and crimes against humanity in Croatia and Kosovo. The first to take the witness stand was Mihail Markovic, who was considered to be the ideologist of the Socialist Party of Serbia, whose chairman is still Mr. Milosevic.

Mr. Ivashov took a direct part in efforts to settle the Kosovo crisis as a representative of Russia's Defense Ministry, while Mr. Ryzhkov headed the committee of the State Duma (lower house of Russian parliament) to render assistance to Yugoslavia. Mr. Ivashov repeatedly visited the country and had meetings with the Yugoslav leadership. Yevgeny Primakov in March 1999, being Russia's prime minister, turned back his plane over the Atlantic on which he was flying for a visit to the United States in protest against the US decision to begin the bombing of Yugoslavia.

The tribunal in September of this year attempted, contrary to the will of Mr. Milosevic who was defending himself, to saddle him with a Western lawyer whose remit included defining defense witnesses, the nature of evidence, and its interpretation. Following which witnesses began refusing en masse to testify.

Also refusing to come to The Hague were Russian witnesses for Mr. Milosevic, since "in those conditions appearance as a defense witness could be used against Milosevic and did not promote objectivity and adoption of a just decision," the Russian general indicated.

The resumption of the trial became possible after the court again allowed the accused to defend himself.

Judge Patrick Robinson said in The Hague last week that Mr. Milosevic must complete his defense within 150 working days and any unpremeditated break unconnected with an illness will be included in this period. Mr. Milosevic indicated that he would demand an extension of the period concerned, allocated for his defense. He also requested that former and current western leaders - Bill Clinton, Tony Blair, Madeleine Albright, Wesley Clark, Gerhard Schroeder and Rudolf Scharping - be summoned to the trial and heard out.

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RYZHKOV DEFENDS MILOSEVIC

www.slobodan-milosevic.org – November 22, 2004

Written by: Andy Wilcoxson

Former Soviet Prime Minister, Nikolai Ryzhkov testified as a defense witness at the Hague Tribunal's trial of Slobodan Milosevic on Monday.

Ryzhkov, who is currently a member of the Russian Senate, blasted the NATO aggression against Yugoslavia. He read from a declaration of the Russian Duma, which said, "The NATO attack on Yugoslavia was aggression, which undermined the standards of international rights and the regulations of the United Nations Charter."

Previously, Ryzhkov chaired a commission for Yugoslavia in the Russian Duma. It was in this capacity that he visited Yugoslavia both during and after NATO's 1999 aggression.

Addressing the Hague Tribunal, the Russian Senator said that while visiting Yugoslavia, he had seen numerous civilian facilities destroyed by NATO air strikes, but not a single military site in ruins. He also said he did not believe that NATO's aggression had anything to do with the protection of Kosovo Albanians.

Senator Ryzhkov said that the Russian government had already obtained information, as early as October of 1998, that NATO was planning to attack Yugoslavia.

Ryzhkov testified that the KLA was a terrorist organization. He said that the Russian Government had information confirming that the KLA financed itself through the sale of drugs. He said that 80% of the drugs coming out of Afghanistan are trafficked by these Kosovo-Albanian terrorists.

Mr. Ryzhkov also testified that the KLA contained 800 to 1,000 mercenaries from the Middle East in its ranks, and that the KLA received a large number of its weapons from German sources.

Ryzhkov said that the civilian population, regardless of their ethnicity, fled Kosovo in 1999 because of NATO's bombing.

The witness testified that real ethnic cleansing did not begin in Kosovo until the UN peacekeepers occupied the province following the NATO bombing.

Senator Ryzhkov, who traveled to Kosovo as part of a Russian parliamentary delegation in August of 1999, testified that he personally witnessed ethnic Albanians burning non-Albanian houses and destroying Christian churches in an orgy of ethnic cleansing conducted against Serbs and other non-Albanians. He noted that the UN peacekeepers did nothing to stop any of this.

Mr. Ryzhkov submitted evidence of NATO and KLA war crimes to Carla Del Ponte on behalf of the Russian Government. He said that Ms. Del Ponte initially claimed to have jurisdiction to investigate these crimes, but that she later changed her position and refused to investigate the evidence.

Ryzhkov, as a leading Russian parliamentarian, frequently met with President Milosevic and other senior Serbian and Yugoslav leaders throughout the 1990s.

Senator Ryzhkov personally saw the orders that had been issued to the Yugoslav Army regarding Kosovo. He said that these orders strictly prohibited looting, and that they stipulated the absolute protection of the civilian population. He said that those orders were strictly enforced, adding that the Serbian Interior Ministry arrested 172 Yugoslav servicemen for allegedly violating those orders.

Ryzhkov, speaking of the numerous meetings that he had with President Milosevic, said that Milosevic always strove for a peaceful solution to the Yugoslav crisis.

He also testified that neither Milosevic nor the leadership of Serbia or Yugoslavia ever expressed any intentions to create any kind of "Greater Serbia."

Mr. Nice began his cross-examination by making a feeble attempt to challenge the credibility of the witness. In the past, Mr. Ryzhkov made a public statement about the unreliable nature of the witnesses that the prosecution was calling against Milosevic at The Hague. Mr. Nice challenged Ryzhkov to name just one false witness.

Ryzhkov easily fulfilled Nice's request and cited the example of Mustafa Draga, a Kosovo Albanian who told a far-fetched tale about surviving execution by Serbian police. Draga, who brought his "bullet-riddled" shirt to the tribunal as proof of the alleged execution attempt, cited divine providence as the reason why he was not hit by any of the bullets that supposedly tore holes all over the shirt that he was wearing.

Having failed to damage the credibility of the witness through any of his public statements, Nice turned his attention to the ethnicity of the witness.

Nice observed that Ryzhkov is a Russian-Slav, and that Serbs are Slavs. Apparently, by Mr. Nice's logic, the ethnicity of the witness somehow damages his credibility.

Senator Ryzhkov was clearly surprised by the bigoted nature of Mr. Nice's cross-examination. At one point he observed that the racist conduct that Nice was exhibiting would never be tolerated in a Russian court.

Mr. Nice's conduct is disgraceful. This is not the first time that he has relied on bigotry to conduct his cross-examination of defense witnesses. When James Jatras testified, Mr. Nice exhibited a similar prejudice towards Greek Orthodox Christians.

Allowing a racist and a bigot, such as Mr. Nice, to prosecute Milosevic is like allowing the Ku Klux Klan to prosecute a Black man. It is truly revolting that the United Nations condones such despicable conduct, and allows it to occur in its name.

Senator Ryzhkov is set to conclude his testimony on Tuesday morning. General Leonid Ivashov, is rumored to be the next witness, followed by Yevgeny Primakov, who is expected to begin his evidence next Monday.

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Ex-sovjjetpremier Ryzjkov getuigt in Milosevic-proces

DEN HAAG — In het Milosevic-proces voor het Joegoslavië-Tribunaal is gisteren Nikolai Ivanovitsj Ryzjkov (75) als getuige opgeroepen, die van 1985 tot 1991 premier van de Sovjet-Unie was.

Na het uiteenvallen van het Sovjet-rijk werd Ryzjkov als Russisch parlementariër voorzitter van een commissie die zich in de jaren 90 bezighield met de crisis in ex-Joegoslavië.

Volgens Ryzjkov heeft Belgrado alles in het werk gesteld om inter-ethnische conflicten in Kosovo te vermijden, terwijl er separatistische terroristen van het Kosovo-Bevrijdingsleger (UÇK) aan het werk waren. Het was slechts een „voorwendsel” toen de NAVO in 1999 verklaarde met haar bombardementen op Joegoslavië een humanitaire crisis te willen oplossen, aldus Ryzjkov.

Ryzjkov zegt dat het Russische parlement al in de herft van 1998 „diep bezorgd” was dat de NAVO-leiders een „agressie” tegen Joegoslavië aan het voorbereiden waren. De volksvertegenwoordigers baseerden zich daarbij op documenten van de Russische ministeries van Buitenlandse Zaken en Defensie.

Volgens Ryzjkov waren de NAVO-bombardementen „simpelweg pure intimidatie” van een „land dat tegen bepaalde doelstellingen was”. Voor hem was duidelijk dat de bombardementen tot een verergering van de crisis en tot „enorme verwoesting” zouden leiden. Tijdens een bezoek aan Joegoslavië tijdens de bombardementen zag Ryzjkov „alleen gebombardeerde burgerdoelen, geen militaire doelen”.

Met name de politieke conclusies van Ryzjkov schoten VN-aanklager Nice in het verkeerde keelgat. Hij kan geen kruisverhoor voorbereiden als hij niet over de documenten van de diverse Russische ministeries beschikt, waar Ryzjkov zich op baseert, aldus de Brit. De rechters hebben het probleem nog in beraad.

Volgens Ryzjkov werden separatisten en terroristen voor de strijd in Kosovo in de jaren negentig opgeleid in buurland Albanië. (ANP)

Slobodan Milosevic Freedom Center The Hague

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Russian Politicians Off to The Hague to Defend Milosevic
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ICTY Press Release - November 1, 2004 [[Full Text of the Decision](#)]

Press Release: Medical Board Opens Investigation Into the Conduct of Dr. Van Dijkman
Slobodan Milosevic Freedom Center - October 28, 2004

Kay's Resignation is Official, But Will The Tribunal Let Him Go?
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Mr. Kay Submits His Resignation
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Milosevic Case Adjourned Until November 9th
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Mr. Kay's Malicious Incompetence Leaves Important Evidence Unheard

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Dutch Press Reacts to Slobodan Milosevic Freedom Center's Actions Against Mr. Kay

Excerpts from Dutch Media - October 15, 2004

"Huge Intimidation of Witnesses in Kosovo" Stops Del Ponte from Investigating KLA Crimes

- October 14, 2004

GENERAL IVASHOV IS EXAMINED BY MILOSEVIC

www.slobodan-milosevic.org – November 23, 2004

Written by: Andy Wilcoxson

Russian Senator, Nikolai Ryzhkov concluded his testimony at the trial of Slobodan Milosevic on Tuesday. Russian Army General, Leonid Ivashov took the stand as a defense witness following Ryzhkov.

Ivashov was the head of Russia's Defense Ministry's Central International Military Cooperation Directorate, at the time of the Kosovo war.

Ivashov was in charge of following the situation in Kosovo for the Russian Government. In that capacity he had detailed and confidential information coming from intelligence sources, contacts with senior military officials of other countries and meetings of the Russia-NATO Council. He also had contacts with the Yugoslav military leadership, and met seven times with Slobodan Milosevic.

Plan Before Pretext

General Ivashov testified that NATO had a plan to attack Yugoslavia before the war broke out in Kosovo in 1998. According to his testimony, in 1997, the US National Security Council had already made a plan to attack Yugoslavia.

Ivashov testified that the US/NATO plan relied heavily on psychological operations. He said that these "PsyOps" included disrupting the peace negotiations, discrediting the Yugoslav and Serbian leadership, and encouraging terrorism in order to promote Kosovo's secession from Yugoslavia.

General Ivashov said that the psychological operations activities were carried out precisely inline with the U.S. military doctrine laid out by the U.S. Army field manual # FM 33-5 regarding psychological operations.

According to Ivashov's testimony, NATO began the physical preparations for its aggression against Yugoslavia in early 1998. He said that this preparation included the repositioning of U.S. spy satellites, the massing of NATO troops in the Balkans, and the construction of airfields and other logistical centers in Macedonia and Albania.

The Kosovo Verification Mission (KVM) as A Smokescreen

General Ivashov testified that the Kosovo Verification Mission (KVM) was a smokescreen to cover-up preparations for the NATO aggression.

According to General Ivashov, the chief of the KVM, Mr. William Walker was responsible for submitting inaccurate reports to the OSCE. Ivashov said that Walker and the KVM leadership ignored information coming from non-NATO verification members. He testified that Walker and the KVM leadership did not include important information provided by Russian, Finnish, Ukrainian and Swedish verification members in the final reports submitted to the OSCE in Vienna.

Ivashov testified that some verification members from NATO countries were using their presence in Kosovo, as a cover to gather intelligence for the aggression. He said that they would mark down the coordinates of potential targets and transmit that information back to NATO.

According to General Ivashov, William Walker frequently met with the KLA. He also said that KLA terrorist provocations increased dramatically during the time that the KVM was present in Kosovo. He added that Walker's meetings with the KLA were most frequent immediately prior to the NATO bombing, and subsequent withdrawal of the KVM.

Ivashov described a meeting that he had with Walker on February 12th 1999. At that meeting Mr. Walker expressed his view that NATO bombing was unavoidable and that "Serbs have no business being in Kosovo."

Milosevic asked Ivashov if Russia had any information regarding Walker's statement about a massacre at Racak. Ivashov responded that the Russian Government had collected forensic data and conducted interviews with the population of Racak, and that this information indicated Walker's statement to be false.

The KLA as A Terrorist Organization

General Ivashov told the tribunal that the KLA is a classical terrorist organization. He said that the international drug Mafia heavily finances the KLA, providing as much as 45% of the money for weapons acquisitions.

Ivashov testified that the KLA's attacks were not solely limited to non-Albanians. He said that Albanians also fell victim to the KLA's terrorism.

Ivashov testified that Adem Jasari forced Albanian-Catholics to join the KLA against their will, and had them killed if

they refused. He said that in some cases, the KLA even kidnapped its member's families in order to prevent desertion.

General Ivashov said that the KLA frequently employed the use of human shields. He said that they would base themselves out of areas where there was a concentrated civilian population and that in some cases they would take civilians as hostages and use them as human shields.

Ivashov testified about meetings that he had with leaders and diplomats from Islamic countries. He said that the Government of Iran gave him information about the KLA, which showed that the KLA had links to the Al-Qaeda terrorist organization and the former Taliban regime in Afghanistan.

The KLA's Relationship with NATO

General Ivashov said that the KLA conducted its activities in concert with NATO, and that the KLA's activities included psychological operations aimed at encouraging the Albanian population to flee from Kosovo.

Ivashov testified that the KLA possessed sophisticated weaponry from NATO countries. These weapons included night vision, hi-tech sniper rifles, and missile launchers.

He said that the KLA was in frequent contact with NATO during the bombing, and that the KLA assisted NATO in intelligence gathering and the selection of targets.

General Ivashov testified that British intelligence, in particular, used the KLA as a vehicle to infiltrate Kosovo, gather information, and conduct operations.

Ivashov corroborated the testimony of earlier defense witnesses and testified that the American defense contractor MPRI recruited mercenaries to fight for the KLA.

The witness also testified that he had given detailed information to Wesley Clark about the locations of KLA arms depots, smuggling routes used by the KLA, and the locations of 11 KLA training camps. Adding that Clark ignored this information, and pretended not to have adequate intelligence assets to verify it.

Ivashov said that NATO used the KLA as a vehicle to destabilize Kosovo, so that it could have a pretext to bomb Yugoslavia and establish its military bases there.

The witness also told the court that former US Secretary of State Madeleine Albright had personally promised Kosovo Liberation Army leader Hashim Thaci that there would be a referendum on independence for Kosovo if the KLA agreed to NATO troops being deployed in the province.

Actions of the Serbian and Yugoslav Forces

In view of the numerous meetings that Ivashov had with the military leadership of Yugoslavia, and with President Milosevic personally, he was in a good position to speak about the actions of the Yugoslav forces.

Ivashov testified that all efforts were made to protect Kosovo's civilian population. He said that the Yugoslav Army was given orders not to fire on civilians, even if the KLA was among them, and that the Army was required to notify the civilian population before any impending combat operations.

Ivashov said that no major paramilitary formations existed on the Serbian side. He said that there were small, disorganized paramilitary groups, but that the Serbian and Yugoslav authorities frowned upon them.

General Ivashov testified that Yugoslav troops were massed in Kosovo as a response to the NATO troops that had massed on the borders of Kosovo in Macedonia and Albania.

He testified that the Yugoslav and Serbian authorities had no plan to harm the Albanian population, or to expel them from Kosovo.

General Ivashov said that the NATO bombing was the cause of the mass-exodus of Kosovo's population in 1999, and that the exodus was not limited only to Albanians. Ivashov said that the Albanian Diaspora has even confirmed to him that the people fled Kosovo to escape the NATO bombing.

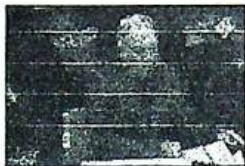
Ivashov testified that he never heard, in any of the meetings that he had with Serbian and Yugoslav leaders, about any plan for a Greater Serbia. He said that the only plan he had information about is the plan for Greater Albania.

Ivashov met with Milosevic on seven different occasions. He said that Milosevic's objectives as far as Kosovo was concerned were to restore peace, and to develop industry and education in the province so that the economic situation could improve.

Sagittarius

Van: "R.Despotovic" <despot@tiscali.nl>
Aan: "Ljiljana Verner" <ljverner@aol.com>; "Nico, S." <nico.s@slobodan-milosevic.org>; "Niko, V." <nico.v@slobodan-milosevic.org>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Jan Beentjes" <jbeentjes@mac.com>; "hans hupkes" <hans.hupkes@planet.nl>; "Andy Wilcoxson" <andywilcoxson@comcast.net>
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Onderwerp: MILOSEVIC ON THE HORNS OF GEOPOLITICS
MILOSEVIC ON THE HORNS OF

General Leonid Ivashov, the first vice-president of the Russian Academy for Geopolitics, testifies at the trial of Slobodan Milosevic about the Western conspiracy to "destroy FR Yugoslavia, discredit its leadership and detach Kosovo from Serbia." Milosevic rejected proposals put forward by Russian generals to use "more extreme measures" against the KLA and to move the war against NATO over to the Macedonian territory



THE HAGUE, 23.11. (SENSE) - After Senator Nikolai Ryzhkov defended his theory about "genetic enmity" of the West towards Russia and other Slavonic countries yesterday, retired general Leonid Ivashov explained today how the "genetics" worked when applied to FR Yugoslavia and Serbia.

Former head of the office for international military cooperation at the Russian Defense Ministry, responding to questions posed by the accused, presented a conspiracy theory worthy of his current post of the first vice-president of the Russian Academy for Geopolitical Issues. As early as in 1997, Ivashov claims, there was a "coordinated plan to destroy FR Yugoslavia, discredit its leadership and detach Kosovo from Serbia."

According to Ivashov, the implementation of the plan began in 1998, with "special psychological and propaganda warfare" against Yugoslavia and its leadership. In parallel, preparations were underway at the airports of ten NATO member-states, military infrastructure was brought to Macedonia, Hungary and Albania and intelligence activity intensified. At that point, however, there was no consensus yet in NATO on a military operation against the FRY. The US and UK exerted pressure, but the other countries were reluctant or passive.

According to Leonid Ivashov's theory, the plan anticipated that the Belgrade leadership should be issued an ultimatum to allow the deployment of NATO forces on the FRY territory, disguised as a peace force which would prevent the conflicts in Kosovo. If Milosevic refused, there would be air strikes, followed by an intervention on the ground. There are three reasons why the planned ground intervention was not carried out: some Member-States refused to give their consent, the KLA suffered heavy losses in the fighting with the Serbian security forces (and could thus not provide any substantial support to NATO forces), while the VJ managed to maintain its combat readiness despite the air strikes.

General Ivashov's theory, as he explained, is based on the information he obtained from military, intelligence, diplomatic and other sources available at the time to the military and political leadership in the Russian Federation. The general, however, failed to present any evidence to corroborate his claims. Milosevic does not see why any additional evidence should be necessary when the "witness comes from the top military ranks in Russia, from a place where all the information was gathered."

The judges were particularly interested in General Ivashov's claims about the bias exhibited by the Kosovo Verification Mission (KVM) and its head, American William Walker, who allegedly ignored reports by Russian KVM personnel and did not include them in the reports he sent to the OSCE headquarters in Vienna. Noting that "the objectivity of the KVM is an important factor in this case, because a good part of the prosecution case is based on those reports," Judge Robinson stated that the Trial Chamber would give greater weight to the witness's statement if his claims were to be corroborated with any written reports filed by Russian KVM personnel allegedly suppressed by Walker. General Ivashov however said that he did not have any such documents with him and that the Russian observers mostly filed their reports orally, over the phone.

After confirming all the main arguments of the accused about the NATO aggression, KLA terrorism and the humanitarian disaster as a result - rather than cause - of the air strikes, General Ivashov added that the Russian military leadership had advised Milosevic to take "more extreme measures" in dealing with the Albanian separatism and terrorism, and that Milosevic was advised in the spring of 1999 that the VJ forces should attack NATO forces outside of the FRY territory, for instance in Macedonia. But Milosevic refused to take any action that could have expanded the conflict, Ivashov stated with regret.

General Ivashov's geopolitical conspiracy theory will be subjected to the cross-examination by prosecutor Geoffrey Nice tomorrow.

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GENERAL IVASHOV CONCLUDES HIS EVIDENCE

www.slobodan-milosevic.org – November 24, 2004

Russian Army General, Leonid Ivashov concluded his testimony at the trial of Slobodan Milosevic on Wednesday. Practically the entire day was taken-up by Mr. Nice's cross-examination of the witness.

Mr. Nice was very keen to obtain information that would compromise or expose Russian intelligence sources, and General Ivashov refused to divulge these state secrets to Mr. Nice. Ivashov's refusal to disclose state secrets sparked tension between him and the tribunal.

It is worth noting here that spies have infiltrated the ICTY prosecutor's office. Graham Blewitt, who served as the deputy prosecutor for the ICTY, admitted this to the Dutch newspaper NRC Handelsblad in an interview that was published on June 19, 2004.

In the interview Blewitt said, "They [the Americans] did not only come to assist. The US also wanted to know what was happening inside the tribunal."

"Once, I have tested them," Blewitt continued. "We had a reorganisation and people had to move to other rooms. I placed the Americans at the end of the corridor. They protested by saying: 'But now we can no longer see who is visiting the chief prosecutor'. We all laughed. They didn't make a secret of the fact that they frequently visited their embassy. Sometimes they said 'I have to leave early, since I have to go to the embassy', but since we didn't pay their salary, we had no control over them."

In light of the revelations coming from the former ICTY deputy prosecutor it becomes obvious that Mr. Nice was more interested in obtaining counter-intelligence information for the Western secret services than in conducting any sort of cross-examination.

In spite of Mr. Nice's nefarious activities, General Ivashov was still able to provide interesting testimony. Ivashov testified that all steps were taken by the Serbian and Yugoslav authorities to prevent and punish war crimes. He testified that the interior ministry arrested its own servicemen when they used excessive force, or violated orders mandating the proper treatment of civilians.

Mr. Nice even made an astonishing admission himself. Nice admitted that employees of the American defence contractor MPRI worked in the Kosovo Verification Mission, and that MPRI was providing training for the KLA.

General Ivashov was able to testify that Russian and Serbian intelligence had tapped the telephone of Hashim Thachi, the leader of the KLA terrorist organisation. Through that wiretap a conversation between Thachi and Madeline Albright was intercepted. According to Ivashov, Ms. Albright, in September 1998, promised Thachi a referendum on Kosovo's independence if he would allow NATO to deploy its troops in Kosovo.

Other than that, Nice endeavoured to waste as much time as he possibly could. He read out endless passages from documents of the Contact Group. Ivashov repeatedly had to explain to the prosecutor that the Contact Group is not an official organ, and that he did not agree with many of its conclusions.

Mr. Nice was not successful in his attempts to discredit the witness, but he was successful in wasting an entire day of Milosevic's defence case, which has been limited to 150 days whereas the prosecution was given nearly twice as long to present its case.

The proceedings have been adjourned until next Tuesday when Yevgeny Primakov will testify as a defense witness.

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MILOSEVIC SHOULD BE ACQUITTED, SAYS RUSSIAN GENERAL

BBC Monitoring International Reports - November 29, 2004

Text of report in English by Russian news agency Interfax-AVN web site

Moscow, 29 November: Col-Gen Leonid Ivashov, vice-president of the Geopolitical Problems Academy, hopes that the International Criminal Tribunal for the Former Yugoslavia (ICTY) will acquit ex-president Slobodan Milosevic.

"Milosevic should be acquitted, and I hope that ICTY judges will return a reasonable verdict in compliance with the law and conscience," Ivashov, who was summoned by the ICTY as a witness for the defence last week, told Interfax-Military News Agency today. According to him, all accusations against Milosevic are far-fetched and too thin.

Ivashov said that Russian witnesses for the defence were trying to create the real picture of the events in Yugoslavia. "We are trying to prove that Kosovo was destabilized by terrorist attacks by the Kosovo Liberation Army (KLA) and drug traffickers, who funded terrorist cells and mercenaries. All these facts forced Belgrade to take steps to protect peaceful residents and destroy the KLA, which had expanded to the size of a regular army," he said.

"Those who are being tried in The Hague are Serbs, their president and generals, who were just discharging their duties," Ivashov said.

Ivashov, former head of the Russian Defence Ministry's international military cooperation directorate, and Nikolay Ryzhkov, a member of the Federation Council and former chairman of the USSR Council of Ministers, were summoned by the ICTY as witnesses for the defence of Milosevic, who is accused of genocide in Bosnia-Herzegovina, as well as crimes against humanity in Croatia and Kosovo.

Source: Interfax-AVN military news agency web site, Moscow, in English 1245 gmt 29 Nov 04

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PRIMAKOV TAKES THE STAND AT THE MILOSEVIC TRIAL

www.slobodan-milosevic.org - November 30, 2004

Written by: Andy Wilcoxson

On Tuesday Yevgeny Primakov, chairman of the Russian Chamber of Commerce and Industry appeared at the trial of Slobodan Milosevic as a witness for the defense.

Primakov is a well-known Russian politician and statesman. He headed Russia's Foreign Intelligence Service and Foreign Ministry. He also served as Russia's Prime Minister during 1998 and 1999.

Primakov said that Milosevic had no plans for creating Greater Serbia. During a meeting on January 8, 1993, Primakov said he specifically asked Milosevic whether he had plans for a "Greater Serbia."

"He said this could only be achieved in theory and at the price of great bloodshed and 'I'm not prepared to do that,'" Primakov said of Milosevic's reply. "He had no plans and conducted no actions to achieve a Greater Serbia."

Milosevic supported the Vance-Owen plan for Bosnia, Primakov said.

Primakov testified that "Milosevic supported a solution based on two principles, equal rights and equality of all nations in Bosnia-Herzegovina, and decision making by a consensus. That proves that he had no plans for setting up 'greater Serbia'. Serbia even imposed sanctions against Republika Srpska when the Bosnian-Serb parliament rejected the Vance-Owen plan in the spring of 1993."

Primakov described the war in Bosnia as a civil war fuelled by foreign intervention, not as any sort of aggression by Serbia.

Primakov spoke of meetings that he had with Western diplomats such as Al Gore, James Woolsey, and Gerhard Schroder. He said that Madeline Albright told him that it was because of Milosevic's initiative that the Dayton Peace Accords were reached, and the war in Bosnia was ended.

Primakov said the Western media had wrongly portrayed the Serbs as "aggressors" and after Bill Clinton was elected U.S. president in 1992, Washington became increasingly anti-Serb.

"It became ever more apparent that their course was to weaken Serbia, to not allow it to gain strength and possibly even to complete the process of Yugoslavia's complete disintegration," he told the tribunal.

Speaking about the talks in Rambouillet at the beginning of 1999 he said that Yugoslavia was faced with an ultimatum to either accept the so-called "Rambouillet Agreement" or be bombed by NATO.

Primakov is remembered for his decision, when NATO began bombing Yugoslavia in 1999, to abandon a visit to the US, ordering his aircraft to turn around over the Atlantic and return to Moscow.

Primakov said that Kosovo set the precedent for military action without a UN mandate. Saying that "This undermines undoubtedly the international order."

He told the tribunal that Helmut Kohl later expressed regret over the NATO bombing, admitting to him that it was "a historic mistake."

Primakov said Milosevic tried to stop violence in Kosovo and told him on a visit to Belgrade at the beginning of the NATO bombing that he was prepared to pull forces out of Kosovo if NATO withdrew from the border with Macedonia.

Primakov said that the meeting "occurred after French president Jacques Chirac asked me to try to get sufficient signals for stopping the air strikes from Milosevic. We believed that we got such signals. We agreed about the return of refugees, a cease-fire, the beginning of negotiations, and the presence of international observers."

Primakov said that this should have been enough for Belgrade to secure an end to the bombing. However, Germany and the United States decided to carry on with the attack anyway. Primakov said that Western diplomats would not even hear him out.

"We never had the chance to tell what we had achieved," Primakov said. "Barely had our plane taken off then the bombing of the airport started."

Primakov stressed that the political options had not been exhausted when NATO began bombing Yugoslavia.

Mr. Primakov blamed the West, in particular Germany, for fueling violence in Kosovo. He said that the Western

... that in the Contact Group promoted positions aimed at breaking Kosovo away from Serbia. Primakov said that the West supported the Kosovo Liberation Army (KLA) despite earlier labeling them as terrorists.

... he attributed this changed attitude largely to German pressure, as Germany wanted to be rid of its Albanian refugees, who threatened to become a serious problem.

Primakov testified that terrorist attacks perpetrated by the KLA in 1998 derailed peace negotiations between Serbia's President Milan Milutinovic, and the Kosovo-Albanian leader Ibrahim Rugovja.

"The initiators and provocateurs of so many events in Kosovo was the so-called Kosovo Liberation Army," he said, adding that the mass exodus of refugees from the region started only after NATO launched air strikes.

Asked by Milosevic whether the bombing had contributed to resolving the problems in Kosovo, Primakov said the Kosovo problem was by no means resolved. The Serbs have practically all left, and the bombing did not contribute to a solution.

Last week two other Russian witnesses appeared at the trial. They were Russian Senator Nikolai Ryzhkov, and the former Chief of Staff of the Russian Army Gen. Leonid Ivashov.

Primakov corroborated Gen. Ivashov's testimony that NATO had planned and prepared the bombing of Yugoslavia long before any of the political pretexts put forward by NATO as justification for the bombing even existed.

The Milosevic trial will resume again on Wednesday.

###

Primakov verdedigt Milošević voor hof Den Haag

Door een onzer redacteurs
DEN HAAG, 1 DEC. De vroegere Russische premier Jevgeni Primakov heeft gisteren voor het Joegoslavië-tribunaal gezegd dat Slobodan Milošević nooit van plan is geweest een Groot-Servië te stichten. Primakov trad op als getuige in het proces tegen de oud-president van Joegoslavië.

Volgens de aanklagers was de stichting van Groot-Servië, het verenigen van alle gebieden op de Balkan waar vooral Serviërs woonden, het belangrijkste motief voor de misdaden waarvan ze Milošević beschuldigen. De oud-president is aangeklaagd voor genocide, misdaden tegen de mensheid en oorlogsmisdaden.

Primakov zei dat Milošević hem in maart 1993 had verzekerd dat „Groot-Servië een theorie was, die alleen ten koste van veel bloedvergieten kon worden verwezenlijkt”. Milošević zou hebben gezegd dat hij daar niet toe bereid was.

Primakov was vanaf 1991 chef van de Russische inlichtingendienst. In 1996 werd hij minister van Buitenlandse Zaken en van 1998 tot in 1999 was hij premier van Rusland. Hij zei gisteren dat landen in het westen, vooral de VS en Duitsland, het geweld in ex-Joegoslavië hadden aangemoedigd. De Joegoslavische federatie moest „kapot” worden gemaakt, aldus Primakov. Servië werd door de „anti-Servische westerse pers tot agressor bestempeld”. Dat was volgens Primakov volkomen onterecht. Hij zei dat hij als hoofd van de inlichtingendienst onderzoek had gedaan naar de politieke strategie van de NAVO-landen. Volgens hem was de oorlog in Bosnië voor die landen een „proefterrein voor westerse ambities”, ze wilden „nieuwe inhoud” geven aan de veiligheidstaken van de NAVO. Het doel was het bondgenootschap op te laten treden buiten de grenzen van de NAVO-lidstaten.

De Verenigde Staten en hun bondgenoten deden er volgens Primakov alles aan om Joegoslavië te verzwakken. Zij maakten daarom in de tweede helft van de jaren negentig gebruik van een organisatie die ze eerder terroristisch hadden genoemd, het Kosovo Bevrijdingsleger (UÇK). Het UÇK, zei Primakov, was met de oorlog in Kosovo begonnen. Het blokkeerde met geweld de vredesonderhandelingen. Maar de westerse landen gaven de Serviërs de schuld en beschouwden de „UÇK-terroristen” als vrijheidsstrijders.

Primakov beschreef de westerse politiek ten opzichte van Kosovo als volkomen te kwader trouw. In maart 1999 begon de NAVO met de Kosovo-oorlog. Eind maart 1999 sprak Primakov in Belgrado met Milošević. Hij vloog daarna naar de Duitse EU-voorzitter in Bonn, bondskanselier Schröder, om hem op de hoogte te stellen van „de vele toezeggingen” die Milošević hem had gedaan om de bombardementen te stoppen. „Schröder luisterde niet eens”, zei Primakov.

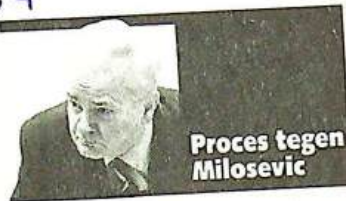
'Westen wilde geen vrede voor Kosovo'

>DEN HAAG
GPD

1-12-2004

Het Westen had begin 1999 geen interesse in een vredesregeling voor Kosovo. Een aanbod van de Servische president Milosevic om zijn troepen uit Kosovo terug te trekken, vluchtelingen te laten terugkeren, internationale waarnemers toe te laten en vredesonderhandelingen te starten, werd niet eens aanhoord.

In plaats daarvan bombardeerde de NAVO Servië. Dit verklaarde de vroegere Russische premier Jevgeny Primakov bij het Joegoslavië tribunaal. Milosevic deed zijn aanbod op 30 maart 1999 in een gesprek met Primakov in Belgrado. Primakov was daar op verzoek van de Franse president Chi-



rac. Toen hij vervolgens met de toezeggingen van Milosevic in de Duitse stad Bonn aankwam, wilden de daar verzamelde westerse leiders hem niet aanhoren. „Het Westen begreep niet wat we in handen hadden,” aldus Primakov.

Als veroorzaker van alle ellende in Kosovo noemde de Rus het Kosovaarse bevrijdingsleger KLA. Dat werd gesteund door het Westen en met name Duitsland. Dat land zag daarin een kans om grote groepen Albanen terug te

sturen naar de Balkan.

In alle contacten met westers politici werd de KLA steeds als vrijheidsstrijders aangeduid, stelde Primakov. Voortdurend werd de schuld voor de onlusten in Kosovo bij de Serviërs gelegd. Albanië ging pas vanaf 1997 onder druk van het Westen in die theorie mee. Daarvoor zag met Kosovo als provincie van Servië.

Primakov ontkende dat er een miljoen Albanese vluchtelingen in Kosovo waren. Gezien de totale bevolking van dat gebied was dat onmogelijk, zo zei hij. Bovendien begon de vluchtelingenstroom pas nadat de NAVO het gebied ging bombarderen, niet eerder.

Primakov ging ook in op de situatie in Bosnië. Volgens hem was de VS er bewust op uit hun in-

vloed in dat gebied uit te breiden, onder meer door de inzet van NAVO-eenheden. Dat moest ook een testcase worden voor een toekomstige inzet van NAVO-troepen buiten het eigen gebied.

De getuige verklaarde dat Milosevic nooit uit was op een bundeling van het Servische gebied in Bosnië met Servië voor de vorming van een Groot Servië. Hij wilde juist vrede in de regio. Milosevic begreep ook dat een militair ingrijpen niets zou oplossen bij de burgeroorlog die in Bosnië woedde.

Primakov wees erop dat Milosevic het vredesplan Vance-Owen (mei 1993) voor Bosnië aanvaardde, ook toen de Bosnische Serviërs dat afwezen. Hij strafte hen daarvoor met een economische boycot.

JOKANOVIC TESTIFIES THAT MILOSEVIC DID NOT "REVOKE KOSOVO'S AUTONOMY"

www.slobodan-milosevic.org – December 1, 2004

Written by: Andy Wilcoxson

Mr. Vukasin Jokanovic testified as a defense witness at the trial of Slobodan Milosevic on Wednesday. Jokanovic has had an illustrious political career holding many posts in the Kosovo government during the 1970s, and 80s including speaker of the Kosovo parliament and member of the Kosovo presidency. Jokanovic also held many posts in the Serbian and Yugoslav government; most recently he served as the Federal Prosecutor of the FR Yugoslavia.

Mr. Jokanovic was the President of the Kosovo Assembly when the Serbian constitution was amended in March of 1989.

Serbia's critics claim that those constitutional changes stripped Kosovo of its autonomous status. They say that Slobodan Milosevic made these amendments practically by decree, and without any legal basis.

Paragraph 71 of the Tribunal's indictment against Milosevic reads as follows:

"On 23 March 1989, the Assembly of Kosovo met in Pristina and, with the majority of Kosovo Albanian delegates abstaining, voted to accept the proposed amendments to the constitution. Although lacking the required two-thirds majority in the Assembly, the President of the Assembly nonetheless declared that the amendments had passed. On 28 March 1989, the Assembly of Serbia voted to approve the constitutional changes effectively revoking the autonomy granted in the 1974 constitution."

These claims made by Serbia's critics and by the Hague indictment are simply wrong, and Mr. Jokanovic came to court with the documents and video tapes to prove that.

The Kosovo Assembly met on March 23, 1989, and it voted to adopt the constitutional amendments. There were 190 members of the Kosovo assembly, 187 members were present and the vote broke down as follows: 175 in favor, 10 against, 2 abstained, and 3 not present.

The assembly members voted by raising their hands and this was recorded on a video tape, which was played during Jokanovic's testimony. The vote was also recorded in the stenographic notes of the assembly session, which were also produced to the court as exhibits.

Therefore, the indictment is simply wrong when it says that the Albanian deputies abstained and that there was not the necessary two-thirds needed to pass the amendments.

Jokanovic testified that the members of the Kosovo assembly were elected by municipal boards throughout Kosovo. He said that over 70% of the members (142 to 143 out of 190 members) were Albanians in 1989 when the vote was taken.

In addition to the video tape of the Kosovo assembly session, and the stenographic notes, there were 180 journalists present at the assembly session.

Jokanovic brought newspaper clippings to court with him, both from the Serbian press and from the Albanian press. These press clippings confirmed what was seen in the video tape and what was recorded in the stenographic notes. The amendments passed the Kosovo assembly by a very wide margin with 175 out of 190 members voting in favor of the constitutional amendments.

In fact the assembly members all stood up and applauded when the speaker of the parliament (who was Jokanovic himself at the time) announced that the votes had been tabulated and the amendments passed. Pictures of these cheering assemblymen were published in the media, and this could also be seen on the video tape.

Jokanovic refuted false testimony from Ibrahim Rugova who claimed that the Yugoslav Army surrounded the Kosovo Assembly building with tanks in order to force the members to vote for the amendments. None of the press clippings from Albania said anything about tanks, and Jokanovic said that there were no tanks. He just strolled right up to the assembly building as normal on that day.

Jokanovic testified that the amendments were passed with the full support of the Yugoslav authorities. Had they not been supported by the Yugoslav government, they would have been struck down.

To bear this out Milosevic read from a statement of the Croatian member of the Yugoslav presidency who, like other members of the presidency, praised the amendments when they were passed.

Jokanovic testified that the amendments did not revoke Kosovo's autonomy at all. He testified that the Kosovo assembly could still pass laws and function the same as it had before.

According to Jokanovic the Kosovo assembly only ran into problems when Croatia and Slovenia announced their intentions to secede from Yugoslavia. It was then that a group of renegade Kosovo assemblymen attempted to force through unconstitutional legislation proclaiming Kosovo's secession too.

Jokanovic lived in Kosovo for his whole life until the NATO occupation and Albanian terrorism forced him to flee to Belgrade as a refugee in 1999. He has lost everything. Albanian terrorists burned-down his house and dynamited the Serbian Orthodox church in his village.

Remarkably, Jokanovic shows no hostility towards Albanians as a whole. He says that his Albanian friends and neighbors tried to protect him from the terrorists, but were simply powerless to stop them.

As a person who lived in Kosovo his whole life, and who held many posts in the provincial government. Jokanovic was competent to testify about events in recent history.

He said that he first saw Albanian secessionism displayed in 1968, when Albanian nationalists rioted on the occasion of Albania's Flag Day. The demands of the rioting nationalists were secession from Serbia and unification with Albania.

He corroborated the testimony of an earlier witness, and said that President Tito had to send the Army in to quell the rioting.

He testified that there was a strong racist component to the rioting, and that the Albanian nationalists directed pressure and violence against Kosovo's non-Albanian population. He said that this pressure gradually intensified over time and caused tens of thousands of non-Albanians to flee Kosovo.

In 1981 Albanian rioters took to the streets again. These demonstrations were more violent. Rioters opened fire on the police, two policemen and nine rioters were killed. The army had to be called in again in order to put down the riots.

Jokanovic testified that this rioting had an even stronger racist flavor than before. He said that Albanian nationalists torched non-Albanian homes, burned the fields of non-Albanian farmers, and burnt down Serbian Orthodox churches.

By 1981 Jokanovic held a post in the Kosovo government, and so he was privy to certain information. He testified that the goal of the Albanian nationalists was an ethnically pure Albanian Kosovo which would be integrated into the state of Albania.

Remarkably, Mr. Nice corroborated Jokanovic's testimony on this score. Nice read a passage from a 1982 New York times article where an Albanian official in the Kosovo government said exactly the same thing about the objectives of the nationalists, namely that they wanted an ethnically pure greater Albania.

Jokanovic testified that the need for a constitutional change in Serbia was acknowledged throughout the SFR Yugoslavia. In the wake of the 1981 riots and in light of the fact that pressure and violence against Kosovo's non-Albanian population was increasing throughout the 1980s, everybody could see that Serbia had to have a way to protect its citizens. This pressure and violence caused tens of thousands of non-Albanians to flee Kosovo during the 1980s alone.

Jokanovic worked on the commission that drafted the text of the constitutional amendments. This commission began its work in 1986, and was headed by the Serbian President Ivan Stambolic.

In other words, the process of amending the constitution of Serbia began three years before Milosevic came to power. It began because there was a consensus throughout the SFR Yugoslavia that non-Albanians living in Kosovo were suffering and needed the protection of the Serbian government. This was Serbia's obligation under the constitution. The amendments were passed in order to give Serbia a vehicle with which to fulfill its obligation towards its citizens.

Jokanovic's testimony will continue on Thursday, when Mr. Nice will conclude his cross-examination.

###

MR. NICE CROSS-EXAMINES VUKASIN JOKANOVIC

www.slobodan-milosevic.org – December 2, 2004

Written by: Andy Wilcoxson

Mr. Nice concluded his cross-examination of Vukasin Jokanovic on Thursday. Nice's challenge of Jokanovic's evidence was weak and ineffective.

In a crude attempt to discredit the witness, Nice tried to get him to say something racist towards Albanians. Nice failed, and was rebuked by the witness who told him not to try and drive a wedge between him and his Albanian friends. Mr. Jokanovic, who is fluent in the Albanian language, drew a clear distinction between Albanian terrorists and the general Albanian population in Kosovo.

Mr. Nice did not bother to challenge many points of the evidence, and when Mr. Nice did make a challenge he was ineffective. Nice would make a claim, Jokanovic would say it wasn't true and Nice would move on.

Nice attributed statements to Jokanovic that he didn't make. In one case Nice claimed that Jokanovic had issued a call to arms to Kosovo Serbs in the mid-80s. It turned out that the newspaper Nice was relying on did not attribute any such statement to Jokanovic. It was simply an invention of Mr. Nice's imagination.

Mr. Nice was grasping at straws throughout his cross-examination. At one point Nice made the suggestion that the deputies in the Kosovo Assembly who voted to approve the amendments to Serbian constitution in 1989 were imposters; that they were not the real assembly members, but people masquerading as assembly members.

Jokanovic pointed out that 180 journalists, including photographers and TV crews, were present in the assembly hall recording the vote that day. It was impossible that imposters could come in to the Assembly, vote, and not get noticed by anybody.

Mr. Nice knew that his claims were false because he had seen the video tape of the assembly session during Wednesday's evidence, but that didn't stop him from conjuring up this conspiracy theory anyway.

Failing to discredit the witness, or score any points in his cross-examination, Mr. Nice simply endeavored to waste as much time as he could. In this endeavor Nice was successful and he did waste the entire day.

Nice wasted a great deal of time asking the witness about events where he was not present, or had no knowledge. At one point Mr. Bonamy even rebuked Nice for wasting of time.

At the end of the cross-examination, Milosevic re-examined Mr. Jokanovic and some points where Nice had attempted to sow some confusion were clarified.

With the conclusion of Jokanovic's testimony the proceedings were adjourned until next Monday.

###

MILOSEVIC CALLS HIS FIRST EXPERT WITNESS

www.slobodan-milosevic.org – December 6, 2004

Written by: Andy Wilcoxson

Slobodan Milosevic called his first expert witness on Monday. Dr. Slavenko Terzic, the director of the Historical Institute of the Serbian Academy of Arts and Sciences, gave evidence pertaining to the history of Kosovo and Metohija.

It was obvious that Dr. Terzic had thoroughly prepared to testify. He gave very detailed evidence, and always cited the documents that he was relying on in his testimony.

In light of his extremely detailed and thorough testimony, I find myself unable to properly summarize or do justice to his evidence. I will endeavor to obtain a copy of his expert report and publish it here. In the mean time, I will give a brief summary of the topics that Dr. Terzic dealt with in the first half of his examination in chief.

Dr. Terzic spoke about Kosovo as a historic part of Serbia. He spoke of the thousands of monuments and artifacts of the Serbian Orthodox Church, which exist on the territory of Kosovo and Metohija.

Dr. Terzic exhibited centuries old historical maps, which were published in Western European countries, showing that Kosovo was clearly Serbian territory. These maps often referred to Kosovo simply as "Old Serbia."

Terzic provided the tribunal with historical data from the archives of Western countries showing the ethnic structure of Kosovo's population. This data showed a radical decline in the Serbian population. The data demonstrated that the Serbs went from being an overwhelming majority of the Kosovo population to the small minority they are today.

The first mass-exodus of Serbs occurred between the 17th and 19th centuries during the wars between the European Christians and the Islamic Ottoman Turk Empire. This diminished the size of the Serbian majority in Kosovo, but the Serbs maintained their majority status and were still, according to western sources, the ethnic majority in Kosovo as of 1871.

The next mass-exodus of Serbs occurred between 1878 and 1912. During this time the Berlin Congress was held and the Prizren League was established.

Dr. Terzic explained that the Prizren League advocated the spread of radical Islam, and the Greater Albanian concept. To bear this out, Dr. Terzic presented a British government diplomatic cable to the tribunal. The cable dated 1880 said that Prizren was the "most dangerous place in the Mohammedan world" for a Christian to be outside of Mecca.

It was during this time that Kosovo Serbs lost their majority status. Terzic exhibited a British document from 1899 showing that Serbs were 43% of the population and Albanians were 47% of the population.

Terzic presented British documents dating from 1901 detailing large-scale racist crimes committed by Albanians against Serbs in Kosovo.

The next great exodus of Serbs from Kosovo began in World War II and has continued off and on until the present day according to Terzic.

He explained how Fascist Italy took over Albania and then annexed Kosovo to the Greater-Albanian state during the war.

He presented documents detailing statements by Fascist Albanian leaders saying that there would be "no Serbs left under the Kosovo sun." To prove this point he presented an American document, which stated that Albanian Fascists had massacred at least 10,000 Serbs between April of 1941 and August of 1942.

He testified, and presented documents, detailing the continued expulsion and violence against Serbs from Kosovo after World War II. He showed documents from the Serbian Orthodox Church detailing the fate of its members in Kosovo.

Dr. Terzic presented Yugoslav intelligence documents showing that the Stalinist Albanian regime of Enver Hoxa was sending Albanians to Kosovo in order to carry out sabotage and destabilize Kosovo and Yugoslavia.

Over the course of his testimony, Dr. Terzic dealt with the work of Albanian academicians. He pointed out the fallacy of the Albanian claim to Illyrian heritage noting that the first mention of Albanians occurs 800 years after the last mention of Illyrians on the Balkans. He also quoted from the reports of Albanian academicians where they called for greater Albania, most recently in the documents of the Albanian Academy of Arts and Sciences dated 1995 and 1998.

Dr. Terzic's testimony is not yet complete. His examination-in-chief will continue on Tuesday, followed by cross-examination from Mr. Nice who unsuccessfully attempted to block Terzic from giving evidence in the first place.

MR. KAY CAN'T QUIT AND MR. NICE RELIES ON DISCREDITED MATERIAL FOR HIS CROSS-EXAMINATION

www.slobodan-milosevic.org – December 7, 2004

Written by: Andy Wilcoxson

The expert historian Dr. Slavenko Terzic concluded his examination-in-chief, and was cross-examined by prosecutor Geoffrey Nice at the trial of Slobodan Milosevic on Tuesday.

Dr. Terzic, who is testifying as an expert witness for the defense, stuck to his original testimony and easily handled Mr. Nice's decrepit attempts to challenge the reliability of his evidence.

In his cross-examination, Nice claimed that Dr. Terzic had relied on Serbian sources or sources favoring Serbs when he wrote his expert report. Terzic, who relied almost exclusively on Western sources during his examination-in-chief, rebuffed Mr. Nice's claim.

Dr. Terzic dealt extensively with the pan-Albanian movement in his expert report. Mr. Nice asked him whether he had read a report published in February 2004 by the International Crisis Group entitled "Pan-Albanianism: How Big a Threat to Balkan Stability?" In this report, the ICG claims that Albanians do not want to establish Greater-Albania.

Dr. Terzic, replied that this was the first time he saw that document, but that he did not agree with it, because he knew the people who had written the report and did not share their views.

Mr. Nice snidely said that Dr. Terzic would have "had to have been aware of the document." Mr. Nice further insinuated that because Dr. Terzic had not read the ICG report, he had not done his job as an expert witness properly.

Mr. Nice, who was attaching a great deal of significance to the ICG report, apparently does not realize that this particular ICG report has been rejected and discredited by the Albanians themselves.

The Central Presidency of the Albanian National Union Front (ANUF) issued a statement on April 11, 2004 rejecting the ICG's conclusion that Albanians aren't interested in creating Greater Albania. In the estimation of the ANUF, Albanians overwhelmingly favor what they call "national unification" (i.e. the establishment of Greater Albania).

The ANUF statement says: *"The ICG is avoiding polling data from the Albanian population showing that support for Albanian national reunification is much more than 80%. The last inquiry was organized in February - March 2004 by the independent Albanian magazine ILIRIA. 7895 persons polled from all social, age, and population structures from all Albanian lands, declared as follows: PRO national unification - 82,5 %, AGAINST national unification - 6% and WITHOUT CONCRETE ANSWER - 11%.*

Independent television of the Republic of Albania (GJELI VIZION), on the evening when the trial of Gafurr Adili and Taip Mustafaj began, made an inquest too. 99,8% of the persons polled were declared as PRO NATIONAL UNIFICATION.

So, with what right does the ICG claim that Albanians were supporting KLA and NLA only when those organizations renounced the program for national unification?! With what right is the ICG ignoring that more than 80% of Albanians, from all Albanian lands are pro national unification?! The way in which the ICG attempts by all means to impose multi-ethnicity, is not giving desired results to the Albanian people (sympathy for multi-ethnicity) but on the contrary, precisely this constraint and this oppression is giving the Albanian people huge frustration. Albanians are simply brought into such a position that they are forming the conviction that ICG-type organizations are doing everything against the Albanians' rights."

See full ANUF statement at: <http://www.shqiperiaebashkuar.org/0/Englisht/EN010.htm>

Full ANUF statement Mirrored at: <http://www.slobodan-milosevic.org/news/anuf041104.htm>

Mr. Nice's attempt to use a discredited ICG report to prove his untrue claim that Albanians don't want to create Greater-Albania is just another demonstration of the dishonesty and deceit employed by the prosecution.

Albanians make no secret of the fact that they want to establish Greater-Albania. During the recent elections in Kosovo, many Albanian politicians campaigned precisely on the platform of annexing Kosovo to Albania. See: <http://www.slobodan-milosevic.org/news/ks1008091304.htm>

Mr. Nice will continue his campaign to deny self-evident facts, otherwise known as the "cross-examination of the witness," on Thursday. Due to a plenary session of the judges, there will be no trials at the Hague Tribunal on Wednesday.

Aside from the testimony of Dr. Terzic, the trial chamber handed down a ruling regarding the resignation of Mr. Kay and <http://www.slobodan-milosevic.org/news/smorg120704.htm>

The trial chamber rejected their resignation and ordered them to stay on until the end of the trial. It is widely reported that the tribunal wants them to remain available to take over the defense case in the event that Milosevic falls ill and can not attend court, although such a development would be a clear violation of the ICTY's rules prohibiting trial in absentia.

###

DR. TERZIC CONCLUDES HIS TESTIMONY

www.slobodan-milosevic.org – December 9, 2004

Written by: Andy Wilcoxson

Dr. Slavenko Terzic concluded his testimony at the Hague Tribunal on Thursday. Mr. Nice continued with his cross-examination by putting parts of the prosecution expert, Ms. Audrey Budding's report, to the witness.

Mr. Nice would put an assertion made by Ms. Budding to Dr. Terzic and the defense expert would refute the point. Dr. Terzic would either point out the flaw in Ms. Budding's reasoning, or he would cite his own sources to refute her claims.

In re-examination from Milosevic, the witness observed that Ms. Budding portrayed the war pitting the Fascist militias of the Bali Kombetar against the Partisans, in Kosovo after 1945, as being an "Albanian uprising," when it was really a continuation of World War II. Further adding that the Partisan commander in Kosovo was an Albanian.

Mr. Nice embarked on a unique method of cross-examination. He put questions to the witness, but would not allow him to answer the questions. Because of this technique a lot of time was wasted arguing with the witness who was insisting that he be permitted to give answers to the questions.

And why wouldn't the witness protest? He had sworn an oath to "tell the truth, the whole truth, and nothing but the truth." It defies reason that the tribunal makes the witness swear an oath to tell the whole truth, and then won't let him speak when he gets on the witness stand.

Mr. Nice brought up the International Crisis Group's report again. Mr. Nice relied on the ICG report to say that Dr. Terzic was wrong in his claim that Albanians seek to establish Greater-Albania. Terzic responded by exhibiting the memorandum of the Albanian National Union Front which clearly states that the ICG is wrong, and that more than 80% of Albanians favor the so-called "unification of Albanian lands" or Greater-Albania.

Terzic also pointed out that Wesley Clark, the war criminal who commanded the NATO bombing of Yugoslavia, sits on the board of the ICG. Dr. Terzic branded ICG report a "political pamphlet," which had no value as a historical document. He said that the ICG was advocating the secession of Kosovo, which he noted is contrary to UN Security Council Resolution 1244.

Mr. Nice put a number of strange theories to Dr. Terzic during his cross-examination. Mr. Nice claimed that the 1981 riots in Kosovo were the result of a cockroach found floating in a bowl of soup in the Pristina University cafeteria. Dr. Terzic dismissed this idea out of hand, noting that the demand of the rioters was not better food in the cafeteria, but the secession of Kosovo from Serbia and the formation of Greater-Albania.

Mr. Nice also claimed that policemen from Serbia engaged in a conspiracy to organize the 1981 riots so that they could come into Kosovo and stop the riots. Dr. Terzic did not have an opportunity to fully address this claim during the cross-examination, because of Mr. Nice's practice of asking questions and not letting the witness answer. But in re-examination by Milosevic this idea was put to bed. Dr. Terzic confirmed that Serbian police had no access to Kosovo in 1981, and the Serbian police who were sent to quell the riots were part of the Yugoslav government force that included policemen from all of the Yugoslav republics.

Milosevic's re-examination also afforded Dr. Terzic a chance to respond to Mr. Nice's insinuations that he was some sort of anti-Albanian racist. Dr. Terzic pointed out that his expert report and his testimony at the tribunal always drew a clear line of separation between Albanian terrorists, and the general Albanian population. Dr. Terzic observed data from 1998 showing that the largest share of the KLA's victims was Albanian.

After Dr. Terzic concluded his testimony, another expert witness was called. Professor Cedomir Popov testified regarding the origins of the "Greater Serbia" myth. Prof. Popov, a member of the Academy of Arts and Sciences, and the writer of numerous books, taught for more than 40 years at Novi Sad University in Serbia's northern Vojvodina province.

According to him, the "Greater Serbia" myth emerged in the mid-1800s at the time of the Austro-Hungarian Empire, when "every form of manifestation of the Serb cultural and spiritual identity or of Serb ethnic affiliation was painted as a conspiracy to create Greater Serbia."

Professor Popov testified that, after the First World War, the "Greater Serbia" propaganda campaign was taken-over by Fascists, Nazis and Communists. He said that Western globalists wage the same propaganda campaign today.

Prof. Popov's testimony will continue when the tribunal sits again next Wednesday.

###

MR. NICE ATTEMPTS TO MISLEAD THE TRIBUNAL, BUT ITS MILOSEVIC WHO GETS REPRIMANDED

www.slobodan-milosevic.org - December 16, 2004

Written by: Andy Wilcoxson

Mr. Nice concluded his cross-examination of Professor Popov at the Hague Tribunal on Thursday. The prosecutor had turned a number of things around in his cross-examination. For example, he exhibited a magazine called "EPOHE," Nice claimed that this was some sort of official magazine of the Socialist Party of Serbia (SPS), even though nobody from the party has heard of it, and the official magazine of the SPS is called "SMISAO" not "EPOHE."

In this "EPOHE" magazine, Nice found a map and showed it on the overhead projector. The map was somebody's idea of "Greater Serbia," and Nice used this map to make the claim that the SPS was advocating some-sort of "Greater Serbia" plan.

In the re-examination, Milosevic read out from the magazine article that accompanied the map. It turns out that the article was attacking the map, and attacking the idea of "Greater Serbia." The map had only been printed so that it could be attacked by the magazine. Professor Popov agreed that the text of the article was a clear attack on the map.

Milosevic observed that it was a "manipulation," on the part of the prosecution, to use this map to falsely impute some sort of "Greater Serbia" conspiracy to the SPS, when the magazine is attacking the map, and the whole idea of "Greater Serbia."

Judge Robinson did not appreciate this observation in the least. He told Milosevic that it was unacceptable to accuse the prosecution of manipulating the evidence.

This incident clearly shows the double standard that is afoot at the tribunal. The prosecutor obviously manipulated the evidence. He attempted to use a magazine article that clearly and forcefully attacked the idea of creating "Greater Serbia" in order to falsely attribute "Greater Serbian" aspirations to the SPS.

Mr. Nice is the one who exhibited this magazine in the first place, this is his exhibit, he had to know what it said. But instead of reprimanding Mr. Nice for what was a clear attempt to mislead the court, the Judges reprimanded Milosevic for merely pointing out that Nice was misleading them.

The Judges also refused to issue subpoenas summoning Bill Clinton, Madeline Albright, Tony Blair, Gerhard Schroeder and Rudolph Scharping, to be witnesses, thus rejecting the request that President Milosevic made in February and then again in October.

After Professor Popov concluded his evidence, Milosevic called another expert witness. Dr. Kosta Mihajlovic, an economist who was one of the writers of the famous 1986 draft-memorandum of the Serbian Academy of Arts and Sciences (SANU).

Dr. Mihajlovic focused his testimony on the myth of Serbian domination in the former Yugoslavia. Mihajlovic pointed out that in the period after World War II up until 1991 wages in Serbia were, on average, 5% below the Yugoslav national average.

In spite of Serbia's lower wages, the Yugoslav Government invested more in Croatia and Slovenia than in Serbia. According to Dr. Mihajlovic, the "policy to slow down Serbia's development was openly pursued", while Slovenia and Croatia constantly improved their economic position.

Dr. Mihajlovic also pointed out that the Hungarian minority in Serbia's northern Vojvodina province had a higher per capita income than the Serbian average.

Dr. Mihajlovic noted that the policy of "weak Serbia, strong Yugoslavia" was pursued by Croatian and Slovenian representatives in the League of Communists, and to bear this out he read from transcripts of meetings that Croatian and Slovenian representatives had with Tito and Kardelj in the mid 1960s.

The essence of Dr. Mihajlovic's evidence is that Serbia did not dominate the rest of Yugoslavia. In fact it was Serbia who was being dominated. This is important because the republics that seceded from Yugoslavia and set off the wars, justify their actions by claiming that Yugoslavia was dominated by the Serbs.

Dr. Mihajlovic will conclude his evidence on Friday, and the tribunal will adjourn for its annual three-week Christmas break.

Sagittarius

Van: "Hans Hupkes" <hans.hupkes@planet.nl>
Aan: "Marrie Kardol" <mkardol@mac.com>; "hans privé" <hans.hupkes@planet.nl>; "Jan Beentjes" <jbeentjes@mac.com>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Nico Steijnen" <sagitar@hetnet.nl>; "Ruza" <despot@tiscali.nl>
Verzonden: donderdag 16 december 2004 14:38
Onderwerp: anp over uitspraak Internationaal Gerechtshof

Inhoud bericht

ANP 442-(1828936)
 INTERNATIONAAL GERECHTSHOF

VN-hof: Klacht tegen NAVO-bombardementen niet-ontvankelijk

S a m e n v a t t i n g met nieuwe gegevens

DEN HAAG (ANP) - De klacht die Joegoslavië in april 1999 indiende tegen Nederland en een tiental andere NAVO-landen, is niet-ontvankelijk. Dit heeft het Internationaal Gerechtshof (ICJ) unaniem besloten. Dit zei ICJ-president Shi woensdag bij het voorlezen van de uitspraak in het Vredespaleis.

Belgrado probeerde in de lente van 1999 in een soort internationaal kort geding de NAVO-bombardementen op Joegoslavië te stoppen. Dat mislukte in juni 1999. Met de uitspraak van woensdag is ook de bodemprocedure van de baan, waarbij Servië-Montenegro een schadevergoeding eiste.

De klacht is niet-ontvankelijk verklaard omdat Joegoslavië in 1999 volgens het ICJ geen VN-lid was. Dat probleem is pas na de val van Milosevic in 2000 geregeld. Daardoor was Joegoslavië ook geen partij bij het Statuut van het Internationaal Gerechtshof en kon het dus ook geen zaak aanhangig maken.

In sommige gevallen kunnen ook staten die geen partij zijn bij het ICJ-statuut, toch het hof inschakelen op basis van oude internationale verdragen. Nederland sloot tussen de wereldoorlogen een verdrag met het toenmalige Koninkrijk Joegoslavië over vreedzame geschillenbeslechting. Om juridisch-technische redenen is dat verdrag echter in de zaak van de NAVO-bombardementen niet toepasbaar, aldus het hof.

Nadat het oude, grote Joegoslavië - de Socialistische Federatieve Republiek Joegoslavië (SFRJ) - begin jaren negentig uiteen was gevallen, richtten Servië en Montenegro in 1992 de Federatieve Republiek Joegoslavië (FRJ) op. De FRJ claimde de rechtsopvolger van de SFRJ te zijn en het VN-lidmaatschap van het oude Joegoslavië voort te zetten. In New York werd dat niet zomaar aanvaard: De FRJ moest van de VN opnieuw het lidmaatschap aanvragen, maar Belgrado weigerde dat onder Milosevic. Voor het VN-gebouw bleef de SFRJ-vlag wapperen. De vertegenwoordiger van het Milosevic-bewind was gewoon aanwezig, maar mocht niet naar de Algemene Vergadering.

Milosevic' opvolger Kostunica koos in oktober 2000 voor de toelatingsprocedure voor nieuwe VN-leden. Het hof leidt hieruit af dat de FRJ in de tussentijd geen VN-lid was.

De Nederlandse rechter bij het ICJ, prof. P. Kooijmans, en zes van zijn collega's zijn het „diep oneens" met die redenering van

de meerderheid van hun collega's. Dit blijkt uit een schriftelijke verklaring die zij bij de uitspraak hebben gevoegd. Volgens de zeven rechters is het geenszins duidelijk dat Joegoslavië tussen 1992 en 2000 geen VN-lid was. Daarnaast vinden zij die conclusie in tegenspraak met de uitspraak dat Joegoslavië wel degelijk voor het hof moet verschijnen in de genocidezaak die Bosnië in 1993 heeft aangespannen tegen Joegoslavië. Het zevental komt overigens ook tot de conclusie dat de NAVO-klacht niet-ontvankelijk is, maar dan om andere redenen. Naast Kooijmans hebben zijn collega's uit de VS, Frankrijk, Groot-Brittannië, Egypte, Jordanië en Madagaskar de verklaring getekend. De groep van zeven maakt bijna de helft uit van de zestien rechters op de zaak.

ANP: INTERNATIONAAL GERECHTSHOF - VN-hof: Klacht tegen NAVO-bombardementen niet-ontvankelijk
 Optioneel: VERFUSS 816
 Intern: VN15 HOF+AF
 Category: BUI/BUI

Datum & tijd	Nummer	Categorie	Urgentieniveau	Aantal woorden
15-12-2004 19:58:00	442	BUI	3	331
Optioneel:	VERFUSS 816			
Trefwoorden:	VN HOF NAVO			
Kopregel:	INTERNATIONAAL GERECHTSHOF - VN-hof: Klacht tegen NAVO-bombardementen niet-ontvankelijk			
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Kooijmans „diep oneens" met redenering VN-hof (2)

N i e u w bericht: meer informatie

DEN HAAG (ANP) - De Nederlandse rechter bij het Internationaal Gerechtshof (ICJ), prof. P. Kooijmans, en zes van zijn collega's zijn het „diep oneens" met de redenering van de meerderheid van hun collega's in de uitspraak over de NAVO-bombardementen. Dit blijkt uit een schriftelijke verklaring die zij bij de uitspraak hebben gevoegd.

Volgens de zeven rechters is het geenszins duidelijk dat Joegoslavië tussen 1992 en 2000 geen VN-lid was. Daarnaast vinden zij die conclusie in tegenspraak met de uitspraak dat Joegoslavië wel degelijk voor het hof moet verschijnen in de genocidezaak die Bosnië in 1993 heeft aangespannen tegen Joegoslavië. Het zevental komt overigens ook tot de conclusie dat de NAVO-klacht niet-ontvankelijk is, maar dan om andere redenen. Naast Kooijmans hebben zijn collega's uit de VS, Frankrijk, Groot-Brittannië, Egypte, Jordanië en Madagaskar de verklaring getekend. De groep van zeven maakt bijna de helft uit van de zestien rechters op de NAVO-zaak.

Volgens Kooijmans en zijn collega's kan het VN-hof niet zomaar willekeurig kiezen, als de niet-ontvankelijkheid van een zaak op verschillende gronden beredeneerd kan worden. Het ICJ moet die keuze maken „op een manier die zijn judiciële functie weerspiegelt". Daarbij moet het hof zich door drie criteria laten leiden.

Ten eerste moet er aansluiting worden gezocht bij de eerdere eigen jurisprudentie om te zorgen voor voorspelbaarheid. Dat is „in het bijzonder waar" in het geval van verschillende „zaken die nauw met elkaar samenhangen".

Ten tweede moet het hof een redenering kiezen die „juridisch het veiligst" is en 'twijfelachtige' redeneringen voorkomen. Ten derde moet het hof „als hoogste juridische orgaan van de Verenigde Naties" bij de keuze van zijn redenering „rekening houden met de mogelijke implicaties en consequenties voor andere aanhangige zaken".

Zij herinneren eraan dat het hof eerder heeft vastgesteld dat de toetreding van Joegoslavië als nieuw VN-lid op 1 november 2000 niet met terugwerkende kracht de status heeft veranderd die het land van 1992 tot 2000 had.

ANP: INTERNATIONAAL GERECHTSHOF - Kooijmans „diep oneens" met redenering VN-hof (2)

Optioneel: VERFUSS 816

Intern: VN15 HOF+AG

Category: BUI/BUI

Datum & tijd	Nummer	Categorie	Urgentieniveau	Aantal woorden
15-12-2004 21:08:00	466	BUI	3	233
Optioneel:	VERFUSS 816			
Trefwoorden:	VN HOF NAVO			
Kopregel:	INTERNATIONAAL GERECHTSHOF - Kooijmans „diep oneens" met redenering VN-hof (2)			

Inhoud bericht

ANP 416-(1828879)
INTERNATIONAAL GERECHTSHOF

'Nederlaag Belgrado ook teken van hoop' (2)

N i e u w bericht: meer informatie

DEN HAAG (ANP) - Servië-Montenegro (SCG) heeft woensdag weliswaar een nederlaag geleden in de zaak om de NAVO-bombardementen, maar de beslissing van het Internationaal Gerechtshof (ICJ) kan ook worden gezien als teken van hoop op verzoening in de regio.

Dit verklaarde de ambassadeur van SCG in Den Haag, Maja Mitrovic, woensdag in de wandelgangen van het Vredespaleis. Het VN-hof heeft voor het eerst verklaard dat de Federatieve Republiek Joegoslavië (FRJ) van 1992 tot 2000 geen VN-lid was. Mitrovic hoopt

daarom op een 'opening' inzake de genocideklacht die Bosnië in 1993 tegen Joegoslavië indiende bij het ICJ. Belgrado probeert van die klacht af te komen, omdat het ook de eis van een schadevergoeding boven het hoofd hangt. Als Joegoslavië in 1993 geen VN-lid was, dan had Bosnië ook geen klacht kunnen indienen tegen de FRJ. Belgrado heeft in het verleden herhaaldelijk geprobeerd de Bosnische klacht niet ontvankelijk te laten verklaren en zou nu een nieuwe poging kunnen wagen. SCG wil dat alle ICJ-genocidezaken rond de balkanoorlogen in de jaren '90 worden stopgezet. Naast de zaak van Belgrado tegen de NAVO-landen die woensdag van de rol is geschrapt, zijn er de Bosnische en de Kroatische genocideklacht tegen Belgrado.

ANP: INTERNATIONAAL GERECHTSHOF - 'Nederlaag Belgrado ook teken van hoop' (2)
 Optioneel: VERFUSS 910
 Intern: VN15 HOF+AE
 Category: BUI/BUI

Datum & tijd	Nummer	Categorie	Urgentieniveau	Aantal woorden
15-12-2004 18:46:00	416	BUI	3	143
Optioneel:	VERFUSS 910			
Trefwoorden:	VN HOF NAVO			
Kopregel:	INTERNATIONAAL GERECHTSHOF - 'Nederlaag Belgrado ook teken van hoop' (2)			
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Sagittarius

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient;>
Verzonden: vrijdag 17 december 2004 17:04
Onderwerp: ICDSM: An Open Letter to Louise Arbour

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

Canadian Justice Louise Arbour, who fabricated, on direct orders of the Clinton administration, during its war of aggression against Yugoslavia in May 1999, the 'initial indictment' against President Milosevic before the Hague Tribunal, is now the UN High Commissioner for human rights. In that capacity, she recently visited Denmark. After her visit, ICDSM member from Denmark, respected architect Mr. Godfred Louis-Jensen, Godfred Louis-Jensen, architect, continuously engaged in the promotion of the truth on the the dangerous Hague political farce in judicial robes and on the struggle of President Milosevic, addressed her with the following Open Letter:

 OPEN LETTER TO THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS

Enighedsvej 3
 2920 Charlottenlund
 DENMARK.

UN High Commissioner for Human Rights
 OHCHR-UNOG
 8-14 Avenue de la Paix
 1211 Geneva 10
 SWITZERLAND.

Charlottenlund, 11 December 2004

Dear Louise Arbour,

Re.: The Political Trial of President Milosevic: Open Letter to the UN High Commissioner for Human Rights

How as a Canadian jurist could you be oblivious of the fact that a Canadian officer's testimony invalidates the legitimacy of your Initial Indictment filed while Canada as a member of the NATO was bombing the F.R. of Yugoslavia, a small nation that in consequence lost its meaningful capacity to negotiate peace?

On 30th November 2004, when visiting the Danish Institute for Human Rights (DIHR), speaking at a public meeting you were briefly answering a couple of questions also on the conduct and progress of the so called trial against former Yugoslav President, Slobodan Milosevic.

Answers, as well as my verbal questions are transcribed below (A). As I was previously the Chief Prosecutor at the International War Crimes Tribunal in The Hague (ICTY), I ask you to kindly allow me a couple of comment and further queries:

1) In rather striking contrast to a great many international jurists, law professors as well as criminal lawyers incl. Bjørn Elmquist, a former member of the Danish Parliament and current Chairman of DIHR expressing their alarm and concern over the ICTY's imposition of counsel on Mr. Milosevic (B), which was decided and executed at the very start of his defense case in early September this year, you were concluding that the records of the Tribunal are "absolutely impeccable" (Sic!).

That would jar on the ears of anyone aware of the facts and the International Covenant on Civil and Political Rights. Yet as if the ICTY were affording Mr. Milosevic every occasion for due process and fair trial - and even "to excess" - you stressed that the former Yugoslav president has been "allowed to act unrepresented by counsel". Most recently however the Appeals Chamber - without relying on any authority whatsoever - decided, that what they now would see as "substantial disruption of the proceedings" does not require any proof that the accused had the intention of disrupting the proceedings, a decision which appears to permit the effective removal of Mr. Milosevic from the courtroom altogether (C).

Thus opening the door to in absentia trial the ICTY has already made a mockery also of your suggestion that "counsel has been made available to him". Yet, on that day in Copenhagen you proudly were declaring to "be the first one to champion the right of any person accused of any crime to defend himself" - including obviously Mr. Milosevic's to self-representation in his defence too. As in the circumstances at the DIHR it did not come out clearly what the OHCHR may in fact do to promote and protect the rights of Mr. Milosevic, I ask you to kindly let us know in concrete terms when you are going to exercise your proposed "championship"?

That exercise might indeed provide an opportunity for you to prove the very profound consciousness of the right of others associated with, and said even to be ingeniously created by human rights instruments.

2) If the ICTY were not a political construct, the Trial Chamber could simply restore Mr. Milosevic's right to self-representation. If on the other hand the Tribunal were truly an international judicial institution - as it is suggested by its name - committed to respect the Rule of Law, then why would it make such an incredible mess of its own case, the Prosecution's case?

Without commenting further on the ICTY's performance either as political or criminal, may I ask you if as responsible for the Initial Indictment (D) against Mr. Milosevic you did somehow follow the resulting trial proceedings? You may not of course have been reading up to 32.079 pages of Trial Transcripts, but surely you studied hearings specifically devoted to the infamous incident at Racak - which triggered NATO's war?

The "massacre at Racak" in fact is the one and only count in the 'Kosovo case' dating back to the period prior to the start of the NATO aggression on 23 March 1999. Hence I find it hard to believe that you are not aware of the

of your countryman, Canadian General Maisonneuve (E) - a former of the OSCE's KVM Regional Centre in Prizren, Kosovo and these days reportedly a NATO Chief of Staff - who on Wednesday 29 May 2002 was testifying in The Hague that on the 15th of January, 1999 he did not know that KLA members had been killed at Racak, nor in fact that civilians had been killed either (F). In response to Mr. Milosevic insisting that he "had to know that it was KLA members", this expert witness - who was in fact in command of the OSCE's verification mission present at Racak - could not even verify that anybody were killed there on the day of the alledged "massacre". The evidence of this key witness for the Prosecution includes wounded people that he did see to the hospital in nearby Stimlje, in the afternoon - however they were not members of the KLA, but "a lady and a young girl" (Trial Transcripts, p.5904, l.1). General Maisonneuve clearly told the court that "on the 15th, he didn't know" of any killings! And may I ask you: Which commander would personally see civilians to the hospital, if in fact he knew that others had been shot and killed under his very observing eyes?

It is obviously a crucial point in this 'trial' against Mr. Milosevic, that only by the 16th did the commanding general learn about those 45 persons alledgedly killed at Racak, as in the early morning hours a number of bodies were "discovered" on a nearby hill. In the hearing General Maisonneuve was in fact dissociating himself from the infamous statement of KVM Head, American Ambassador William Walker - but by that fundamentally challenging the particular count, which has it that i.a. "villagers attempting to flee from the Serb police were shot throughout the village", the general's testimony in fact completely undermines your Initial Indictment against President Milosevic, as well as against Milan Milutinovic (then President of Serbia), Nikola Sainovic (then Deputy Prime Minister of Serbia), Colonel General Ojdanic (then Chief of the General Staff of the VJ) and the late Vljako Stojiljkovic (then a Minister of Internal Affairs of Serbia).

At our meeting on 30 November 2004 you appeared to wish to repudiate the facts with reference to some BBC-reports of "bodies lying on the ground". These however did not appear until later, as you well know - and the schedule of persons killed, which was eventually attached as an appendix to your Initial Indictment, does not tie up convincingly with the your account of the incident - which never made sense at all, anyway.

The testimony of the commander of the OSCE verifiers, your countryman was never contradicted during the Prosecution's case - suggesting that on this particular point at least you are entirely wrong.

The NATO's campaign thus started with a lie - and so did your Initial Indictment. May I summarize this reasoning by suggesting, that the rights of Mr. Milosevic are in fact set aside in the interest of the then U.S. President Clinton, the British Prime Minister Blair and other Western leaders deciding on the NATO war - and even in a presumed interest of your own international career.

I am not a criminal lawyer, but as an architect I am quite capable of finding and judging the facts. As a citizen of Denmark - a NATO country which regrettably did participate also in what is known to some as "the conflict in Kosovo" - I hereby challenge your claim of any "absolutely impeccable" records of the ICTY's case against Mr. Milosevic, and in particular your theory of what happened "in Racak on January 15th, 1999" (G).

suffice to suggest that in respect for international law, and in
also to the peoples of Serbia and the F.R. of Yugoslavia, this
'al' at The Hague must now lead to an expeditious release of Mr.
Milosevic, who as President dutifully stood up to defend his country.

Faithfully Yours,
Godfred Louis-Jensen, architect

PS: The above contents have been transmitted to Danish and international
press as an open letter in abbreviated form.

C.C:

President Milosevic, c/o SLOBODA Freedom Association, Belgrade
Bjørn Elmquist, Chairman, Council of the Danish Institute for Human Rights
(DIHR)
Morten Kjærø, Executive Director, Danish Institute for Human Rights (DIHR)
Tiphaine Dickson, Centre for Research on Globalization (CRG)
Lieutenant-General J.O. Michel Maisonneuve, NATO HQ SACT COS, Norfolk, Va.

Enclosures:

A. Transcript of Questions and Answers given by Mme Louise Arbour on Tuesday
November 30th, 2004:

[transcript starts]

GODFRED LOUIS-JENSEN:

Q. I am Godfred Louis-Jensen, an architect. Not a lawyer, I am a member of
the International Committee for the Defence of Slobodan Milosevic.

My question to you is this: Do you not agree, that Mr. Milosevic does indeed
have the right to defend himself? If so - when are you going to see to it?
What are you going to do about it?

Now, I have a small additional question: A countryman of yours, General
Maisonneuve, was testifying in The Hague that: On the 15th of January,
1999 - when General Maisonneuve actually entered the village of Racak in
Kosovo - he "did not know that anybody were killed" (1).

That testimony completely undermines your Indictment (2). Don't you agree?

Mme LOUISE ARBOUR:

A. I am not aware of Monsieur Maisonneuve - or whoever he was? testifying in
the trial of Milosevic in The Hague, but if indeed he testified and if he
said that in Racak on January 15th, 1999 he didn't see that anybody had been
killed, he should have turned on the BBC as there he could see the bodies
lying on the ground. He may not be able to see from that who were
responsible for it. But if that is the extent of his testimony I think that
it has been amply contradicted by otherwise very credible evidence.

As to Mr. Milosevic's right to defend himself, I would be the first one to
champion the right of any person accused of any crime to defend himself. I
think that he has been offered that (...) to excess: He has been allowed to
act unrepresented by counsel. Counsel has been made available to him. I do

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champion the right of any person accused of any crime to defend himself. I
think that he has been offered that (...) to excess: He has been allowed to
act unrepresented by counsel. Counsel has been made available to him. I do

ment on his performance either as represented or not, but I think the records of the Tribunal on affording him every occasion for due process and fair trial are absolutely impeccable.

[transcript ends]

B. Lawyers Appeal. ICDSM, 29 July 2004:

<http://www.icdsm.org/Lawappeal.htm>

C. "Substantial Disruption" at The Hague: Will Slobodan Milosevic be Tried in Absentia?. Global Research, November 2004:

<http://globalresearch.ca/articles/DIC411A.html>

D. ICTY INDICTMENT, Case No.IT-99-37. Louise Arbour, 22 May 1999:

<http://www.un.org/icty/indictment/english/mil-ii990524e.htm>

E. On Canadian General Maisonneuve:

<http://www.act.nato.int/multimedia/bios/maisonneuve.htm>

F. Testimony of Canadian General Maisonneuve. ICTY, 29 May 2002:

<http://www.un.org/icty/transe54/020529ED.htm>

Excerpts from Trial Transcripts, p.5841, l.14 onw.:

Examined by Mr. Milosevic:

Q. I'm asking you, Mr. Maisonneuve, in view of your obligations as a verifier - and I assume that there is also your obligation to tell the truth - you had to know, on the 15th when you entered Racak that it was KLA members who were killed there. Isn't that right or is that not right?

A. On the 15th, I did not know that KLA members had been killed. In fact, I did not know that civilians had been killed either. It was on the 16th that we discovered the bodies, and I can tell you, from my observations, that these bodies were civilians. In my assessment, they were not members of the KLA, the bodies that we found.

G. Excerpts of the ICTY's Initial Indictment, Counts 1 - 4:

98. Beginning on or about 1 January 1999 and continuing until the date of this indictment, forces of the FRY and Serbia, acting at the direction, with the encouragement, or with the support of Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vljako STOJILJKOVIC, have murdered hundreds of Kosovo Albanian civilians. These killings have occurred in a widespread or systematic manner throughout the province of Kosovo and have resulted in the deaths of numerous men, women, and children.

among the incidents of mass killings are the following:

On or about 15 January 1999, in the early morning hours, the village of Racak (Stimlje/Shtime municipality) was attacked by forces of the FRY and Serbia. After shelling by the VJ units, the Serb police entered the village later in the morning and began conducting house-to-house searches. Villagers, who attempted to flee from the Serb police, were shot throughout the village. A group of approximately 25 men attempted to hide in a building, but were discovered by the Serb police. They were beaten and then were removed to a nearby hill, where the policemen shot and killed them. Altogether, the forces of the FRY and Serbia killed approximately 45 Kosovo Albanians in and around Racak.

URGENT FUNDRAISING APPEAL

After the Hague Tribunal declared war against human rights and International Law by banning President Milosevic's right to self-defense, our activities for his liberation and for the restoration of his freedom and for the national sovereignty of the Serbian people need to be reorganized and intensified.

We need professional, legal work now more than ever. Thus, the creation of conditions for that work is the imperative at this moment.

The petition of 100 lawyers and law professors from 18 countries, and other related activities of the ICDSM Legal Committee, produced a public effect incomparable to any other previous action by the ICDSM.

President Milosevic has the truth and law on his side. In order to use that advantage to achieve his freedom, we must fight this totally discredited tribunal and its patrons through professionally conducted actions which would involve the Bar Associations, the European Court, the UN organs in charge and the media.

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

3000-5000 EUR per month is our imminent need.

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

Please organize urgently the fundraising activity

DR. MIHAJLOVIC CONCLUDES HIS TESTIMONY, AND THE TRIAL ADJOURNS FOR THREE WEEKS

www.slobodan-milosevic.org - December 17, 2004

Written by: Andy Wilcoxson

In the tribunal's final day before the three week Christmas adjournment. Dr. Kosta Mihajlovic concluded his expert testimony at the trial of Slobodan Milosevic.

Dr. Mihajlovic, one of the authors of the 1986 draft memorandum of the Serbian Academy of Arts and Sciences, testified that the memorandum was written as a warning to the Serbian leadership and that it was not intended to be a public document.

Mihajlovic said that the Memorandum was intended to wake up the Serbian political leadership, who he said was unaware of the magnitude of the crisis the country was in. The memorandum was not a plan for "Greater Serbia," according to the witness.

Dr. Mihajlovic corroborated the testimony of Mihajlo Markovic, who also co-authored the memorandum. Both men have testified that the publication of the memorandum was not authorized. Mihajlovic claimed that it was leaked to the press in 1986 after being sent to Professor Jovan Djordjevic for comments.

In spite of the fact that the Academy of Arts and Sciences did not publish the document or authorize its release, it was used as a pretext for attacks on the Serbian Academy of Arts and Sciences.

According to Dr. Mihajlovic, the attacks were unjustified because the memorandum was only a warning that measures should be taken. Mihajlovic claims that the document merely "insists on the political and economic equality for Serbia and nothing more than that."

In the cross-examination, Mr. Nice tried to challenge Mihajlovic's version of events. Nice alleged that there was a conspiracy to release the document. Mihajlovic denied the prosecutor's claims and insisted that the Memorandum "found itself in the public domain by accident, contrary to the wishes of its authors."

The Prosecutor unsuccessfully sought Mihajlovic's agreement that Milosevic implemented policies because of the memorandum. Mihajlovic did not believe that the memorandum particularly influenced Milosevic.

Mr. Nice spent a good portion of his cross-examination wasting time reading out passages from meetings that the witness was not present at, or could not remember.

Mihajlovic was, however, present at the Karadjordjevo meeting between Milosevic and Tudjman. The prosecution claims that the two leaders entered into a conspiracy to carve up Bosnia between Serbia and Croatia at this meeting. Both Tudjman and Milosevic are on record denying this, and Dr. Mihajlovic also denied that this was the case. He said that the meeting was held in relation to the crisis that the Krajina Serbs were facing, not to plan some sort of division of Bosnia.

Nice tried to put to Dr. Mihajlovic that it had already been proven that there was an agreement between Milosevic and Tudjman to carve-up Bosnia. One of the witnesses that Nice mentioned was Tudjman's Cabinet Chief, Hrvoje Sarinic.

Nice's claim that Sarinic had testified to an agreement between Milosevic and Tudjman to carve-up Bosnia is simply untrue. The prosecutor is putting words into the mouth of his own witness.

Sarinic's testimony was that the Karadjordjevo meeting concerned Krajina. He did not even hear the word Bosnia mentioned at the meeting. He said that Tudjman mentioned Bosnia later on, but that there was no agreement with Milosevic to carve-up Bosnia.

Mr. Nice was simply inventing "evidence" in order to throw-off the witness, and mislead the court. This is rapidly becoming a standard practice for the prosecution. Yesterday it was the so-called "Greater Serbia" map, today it was Sarinic's testimony concerning Karadjordjevo, and these aren't the only examples. Mr. Nice's conduct is simply malicious. If he were practicing law in a real court he would be subject to criminal prosecution.

With the conclusion of Dr. Mihajlovic's testimony, the trial adjourned for the Christmas break. It will resume again on January 11, 2005.

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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <SAGITAR@HETNET.NL>
Verzonden: zaterdag 18 december 2004 5:02
Onderwerp: CDSM: 1. ICTY Statements 2. US/KLA

Dear All,

We send all our friends and supporters our very best wishes for the holiday season.

Also at this time we remember and salute all those imprisoned in The Hague, who are separated from their loved ones for no other reason than defending their country, Yugoslavia, from attack.

We pledge to continue our efforts.

IJ.

1. ICTY STATEMENTS.

MILOSEVIC CASE:
ASSIGNED COUNSEL'S APPLICATION TO WITHDRAW DENIED

Today, 7 December 2004, Trial Chamber III consisting of Judge Robinson (Presiding), Judge Kwon and Judge Bonomy determined that the application by court assigned counsel, Mr. Steven Kay and co-counsel Ms. Gillian Higgins, to withdraw from their assignment should be denied. The Trial Chamber instructed the Registrar, pursuant to his powers under Article 19 of the Directive On Assignment of Defence Counsel, to deny the application

Slobodan MILOSEVIC Case ("Kosovo, Croatia and Bosnia and Herzegovina")
Trial Chamber III - Judges Robinson (Presiding), Kwon and Bonomy

Continuation of the Defence case.

On 15, 16 and 17 December 2004, the following witnesses were examined by the Accused and subsequently cross-examined by the Prosecution:

- Witness Cedomir Popov
- Witness Kosta Mihajlovic

The trial was then adjourned until 11 January 2005.

2.

Testimony of Defence Witness Russian General Ivasov at the ICTY confirms joint US/KLA intrigue.

(24th November 2004).

Below is a partial trial transcript of the evidence of General Ivasov. General Ivasov had testified that the United States of America had and pursued a preconceived plan to destroy the former Yugoslavia.

He is being questioned by the prosecutor Mr Nice.

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10 It is not for you to decide what is relevant. It is for the

11 Judges. The question is, please: In forming your extraordinarily strong

12 conclusion, General Ivasov, did you have intercepts of telephone

13 conversations of Western leaders? Yes or no.

14 A. I can affirm only one thing, that the telephones of Hashim Thaci

15 were bugged by the Serbian services, and the Russian side participated.

16 But those were the telephone conversations between -- with the head of a

17 terrorist organisation. That was quite legal. And I can confirm that

18 Ms. Albright also participated in there.

19 Q. In what?

20 A. That in the fact that she -- I can actually give you -- quote two

21 examples: September 1998, when Ms. Albright advised Hashim Thaci to agree

22 to the introduction of NATO troops to Kosovo, and in response she would

23 guarantee the conduct of a referendum for Kosovo's independence.

24 On the 25th of April, 1999, on the second day after the

25 commencement of the bombardment of Yugoslavia, Ms. Albright demanded that

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1 the KLA would raise an insurgency, and in response in Rambouillet,

2 Mr. Hashim Thaci made a statement, and I can quote.

4 A. I would like to outline the efforts of the American Secretary of
5 State Madeleine Albright. In the press communique which was made by
6 Hashim Thaci, he outlines: "I would like to especially outline the
7 tireless efforts of the American Secretary of State Albright," and further
8 on, "Kosovo invites the NATO forces and expects their soon deployment."
9 So here I'm talking about the connections between the terrorists
10 and the officials of –

11 JUDGE ROBINSON: General. General, what document did you just
12 read from?

13 THE WITNESS: [Interpretation] This -- these documents are the
14 documents of the Yugoslav army's services. These are not documents, these
15 are radio and telephone intercepts of Hashim Thaci, the head of
16 terrorists.

At this point the Judges intervene and rule this evidence as 'irrelevant'.

This is claimed to be because the ICTY want to see Russian classified documents as well as declassified documents. A request never made to any prosecution witness.

10-1-2005

ADVOCATEN IN LIJFEIGENSCHAP BIJ HET JOEGOSLAVIE TRIBUNAAL

Milosevic is momenteel bezig om voor het Joegoslavië tribunaal zijn tegenbewijs te presenteren. Dit nadat jarenlang de aanklager aan het woord was geweest om bewijsmateriaal tegen hem in te brengen. Milosevic heeft, om zijn kant van het verhaal uit de doeken te doen en zelf getuigen naar voren te brengen, precies 150 werkdagen toegemeten gekregen. En elke dag dat het proces stil zal liggen omdat hij ziek is, gaat daar nog van af.

Alleen al dit absurde gebrek aan evenwicht tussen de tijd die de aanklager in de schoot geworpen kreeg om zijn klachten tegen Milosevic te onderbouwen en de tijd die Milosevic wordt gegund om tegen-getuigen te horen, bewijst hoe brutaal het Joegoslavië tribunaal inmiddels zijn ware gezicht durft te tonen.

In een klimaat waarin, als het gaat om de zogenaamde strijd tegen het terrorisme, in toenemende mate regelrechte liquidatiepraktijken, doodseskaders, martelingen en levenslange opsluiting zonder vorm van proces openlijk als toelaatbare methodes worden gepropageerd en ook daadwerkelijk in praktijk worden gebracht, verliest ook een door de NAVO gecontroleerde institutie als het Joegoslavië tribunaal steeds meer het geduld om zelfs maar de schijn op te houden de fundamentele rechtsnormen in acht te nemen.

De laatste loten aan de stam van de fundamentele mensenrechten die het zogenaamde tribunaal aldus gekapt heeft, als was het dood hout, zijn het recht van Milosevic om zichzelf te verdedigen, alsmede het recht op een gelijkwaardige behandeling. Dit laatste betreft dan het afschaffen van gelijkwaardigheid inzake het verlenen van faciliteiten, tussen de aanklager en Milosevic als verdachte, ook wel aangeduid als het recht op 'equality of arms'.

Het eerstgenoemde recht, het recht om zelf zijn eigen verdediging te voeren, is een grondrecht dat in alle belangrijke mensenrechtenverdragen is terug te vinden en ook uitdrukkelijk is opgenomen in het Statuut van het Joegoslavië tribunaal zelf.

Dit fundamentele mensenrecht, het recht om zichzelf te verdedigen, was Milosevic aanvankelijk volledig ontnomen, zogenaamd omdat hij te ziek en te zwak zou zijn om dat recht nog langer uit te oefenen. Maar voor iedere onbevangen waarnemer was het van meet af aan glashelder dat de pogingen van het tribunaal om Milosevic te beroven van zijn recht om zijn eigen verdediging te voeren niets met diens gezondheidstoestand te maken hadden.

Waar het tribunaal voor vreesde waren de onthullingen waarmee Milosevic en de door hem opgeroepen getuigen zouden komen over de rol van de westerse wereld bij de ontmanteling van de Joegoslavische federatie, de bewijzen die door hem gepresenteerd zouden worden omtrent de systematische westerse leugencampagne met betrekking tot het zogenaamde streven naar een

Groot-Servië en de misdaden van de NAVO, begaan in de agressie-oorlog tegen Joegoslavië en Servië, die door hem voor het voetlicht zouden worden gebracht.

Want de ongelooflijke leugens waarmee de oorlog tegen Irak werd gerechtvaardigd, vormden geen op zichzelf staand incident. Maar vonden een onmiskenbare voorganger in de westerse leugens over de gewelddadige afbraak van Joegoslavië, met als sluitstuk de NAVO-agressieoorlog tegen wat toen al teruggebracht was tot klein-Joegolavië.

Zoals de herkolonisatie van Irak bewust op de agenda werd gezet om de dominante westerse positie in het voor de olievoorziening cruciale Midden-Oosten voor de komende decennia veilig te stellen, zo vormde ook de liquidatie van de voormalige Joegoslavische federatie een belangrijk onderdeel van de westerse geopolitieke aspiraties.

Het voormalige Joegoslavië moest uit elkaar gespeeld worden en verbrokkeld worden tot een serie door het westen bezette of van het westen afhankelijk gemaakte cliënt-staten.

En de schuld daarvoor moest bij Milosevic gelegd worden.

Ook die afbraak van Joegoslavië vormde een doelbewuste strategie. Tot heil van westerse controle over belangrijke aanvoerroutes en knooppunten inzake olie- en gasvoorraden uit zowel het Kaspische zee-bekken als uit het Midden-Oosten. En tot heil van een steeds verder terugdringen van de Russische invloedssfeer, een proces dat in hoog tempo doorgaat. Nog maar kort geleden was Georgië aan de beurt en zeer onlangs hebben we de pro-westerse 'revolutie' in de Oekraïne zich zien voltrekken.

Het verschil tussen enerzijds de oorlog tegen Irak gekoppeld aan de daarop volgende bezetting van dat land en anderzijds de westerse agressie tegen Joegoslavië is dat, wat dit westerse optreden tegen Irak betreft, de daarover geventileerde leugens zichzelf hebben achterhaald. Terwijl de uitstekend geregisseerde leugen-campagnes die door het Westen over Joegoslavië werden gevoerd voor een breed publiek nog steeds stand houden. Het Joegoslavië tribunaal speelt hier een belangrijke rol in.

Om te voorkomen dat Milosevic wat dit betreft te veel roet in het eten zou kunnen gooien, vond het tribunaal het de hoogste tijd worden om Milosevic van zijn handelingsbevoegdheid te ontdoen. Dit door hem diens recht om zijn eigen verdediging te voeren te ontnemen.

Juist op het moment dat hij, na al die jaren dat de aanklager aan het woord was geweest, zijn eigen verdediging zou mogen gaan brengen. En hij dus een belangrijk aandeel in de regie van het proces zou kunnen gaan opeisen.

De botheid waarmee het zogenaamde tribunaal Milosevic weer achter de coulissen meende te kunnen manoeuvreren, precies op het moment waarop hij op het punt stond om, gebruikmakend van het onvervreembare recht om zijn eigen verdediging te voeren, daaruit naar voren te treden, riep een wereldwijde golf

van afkeuring op. Met als gevolg een totale staking van de door Milosevic beoogde getuigen om voor het tribunaal te verschijnen. Zolang diens recht om zichzelf te verdedigen hem ontnomen zou blijven.

En zo kwam het proces, bij gebrek aan getuigen die kwamen opdagen, tot een absolute stilstand.

Het tribunaal zag zich daarop gedwongen om Milosevic in zijn fundamentele recht om zichzelf te verdedigen te herstellen. Natuurlijk was dit een grote overwinning voor Milosevic. En een verder gezichtsverlies voor het zogenaamde tribunaal.

Maar hoewel Milosevic zodoende de regie over zijn verdediging weer terugveroverd heeft, blijft een nieuwe aanval op een ongestoorde uitoefening van dit recht dreigend in de lucht hangen.

Een cruciale rol wordt hierbij gespeeld door de persoon die het Joegoslavië tribunaal Milosevic als advocaat had willen opdringen, namelijk mr. Kay. Deze Kay was hem al vanaf het begin van het proces toegewezen als 'amicus curiae', een soort pseudo-verdediger. Als zodanig had Kay nooit veel te vertellen gehad, maar nu, door het tribunaal als gedwongen advocaat aan Milosevic toegevoegd, rook hij zijn kans.

Als loopjongen van het tribunaal deed hij zijn uiterste best om zijn tribunaal-meesters terwille te zijn en de vaart erin te houden. Maar zijn pogingen mochten niet baten, want noch Milosevic noch 99% van de getuigen die Milosevic op het oog had wilden ook maar enig contact met hem. Kay kon dus geen kant op.

Vervolgens voltrok zich een klucht waarmee zowel Kay als het tribunaal zich de gelegenheid verschafte tot herpositionering.

Kay ging, bij wijze van potsierlijke vertoning, tegen zijn eigen benoeming als advocaat van Milosevic in beroep. Omdat er zo voor hem niet te werken viel en omdat hij, door tegen de zin van Milosevic al zijn opgedrongen advocaat te fungeren, de integriteit van de advocatenstand zou ondermijnen.

Die manoeuvre, duidelijk vooropgezet in overleg met Kay's broodheren bij het tribunaal, bood enerzijds het tribunaal de gelegenheid om in hoger beroep te bepalen dat Milosevic in principe weer zelf zijn eigen verdediging ter hand zou mogen nemen. Maar anderzijds werd de zogenaamde 'ontslagaanvraag' van Kay door het tribunaal geweigerd. Kay kreeg te horen dat hij, als gedwongen advocaat van Milosevic, achter de hand moest blijven. Om direct weer als diens opgedrongen advocaat naar voren te kunnen treden als Milosevic zich ziek zou melden. Zodat hij dan de zaak weer over zou kunnen nemen.

Natuurlijk wordt hier een theaterstuk opgevoerd, met Kay als acteur in de hoofdrol.

Kay doet het voorkomen alsof hij zich als aangewezen advocaat van Milosevic zou willen terugtrekken. Maar in plaats van het

eerste de beste vliegtuig te nemen terug naar huis, naar Engeland, stort hij zich in een pseudo-procedure en onderwerpt zijn al of niet aanblijven als opgedrongen advocaat aan een zogenaamde beslissing van het tribunaal. Dat besluit vervolgens dat hij niet weg mag en 'stand by' moet blijven. Hetgeen Kay dan op zijn beurt weer de gelegenheid biedt om zijn handen ten hemel te heffen en uit te roepen: 'Zie, ik kan niet anders, het tribunaal dwingt mij om aan te blijven !'

Het zal duidelijk zijn dat Milosevic van deze wanvertoning niet gediend is.

Ik heb dan ook, namens hem, inmiddels een klacht tegen Kay ingediend bij het tuchtcollege van de Nederlandse Orde van Advocaten.

Op het eerste gezicht lijkt het vreemd dat Kay, als Brits advocaat en als Brits onderdaan, onderworpen zou kunnen zijn aan het tuchtrecht dat geldt voor Nederlandse advocaten. Maar als praktizerend advocaat op Nederlandse bodem is dit nu eenmaal, in Europees verband, zo geregeld.

De eis is dat tuchtmaatregelen tegen Kay worden getroffen.

Kay heeft, door het recht van Milosevic te usurperen om zijn eigen verdediging te voeren, inbreuk gemaakt op het onvervreembare recht van Milosevic om zichzelf te verdedigen.

En blijft zich inmiddels gereed houden om opnieuw tot een dergelijke schending over te gaan.

Dat komt neer op schending van Milosevic' mensenrechten.

Kay schendt daarmee bovendien het eerste gebod voor iedere advocaat, namelijk om niet als advocaat op te treden tegen de zin van enige cliënt. Alsmede het tweede gebod dat evenzeer voor iedere advocaat geldt, en wel om niet een zaak op zich te nemen waarmee hij of zij zich niet naar eer en geweten kan verenigen.

Alles bij elkaar reden genoeg voor het tuchtcollege van de Orde van advocaten om Kay een verbod op te leggen om nog langer op Nederlands grondgebied zijn beroep uit te oefenen.

Kay voert een komisch nummer op waar hij zegt: 'Ik kan niet anders, want het Joegoslavië tribunaal beveelt mij nu eenmaal om aan te blijven'. Dat het Joegoslavië tribunaal Kay een dergelijk bevel heeft gegeven is waar. Maar natuurlijk is zo'n bevel geen cent waard.

Allereerst is het allemaal handjeklap tussen Kay en het Joegoslavië tribunaal onderling. Waarom dat zo zeker is ? Omdat Kay zelfs niet de moeite neemt om tegen het verbod om zijn biesen te pakken in beroep te gaan. En als Kay echt zoveel bezwaar zou hebben tegen deze gang van zaken dan was dit, ook binnen de show die hier wordt opgevoerd, toch wel het minste geweest wat hij had kunnen doen.

En vervolgens is het natuurlijk volkomen onaanvaardbaar dat het zogenaamde tribunaal bepaalde advocaten, tegen hun uitdrukkelijke wil, zou kunnen vasthouden en zou kunnen verplichten om op te treden. Dit komt er immers neer op een soort lijfeigenschap.

Intussen leidt de totale fixatie van het zogenaamde tribunaal op een zoveel mogelijk controleren en aan banden leggen van Milosevic tot een degelijke absurde vertoning dat het door het zogenaamde tribunaal als een soort lijfeigenen manipuleren van advocaten als een legitiem handelen wordt voorgesteld. We zijn hiermee weer teruggeworpen in de Middeleeuwen, de tijd van de meest duistere inquisitie. De zelfontmaskering als een volstrekt mala fide genootschap waarmee het Joegoslavië tribunaal nu al zolang bezig is bereikt hiermee een totaal nieuwe dimensie.

De reacties van het Joegoslavië tribunaal en Kay op de namens Milosevic ingediende klacht waren furieus. Eerst weigerden zij eenvoudig om aan te nemen dat deze klacht van Milosevic afkomstig was, maar nadat zij zich daarvan hadden vergewist, lieten de betrokken 'rechters' hun woede hierover op een zitting openlijk de vrije loop. Kay kondigde aan mij met alle beschikbare middelen te zullen bevechten. Inmiddels heeft hij tegen mij persoonlijk een klacht ingediend omdat ik hem beledigd zou hebben.

Het Joegoslavië tribunaal heeft inmiddels de Minister van Buitenlandse Zaken voor zijn kar gespannen en hem ertoe gebracht om schriftelijk te interveniëren bij de Nederlandse Orde van Advocaten. Dit met de eis om zich van verdere actie tegen Kay te onthouden. En wel omdat aan Kay, als advocaat bij het Joegoslavië tribunaal, immuniteit met betrekking tot tuchtrechtelijke vervolging zou toekomen.

De Minister van Buitenlandse Zaken heeft zich aldus niet alleen laten misbruiken voor een kwaadwillige interventieopgave van de zijde van het Joegoslavië tribunaal. Maar dit ook nog eens, willens en wetens, met rechtsargumenten die nergens op slaan. Want in de terzake geldende regelgeving wordt voor wat betreft de voor advocaten bij het Joegoslavië tribunaal toepasselijke immuniteit immers uitdrukkelijk een uitzondering gemaakt voor het tuchtrecht.

Niettemin acht de Deken van de Orde van Advocaten het zaak dat deze gezamenlijke poging van het Joegoslavië tribunaal en de Minister van Buitenlandse Zaken om de procedure voor de tuchtrechter te beïnvloeden volop zijn beslag al kunnen krijgen.

En inmiddels werd aldus ook de behandeling door de tuchtrechter van de klacht van Milosevic tegen Kay steeds opnieuw vertraagd. Al staat aan de andere kant vast dat van uitstel zeker geen afstel zal komen en dat het moment van daadwerkelijke behandeling door de tuchtrechter nadert. Inmiddels is bekend gemaakt dat de deken het vooronderzoek als afgerond beschouwt en de zaak vóór 15 januari 2005 definitief bij de Raad van Discipline zal worden aangebracht.

Intussen zorgt Milosevic voor de ene getuigenis na de andere waarin allerlei topgetuigen de mythe van een samenzwering om tot een Groot-Servië te komen ondubbelzinnig als kwaadardige laster naar het rijk der fabelen verwijzen. En waarin van de

andere kant krachtig bewijs wordt geleverd voor de vooropgezette bedoelingen van de NAVO om Joegoslavië, koste wat het kost, met oorlogsgeweld te lijf te gaan. En waarin tenslotte getuigenis wordt afgelegd van de oorlogsmisdrijven die daarbij opzettelijk werden gepleegd. Zoals de afschuwelijke en systematische bombardementen die door de NAVO op burgerdoelen werden uitgevoerd om Joegoslavië op de knieën te dwingen.

N.M.P. Steijnen

FRENCH WITNESSES TESTIFY FOR MILOSEVIC'S DEFENSE

www.slobodan-milosevic.org – January 11, 2005

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed after a 3-week recess at the Hague Tribunal on Tuesday. Milosevic called two French witnesses to testify in his defense case.

The first witness was Ms. Eve Crepin. Ms. Crepin's credentials are impressive she worked with French UNPROFOR forces in UN field hospitals, she worked with humanitarian organizations in Bosnia, Krajina, and Kosovo, and she has written a book entitled "The Assassination of a People," about the plight of the Serbian people.

She said that there had been a lot of Muslim refugees from Bihac in Krajina before it fell. The Krajina Serbs welcomed these refugees. According to her testimony, she never saw a single incidence of discrimination or hatred towards non-Serbs in Krajina.

She testified of one event that occurred in Hospital she was working at in Glina. A pregnant Muslim woman came to the hospital in need of a blood transfusion, the mainly Serb staff of the hospital did not even think twice, they gave this Muslim woman the very last of the hospital's blood supply.

She testified that the refugees in Krajina were Muslims from Bihac and Serbs from Croatia (outside of Krajina). She testified that the Muslim refugees were mainly the followers of Fikret Abdic who were fleeing from the repression of the fundamentalist regime of Alija Izetbegovic, which had sent the 5th Corps of the B-H Army against them.

She testified on the basis of her work with the Serbian refugees who had been sacked from their jobs and expelled from their homes by the Croatian regime. The Serbs, she said, fled from the persecution of the Croatian regime of Franjo Tudjman. She said that Tudjman had resurrected the symbols and names used by the fascist Ustasha regime of World War II.

While working in Banja Luka, she assisted the Serbian refugees who were expelled during operations Flash and Storm. She spoke of the trauma that the refugees suffered. She said that they were bombed by the Croatian regime while they were fleeing. She condemned the Croatian operations as classical ethnic cleansing.

In addition to her work in Croatia and Bosnia, she worked with humanitarian agencies in Kosovo. In 1998 she volunteered her services at the Pec hospital. She testified that the staff of the hospital was mixed Serbian and Albanian, and that the patients were treated equally regardless of their ethnicity.

While working at the Pec hospital she treated numerous Serbian and Albanian victims who had been assaulted by the KLA. She never saw anybody come into the hospital that had been assaulted by the Serbian authorities, nor did she see the Serbian authorities mistreating anybody during the months that she spent in Kosovo. According to her testimony it was mainly Albanian nationalists who were mistreating the Serbs and moderate Albanians.

Ms. Crepin, who speaks the Serbian language, was warned not to address anybody using the Serbian language in Kosovo unless she knew they were Serbian. Otherwise, Albanians might assault her.

In addition to her work with refugees and humanitarian agencies, Ms. Crepin worked with UNPROFOR troops in UN field hospitals. She testified that UN ballistics experts had told her that the Markale massacre had been carried out by Muslims. She also testified that Muslim snipers in Sarajevo had fired on French UNPROFOR troops and tried to blame the Serbs.

Ms. Crepin testified that the western media was biased against Serbs. She said that they ignored the suffering of the Serbs, exaggerated the suffering of others, and did everything to demonize the Serbs.

Under cross-examination from Ms. Del Ponte, Ms. Crepin spoke of a specific instance when she took a French camera crew from FR3 television to speak with some Krajina Serbs. The camera crew filmed the story, but it never appeared on television.

Ms. Crepin testified that she saw Western journalists, covering Operation Storm, who were actually happy about it in spite of the massive humanitarian catastrophe that offensive unleashed on the civilian population.

Ms. Crepin accused the international community of being blind to the suffering of the Serbs. She said that she did not see a single Western NGO offering any assistance to the Serbian civilian population.

Carla del Ponte's cross-examination revealed why Mr. Nice usually does the cross-examining. Ms. Del Ponte could not

MUCH WITNESSES TESTIFY FOR MILOSEVIC

track of her documents. She read from a HRW report thinking that it was an OSCE report that had been mentioned in the examination-in-chief, then when she managed to find the OSCE report she could not find her way in it and was unable to challenge the witness's evidence.

As a point in Ms. Del Ponte's favor she didn't waste a lot of time. Mr. Nice would have read out endless passages from the OSCE and the HRW documents and would have wasted all sorts of time. At least Ms. Del Ponte was smart enough to realize that the witness had her beat and gave up.

The next witness to take the stand was Patrick Barriot. Barriot had achieved the rank of Colonel in the French Army. He has a medical degree and also worked as a humanitarian aid worker. He is an expert on non-conventional weapons, and he is an expert on international terrorism. He has worked closely with French intelligence, and currently works for a commission established by the French government to monitor the terrorist threat against France. Col. Barriot has written numerous books, and has been highly decorated by the French government.

Col. Barriot was a Blue Helmet in Krajina, and established contacts with the Krajina Serb and Bosnian Serb leadership.

Barriot testified that Western governments worked against him and against reporters and diplomats who tried to establish any sort of relationship with the Serbs. He said that the Western governments used threats and intimidation to block people from having contact with the Serbs.

Barriot testified that Michael Rose, the British General who formerly led the UNPROFOR forces, was the target of surveillance and had his telephone tapped by French intelligence.

Col. Barriot spoke of a conversation that he had with a man named Jugoslav Petrovic, who was an agent of French Intelligence. Petrovic warned Barriot that there was talk in Western intelligence circles that he should be assassinated because he was in contact with the Serbs.

Barriot blew the whistle on the French Government during his testimony. He said that French politicians used the 1995 capture of two French pilots by the Bosnian Serbs in order to embezzle money.

According to Barriot, Gen. Mladic never asked for a ransom, all Mladic wanted was to speak with French military commanders and get a handshake agreement. Barriot said that Mladic never received a cent of ransom money. The ransom money that was allegedly paid went straight into the pockets of corrupt French politicians, according to the witness.

In spite of attempts by the prosecution and by the judges to block the evidence, Col. Barriot testified of the terrorist network that exists in Bosnia and Kosovo. According to his knowledge, as a member of the anti-terrorism taskforce of the French Government, the principle terrorist groups operating in the Balkans are Al-Qaeda and the Algerian GIA terrorist group. The main bases of Balkan terrorism are in central Bosnia, northern Albania, and in Kosovo. According to the witness, Osama bin Laden was present in northern Albania in October of 1998.

Col. Barriot testified regarding the fundraising and infrastructure of these terrorist groups. He listed Islamic charities, and the SDA as the key logistical organizers of the terrorist infrastructure. He enumerated the countries actively sponsoring terrorism in the Balkans as being: Iran, Turkey, Saudi Arabia, Pakistan, and Sudan. He added that organized crime and trafficking were also sources of terrorist funding.

The witness testified regarding American involvement in Operations Flash and Storm. He said that the United States equipped the Croats. He also said that Canadian soldiers who were in Knin during Operation Storm reported seeing U.S. military personnel taking part in the attack.

In addition to this direct U.S. military involvement, Barriot pointed to the U.S. Company MPRI, which he said was training and advising Croatian troops.

Col. Barriot will conclude his testimony on Wednesday.

###

TRIBUNAL BLOCKS EVIDENCE REGARDING SREBRENICA AND ISLAMIC TERRORISM IN THE BALKANS

www.slobodan-milosevic.org – January 12, 2005

Written by: Andy Wilcoxson

Defense Witness, French Col. Patrick Barriot presented an Interpol document to the Hague Tribunal on Wednesday. According to the document, Mohammed Atta was present in central Bosnia-Herzegovina in 1994, 1995, and 1999. Atta was one of the suicide hijackers who crashed a civilian jetliner into the World Trade Center in the terrorist attacks of September 11, 2001.

Both Milosevic and Col. Barriot, who serves on the anti-terrorism task force of the French government, said that this document offers proof of "deep-rooted Islamic terrorism in Bosnia."

The tribunal did its level best to block the evidence regarding terrorism. The judges questioned its "relevance." Judge Robinson asked what it would change, as regards the indictment, if it were to be established that a strong terrorist network existed in Bosnia. Mr. Nice expressed concern that information regarding Balkan terrorism would be picked-up by the press, as Mr. Nice put it, it made "attractive fodder" for reporters. Carla Del Ponte said that the presence of an Islamic terrorist network "would not change one iota" regarding the charges against Milosevic.

I think Mr. Nice was closest to the mark regarding the tribunal's reason for wanting to block this evidence. The tribunal does not want this information to come out in the press. The tribunal does not want the Western public, especially the American public, to learn that these poor pathetic "victims of the Serbs" were in bed with Al-Qaeda, and with the self-same terrorists who massacred 3,000 Americans on September 11th.

The question of relevance is nonsense. Only a complete moron could fail to see the relevance. The indictment hinges on the allegation that Milosevic led a massive conspiracy, or "joint criminal enterprise," to create an ethnically pure greater Serbian state. This goes directly to the motivation of the Serbian forces and the Serbian leadership. The indictment alleges that the Serbian leadership was pursuing the alleged conspiracy, and that the main war objective of the Serbian forces was the pursuit of the conspiracy.

Milosevic claims that the conspiracy, alleged in the indictment, never existed. It is his contention that the Serbian side was forced to defend itself from a radical Islamist regime in Sarajevo, and the KLA that was in bed with Islamic terrorists such as Mohammed Atta, Khaleed Sheikh Mohammed, Ayman Al-Zawahiri and Osama bin Laden.

Proof of the existence of Islamic terrorism in the Balkans goes to show that there was a threat to the Serbian population. The fact that a threat existed lends credibility to the Milosevic's contention that the Serbs were acting in self-defense, and not in the pursuit of some big conspiracy as the prosecution alleges.

Col. Barriot's evidence regarding Muslim refugees from the Bihac pocket who found refuge in the RS Krajina lends further credibility to Milosevic's claim that no conspiracy existed among the Serbs to establish ethnic purity.

Barriot, who is a medical doctor, served as a humanitarian aid worker in Krajina. He worked with scores of Muslim refugees who fled from the 5th Corps of the B-H Army. These refugees were moderate Muslims who followed Fikret Abdic. They were assaulted by Izetbegovic's Islamist regime because of their friendly relations with the Serbs. This evidence directly contradicts the indictment. If the Serbs wanted ethnic purity why would they give safe haven to over 40,000 Muslim refugees?

During his work with the UN and French intelligence, Col. Barriot had the opportunity to speak with Gen. Mladic in August of 1995, a month after the fall of Srebrenica.

Milosevic asked Col. Barriot what Mladic had told him about Srebrenica. Mladic told Barriot that there were a hand-full of summary executions (less than 100) carried out by local Serbs who recognized certain Muslims who had participated in attacks on the surrounding Serb villages. Mladic emphasized that he did not order any executions, and that his objective in Srebrenica was to neutralize the 28th Infantry Division of the B-H army – not to harm the civilian population, or alter the ethnic make-up of the enclave.

Mladic told the witness that the VRS took 750 prisoners in the Srebrenica operation, released 500 of them, and held the remaining 250.

Mladic told the witness that there were 15,000 armed Muslims in the woods around Srebrenica (presumably trying to breakthrough the VRS lines towards Tuzla). The Serbs took approximately 500 casualties in the fighting, and Muslim losses were estimated to be between 1,500 and 1,800 men.

The Judges would not let Col. Barriot finish his explanation of what Mladic had told him, and this clearly irritated the

witness who, unlike the tribunal, believes that it is important to know what Mladic said about Srebrenica in August of 1995.

As regards Mladic, Judge Robinson suggested that Milosevic should call Gen. Mladic as a witness. "Mr Milosevic, it is also perfectly open to you to call Mr. Mladic as a witness in your defense."

After a short silence, Milosevic replied: "Well, if you plan to arrest him, I will certainly not do so."

As far as the evidence of the witness is concerned, Barriot accused former UNMIK chief Bernard Kouchner of having been on the side of Albanian terrorists in Kosovo and to have acted outside mandate given to him by UN.

The witness also pointed the finger at certain American diplomats, "Terrorists in Kosovo were receiving support from several sides. Madeleine Albright and Richard Holbrooke were giving them diplomatic support," Barrio claimed relying on information he got from his contacts with Western intelligence services.

The witness was in Kosovo in the summer of 1998 to offer his services as a doctor. He observed that Albanians were not mistreated or sacked from their jobs as alleged by the indictment. He said that Albanian flags and newspapers were all over the place, and that it was difficult to find Serbian newspapers in Kosovo at that time.

As a doctor in Kosovo, Barriot treated people who had been attacked by the KLA. He said that the KLA's victims were non-Albanians, and also moderate Albanians who had any friendly relations with the non-Albanian population.

During Cross-examination by Carla del Ponte, Barriot reiterated his claims that U.S. armed forces participated in Operation Storm. Ms. Del Ponte claimed that it was not the US that bombed Knin, but that it was NATO who may have been using the U.S. Air Force who attacked. I don't know how that is supposed to impeach the witness or advance the prosecution case, but it's an interesting thing for Ms. Del Ponte to have admitted.

Barriot disagreed with Del Ponte's characterization of Serbs as aggressors and told the court, "Serbs in Kosovo, Croatia and Bosnia were not aggressors but found themselves in a position to defend themselves. Serbs only responded to aggression and that is what happened in Croatia in 1991 and in Srebrenica in 1995."

The witness also claimed in his testimony that 2/3 of the French Blue Helmets who died in Bosnia were killed by Muslim snipers.

Del Ponte selectively quoted from Lewis MacKenzie's book where he speaks of the Markale Massacre and uses the phrase "who knows" referring to the perpetrators. Del Ponte's use of the book gave Milosevic the opportunity to fully quote Gen. MacKenzie in re-examination. According to MacKenzie, Markale was stage-managed. MacKenzie's book says that the Muslims cordoned off the street and brought reporters to the market right before the attack. This jibed with the witness' knowledge of the incident. The witness, who worked with ballistics in the French army, said that it would have been impossible for the Serbs to hit that bread queue from their positions around Sarajevo. He said that all of the French experts believed that the Muslims attacked the Markale Market.

###

DR. MARKOVIC GIVES TESTIMONY REGARDING THE CONSTITUTION

www.slobodan-milosevic.org - January 13, 2005

Written by: Andy Wilcoxson

Dr. Ratko Markovic testified as a defense witness at the trial of Slobodan Milosevic on Thursday. Milosevic presented the witness as "undoubtedly the best expert in constitutional law in the former Yugoslavia."

Dr. Markovic has an impressive resume. He served as a judge on the Constitutional Court of the SFRY. He is a law professor. He has written over 250 scholarly papers, and 8 textbooks regarding constitutional matters. He also took part in the drafting of the constitution of Serbia, Montenegro, the Federal Republic of Yugoslavia, and a fourth state that he could not mention because of his obligations under the official secrets act. In total Dr. Markovic has a career in constitutional law that spans over 40 years.

Anybody who wants a detailed study in constitutional law, the composition of Yugoslavia's constitutional court, and how it applied to the secession of republics from Yugoslavia would do well to read the transcript of Dr. Markovic's testimony when it is published.

Dr. Markovic's testimony focused on events that took place when he was a judge on the constitutional court of the SFRY. The main events he dealt with in his testimony were the secession of Slovenia and Croatia, which he and his colleagues on the constitutional court had deemed to be illegal.

In order to clear-up misconceptions that the constitutional court was Serb-dominated, Dr. Markovic explained its composition. The court had 14 members in total, two from each of the six Yugoslav republics and one from each of the two provinces. The court had to reach all decisions by an absolute majority, in other words the court had to have eight members in agreement to pass a decision. Therefore, it was mathematically impossible for Serbia to dominate the court or outvote the other members. Serbia, even if it pooled together with Montenegro, could not muster the eight votes necessary to pass a decision, and therefore could not dominate the court.

According to the witness, almost all of the judges discharged their duties properly and scrupulously observed the letter of the law. The only exception that he mentioned was Ivan Kristan from Slovenia. Markovic said that Kristan, "obviously based his decisions on the interests of his ethnicity." Incidentally, Kristan testified as a constitutional expert for the prosecution.

Dr. Markovic laid out the stages that the republics used in order to achieve secession. First came a declaration that the republic was a sovereign state, thereby (illegally) making itself a sovereign state in the SFRY federation. Second came an (illegal) referendum or plebiscite on secession from Yugoslavia. Third came a declaration of secession, and finally the denial of Yugoslav authority in the republic.

According to Dr. Markovic it was the constituent peoples of Yugoslavia which had the right to secede, and not the territories of the republics. To bear this point out he mentioned the fact that the constituent peoples were given the right to step-down from Yugoslavia at the 2nd session of AVNOJ, before the territories of the republics were even established. Furthermore the republics were not intended to be states of the ethnicity's. The Croatian constitution, for example, defined Croatia a state of the Croatian people and the Serbian people.

In the late 80s and early 90s the Constitutional Court of the SFRY annulled a number of enactments passed by the Slovenian and Croatian assemblies. Dr. Markovic, who was a judge on the court at the time, enumerated the various enactments and explained the legal reasoning that the court used to determine that the Croatian and Slovenian secessionist moves were illegal and unconstitutional.

Bosnia was not mentioned, because the court was unable to function after Croatia and Slovenia recalled their judges.

In its decisions the court laid out the legal path that the Croats and the Slovenes could have used to step down from Yugoslavia. Unfortunately, the suggestions of the court went unheeded.

According to Dr. Markovic, the legal route to secession for the Croats and the Slovenes would have been for the Federal Assembly of the SFRY to amend the constitution to reflect changes to the borders of the SFRY.

Under the constitution, there was no legal way for the republics to secede unilaterally. Article 5 of the SFRY Constitution stipulated that the borders of the SFRY could not be changed without the consent of all the republics and all the provinces. This consent was never given to Croatia and Slovenia, nor did they ask for it.

Furthermore, the SFRY constitution bestowed sovereignty on the federal state, not on the republics. It stipulated that the territory of the republics constituted the territory of the SFRY.

The case of Croatia's secession was particularly egregious. The Croatian declaration of sovereignty and independence

violated not only the SFRY constitution, but also the Croatian constitution. The Croatian regime did not take account of the fact that Croatia's territory was defined as the SFRY's territory in Croatia's constitution, nor did they consider the fact that Croatia was legally defined as a state of the Croatian people and the Serbian people. They simply ignored the wishes of the Serbian people to remain in Yugoslavia.

When explaining the reasoning the Constitutional Court used to annul Croatia and Slovenia's enactments of secession, Dr. Markovic cited international jurisprudence as well as the letter of the SFRY constitution. He cited the 1998 decision of the Canadian Supreme Court, which bans Quebec from unilateral secession from Canada. He also cited a decision of the U.S. Supreme Court, which bans all U.S. states from secession.

In short, the secession of the republics from the SFRY was illegal and unconstitutional according to the rulings of the SFRY constitutional court. The rulings of the court were based firmly on the law, and jibe perfectly with international jurisprudence.

The judges and the prosecution questioned the relevance of this evidence. Milosevic had to explain the obvious relevance to them. The evidence is relevant because the illegal secession of the republics is what caused the wars to breakout in the first place, Milosevic pointed out that this is even confirmed by the indictment.

Dr. Markovic will continue his testimony next week.

###

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: <nico.v@slobodan-milosevic.org>
CC: "Andy Wilcoxson" <andywilcoxson@comcast.net>
Verzonden: maandag 17 januari 2005 10:58
Onderwerp: Fw: CDSM: Conference at The Hague 26th February
 As you see, the Germans are really preparing a conference.
 It is, by the way, the first time the ICDSM undertakes to present itself as active from a legal point of view.
 The main question is, will this attract some attention here.

best regards,

Nico S.
 — Original Message —

From: Ian Johnson
To: SAGITAR@HETNET.NL
Sent: Sunday, January 16, 2005 10:11 PM
Subject: CDSM: Conference at The Hague 26th February 2005.

**INTERNATIONAL CONFERENCE AT THE HAGUE
 BEL AIR HOTEL SATURDAY 26th FEBRUARY 2005.**

*Organized by the International Committee to Defend Slobodan Milosevic (ICDSM) and
 Vereinigung für Internationale Solidarität e.V. (Association for International Solidarity)*

THE MILOSEVIC PROCESS - THE LEGAL ASPECTS

Invited Speakers include: Ramsey Clark, former US Attorney General (USA)

(Bulgaria) Professor Velko Valkanov, Chairman of the Bulgarian Human Rights Committee

Professor Aldo Bernardini, international law, Teramo University (Italy)

Dr Branko Rakic, international law, Belgrade University, legal associate
 to President Milosevic (Serbia)

(Quebec) Tiphaine Dickson, international criminal lawyer, legal spokesperson of the ICDSM

Dr Alexandar Mezhyayev, international law, Kazan (Russia)

Conference admission 10 Euros.

I n t e r n a t i o n a l C o n f e r e n c e

MILOSEVIC PROCESS

. the legal aspects -

The Hague, 26 February 2005

The Hague Proceedings against Slobodan Milosevic: Emerging Issues in International Law

The idea of international law – in particular international criminal law – is undeniably appealing to jurists and non-lawyers alike, as generations have sought to establish a permanent criminal jurisdiction to prosecute war crimes in the wake of the Nuremberg and Tokyo trials. Beyond the prosecution of the crimes that are committed in war, however, the Nuremberg precedent clearly articulates that the supreme international crime is the instigation of a war of aggression. Indeed, the Nuremberg Tribunal held that:

"War is essentially an evil thing. Its consequences are not confined to the belligerent states alone, but affect the whole world. To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole."

The ICTY, a Security Council institution, does not have the jurisdiction to prosecute the "supreme international crime". Some argue that it in fact legitimizes aggression, which can be exemplified by the serving of an indictment against President Slobodan Milosevic at the height of the 1999 NATO bombing of Yugoslavia, contrary to international law. As the defence phase of the proceedings continue to delve into the destruction of Yugoslavia by Western interests, legal questions emerge which will be discussed in this conference:

- The right to self-representation in international and comparative law;
- Joint criminal enterprise, tailor-made to convict and a tool of de-nazification
- What is "relevant" testimony in a political prosecution?
- War crimes prosecutions by the Security Council: justifying aggression, eliminating national sovereignty
- Self-determination and self-defense of Yugoslavia under international law
- "Equality of arms": what is left after The Hague?
- Armed conflict under international law and in the Milosevic case
- Effect of media coverage and lobbying on the right to a fair trial
- Misuse of genocide charges and trivialization of Nuremberg precedent and Holocaust
- Denying the right to defend oneself – stepping on the fundamentals of law
- The right to a fair trial in international and comparative law: has it been respected in the Milosevic case?

-How can the Hague be judged, and who will judge it?

After the presentation of the invited contributions, the conference will end with a panel discussion.

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- Tiphaine Dickson, international criminal lawyer, legal spokesperson of the ICDSM (Quebec)
- Dr Alexandar Mezhyayev, international law, Kazan (Russia)

The Conference will take place in the Bel Air hotel, close to the ICTY.

Conference admission is 10 EUR.

Organized by the International Committee to Defend Slobodan Milosevic (ICDSM) and

Vereinigung für Internationale Solidarität e.V. (Association for International Solidarity)

PROFESSOR MARKOVIC CONTINUES HIS EXAMINATION IN CHIEF

www.slobodan-milosevic.org - January 18, 2005

Written by: Andy Wilcoxson

Professor Markovic continued his testimony at the trial of Slobodan Milosevic in The Hague on Tuesday. Markovic served as a judge on the Constitutional Court of the SFRY. He is a law professor. He has written over 250 scholarly papers, and 8 textbooks regarding constitutional matters. He also took part in drafting numerous constitutions. In total Dr. Markovic has a career in constitutional law that spans more than 40 years.

In his testimony today, Professor Markovic said that a law had been drafted which would have regulated secession from Yugoslavia in accordance with the rights of the constituent peoples to self-determination.

The law would have provided a mechanism through which the constituent peoples could decide, through a referendum, if they wished to remain in Yugoslavia, or if they wished to step-down from Yugoslavia and form an independent state.

The law would have regulated the terms of secession, including the delineation of borders and the equitable division of state debts and assets. This law could have avoided armed conflict, saved numerous lives and prevented property damage.

Unfortunately, the law was too little too late. Croatia and Slovenia had already opted for war by establishing paramilitary units and announcing their secession from Yugoslavia without regard to the constitution. In connection with this issue, it was observed that the ZNG, which had been established by the Croatian government, was deemed an illegal paramilitary organization by the Constitutional Court of Yugoslavia.

According to the testimony of Professor Markovic, the illegality of the secession of the republics boiled down to Article 5 of the SFRY constitution, which prohibited altering the federal or republican borders without the consent of all of the republics and autonomous provinces.

Professor Markovic's testimony briefly dealt with the work of the Badinter Commission, which ignored the findings of the Yugoslav Constitutional court, and determined on behalf of the International Community that Yugoslavia was in a state of dissolution rather than a state against which illegal secession was being carried out.

Markovic dealt with the question of the borders of the former Yugoslav republics. He said that these were administrative borders, which were arbitrarily drawn. He pointed out that Yugoslavia was not a confederation of the republics, but a federation made up of its constituent peoples. He pointed out that Yugoslavia existed before the republics, which were not established until the 2nd session of AVNOJ.

Professor Markovic was part of the Constitutional commission that drafted amendments to the Serbian Constitution in 1989. Out of 41 amendments, only 5 dealt with the status of the autonomous provinces. The amendments were made in order to bring the Serbian constitution in-line with the Federal Constitution, which had also been recently amended.

As far as the provinces were concerned the amendments were intended to allow the equal application of the law throughout the Republic of Serbia. The status of Kosovo and Vojvodina as autonomous provinces of Serbia was not abolished. Article 4 of the SFRY constitution gave Kosovo and Vojvodina their autonomous status, and this was not effected by the amendments to the Serbian constitution.

The Constitutional Court of Yugoslavia reviewed all of the amendments to the Serbian constitution and did not find that any amendments that dealt with the provinces were unconstitutional. In addition the Federal Assembly of the SFRY passed a resolution approving the amendments. Furthermore, as was demonstrated by the testimony of Vukasin Jokanovic, the provinces themselves approved the amendments.

Professor Markovic made an interesting observation regarding Kosovo's autonomy. He pointed out that Kosovo and Vojvodina were autonomies of territories, not autonomies of any ethnic group. Therefore, it is not right to link the issue of Kosovo's status to the status of the Albanian national minority. We are talking about autonomy of a territory, not about some type of ethnic-based autonomy for Albanians.

Professor Markovic dealt with a so-called "constitutional declaration" put forward by the Kosovo-Albanians when declared Kosovo to be a republic independent from Serbia. He testified that the Constitutional Court of the SFRY ruled this declaration to be null and void, because it was unconstitutional. He gave evidence relating to the reasoning of the court in his testimony; basically the declaration was annulled because Kosovo had already been defined by the constitution as an autonomous province of Serbia, and this could not be challenged unless the Yugoslav and Serbian constitutions were changed first.

Professor Markovic was the head of a delegation of the Serbian government, which attempted to negotiate a peaceful solution with the leading parties of the Kosovo-Albanians in 1998. According to Markovic, only one meeting was ever

held, and it was not particularly productive. Every other attempt to meet with the leading Kosovo-Albanian representatives was unsuccessful. According to Markovic's diary, the Government delegation made 15 attempts to enter negotiations, and was rebuffed each time by the leading Kosovo-Albanian parties.

Markovic explained that the delegation of the Serbian Government was multiethnic because all ethnic groups wished to be included, and it was the Serbian Government's conviction that all ethnic groups in Kosovo were equal.

Markovic will continue his examination-in-chief tomorrow when he is expected to testify about the negotiations at Rambouillet, which he attended as the head of the Serbian government's delegation.

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Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient;>
Verzonden: woensdag 19 januari 2005 11:53
Bijlage: First Announcement 2.doc
Onderwerp: 26 February: International Conference at The

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

First Announcement (see the leaflet attached)

I n t e r n a t i o n a l C o n f e r e n c e

The Hague Proceedings against Slobodan Milosevic:
 Emerging Issues in International Law

The Hague, 26 February 2005

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- Professor Velko Valkanov, Chairman of the Bulgarian Human Rights Committee (Bulgaria) - keynote address
- Professor Aldo Bernardini, international law, Teramo University (Italy)
- Dr Branko Rakic, international law, Belgrade University, legal associate to President Milosevic (Serbia)
- Tiphaine Dickson, international criminal lawyer, legal spokesperson of the ICDSM (Quebec)
- Christopher Black, international criminal lawyer, Chair, Legal Committee of the ICDSM (Canada)
- Dr John Laughland, author of the book: "The International Criminal Tribunal: Guardian of the New World Order" (UK)
- Dr Alexander Mezhyaev, international law, Kazan (Russia)

The Conference will take place in the Golden Tulip Bel Air hotel, Johan de Wittlaan 30 (close to the ICTY) from 1:30-7:00 pm. Conference admission is 10 EUR.

Organized by the International Committee to Defend Slobodan Milosevic (ICDSM) and
Vereinigung für Internationale Solidarität e.V. (Association for the International Solidarity)

Contact person: Vladimir Krsljanin, Secretary of the ICDSM, e-mail: slobodavk@yubc.net , tel.: +381 63 8862 301

URGENT FUNDRAISING APPEAL

After the Hague Tribunal declared war against human rights and International Law by banning President Milosevic's right to self-defense, our activities for his liberation and for the restoration of his freedom and for the national sovereignty of the Serbian people need to be reorganized and intensified.

We need professional, legal work now more than ever. Thus, the creation of conditions for that work is the imperative at this moment.

The petition of 100 lawyers and law professors from 18 countries,

PROFESSOR MARKOVIC TESTIFIES OF THE RAMBOUILLET NON-AGREEMENT

www.slobodan-milosevic.org - January 19, 2005

Written by: Andy Wilcoxon

Professor Ratko Markovic concluded his examination-in-chief at the Hague Tribunal's trial of Slobodan Milosevic on Wednesday. His testimony focused on his experience as the leader of the Serbian Government's delegation at talks in Rambouillet, France in 1999, which were intended to find a peaceful solution to the Kosovo crisis.

The Serbian Government delegation, which Markovic headed, was multi-ethnic. The delegation was comprised of two Albanians, two Serbs (counting Markovic), two Turks, one Goran, one Muslim, one Roma, and one Egyptian. The so-called "Kosovo delegation" was comprised exclusively of Albanians, and their leader was Hashim Tachi, the head of the KLA terrorist organization.

According to Markovic's testimony, the talks in Rambouillet were held under the auspices of the Contact Group. The Contact Group only produced one document in relation to the talks; this document was a set of non-negotiable principles that the parties had to abide by for the negotiations. The delegation of the Serbian Government agreed to these principles and signed the document, but the Kosovo-Albanian delegation did not.

Professor Markovic explained that the Kosovo-Albanian delegation did not sign the document, because one of the Contact Group's non-negotiable principles was the territorial integrity of the Federal Republic of Yugoslavia.

In spite of the Kosovo-Albanian side's refusal to agree to the basic pre-conditions set out by the Contact Group, the conference in Rambouillet was nonetheless convened.

At these so-called "negotiations" there were no direct talks between the Kosovo-Albanian delegation and the delegation of the Serbian Government. No rules were established for negotiations, and no agenda was ever made. According to Markovic the situation at the conference was chaotic.

The two delegations only met with international mediators, who provided bits and pieces of the so-called "Rambouillet Agreement" to them in a piecemeal fashion, over the course of the conference.

Markovic described one meeting with Madeline Albright. According to his description of events; it was as if the former U.S. Secretary of State was suffering from some sort of bipolar disorder. He said that she would speak fondly of her childhood in Serbia, and her father's love for the Serbian people one minute, and then she would change personalities and angrily threaten Serbia with bombing if it didn't sign the so-called "agreement."

According to Professor Markovic, the Serbian Government delegation was not provided with the complete text of the so-called "Rambouillet Agreement" until 9:30 AM on the final day of the conference, this fact was confirmed by the date and time stamped on the document itself.

The Serbian Government delegation was given a deadline of 1 PM (3 ½ hours) to decide if they would sign the document or not. There were never any negotiations regarding the contents of the document. It was presented in an "all or nothing" form.

Markovic and the Government delegation had not received Chapters II, V, and VII of the agreement until 9:30 AM on the final day. Those chapters dealt with the military implementation of the so-called "agreement." This is where the infamous Annex B is contained, and where NATO demands the wholesale occupation of Yugoslavia.

Not surprisingly, the Serbian Government refused to sign a piece of paper that would give NATO the right to occupy the whole country, take over the electromagnetic spectrum, and generally control everything under the Serbian sun. Professor Markovic summed up the Serbian Government's choice, as "a choice between NATO occupation and NATO bombing."

Professor Markovic explained that the so-called "Rambouillet Agreement" is not a document of the Contact Group. The Rambouillet conference was held under the auspices of the Contact Group, but the Contact Group never adopted the "Rambouillet Agreement". It is a non-document; it was not issued under anybody's authority.

Professor Markovic testified that Boris Maiorsky, the Russian representative of the Contact Group, who was mediating the Rambouillet conference together with Hill and Petritsch, had never even seen Chapters II and VII of the so-called "agreement" and that Chapter V was debated, but never adopted by the Contact Group.

Markovic speculated that the final text of the so-called "Rambouillet Agreement" was the work of Madeline Albright. He said that she was the "gray eminence" behind everything that happened in Rambouillet.

The so-called "Rambouillet Agreement" that the Albanians signed, and the Serbian Government did not sign, was a

non-document. It was not issued under anybody's authority. The very term "agreement" is a misnomer. The Albanians did not sign an agreement with anybody, it was not an agreement between Albanians and the Contact Group, nor was it an agreement between Albanians and the Serbian government. It was only an "agreement" of the Albanians with themselves.

Just like the Albanians, the Serbian Government delegation also signed an agreement among itself. Unlike the Albanians, the Serbian Government delegation was multi-ethnic, and contained the leading members from all of Kosovo's ethnic communities – except Albanians where it contained only minority leaders in that community.

The only ones who signed an agreement with the Contact Group, in relation to the Rambouillet conference, was the Serbian Government, when it agreed to the basic principles for negotiations.

Markovic summed up the Rambouillet conference as follows, no negotiations were held, no agreement was reached, and the Contact Group adopted no conclusions.

Upon completion of his examination-in-chief, Professor Markovic was cross-examined by Mr. Nice. Nice began his cross-examination with a general attack on the witness, this drew rare criticism from Mr. Bonamy who accused the prosecutor of being antagonistic towards the witness.

Mr. Nice did not effectively challenge any of the evidence that Professor Markovic gave during his examination-in-chief. Mr. Nice focused his attention on a scholarly paper that Markovic wrote in 1988 (before he was involved in politics) where he criticized the 1974 Serbian Constitution.

Mr. Nice is expected to continue his cross-examination throughout tomorrow's session.

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