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[Yet more lies, like so many base coins, are placed on the long dead eyes of the public conscience. Who can even remember all of them anymore? Roy Gutman's trainload of Bosnian deportees; Penny Marshall's portrait of Fikret Alic and barbedwire; The Yugoslav Army's unprovoked attack on Dubrovnik and their destruction of the Mostar Bridge; the seige of Sarajevo with its wanton attacks on breadlines and the Markale marketplace; the satellite photos of mass graves around Srebrenica; 10,000 murdered Kosovo Albanians stuffed down the Trepcja mines; the refridgerator trucks packed with Albanian victims of the Serb genocide in Kosovo: but if one wants a look at a video of the real smoking salami of Serb evil, go to Blockbuster and rent Fourth Angel with Jeremy Irons. You will see how Serbs (who else would be named Karavan Maldic?) are probably behind the spate of air line hijackings that led to 911. --mc]

Natasa Kandic & the Propaganda War against Yugoslavia.

The nineteen Nato countries that attacked the sovereign state of Yugoslavia in 1999 had a combined Gross Domestic Product (GDP) of 1300 times that of Yugoslavia.

Similarly with the respective media outlets the same imbalance applied, namely 1300 to 1.

(Given the universality of the English and French languages the relative world wide impact of the media from the Nato countries could be said to be much more).

Following the Nato destruction of Yugoslavia's RTS television station the media ratio between aggressor and victim became 1300 to zero.

Consequently it became relatively easy to promote anti-Yugoslav propaganda, because after all who would counter it?

"Under these conditions", wrote Edward Herman in his work, Propaganda System Number One,

"remarkable structures of disinformation can be built, institutionalised, and remain parts of historic memory even in the face of ex post confutation's, which are kept out of sight."

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Out of this propaganda onslaught came shocking stories which ranged from 'Serb concentration camps', 'ethnic cleansing' and 'genocide', to the childish claim that Yugoslav soldiers were deliberately killing dogs because the Albanian population were devoted to their pets. This story, aired by the BBC, was aimed directly and exclusively at Britain, on the grounds of its impact on a pet loving nation. Of course none of it was true but the adage that 'a lie can be half way around the block before the truth has even got its shoes on' served the Nato countries well.

At the outset of the break- up of the sovereign state of Yugoslavia, the Washington based public relations firm, Ruder and Finn Global Public Affairs, was handed the task of demonising the Serbs and their leadership.

Given the advantage, as outlined above, of 1300 to zero, Ruder and Finn managed to turn the truth onto its head. It was the Serbs who were now incredibly decreed as being guilty of systematic ethnic cleansing, a policy that no one more than the Serbs had suffered from. Indeed the aim of Serbia was the preservation of the Yugoslav federation, not its disintegration, thus opposing the very essence of ethnic cleansing.

James Harff, director of Ruder Finn, when boasting of his propaganda achievements to French TV2, stated, "Speed is vital, it is the first assertion that really counts. All future denials are entirely ineffective." Ruder Finn uses several hundred journalists, politicians, representatives of humanitarian associations and academics to create public opinion. When asked of his proudest public relation endeavours Harff responded, "To have managed to put Jewish opinion on our side. Tens of thousands of Jews perished in Croatian camps yet we succeeded masterfully."

Harff later clarified that his firm never actually claimed that 'genocide' or 'ethnic cleansing' was taking place, but merely publicised the fact that someone, somewhere, had made such claims. However these two charges in particular are still today the overriding impressions of the Yugoslav conflict in the mind of much of the western world.

That the western media readily accepted these claims without seeking any confirmation was a reflection of their subservience to the requirements of their own governments. That we now have 'embedded' reporters in Iraq, broadcasting government and military hand outs as if they were independently verified news, is merely a further example of this journalistic degeneration.

This propaganda success allowed Nato to claim that the bombing was justified on the grounds of 'humanitarian intervention'. In reality it enabled Nato and particularly the United States to pursue long held foreign policy objectives. In her book, 'Fools' Crusade' author Diana Johnstone clarifies it this way:

"Apparently, many people on the left, who would normally defend peace and justice, were fooled or confused by the claim that the "Kosovo war" was waged for purely humanitarian reasons. The altruistic pretensions of NATO's Kosovo war served to gain public acceptance of war as the appropriate instrument of policy. This opened the way for the United States, in the wake of 11 September 2001, to attack Afghanistan as the opening phase of a new, long-term "war against terrorism".

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Congo-Rwanda : la difficile recherche de la vérité (suite)-- par Col. Luc Marchal

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The Manifesto of

The bombing of Yugoslavia marked a turning point in the expansion of U.S. military hegemony. For the first time, a European country was subjected to the type of U.S. intervention usually reserved for Central America. It also marked the end of Germany's postwar inhibition about foreign military intervention, and saw Germans returning to the scene of Nazi crimes with a clear conscience. For the first time, NATO abandoned its defensive posture and attacked a country that posed no threat to its member states, outside the NATO treaty area, and without seeking UN Security Council authorization.

International law was circumvented in the name of an alleged higher moral imperative. A precedent was set. When the United States subsequently arrogated the right to bomb and invade Afghanistan on moral grounds, its NATO allies could only meekly offer to tag along. In a world with no more legal barriers to might proclaiming itself right, there was nothing to stop a U.S. president from using military force to crush every conceivable adversary".

In his opening statement at the beginning of his defence case President Milosevic explained what happened in Kosovo prior to the NATO aggression, establishing the truth about the so-called Kosovo Liberation Army, which was in fact a terrorist organization aiming for the creation of an ethnically pure and independent Kosovo that would later be associated with Albania to create a Greater Albania.

He also exposed the fact that the KLA was funded and trained by the West and exercised a murderous regime over Serbs and Albanians in all areas of Kosovo and Metohija where it managed to take over control.

The prosecution, of course, now denies all this. Yet the fact is that the US and Britain knew the true situation in Yugoslavia before the 1999 bombing campaign, particularly the situation in Kosovo, and had known for some considerable time. This can be seen from the following quotes:

"The Albanian nationalists have a two point platform,...'first to establish what they call an ethnically clean Albanian republic and then the merger with Albania to form a greater Albania"

(New York Times 12th July 1982).

"In reality, the Albanians control every phase of life in Kosovo: the police, the courts, agriculture, the factories, the villages and the cities. . . At present, the Serbs are fleeing, faced with growing Albanian violence. Twenty thousand among them have left Kosovo in the last seven years. . ."

(The New York Times 10th November 1987)

On February 22, 1998, Special US envoy to the Balkans, Robert Gelbard, declared publicly:

"I know a terrorist when I see one. And I'm telling you, these guys in the KLA are terrorists."

Only later, when their objectives had been achieved would politicians from within the Nato countries, in rare moments of candour, occasionally admit that the propaganda was merely a cover for their aggression.

Former cabinet minister in the Blair government, Michael Meacher, wrote an article in the Guardian newspaper of 27th March 2004 where he revealed the following:

"The 78-day bombing of Yugoslavia in the spring of 1999, directed by the US general Wesley Clark, was said to be stopping an alleged "genocide" by the Serbs in Kosovo (some 2,000 bodies were later exhumed, a horrifying number but far short of the 100,000 the US predicted). The US goal was to assist the Kosovo Liberation Army (KLA). Yet the year before, the US state department had branded the KLA a terrorist organisation, financing its operations from the heroin trade and funds from Islamic countries and individuals, including Osama bin Laden".

In June 2001, NATO spokesman Jamie Shea admitted " there was no genocide in Kosovo."

Moreover, two weeks before the war, an official report of the German foreign ministry declared: "There was no ethnic persecution of the Albanians as a group. Only the confrontations between two armies."

And on the eve of the Nato bombing campaign Bill Clinton informed a group of federal employees;

"If we want solid economic relations, permitting us to sell in the whole world, Europe must be the key. . This is what the thing in Kosovo is about."

(Monopoly - NATO and the Conquest of the World. Michel Collon EPO, 2000 Brussels).

PROPAGANDA.

It would be reasonable to assume that a media imbalance of 1300 to zero against Yugoslavia could not get any worse. However if you assumed that then you would be wrong.

At the end of Nato's 78 day bombing campaign information revealing the truth of the break-up of Yugoslavia did appear in limited form, mostly thanks to independent media outlets. However the mainstream media continued to promote the Nato propaganda version, not least because of the requirements of The International Criminal Tribunal for the former Yugoslavia (ICTY), an organ, although illegally created and purely a political tool of the western powers, portrayed itself as a legitimate legal body. Its task being to exonerate the aggression of the Nato countries and criminalise the victims of that aggression, an objective that would need a considerable amount of deceit and hypocrisy.

In addition to the overwhelming dominance of Nato propaganda, and since the 5th October 2000 western backed coup against the government of Slobodan Milosevic, the new leadership of the now named Serbia and Montenegro, with their position totally

dependent on the grace of the United States, became an echo within the country for the propaganda of the very people who had bombed them. Furthermore the Serbian media was now being used to broadcast this same propaganda and began to actively encourage the handing over of their own citizens to the ICTY in The Hague.

This incredible state of affairs, treason is the only word that is suitable to use, was exacerbated further by the activities of prominent individuals within Serbia, individuals who fully supported this prostration before the might of the United States.

One such individual is Natasa Kandic.

NATASA KANDIC.

In his article 'The Fabrication and Dissemination of Deception' from 2001 Gilles d'Aymery notes the following:

"Many news reports of atrocities and "genocide" allegedly committed by the Serbs and widely disseminated in the Western main media have originated with a little known NGO in Belgrade, Serbia, the Humanitarian Law Center (HLC). The story of the refrigerated truck filled with corpses that was purportedly dumped in the [river] Danube in April 1999 is a good example.

The HLC was created in 1992 by Natasa Kandic, its present Executive Director. It has been funded by George Soros as well as the National Endowment for Democracy and this year the Ford Foundation provided HLC with a \$80,000 grant.

Kandic is a darling of the Western Human Rights crowd. She's received tons of awards and was conferred an honorary doctorate by the University of Valencia, Spain, for "her longstanding work in the field of human rights and her humanitarian activities."

According to a July 18 editorial by Justin Raimundo of Antiwar.com, "It was Kandic who, as the organizer of an OSCE media conference held in Montenegro, told Serbian journalists who walked out in protest at the NATO-crats' high-handedness: 'They pay you and have the right to question your conduct during the war.' Heavily subsidized by interventionist sugar-daddy George Soros, Kandic is a weird, isolated figure in Serbian politics, one of the few who openly sided with NATO during the bombing."

So, one could entertain the idea that if "they" pay, "they" also have the right and the expectation to a return on their investment. Natasa Kandic has undoubtedly been quite a profitable investment!"

Here are some examples of the work of Natasa Kandic and her HLC:

At the ICTY on the 6th April 2005 defence witness Danica Marinkovic, the Investigating Judge who led the inquiry into events at the Kosovo village of Racak, was cross-examined by prosecutor Geoffrey Nice.

Having failed to refute Mrs Marinkovic's testimony on the Racak incident Mr Nice attempted a character assassination of the defence witness. His claim that Mrs Marinkovic had ordered the

Serbian police to commit murder was so outrageous that even the Nato judges asked him for corroborating evidence. Mr Nice had to withdraw the accusation because his one and only source was an article written by Natasa Kandic which was only notable precisely because it offered no supporting evidence for the accusation.

The New York Times of January 26, 2004 published a report commenting on the resignation of USA Today correspondent Jack Kelley over an article he had written in 1999.

The Times report commented:

"In his July 1999 article, Mr. Kelley referred to a three-ring notebook with a black vinyl cover that contained a direct order "typed on army stationery and stamped by the Supreme Defense Council of the Yugoslav Army Headquarters in Belgrade, which is headed by Milosevic." The order, which Mr. Kelley said was typed in Cyrillic letters and intended for a lieutenant, read: "The aim of the military activity should be to cleanse Cusk and the surrounding villages and terrain."

And further:

"In the article, Mr. Kelley wrote about a Yugoslav Army notebook that had a typed order to "cleanse" a Kosovo village, although he did not identify the person who showed him the notebook. He added that United Nations investigators considered this "the strongest and most direct evidence linking the government of Yugoslav President Slobodan Milosevic to 'ethnic cleansing' in Kosovo."

Announcing Kelley's resignation, the USA Today issue of 13th January 2004 stated that they had concluded a seven-month investigation into "whether Kelley might have embellished or fabricated stories."

According to the New York Times Kelley had claimed as his source for the story, "A human rights advocate" and confirmed that source as "The rights advocate, Natasa Kandic, the executive director of the Humanitarian Law Center in Belgrade"

On 30th April 2001, what later became known as 'the freezer truck hoax' broke in the western press through Associated Press who under the headline, "Rights Activist Says Yugoslav Army, Police Destroyed Evidence Of Kosovo Atrocities." stated:

"...[Natasa] Kandic [from the Humanitarian Law Center]...cited a report in a local magazine in the eastern Serbian Negotin region, describing how on the night of April 6, 1999, a refrigerated trailer truck was lifted out of the Danube near Kladovo, at the border with Romania"

"The vehicle bore license plates from Pec, a western Kosovo city, and allegedly contained 50 bodies. According to Kandic's center, the bodies were subsequently transferred to a truck with Belgrade plates and driven away."

And the piece continued:

"Our investigations produced witnesses who can testify that many people were killed, their bodies buried only to be dug up

again and later moved to another place,' said Natasa Kandic of the Humanitarian Law Center, a leading human rights watchdog organization in Yugoslavia"

The point of this story was to claim that Mr Milosevic had ordered a cover-up of the alleged atrocities in Kosovo and was removing the evidence, but unfortunately for him a truck carrying Albanian bodies from Kosovo had crashed into the Danube.

This story was very timely for Nato and the new Serbian government because at the time Nato was demanding the transfer of Mr Milosevic to the ICTY and as the Independent newspaper commented approvingly, "The bodies are the evidence the international war crimes tribunal in The Hague needs to prove its charge of crimes against humanity against Mr Milosevic."

The story was published worldwide and the BBC even presented a 45-minute documentary on it, on the 27th January 2002 as part of their holocaust memorial season.

However subsequent investigations into this story revealed the following:

The local magazine quoted in the AP article was Timocka Kriminalna Revija (criminal review) owned by Dragan Vitomirovic.

Timocka published two articles about a refrigerator truck full of bodies.

The first article, dated 15th September 1999, stated that the truck contained dead Kurds and that the licence plates were Swiss.

However, the second story, published 1st May 2001 the one that Natasa Kandic presented to the world and the source of the allegations against Slobodan Milosevic, the dead Kurds had become the dead Albanians and the Swiss licence plates had become Kosovo license plates.

It further transpired that Dragan Vitomirovic had a brother with a record of smuggling illegal aliens across the Romanian border and moreover, had been encouraged to write the second article by Interior Minister Mihajlovic, a member of the newly installed Nato backed Serbian government.

In regard to Kandic's claim that, "Our investigations produced witnesses who can testify that many people were killed, their bodies buried only to be dug up again and later moved to another place" it is important to note the following:

Police officer Captain Dragan Karleusa, who was appointed to investigate the allegations, appeared in July 2002 as a prosecution witness at The Hague against Mr Milosevic and admitted that not a single witness deposition had ever been taken. (Trial transcript).

Given that as of July 2002 the investigating officers had not taken a single witness deposition and had not a shred of evidence to substantiate the allegation, how was it possible for the BBC to broadcast six months earlier, on the 27th January 2002, their 'factual' documentary programme 'Mass Killings in Kosovo'?

Noting the above examples of the work of Kandic's Humanitarian Law Center it is laughable, if not tragic, to hear Hague prosecutor Geoffrey Nice along with the mainstream media describe this HLC as "a very reliable human rights organisation." One wonders what an unreliable one would be like!

Let us just recap for a moment and reflect on Kandic's history as cited in the few samples above.

She sided with Nato as the bombs dropped on her own people and it was she who berated Serbian journalists for not showing respect to their Nato masters, claiming they pay their wages. It was she who was named as the source for the USA article originally printed in 1999 which forced the resignation of Jack Kelley after an investigation that USA Today held to determine, "whether Kelley might have embellished or fabricated stories."

In 2001 it was she who supplied The Hague with the Freezer Truck Story, second version, the rewritten second version naturally. Also, at The Hague this year Prosecutor Nice was forced to drop his character assassination attempt against a defence witness as his one and only source was an article written by Kandic.

You would think that given this history any self-respecting newspaper, when confronted by a new allegation from this same source, would immediately realise that some corroborating evidence would be needed before publication. One would like to think that the editor's thoughts would be something like this: "Oh dear, it's that fairy tale queen again. Hold the presses while I get this checked and double checked."

Moreover, bearing in mind the history of previous HLC accusations it should at the very least have given the media a degree of suspicion concerning future 'stories' supplied by this NGO. However in June 2005 this 'very reliable human rights organisation' was at it again, riding to the rescue of a desperate, not to say disastrous, prosecution case with a story instantly embraced by a subservient media.

On Wednesday 1st June 2005 the prosecution in the Slobodan Milosevic case at The Hague introduced a video tape, apparently showing the execution of six people by a 'Serbian unit' known as the 'Scorpions' which it is claimed occurred in 1995. The 'Scorpions', the prosecution alleges, were under the command of the Serbian Ministry of Internal Affairs (MUP), which oversaw state security and policing in Serbia. The tape was then broadcast on Serbian television. The tape was supplied by, you've guessed it, Natasa Kandic.

Yet The Hague court already had prior knowledge of the so-called 'Scorpion' unit, and knew they were not under the command of the MUP.

Milan Milanovic, the Deputy Defense Minister of the Republic of Serbian Krajina (RSK) testified as a prosecution witness at The Hague on October 14, 2003 where he confirmed the unit was subordinated to the command of the Army of the Republic of Serbian Krajina.

They used them initially in 1992 as security guards for the Krajina Petroleum Industries oil company.

Furthermore, a viewing of the video in full would reveal that this was the case. The prosecution showed a few minutes of the two-hour long video, whereas a full viewing would indeed confirm by the insignia on their vehicles that Milanovic's testimony was correct. Therefore there is no connection with this, essentially mercenary unit, to the Belgrade government whatsoever.

The prosecution should have learned that lesson from the testimony of their own witness, Milanovic, in 2003, yet they chose not to heed the satirical maxim, "If at first you don't succeed give up, it's no use making a complete fool of yourself."

We are dealing here, once again, with a complete red herring. Of course it is the first blast of media propaganda that will be embedded in people's minds, and not the later refutations. As James Harff, director of Ruder Finn, boasted, "Speed is vital, it is the first assertion that really counts. All future denials are entirely ineffective."

Despite this Mr Milosevic made some telling points about the videotape. While stating that if the tape was authentic, this was indeed an 'horrific' act, he noted however that the video had some technical irregularities which gave rise for concern and pointed out that although the prosecution is linking this tape with Srebrenica and claiming the killings took place in Trnovo, the two places are more than 160km apart, and that there was nothing on the tape to suggest a link, nor anything on the tape to confirm where it was actually filmed.

In regard to the 'discovery' of this video and its showing at The Hague, it should be noted that the prosecution case concluded last year, yet the prosecution was allowed to present it six months later, and furthermore, present it without disclosing its existence to the defence, thus breaking all legal norms and even breaking the Hague tribunal's own rules of procedure.

Before leaving the issue of this tape it is interesting to note two news reports which purported to give some background details. The first report is from Reuters and the second from The Observer, written by one Tim Judah, who for those not aware, comes from the London-based IWPR (International War & Peace Reporting) stable, an organisation known for its previous collaboration with Kandic and an organisation about as trustworthy as a rattlesnake with a headache.

Reuters dispatch of 4th June 4th 2005 stated:

"The video was obtained last December from an unnamed and now protected source by Hague prosecutors and Natasa Kandic, a Serbian human rights activist.

They spent months authenticating it and investigating the men it showed. It was shown to Serbian war crimes prosecutors a week ago and its broadcast to a national audience was coordinated with the government of Prime Minister Vojislav Kostunica."

The Observer of 5th June 2005 included this passage:

"On 23 May she (Kandic) gave it to Serbia's own war crimes prosecutor. He promised to investigate, but no arrests were made. She also gave it to The Hague's prosecution team, who showed it on Wednesday. Immediately afterwards she gave it to

Serbian TV".

The Reuters report claims 'They spent months authenticating it and investigating the men it showed.'

Yet the Observer report states that Kandic gave it to the Serbian authorities and The Hague prosecution team on 23rd May, just eight days prior to its showing. So who 'spent months authenticating it.'

FUNDING.

To understand the workings of an organisation, its intentions and philosophy, it is necessary to examine where its funding comes from.

As documented, both the National Endowment for Democracy (NED) and American billionaire financier George Soros have provided funding for Kandic's Humanitarian Law Center.

The National Endowment for Democracy is a United States government agency. 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 more 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, amongst other things, the newspapers Nasa Borba, Vreme and Danas, the TV station Negotin, the news agency BETA and the Belgrade station Radio B-92.

It is worth noting that among the directors who have served 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.'

George Soros is responsible for the creation of many organisations, one such being the Open Society Institute. Journalist Neil Clark commented in the New Statesman magazine that:

"Soros deems a society 'open' not if it respects human rights and basic freedoms, but if it is 'open' for him and his associates to make money. And, indeed, Soros has made money in every country he has helped to prise 'open.' In Kosovo, for example, he has invested \$50m in an attempt to gain control of the Trepca mine complex, where there are vast reserves of gold, silver, lead and other minerals estimated to be worth in the region of \$5bn. He thus copied a pattern he has deployed to great effect over the whole of eastern Europe: of advocating 'shock therapy' and 'economic reform,' then swooping in with his associates to buy valuable state assets at knockdown prices."

In her article 'George Soros - Imperial Wizard' published in the autumn 2002 issue of Covert Action Quarterly, Heather Coffin

quoted Soros as saying:

"In each country I identified a group of people, some leading personalities, others less well known - who share my belief..."

Cottin also noted:

"He was part of the full court press that dismantled Yugoslavia. Calling himself a philanthropist, billionaire George Soros' role is to tighten the ideological stranglehold of globalization and the New World Order while promoting his own financial gain. Soros' commercial and "philanthropic" operations are clandestine, contradictory and coercive. And as far as his economic activities are concerned, by his own admission, he is without conscience; a capitalist who functions with absolute amorality."

Gilles d'Amery reported further details on Soros in 'The Fabrication and Dissemination of Deception':

"A prominent hawk on Yugoslavia, Soros pressured Bill Clinton, as early as 1993, to escalate the war by lifting an arms embargo against Bosnian separatists.

Emboldened by U.S. support, separatist rebels launched "ethnic cleansing" campaigns against Serb civilians living in the territories they claimed. The bloodiest such action was Operation Storm, an August 1995 offensive by Croatian forces, in which as many as 300,000 Serbs were driven from Krajina, and an unknown number of Serb civilians slaughtered."

The blood was not dry in Krajina before Soros and his fellow hawks confronted Congress in December 1995 with a petition, signed by 40 prominent policy makers, urging massive U.S. intervention in the Balkans -- not to protect Serbs from further atrocities, but to escalate the war by intensifying support for separatist rebels.

George Soros is also a notable contributor to the funding of the ICTY itself. Another organisation that supports the ICTY is the Coalition for International Justice (CIJ), which was founded and funded by Soros and it is the CIJ that supplies many of the ICTY's legal staff. Moreover the ICTY also has provision for the obtaining of evidence by, among others, George Soros' Open Society Foundation.

Between them the NED and Soros can be said to fund the 'human rights' organisations (Soros is also involved with HRW) that highlight 'atrocities', they also control large parts of the Serbian media that publicises these 'atrocities' and they contribute to the ICTY who conduct the resulting trials. A tidy circle indeed and within this circle where is the allowance for any opposing voice?

These then are the masters that Natasa Kandic and her HLC serve. In essence Kandic is merely a Nato foot soldier.

EVIDENCE.

As for the accusations of 'ethnic cleansing' and 'genocide' levelled against Slobodan Milosevic the ICTY have not a scrap of credible evidence. They have not got one single document or other exhibit that suggests Mr Milosevic or the Yugoslav government are guilty

of these grave charges.

On the contrary, the ICTY have in their possession a mass of documents and sworn testimonies to confirm that the Milosevic government and the Yugoslav authorities took all available steps to prevent any possible crimes against civilians.

For instance, General Gojovic, who was the head of the Legal Directorate at the Yugoslav Defense Ministry during the 1999 Kosovo war, testified in March this year that war crimes were severely punished by the Yugoslav Army.

He exhibited a large file of documents laying out the work of the Yugoslav military justice system. These documents detailed the type of crime committed, whether this be robbery or a more serious offence, the files identified the soldiers who committed the crimes, and the relevant action taken by the Yugoslav courts as of 2001. For example the Yugoslav authorities successfully convicted over 2000 perpetrators in Kosovo alone with some soldiers receiving the death penalty for their crimes.

Further, the ICTY have in their possession copies of the orders from the Yugoslav Supreme Command that instructed soldiers to abide by the Geneva Conventions.

Also, during General Gojovic's testimony Slobodan Milosevic exhibited numerous pamphlets containing codes of conduct that were distributed to the personnel of the Yugoslav Army, which clearly stated that all personnel were ordered to respect civilians, treat enemy prisoners humanely and observe the laws of war.

That the Yugoslav government did this while engaged in a life and death struggle against internal and external enemies is to their everlasting credit and proves that the charge against them of a "Joint Criminal Enterprise" of President Milosevic and others to ethnically cleanse Kosovo and Metohija of non-Serbs, on which the "indictment" relies, is inapplicable, and a complete and utter nonsense.

Of course all this would be relevant if the aim of the ICTY was to objectively establish the truth about the break-up of Yugoslavia and punish those responsible for any crimes committed. However this is not the case.

The ICTY is a political tool. It is a creation of the United States and its function is to justify the Nato aggression and to punish the victims of that aggression. The real guilt of the Yugoslav prisoners is that they defied Nato and fought for the independence of their country. Moreover, the ICTY exists to serve as a warning to anyone who thinks of trying to resist US foreign policy in the future.

The tribunal's rules are unique and have nothing to do with justice or discovering the truth about the break-up of Yugoslavia.

It has 1300 employees, it has lawyers, legal secretaries, investigators and judges who are all primarily from the Nato countries that attacked Yugoslavia. It has assistance from the governments and intelligence services of those countries that attacked Yugoslavia.

It is therefore hardly neutral.

When commenting on the illegal weapons used by Nato against Yugoslavia, weapons that are forbidden by the Geneva Convention such as fragmentation bombs, graphite bombs, used to paralyse the electrical grid and weapons of Depleted Uranium which cause cancer and birth defects,

US Congressman Lester Munson stated:

"You will never see these NATO pilots brought before a UN tribunal. NATO is the accuser, the prosecutor, the judge, the jury and the executioner, because it is NATO that pays the bills for the ICTY. NATO does not have to submit to international law. It is international law."

(Monopoly - NATO and the Conquest of the World. Michel Collon EPO, 2000 Brussels).

Given this scenario it is easy to see people such as Natasa Kandic as an obedient servant of Nato, and every 'smoking gun' story that is produced by her ilk is not only testimony to the fact that the prosecution lacks any factual evidence, but testimony to the correctness of the battle for justice and historical truth being undertaken by Slobodan Milosevic at The Hague today.

And even a media advantage of 1300 to zero will ultimately not be enough to conceal the truth about the destruction of Yugoslavia and the false demonising of its people.

Ian Johnson

June 2005.

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Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: woensdag 20 april 2005 0:52
Onderwerp: CDSM: The Hague - 19th April 2005 - Trial in News by priority, April 19, 2005

Trial moves on without Milosevic | 15:46 | FoNet

THE HAGUE – Tuesday – The Hague Tribunal has decided to continue the court process against Slobodan Milosevic even if the defendant cannot make it to court because of illness.

The trial is scheduled to continue with a cross-examination of defense witness Kosta Bulatovic, without Milosevic being present, which Bulatovic has refused.

"I came here at the invitation of my president Slobodan Milosevic, and I am his witness and no one else's and without his presence I will not speak, nor give any statements." Bulatovic said.

Hague President Patrick Robinson told Bulatovic that Milosevic's is sick and that it has been decided that his testimony must continue without the presence of Milosevic in court. Robinson said that Milosevic will be able to see a video of the continuation of Bulatovic's testimony, read the transcript and will have the ability to recall the witness if he wishes to.

"You can recall me, even if I am current not healthy and it was very hard for me to come here in the first place. If you recall me, I will try and come again, but without the presence of Milosevic I will not agree to any questioning. I would feel ashamed and defeated if this happened, and I'd rather take death home than defeat." Bulatovic said.

KOSTA BULATOVIC: FROM WITNESS, TO ACCUSED, TO HERO

www.slobodan-milosevic.org - April 20, 2005

Written by: Andy Wilcoxson

On Wednesday April 20, 2005, Mr. Kosta Bulatovic, a defense witness at the Milosevic trial, was officially charged with contempt of court. And another defense witness, Dragan Jasovic, is refusing to testify unless Milosevic is present and allowed to conduct his own defense. Jasovic refused an invitation from Mr. Kay to testify in Milosevic's absence.

Mr. Bulatovic began his testimony last week, but refused to continue his testimony yesterday when the ICTY Registrar blocked Slobodan Milosevic from attending the trial.

Milosevic wanted to attend the hearing, but the Registrar said that his blood-pressure was too high and would not allow him to attend the proceedings.

The trial chamber ruled that the trial could be conducted in absentia. They based their ruling on the November 1, 2004 ruling of the appeals chamber, which states that "the presence of Assigned Counsel will enable the trial to continue even if Milosevic is temporarily unable to participate."

Notice that the word they chose was PARTICIPATE. The Appeals Chamber said nothing about continuing the proceedings if Milosevic was unable to ATTEND. To continue a trial without an accused being present is a clear violation of Article 21.4 (D) of the Statute of the Tribunal.

Mr. Bulatovic refused to give evidence in Milosevic's absence, and so today he was charged with contempt of court for refusing to answer the questions put to him in the absence of Milosevic.

The contempt charges against Mr. Bulatovic are completely baseless. He did not refuse to answer questions; he insists that he will gladly answer questions if Milosevic is present. Mr. Bulatovic was not disrespectful towards the tribunal, in spite of the fact that the prosecution and the bench, particularly Judge Bonamy, were very disrespectful and insulting towards him.

Today Mr. Bulatovic's lawyer argued that his client could not be subjected to contempt charges because the trial chamber had no right to ask him to give any evidence in the absence of Milosevic. He argued that the trial chamber has no jurisdiction to conduct a trial in absentia.

Trial in absentia is a flagrant violation of the International Covenant on Civil and Political Rights. Article 14.3 (D) of the covenant gives everyone the right "to be tried in his presence, and to defend himself in person."

If Mr. Bulatovic had agreed to continue his evidence in the absence of Milosevic, then he would have been participating in a gross violation of Slobodan Milosevic's rights.

The trial chamber had absolutely no right or legal basis to order the trial to continue without Milosevic being present.

Not only was the trial chamber in violation of international law, it was in violation of the tribunal's own statute. Article 21.4(D) of the tribunal's statute gives Slobodan Milosevic the right "to be tried in his presence, and to defend himself in person."

To continue the trial without Milosevic is a violation of the statute. Kosta Bulatovic was not contemptuous. The trial chamber did not have the right to continue the trial in Milosevic's absence; therefore Mr. Bulatovic was under no obligation to participate in the illegal proceedings.

It is the trial chamber, not Mr. Bulatovic, who is in violation of the statute. If anybody should be subjected to criminal prosecution for violation of the rules it should be Mr. Robinson, Mr. Kwon, and Mr. Bonamy.

Kosta Bulatovic's courage is to be commended. He is a frail old man who walks with a cane, and he is heroically refusing to cave-in to the pressure that the tribunal is exerting on him, they are threatening him with criminal prosecution. Contempt carries a punishment of a large fine and a prison sentence.

A lesser man would have agreed to violate Milosevic's rights, and testify in his absence. All Mr. Bulatovic had to do was testify and none of this would have happened to him. Nobody would have thought less of him if he had testified. He is an old man and a refugee from Kosovo, who would have expected a man in his position to stand-up and fight against this massive evil machinery?

Kosta Bulatovic is a hero. Men like him are what make Serbia great. Some men only sing "Ko to Kaze Ko to Laze Srbija je Mala," while great men like Kosta Bulatovic prove that the words are true.

main trial is adjourned until Monday, April 25th, and Mr. Bulatovic's contempt hearing is adjourned until Thursday, 5th.

###



Milosevic-rechter wil haast met Clinton en Blair

21-4-2008

Voorzittend rechter Robinson in het Milosevic-proces wil dat haast wordt gemaakt met de behandeling van de vraag of (voormalige) hoogwaardigheidsbekleders als getuigen worden gedagvaard door het Joegoslavië-Tribunaal. Dit bleek donderdagochtend tijdens een ingelaste hoorzitting.

Milosevic heeft allang geleden aangegeven dat hij de Amerikaanse oud-president Clinton, de Britse premier Blair, de Franse president Chirac en de Duitse bondskanselier Schröder als getuigen wil horen. Milosevic weigert echter de hem voorgeschreven procedure te volgen. Opedrongen advocaat Steven Kay zal nu de nodige brieven schrijven aan de betrokken ambassades en de getuigen in spe.

Brieven

Kay hoopt volgende week de brieven aan de Amerikaanse ambassade, aan Clinton zelf en aan zijn toenmalige minister van Buitenlandse Zaken, Madeleine Albright, gereed te hebben. Ook heeft hij al met de Britse ambassade in Den Haag overlegd over de getuigenis van Blair. Over drie of vier weken gaat Kay aan de slag met de

potentiële getuigen uit Frankrijk en Duitsland. De Brit gaf aan dat enig 'onderzoek' nodig is voor het schrijven van de verzoeken. Die moeten namelijk met redenen worden omkleed en aangeven waarover Milosevic de getuigen wil horen.

Milosevic heeft sinds zijn uitlevering aan het tribunaal in juni 2001 herhaaldelijk gefulmineerd tegen de 'NAVO-agressie' tegen Joegoslavië in 1999. Tijdens de Kosovo-crisis besloten de westerse leiders tot bombardementen om de stationering van een internationale vredesmacht af te dwingen.

(HC, 15-4-2005)

Rechtsonder: Regelmatig wordt er in Den Haag gedemonstreerd tegen het ICTY (Foto Manifest)

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: donderdag 21 april 2005 18:34
Onderwerp: CDSM: The Hartwig Testimony at The Hague & the Postponement of the Milosevic
 Dear all,

Just a reminder. Although we circulate articles that might be of interest to CDSM supporters that does not necessarily mean that we endorse or agree with every word or sentiment expressed in those articles. IJ.

**THE HARTWIG TESTIMONY AT THE HAGUE
 AND THE POSTPONEMENT OF SLOBODAN
 MILOSEVIC's TRIAL DUE TO "ILLNESS."**

R.K.Kent

This short piece is written without footnotes and those who require footnotes to feel reassured about "documented accuracy" should simply disregard the ensuing text.

News just came over a TV broadcast that the trial of the former Yugoslav President Milosevic has been postponed due to his "illness." This "diagnosis" comes virtually on the heels of a testimony given to the International Criminal Tribunal for Yugoslavia (ICTY) by Dietmar Hartwig, head of European Union's monitoring teams at Kosovo PRIOR to the bombing of both Kosovo and Serbia by NATO.

In a LENGTHY and DETAILED testimony, Dietmar Hartwig, an officer of the German Army, underscored the HUGE GAP between reality on the ground at Kosovo and what the Western European(and U.S.) Governments reported to their respective publics, with full media support. This was all the more so because there is a PAPER TRAIL of his DAILY, WEEKLY and MONTHLY reports to various European Capitals. Briefly, these reports revealed that "the Serbs" were not guilty of ANY real and sustainable crimes against the Albanian civilians at Kosovo. Much of the violence before NATO's intervention took place either through deliberate ambushes of Serb police units by the "clandestine" (read terrorist) "Kosovo Liberation Army" (UCK)

and the unavoidable police ripostes. Moreover, a great deal of violence came as a combination of clan rivalries and a draconic Albanian moral code that requires vengeance for real or imagined "insults" from rival clans.

Hartwig concluded his testimony by reiterating that "there was no reason" to bomb the Serbs. Indeed, just prior to the start of NATO's "humanitarian" intervention (who ever invented "humanitarian" bombs?), there was a massive and accurate report about the REAL situation at Kosovo. It contained factual information, compiled between November 1998 and late March 1999. The report was, however, suppressed by the various Governments taking part in NATO's "humanitarian intervention."

The kidnapping of Milosevic and the never-ending trial at the Hague, now in its FOURTH YEAR, are aberrations of a type of power accountable to no one. For the kidnapping, Milosevic's replacement, Djindjic, paid with his life. But, such a "retribution." cannot affect those in "the West" who have convinced themselves either by propaganda or by donations of moneys from Albanian lobbies that Albanians at Kosovo were the perennial "victims" of the Serb "aggressors," without bothering to look at the last 64 years of REAL local history without reading biased and bogus would-be "historical" productions by overnight "authorities on the subject."

(2)

As an actor in a French play put it, "Histoire? Ca fatigue la memoire."? Bernard Kouchner, France's most vocal Serb-hater, who became the UN's top official at Kosovo,

called the mayhem against the Kosovo Serbs during his administration "justifiable retribution" but the Hartwig reports would make it imperative for this "moral" voice to recant. Equally, these reports demand that charges against Milosevic in respect to Kosovo be dropped. Instead, the tragi-comic assemblage, called the "ICTY," is ducking-out by first proclaiming Milosevic to be "incapable of defending himself" and when this did not work against general outcry, Milosevic is now "too ill" to proceed with a trial in which the ACTUAL CULPRIT is NATO. It could be that he was SLOWLY poisoned or just worn down by a bizarre and over-lengthy trial. It is possible on both counts but this tough Serb (whatever his political leanings and/or sins) is no quitter.

In the end, he will be convicted because he has already been found guilty in the media worldwide. But, his kidnapping for delivery to the ICTY; his ordeal over an inordinate period of time (remember the US stricture against interminable trials?); the rigged "procedures" at ICTY and such attempts as denials of basic legal rights (like self-defense) are stripping the mask off ICTY. It's main and over-riding if unstated aim is to do everything possible to exculpate NATO and its leaders from having committed an aggression, for having used cluster bombs, depleted uranium in shells, and the deliberate terror bombing of civilian targets in Serbia Kosovo.

Lest any reader think that the present writer is somehow "pro-Milosevic," permit him a biographical note. Milosevic is a successor of the Communist regime which expelled this writer as a young boy of 15 from all schools in Yugoslavia for a period of seven years. His crime? During a school break, he was alone in a classroom when the Director walked in and saw on the black-board "Long Live the King, down with TITO." As the present writer would not reveal the name of a classmate who actually put the slogan on the blackboard, price had to be paid. Since it could not be my way, I took the highway to Trieste in 1945. Be that as it may, Milosevic stands for this writer as a metaphor for all "the Serbs" turned into would-be "neo-Nazis" for failing to master International Public Relations, saps for believing that truth not bribes will win in the end.

23-4-2005

B.C. NDP candidate out after praising Milosevic

Canadian Press

VICTORIA — British Columbia's election campaign claimed its first casualty Friday when an NDP candidate dropped out of the race over favourable comments he made about accused war criminal Slobodan Milosevic.

The campaign had been a largely dull affair in its first week, but the resignation of Rollie Keith in Chilliwack-Kent added some controversy to the May 17 election. "It is with considerable regret that I have decided to step down as the NDP candidate," Keith said in a statement issued by the party, adding he was stepping aside because he didn't want his comments to become a distraction.

Keith, a historian and former officer in the Canadian military, told a columnist with the Vancouver Province that after meeting Milosevic in his jail cell in The Hague, he was impressed with the accused war criminal.

Earlier Friday, NDP Leader Carole James had backed Keith, saying his views were based on personal experience.

"I'm very pleased with Rollie as a candidate," she said during a campaign stop in Vancouver. "He has a long history of peace-keeping and work in the military. I disagree with his comments but he made his comments based on his experience over there."

Later she backed Keith's decision to quit.

"Rollie made the right decision, he stepped out," she said.

In 1999, Keith volunteered to serve as an international observer monitoring a peace agreement in Kosovo, which was a province within Milosevic-controlled Serbia.

Milosevic is facing 66 charges before a United Nations war crimes tribunal in The Hague, including genocide in Bosnia and war crimes in Croatia. Keith testified last year in Milosevic's defence at his trial and apparently met with him twice in his jail cell.

In the column published Friday, Keith said he didn't see any incidents of genocide or mass murder while he was in Kosovo and believed the case against Milosevic was exaggerated by a "biased media."

After meeting Milosevic, he said he was "quite impressed with him."

"I saw him as someone caught up in a bad time in history," Keith said. "He meant well. He was trying to do his best for his country."

In an interview, Keith tried to clarify his remarks.

"Categorically Milosevic has been accused of dastardly crimes and I am not the one to say whether he is innocent or guilty," he said.

"I don't know what orders he did or did not give, but I discussed it with him and he convinced me to some extent that whatever he did was for the good of his country and

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came away with the sense that this man was not a diabolical war criminal."

Liberal MLA Barry Penner, who represents the Chilliwack riding, had called on James to review Keith's candidacy.

Premier Gordon Campbell said the NDP mishandled Keith's nomination from the outset.

"Surely the NDP should have known (about his support for Milosevic) and they should have acted on it then, not now," he said. "Given that Mr. Keith has resigned, that's what he should do."

Earlier, Campbell found himself on the defensive over accusations that Liberal candidates were ducking local debates.

He said Liberals will attend legitimate events, but not "phoney debates" sponsored by a group fronting for the NDP. "I think we want a real debate about what's taking place," said Campbell, who was campaigning in Vancouver and the Fraser Valley.

At a news conference, meanwhile, Green Leader Adriane Carr released key aspects of her party's budget intentions, promising that the Greens would increase taxes on tobacco, gambling and on polluters. The party says it is also committed to reducing the provincial debt if elected.

Carr said the party's first budget would increase spending by \$1.967 billion but have a \$249-million surplus based on increased revenues of \$2.216 billion.

"It (the budget) is really premised on using the outgoing government's budget but modifying that budget based on the principles, ideas, vision and tax-shifting measures contained in our Green Book platform," said Carr, who is running in Powell River-Sunshine Coast and is trying to become the first Green to win a seat in the legislature.

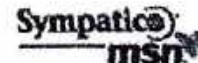
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MILOSEVIC BACK IN COURT

www.slobodan-milosevic.org - April 25, 2005

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Monday, with Milosevic present in the courtroom. Milosevic, citing Article 21 of the ICTY statute, raised an objection to the trial chamber's attempt to continue the trial in his absence last week.

With Milosevic present in the court, Kosta Bulatovic answered Mr. Nice's cross-examination. Unfortunately, the contempt charges against him are still in force, and he will have to return to the tribunal on May 5th.

Mr. Nice's cross-examination was rather odd. In 1994 Bulatovic had allegedly signed a petition, and gave a newspaper interview that was critical of Milosevic.

Bulatovic had criticized Milosevic for not intervening in Bosnia and Croatia, and leaving the Serbian population to fend for itself against the Croats and the Muslims. Bulatovic's contention was that Milosevic's failure to support the Serbs in Bosnia and Croatia enabled Muslims and Croats to commit atrocities against the Serbs.

I really can not understand why Mr. Nice elicited this testimony from the witness. Mr. Nice's case is that Milosevic's backing caused or enabled Serbs in Bosnia and Croatia to commit atrocities against Croats and Muslims. Testimony that accuses Milosevic for not supporting the Serbs in Bosnia and Croatia only goes to undermine the prosecution's case.

Mr. Nice attempted to say that the trial of a group of Kosovo-Albanians, who had formed an illegal "police force" in 1994, was the result of Bulatovic's petition and newspaper interview. Unfortunately for the prosecution, the charges were filed against the illegal Albanian "policemen" before the newspaper article or the petition.

Apparently, the state did not need a political motivation to file criminal charges against a group of armed vigilantes who decided to call themselves policemen.

After Bulatovic concluded his testimony the trial heard testimony from Dragan Jasovic. Jasovic, is a Serbian policeman who worked in the Racak area up until NATO forced the police to withdraw from Kosovo. Previously, Jasovic had been a prosecution witness at the Limaj trial.

According to Jasovic, the majority of policemen in the area around Racak were ethnic-Albanians in 1998 and 1999. Unfortunately, the Albanians who worked for the police were targeted by the KLA. One of Jasovic's Albanian colleagues was killed, and another was kidnapped by the KLA.

Jasovic testified that Racak was a KLA stronghold. According to information that the Albanian population had given to the police, the KLA had a staff of 80 to 120 men in Racak.

The witness said that the KLA carried out terrorist attacks, killings, and abductions against policemen and civilians. The KLA attacked Serbs and Roma as well as Albanians who had friendly relations with non-Albanians. They especially targeted people who worked for the state, or in state-owned companies, Jasovic said.

Jasovic brought 90 witness statements to court with him; the population in and around Racak gave these statements. The statements identify KLA members, and speak of KLA activities in the area of Racak.

The witness asked that the identities of the people who gave the statements be kept secret. He said that the ANA (Albanian National Army) and the KPC (Kosovo Protection Corps), were an outgrowth of the KLA and that these organizations would attack any individuals that they learned had cooperated with the Serbian authorities.

Jasovic testified that the statements these people gave had been given of their own free will, and that nobody had forced them to give any statements. The statements are contemporaneous, and were not generated for use in this trial. They were made for the use of the police.

During the testimony of Danica Marinkovic, Mr. Nice alleged that Albanians had been forced, under threat of violence, to give statements to Jasovic. The prosecution had collected statements from Albanians alleging this. However the trial chamber ruled that the statements Mr. Nice collected were inadmissible. Mr. Nice's statements were not contemporaneous, and they were generated specifically for use in the trial.

During Mr. Jasovic's career as a policeman in Kosovo, he was never the subject of a complaint either from Serbs or from Albanians. He will continue his testimony when the trial resumes on Tuesday.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
 Aan: <Undisclosed-Recipient:>
 Verzonden: maandag 25 april 2005 22:36
 Onderwerp: CDSM: ICDSM Statement 21st April

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

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

CONTEMPT, INDEED:

ICDSM Statement on the Contempt Charges Brought Against Kosta Bulatovic and
 the
 Imposition of In Absentia Proceedings Against President Slobodan Milosevic

21 April 2005

The ICTY has now charged a defense witness for Slobodan Milosevic, Kosta
 Bulatovic, with contempt, for refusing to continue testifying in the course
 of
 proceedings-- known as in absentia-- carried out in absence of the accused,
 who
 was kept at the ICTY's detention unit, as he was too ill to attend the day's
 proceedings.

First, in violation of basic legal rights, and indeed of the International
 Covenant on Civil and Political Rights, Slobodan Milosevic was denied the
 right
 to represent himself. The Trial Chamber held that he was too ill to ensure
 his
 own representation, and rather than order an adjournment of the proceedings,
 or
 a stay, or a mistrial, or indeed, any other reasonable legal measure
 routinely
 employed by legitimate courts around the world, they instead imposed counsel
 upon an unwilling accused, counsel who'd previously acted as parties in the
 proceedings, a glaring, formal conflict of interest.

The ICTY has now compounded this violation by carrying out in absentia
 proceedings, and by bringing criminal charges against a defense witness who
 refuses to cooperate with this exceptionally transparent attempt to remove
 the
 accused from his own defense, and perhaps to gag him entirely.

It is increasingly clear that the proceedings undertaken by the ICTY against

Slobodan Milosevic are themselves in contempt. In contempt of the basic rules of International Law and indeed of principles of human decency. An accused person has the right to represent himself and obviously has a right to be present for, and participate in, his own trial. To go so far as to criminally charge a witness who refuses to cooperate with massive violations of rights guaranteed by international instruments such as the the International Covenant of Civil and Political Rights has brought this institution to a new low, and threatens the future of International Law.

These contempt proceedings are absolutely illegitimate and can only serve to set further back the cause of justice and indeed the truth.

These in absentia proceedings appear to be the result of a deliberate design, and were wholly predictable from the very moment, last summer, that former U.S. Secretary of State Madeleine Albright's two previous employees, David Scheffer and Michael Scharf, publicly lobbied in the International Herald Tribune and the Washington Post, respectively, for the imposition of the very measures being carried out today. Mr. Scheffer did not hide his contempt for internationally recognized basic human rights by demanding that late Trial Chamber President Richard May "permanently pull in his well-worn leash" by gagging President Milosevic, then "pumping the proceedings into his cell". Neither Scheffer nor Scharf, in their public demands for the gagging of President Milosevic, concealed their view that the ICTY is a political rather than legal body. They are both architects of the institution, and therefore they would know. Their lobbying appears to have been successful and will have devastating effect, as appears to be their intention, on any future international criminal proceeding. Indeed, both have made clear at different moments that their intention is to insure that Saddam Hussein, for example, would not have the right to claim U.S. aggression against Iraq.

President Milosevic has always maintained his opposition to this body-- as one that was illegally constituted and is employed to justify aggression and violate national sovereignty-- as well as his firm undertaking to the people of Yugoslavia that he would establish that the so-called Balkan wars were in fact one war - a war against Yugoslavia, carried out in violation of International Law.

In order to prevent him from doing this, the most fundamental tenets of criminal

procedure and indeed of international law must be further violated and its future jeopardized.

There is only one positive aspect of these perverse proceedings: they bring clarity to the situation and make clear once and for all that the ICTY is not a legal body but instead abuses power that it does not even legally possess.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>

Aan: <Undisclosed-Recipient;>

Verzonden: maandag 25 april 2005 23:44

Onderwerp: CDSM: Responses to Jonathan Steele Guardian

Jonathan Steele uses his article in the Guardian newspaper, 'If Kosovo is left in limbo, it will be a victory for Milosevic.' as an apology for Nato aggression and a grovelling and obscene 'legitimising' of Tony Blair's criminality.

Steele amazingly claims that Blair's illegal intervention in the Serbian province of Kosovo had support 'from most people in Britain.' Whilst Steele himself may wish to line up behind war criminals, it is an insult to the decent people of Britain to extend that immorality to 'most people in Britain.'

Perhaps Jonathan Steele forgets that Blair dragged Britain into the aggression against the FRY without any vote being taken in Parliament let alone any vote being taken nationally.

Steele also states that 'Blair is still a hero in Pristina.' It may well be true that Blair is a hero to certain factions in Kosovo, but being hailed as a hero by gun runners, drug dealers and people traffickers is hardly something to boast about.

Below we publish Steele's original article followed by two letters sent to the Guardian and Steele himself in response to this latest attempt to rewrite history. IJ.

If Kosovo is left in limbo, it will be a victory for Milosevic

Jonathan Steele in Pristina
Friday April 22, 2005
The Guardian

Here in Kosovo is where it all began. The cancer that has been eating through Tony Blair's second term started out from this small fold in the Balkans.

As images of tractors crowded with refugees rolled across his TV screen, with their message that full-scale ethnic cleansing was under way, the prime minister's moral instincts were aroused.

In power for barely a year, Blair was eager to take action in what was in 1998 an Albanian-majority province of Serbia. After the west's dithering over Bosnia, he saw Kosovo as the chance to make amends.

Blair did not succeed in persuading Bill Clinton to use ground troops, but he can take credit for convincing the US president that diplomacy was failing to stop Slobodan Milosevic and force was needed. The war took longer than predicted but Nato bombed Serb troops off the field and after 78 days (with diplomatic help from Russia) persuaded Milosevic to withdraw, thereby allowing almost 800,000 Albanian refugees to return home.

So the prime minister had a "good" war. His moral certainty and clout with the White House came together to produce relatively rapid success as well as support from most people in Britain, myself included. Kosovo was liberated and Blair is still a hero in Pristina.

Of course, critics pointed out that there was no UN security council resolution authorising Nato's war on Serbia. It was as illegal as the one on Iraq. True enough. But I felt the Kosovo campaign was legitimate - in a way that the Iraq one was not.

The Serbian government was violating human rights on a huge new scale, activating what is known in UN parlance as the outside world's "responsibility to protect". In Iraq there was nothing new about Saddam Hussein's repression and it was less severe in 2003 than earlier. Those who suspected he had no weapons of mass destruction argued that containment was working. For those not yet sure, the UN inspectors were in Iraq and should have been given more time.

But success in Kosovo had gone to Blair's head. The triumphant loss of his war-virginity made him a crusader, throwing away the necessary sense of caution and creating a stubborn self-righteousness. He assumed that, as with Kosovo, he would be justified and acclaimed once the Iraq war was over.

I regret his arrogance, although it does not weaken the case for the Kosovo intervention. One war need not lead to another, since politicians should judge each crisis on its merits. That said, Kosovo is rapidly returning to the international agenda, and we will need clarity and courage to ensure it does not flare up again.

For six years, the territory has been a UN protectorate. It has an elected president, prime minister and parliament, but ultimate power remains with Soren Jessen-Petersen, a courteous Dane who is the latest administrator of the UN mission in Kosovo (Unmik). He took over last year after clashes between Albanians and Serbs left 19 dead and forced more than 4,000 Serbs to flee their homes. The mobs also burned dozens of Unmik vehicles in frustration at the delay in getting a decision on whether Kosovo will be independent.

Western governments had played for time through a policy called "standards before status". Kosovo had to reach hundreds of benchmarks of democratic behaviour before talks on its future could begin. Jessen-Petersen narrowed the policy. "There was a sense after the March riots last year that we had to accelerate the process and simplify standards implementation, not to reward violence but because to keep this place in limbo for much longer would be rather risky," he told me. "We singled out all those standards that are linked to the minorities. The vast majority are focused on protection of the minorities, their living conditions, their rights and so on."

Now decision day is approaching. Kofi Annan will shortly appoint an envoy to review whether standards have been met sufficiently. If, as expected, the verdict is positive, another UN envoy will get the job of negotiating Kosovo's status.

Governments are already drawing up guidelines. They are likely to contain three noes: no return to the prewar position when Kosovo was under Belgrade's rule; no partition; and no change in external borders, ie no unification with Albania.

There is disagreement on Belgrade's role and how to handle Russia's potential for blocking Kosovo's independence. (It was the threat of a Russian veto that prevented Nato seeking UN authorisation before the 1999 war.) Nor is it clear if Annan will give his envoy a deadline. "I don't think anyone wants an open-ended conference that lasts for years, not a 20-year or 30-year Cyprus-type thing," Jessen-Petersen says. "Periods of six to nine months have been mentioned."

Western governments favour some form of independence, but are uncertain how to define it. Germany, once a firm champion of the Kosovo cause, appears to be backtracking. Its diplomats favour something similar to the conservative conclusions of a recent commission on the Balkans chaired by Giuliano Amato, a former Italian prime minister, and made up mainly of other centre-right politicians.

They proposed keeping Kosovo as a UN protectorate with slightly enhanced self-government under independence without full sovereignty. This is a disastrously condescending hybrid that would anger Kosovans and leave

property and ownership issues in the legal limbo that now hinders investment. The commission also argued that Belgrade must agree to any change in status.

The International Crisis Group (ICG), by contrast, advocates full independence but with a continuing role for international monitors, foreign judges in the higher courts for ethnically sensitive cases, foreign troops to train a small Kosovan army, and UN staff checking on minority protection. This would be like East Timor, another recently independent state.

Serbia's objections are a problem, but Britain argues that Belgrade must have no veto. Other European governments should take the same view. The ICG says Belgrade may prefer an "imposed" solution rather than sign up to the "loss of Kosovo". Politicians could complain they were victims of outside forces - not an unusual Belgrade line.

Russia is a bigger problem. If Putin cannot be persuaded that Kosovo needs independence, the rest of the world should recognise the new state anyway. Kosovo can go without a UN seat - the only major consequence of a Kremlin veto.

As long as the EU accepts Kosovo's independence, the new state would have most of what it wants. Protecting the Serb minority is a high priority and, after the folly of last year's clashes, most Kosovans realise the door to EU membership will never open if ethnic violence is repeated.

But western governments must not go on delaying. Anything short of independence will mean that Milosevic, in his jail cell in the Hague, will have won after all.

j.steele@guardian.co.uk

Letters.

Sir, Jonathan Steele (if Kosovo is left in limbo, it will be a victory for Milosevic, Friday April 22, 2005) presents the standard view of the recent history of Yugoslavia that has been spun by Western media and governments.

Let us recall that 200,000 Serbs were ethnically cleansed from the Krajina in early August 1995 and that 14,000 Serb civilians lost their lives in a joint NATO/Croat exercise. It was then that we saw tractors crowded with refugees. This was the first and largest act of ethnic cleansing since the breakup of Yugoslavia. Because they were Serbs and it had been decided that the Serbs were the guilty party in the conflict, there was no sympathy for them and this important event is largely written out of the Western historical record.

What Blair did in Kosovo was illegal. Nor is there any question that the KLA is a terrorist organisation (even Madeleine Albright has said as much).

Dietmar Hartwig, top EU monitor in Kosovo was giving evidence in March 05 at the ICTY in the Hague (the West's kangaroo court in the opinion of many) that the Yugoslav police were dealing with an extreme amount of provocation from the KLA and had the situation in hand. There is ample evidence that the civilian population started running for cover when the NATO bombing began and not prior to that. For evidence one only need to look at the BBC footage of the Macedonian border immediately prior and at the start of the bombing. Given this, where is the evidence that justified the Kosovo intervention? It was a blatant act of aggression by NATO.

Since NATO's entry in Kosovo, the province has been ethnically cleansed of

Serbs and other minorities (under the watchful eyes of NATO and UNMIK) in the pursuit of independence for the (now) Albanian majority in Kosovo.

It is not true that there were any clashes between Serbs and Albanians in March last year. The Albanians went on the rampage after accusing (falsely) Serbs of forcing two or three Albanian children into the river. In two days 30 Orthodox churches, which should have been on the UNESCO register, because they are a part of the world's heritage, lay smouldering in ruins.

If NATO gives Kosovo to the Albanians it will be rewarding terrorism while trying to legitimise its own act of aggression and barbarity. They may buy a little time and peace but the day will come when NATO will become an unwelcome guest for the Albanians and NATO will go the way of all other minorities which have been cleansed from Kosovo.

The Albanians will want to exploit Trepca mines (now exploited by Western companies) and may not want to continue to host Camp Bondsteel (the largest US base outside the US) without due reward. Independence will be a reward for terrorism and will send a signal to others of the same persuasion that terrorism pays.

You say that you were against the Iraqi war? Why, Mr. Steele, if you and so many misinformed and misguided citizens of this country hadn't supported the "coalition of the willing" in their bombing of Kosovo, the Iraq war could never have happened!

B. Perry

To:
"Letters Guardian" <letters@guardian.co.uk>

CC:
j.steele@guardian.co.uk

Dear Mr Steele,

In addition to the letter I sent to the Guardian letters page I thought I would also write at greater length to you directly since you have appended your email to your recent piece in The Guardian (If Kosovo is left in limbo, it will be a victory for Milosevic) and I am genuinely interested in what you think.

Many moons ago in February 1999 you wrote a Guardian Analysis on Former Yugoslavia (<http://www.guardian.co.uk/Kosovo/Story/0,,208722,00.html>) only seven weeks before NATO started its 78-day assault on Serbia.

Much of what you said is relevant today: the Serbs of Kosovo have largely been ethnically cleansed, Macedonia is definitely less stable than it was after the Albanian armed insurrections of 2001, Bosnia is divided and (as a result I would argue) is reasonably calm and the precedent of Kosovo's independence is still linked to the Serbs of Republika Srpska right to secede. Croatia is still mono ethnic and, surprisingly, Serbia itself is still, as you described it in 1999, the most multi-ethnic Balkan state. Its various ethnic groups enjoy a harmony comparable to that of most of western Europe. (how do you explain that by the way? I never did see how you could square that particular circle!)

Now you write a piece that insists on the vital importance of granting Kosovo to the Albanians. But you fail to mention some very relevant facts that might suggest that this is the last thing that should happen: Kosovo, since the withdrawal of Serbian security forces, has become a lawless fiefdom of highly organised criminal gangs whose power is derived from the proceeds of drug smugglers, gun runners, people traffickers and pimps of the worst imaginable

d. More than 50% of heroin entering and distributed in the UK is controlled by Albanian/Kosovan gangs. The rise in people trafficking rose dramatically after June 1999 as a direct result of the war ending and the ability of Kosovo Albanians to operate freely. The same power, ICTY, which indicted Milosevic has also indicted the Kosovo Albanian prime minister Haridanaj a bouncer turned terrorist guerrilla for gross war crimes and with much more hands on experience than Milosevic was ever charged with. The Serbian people of Kosovo have been violently expelled and the unique and irreplaceable mediaeval monuments, world heritage sites, are being destroyed despite the presence of UN/NATO troops.

Nor is this scourge of Kosovo Albanian criminality confined only to the UK and Kosovo but it stretches across the EU and North America where the Sicilian and Russian mafias are being outgunned by the more ruthless Albanian mobs.

Your support for a fully independent Kosovo makes no sense except perhaps that you have some romantic image of the Albanians representing the wild and exotic while the Serbs are old fashioned, too familiar.

Any rational examination of the NATO intervention and the subsequent UN occupying regime in Kosovo would have to conclude that the consequences have been disastrous, not only for the non-Albanian residents, but also for thousands, if not millions, throughout the West affected by the associated crime wave. This is in addition to the disastrous weakening of international law brought about by the sidestepping of the UN by Blair/Cook and Clinton/Albright which I covered in my letter.

I look forward to your response,

 **Sagittarius**

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: dinsdag 26 april 2005 20:58
Onderwerp: CDSM: Strong Military Support For Rollie Keith For Telling Truth About

Subject: Canada: Strong Military Support For Rollie Keith For Telling Truth About Kosovo

http://vancouver.cbc.ca/regional/servlet/View?filename=bc_keith-general20050425

CBC (Canada)
April 25, 2005

Strong military support for former NDP candidate

VANCOUVER – Retired Canadian Major-General Lewis MacKenzie says the NDP was wrong to force one of its candidates to resign over his views of former Serb leader Slobodan Milosevic.

Milosevic is now on trial at the Hague for alleged war crimes.

Former Chilliwack-Kent NDP candidate Rollie Keith, who served as a peacekeeper in Kosovo during the 1990s, has testified at Milosevic's trial that he had seen no evidence of genocide.

He stepped aside on Friday as a candidate, following coverage of his views in the news media.

MacKenzie, who commanded peacekeeping troops in Kosovo, says Keith was just telling the truth.

And he says much that was said and reported about the Serbs has since been proven to be just "propaganda" that many people believed.

"And anyone that tries to describe what was going on there in a rational manner is deemed to be some sort of pro-Serb, rather than pro-truth," says the retired general.

"I was shocked that someone who had merely described what was going on in Kosovo, which he saw with his own eyes, that some people interpreted that as an apologist for Milosevic."

MacKenzie says the NDP's political leaders need a

These enormous changes of conditions in an increasingly dangerous direction should also be carefully considered and weighed.

These far-reaching and highly dangerous changes of major political, military and social conditions constitute, both on itself and in combination with the threatening breakdown of the legal restraints upon the actual employment of nuclear weapons as already discussed above, just as much elements for the conclusion that

a renewed assessment of the current imminence of the actual use of nuclear weapons, and consequently of the current imminence of the threat to the right to life of millions, including authors, is urgent.

All these political, military and social factors of high risk in today's world, more specifically:

- **the doctrine of pre-emptive war;**
- **the growing preparedness to use nuclear weapons;**
- **the development of new nuclear doctrines and new nuclear weapons;**
- **the disregard of the legal imperative of nuclear disarmament as an impetus for today's permanent status of war threat and warfare;**
- **the striving by non-nuclear weapon States for a nuclear counter-capability as a source of permanent war threat and war;**
- **the threat to use (nuclear) force against non-nuclear weapon States in order to restrain them from building up a nuclear capability;**
- **the world being permanently in an untenable split by clinging to the potentiality of**

esson in history.

For his part, Keith says he stands by his testimony at the Hague.

"People have tried and convicted and lynched Mr. Milosevic. And I'm not here to say whether he is guilty of any alleged crimes. I never have," he says. 52

"But knowledgeable people, and people in politics, should have more objective views of the events that transpired there."

He says he only resigned after the party made it clear he is a liability during the election campaign. NDP Leader Carole James was unavailable for comment.

----- End of Forwarded Message

30 OF THE 40 PEOPLE KILLED IN RACAK WERE KNOWN KLA MEMBERS

www.slobodan-milosevic.org - April 26, 2005

Written by: Andy Wilcoxson

The testimony of Dragan Jasovic continued at the trial of Slobodan Milosevic on Tuesday. Jasovic was a police detective working for the Urosevac SUP in Kosovo until June of 1999.

The Urosevac SUP covered the area of Urosevac, Stimlje, Strpce, and Kacanik, as well as the village of Racak.

As a detective, Mr. Jasovic took statements from numerous people living in the area. He came to court with statements from 90 different people concerning KLA activities in and around Racak. Jasovic personally took all 90 of the statements.

The police took the statements to inform themselves about the activities of the KLA. People gave the statements to the police on their own accord, and their authenticity is evidenced by the fact that the person who gave the statement signed each page of the document together with Jasovic and his partner.

The statements identified 30 out of the 40 people killed in Racak on January 15, 1999 as members of the KLA.

In most cases, KLA members were identified by 3 or 4 different people. In some cases as many as eight different people identified particular KLA members. Ethnic Albanians gave the witness statements almost exclusively.

The statements detailed the activities of the KLA in the area. The location of the KLA headquarters was named, and details about the KLA prison in Lapusnik were also contained.

The statements spoke of a campaign of KLA terror against Albanians designed to discipline them, and force them to support the KLA and its goals. According to the witness statements, scores of Albanian civilians were kidnapped and killed by the KLA throughout Kosovo.

Informers gave details of KLA training and weapons procurement operations. Some members of the KLA received training in Switzerland, and a substantial portion of the KLA's weapons came from Albania, when rioters looted Albanian Army depots in 1997. The statements also revealed that the KLA was recruiting women and children for combat activities.

Mr. Nice has tried to undermine the credibility of the statements by alleging that Albanians were tortured by Jasovic and forced to sign the statements under duress. Jasovic has flatly denied these accusations. It is interesting to note that Jasovic first came to the tribunal as a prosecution witness in the Limaj trial, not as a defense witness for Milosevic.

One of the Albanians that Mr. Nice tracked down told the prosecution that he had seen blood on the floor of the basement of the Urosevac SUP building, and was so scared by the sight that he signed a statement without even reading it. Jasovic, who worked precisely in the Urosevac SUP building, testified that the building did not even have a basement.

Jasovic said that he understood why the Albanians would want to deny giving statements to the police. He said that the KLA killed and terrorized Albanians and their families if they cooperated with the Serbian authorities. Today, Kosovo is fully in the hands of the KLA. The Kosovo Protection Corps (KPC) and the Albanian National Army (ANA) are nothing more than the KLA under a new name.

In order to protect the lives of the Albanians who gave statements to the police, their names were not mentioned in open session. If it was necessary to mention a name the court went in to closed session.

Jasovic will continue his testimony when the trial resumes on Wednesday.

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JASOVIC AND GVOZDENOVIC CONCLUDE THEIR TESTIMONY

www.slobodan-milosevic.org - April 27, 2005

Written by: Andy Wilcoxson

Dragan Jasovic concluded his examination-in-chief at the trial of Slobodan Milosevic on Wednesday. Jasovic was a police detective working for the Urosevac SUP in Kosovo until June of 1999.

The Urosevac SUP covered the area of Urosevac, Stimlje, Strpce, and Kacanik, as well as the village of Racak. Most of Jasovic's previous testimony dealt with KLA activities in Racak, and the fact that 30 out of the 40 people who died in Racak on 15 January 1999 had been identified as KLA members.

Today his testimony dealt with the Kacanik municipality, specifically the village of Kotlina. The indictment against Milosevic alleges that Serbian police massacred Albanian civilians in Kotlina on March 24, 1999.

The indictment lists the alleged "civilian victims" in Schedule L. What is striking when one sees Schedule L is the fact that the vast majority of the supposed "victims" are men of fighting age.

Jasovic had information, collected through witness statements given by citizens to the police, that the KLA had a sub staff of 150 men in Kotlina. When one compares the list of KLA members in Kotlina to Schedule L of the indictment, one finds some correlation between the lists. For example S. Vlashi (42), and I. Loku (19), are both identified as KLA members, yet the indictment claims that they were both innocent civilian victims.

Milosevic told the court that he intends to call more evidence about Kotlina to prove what the situation there was.

Mr. Jasovic's cross-examination was postponed because Mr. Nice claims that he is not prepared to deal with the witness's evidence. The prosecution has had the witness statements that Jasovic testified about in its archives for years, and has known for the last 20 days that Milosevic would rely on the documents for his defense.

Mr. Nice's intention is clearly to send somebody down to Kosovo, in order to find some Albanians who gave statements that will now deny that they cooperated with the Serbian police. Getting Albanians to deny their previous statements should not be hard since Albanians accused of cooperating with the Serbian authorities are attacked in Kosovo.

The prosecution is fully aware of the situation Kosovo-Albanians are in. According to the prosecution's indictment of Fatmir Limaj, "Albanian civilians who were perceived by the KLA either as refusing to cooperate with or resisting the KLA by non-military means were targeted for intimidation, imprisonment, violence, and murder."

The indictment goes on to claim that "At the Lapusnik Prison Camp, KLA forces under the command and control of Fatmir Limaj unlawfully detained the Serb and Albanian civilians for prolonged periods. Albanian civilian detainees were repeatedly interrogated about alleged 'collaboration' with Serbs, often on the basis only of non-military interactions with Serb civilians."

Today in Kosovo, the police are the KLA. On January 21, 2000 the UN had a ceremony in Kosovo officially transforming the KLA into the Kosovo Protection Corps (KPC), a police force that patrols Kosovo. No Albanian will dare say anything against the KLA, because there is nobody that can protect you from the police. What do you do if the police want to kill you?

Mr. Nice got extra time, and Jasovic will have to come back for cross-examination on May 17th.

The next witness to take the stand was Zonomir Gvozdenovic. Mr. Gvozdenovic is a Serb from Pec, and his son was killed when terrorists attacked the Panda Café. Gvozdenovic is currently a refugee since his home in Pec was burnt down after the war.

The Panda Café was a well known meeting place for Serbian students in Pec. On December 14, 1998, two masked terrorists opened fire on the café killing: Zoran Stanojevic (17), Svetislav Ristic (17), Ivan Obradovic (15), Dragan Trifovic (17), Ivan Radevic (25), and the witness's son Vukosav Gvozdenovic (18). Vlado Loncarevic, Mirsad Sabovic, and Nikola Rajovic, were also seriously wounded in the attack.

According to investigation results, the terrorists who opened fire at the café used automatic weapons manufactured in China. This indicates that the weapons probably came from Albania, since the Albanian armed forces received most of its weaponry from China, and the KLA received a substantial portion of its weapons when it looted Albanian Army depots in 1997.

Mr. Nice raised an objection when Milosevic attempted to exhibit photographs of the crime scene. Mr. Nice said that the pictures were too gruesome, and that they would "excite the minds" of the public who was watching the trial.

... AND GVOZDENOVIC CONCLUDE THEIR TESTIMONY

r. Nice then gave a cock-and-bull speech about how "sensationalistic" pictures should be avoided by the court. Apparently, Mr. Nice has not seen the ICTY website (www.un.org/icty), where on the very front page one can see the picture of the phony "concentration camp" in Bosnia, where the ITN journalists put their camera crew behind a barbed wire fence and then videotaped refugees through the fence to make it appear that the refugees were prisoners. (See: <http://www.slobodan-milosevic.org/fooled.htm>)

Ultimately the photos wound-up being exhibited, but Mr. Nice's concern for the public's perception demonstrates that this is a political show trial we are dealing with.

Mr. Gvozdenovic testified that the bad security situation in Kosovo prevented him from visiting his son's grave for quite a while after the war. In 2002 he was able to visit his son's grave under escort from Italian KFOR soldiers. He testified that the cemetery had been vandalized. Nobody had guarded it. All of the headstones were knocked down, and all of the crosses had been broken off and stolen from the grave markers.

He testified that during the war, the Serbian police in Pec tried to prevent the Albanians from leaving, but that the Albanian population was under pressure from the KLA to leave. He said that on his street, his Albanian neighbors left their keys with some Serbian friends in order to look after their house and property.

Gvozdenovic testified that he did not see the police expelling anybody from their homes in Pec.

Mr. Saxon cross-examined Mr. Gvozdenovic. Saxon did not ask a single question about the massacre at the Panda Café, which was the whole point of Gvozdenovic's testimony.

In stead, Mr. Saxon accused Gvozdenovic of personally forcing Albanians out of their homes and expelling them from Kosovo. Mr. Saxon did not give the name of a single Albanian who was allegedly forced out by Gvozdenovic, but lack of evidence never seems to bother the prosecution.

The prosecution's conduct is really to be despised. Here is a witness who came to testify about the killing of his son and the prosecution, without a single shred of proof, is accusing this him of being a criminal. The depravity of the prosecution never ceases to amaze me, I really wonder what sewer the tribunal ever managed to find these people in.

The next witness was not available to testify today, so the trial adjourned until Wednesday, May 4th at 9:00 AM.

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COL. PAPONJAK TESTIFIES ABOUT THE SITUATION IN PEC

www.slobodan-milosevic.org - May 4, 2005

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Wednesday with the testimony of Col. Radovan Paponjak, the former head of the Interior Ministry secretariat in Pec.

The indictment alleges that ethnic Albanian police were fired from their jobs during the 1990s. Col. Paponjak denied that this was the case. According to his testimony, Albanians were not fired from their jobs in law enforcement. He went on to enumerate the names of several Albanians who held prominent positions in the interior ministry after the indictment claims they were fired.

Most of Col. Paponjak's testimony dealt with the activities of the KLA in the mid-to-late 1990s. He said that the KLA's early attacks were mostly directed against police, and refugees from Bosnia and the R.S. Krajina.

He said that the KLA targeted the refugees because they were Serbs. The Albanian terrorists did not want the Serbs who lived in Kosovo to be there, let alone Serb refugees coming in from Bosnia and Krajina.

The witness came to court with 175 police reports from the Pec interior ministry detailing the activities of the KLA in the area.

According to the documents, the KLA received training from foreign mercenaries, and mujahedeens from the Middle East. They procured most of their weapons when the Albanian government collapsed in 1997, and bands of looters robbed Albania's army depots.

The documents detailed the terrorist activity of the KLA against Serbian and Albanian civilians. One example was the case of an Albanian man named Sali Berisha. Mr. Berisha owned a gas station near Pec, and being a good businessman he sold gasoline to anybody that wanted to buy it.

The KLA did not want him to sell gasoline to non-Albanians; they only wanted him to sell to Albanians. Mr. Berisha did not listen to the KLA and continued to sell gas to everybody. The KLA retaliated by killing Mr. Berisha and all of his employees who worked at the gas station. This was in 1998.

The case of Mr. Berisha was one of many examples that were read out in court today. In some cases the KLA required Albanians to kill members of their own family to prove their loyalty. In one of the cases that was read out a man killed his own son because he refused to join the KLA.

In addition to his extensive testimony about the activities of the KLA, Col. Paponjak testified about the activities of the Serbian police in Pec.

The indictment claims that "on or about 27 and 28 March 1999, in the city of Pec, forces of the FRY and Serbia went from house to house forcing Kosovo Albanians to leave. Some houses were set on fire and a number of people were shot."

Paponjak, who was a police official precisely in Pec, denied that the authorities forced Albanians out. He also denied that the authorities shot anybody at the times alleged by the indictment. He had all of the police documents detailing cases where people were shot, and nobody was shot at the time the indictment alleges.

The witness denied the allegation that the authorities burned down the homes of Albanian civilians. He said that there were fires, but the fire department could not respond because the KLA targeted all state employees, including firemen.

He denied that Albanians left Pec because of pressure from the army and police. According to the witness, everybody fled Pec regardless of his or her ethnicity. He said that the police even sent their own families out of Kosovo.

Col. Paponjak testified that most of the refugees from Pec, including the Albanians, went to Montenegro because the NATO bombing was not as heavy there. It is worth noting that the Yugoslav Army, which is accused of brutalizing the Albanians, was deployed in Montenegro too – so obviously these people were not running away from the Yugoslav Army.

It is true that approximately 800,000 Kosovo-Albanians fled Kosovo during the NATO bombing, but this is not proof of ethnic cleansing. An equal proportion of Serbs and other non-Albanians fled Kosovo at the same time. According to UNHCR statistics, approximately 100,000 Serbs fled Kosovo during the NATO bombing. Serbs were just over 10% of the Kosovo's general population, and they comprised more than 10% of the refugees.

If the Serbs had ethnically cleansed the Albanians, then the Serbs would have stayed and only the Albanians would

<http://www.slobodan-milosevic.org/news/smorg050405.htm>

5-5-05

COL. PAPONJAK TESTIFIES ABOUT THE SITUATION IN PEC

have left. The fact that the Serbs fled too refutes claims that Albanians were being ethnically cleansed. The Albanians were not ethnically cleansed – the ratio of Albanians to Serbs stayed the same during the period of the indictment.

In short, everybody was fleeing from Kosovo, not just the Albanians. There was a general exodus of the population – not an ethnic cleansing campaign. That is how Col. Paponjak said things were in Pec, and that is how the statistics indicate things were throughout Kosovo, during the period covered by the indictment.

The main trial will be interrupted on Friday due to the contempt trial against Kosta Bulatovic. The hearing was originally scheduled for Thursday, but it was postponed a day. Mr. Bulatovic was charged with contempt because he refused to participate in the trial after the tribunal attempted to conduct it in the absence of Milosevic.

Article 21.4(D) of the tribunal's statute gives Milosevic the right "to be tried in his presence, and to defend himself in person." Forcing a witness to testify in the absence of an accused is a clear violation of the tribunal's statute. It will be interesting to see how the trial chamber deals with this, since the basis for the contempt charges arise from the trial chamber's own failure to adhere to the statute of the tribunal.

###

Minachting, inderdaad!

Redactie buitenland

Verklaring van het ICDSM (Internationaal Comité voor de Verdediging van Slobodan Milosevic) met betrekking tot de beschuldigingen van minachting tegen Kosta Bulatovic, en tegen het opleggen van een 'in absentia' procesgang in de zaak tegen president Slobodan Millosevic.

Het Joegoslavië Tribunaal heeft onlangs Kosta Bulatovic, een getuige voor de verdediging van Millosevic, beschuldigd van minachting van het hof, omdat hij heeft geweigerd door te gaan met zijn getuigenverklaring in een procesgang - bekend als 'in absentia' - waarbij de gedaagde zelf afwezig was en in zijn cel moest verblijven, omdat hij te ziek was om die dag het proces bij te wonen.

Eerst werd Slobodan Millosevic het recht ontzegd om zichzelf te verdedigen, een schending van de minimum procesrechten en van het Internationaal Verdrag van Burger- en Politieke Rechten. De 'Trial Chamber' beweerde dat Millosevic te ziek was om zijn eigen verdediging te voeren. Maar er werd geen verdaging van het proces, of een tijdelijk openthoud geregeld. Men liet de zaak ook niet seponeren en maakte ook geen gebruik van wat voor andere redelijke wettelijke maatregel dan ook, die regelmatig door rechtbanken over de hele wereld wordt toegepast. In plaats daarvan werden Millosevic tegen zijn wil raadslieden, die eerder waren opgetreden als partij in het proces, toegevoegd. Een duidelijke, formele kwestie van belangen tegenstelling.

In absentia-proces

Het Joegoslavië Tribunaal heeft deze schending nog verergerd door een 'in absentia'-proces door te zetten en een getuige voor de verdediging in staat van beschuldiging te stellen, omdat hij weigert mee te werken aan deze zeer doorzichtige poging om de gedaagde zijn eigen verdediging te ontzeggen en hem wellicht zelfs volledig dood te maken.

Het wordt steeds duidelijker dat er in dit proces tegen Slobodan Millosevic bij het Joegoslavië Tribunaal zelf sprake is van minachting. Minachting van de basisregels van het Internationale Recht en de uitgangspunten van menselijk fatsoen.

Een gedaagde heeft het recht zichzelf te verdedigen en heeft onmiskenbaar het recht om zijn eigen proces bij te wonen. Het gaat wel heel ver een getuige voor de verdediging in staat van beschuldiging stellen, omdat hij weigert mee te werken aan zware schendingen van rechten die worden gewaarborgd door internationale documenten en verdragen, zoals het Internationaal Verdrag van Burger- en Politieke Rechten. Hiermee heeft het Tribunaal een nieuw dieptepunt bereikt en vormt een bedreiging voor de toekomst van het internationale recht.

Minachting voor het hof

Deze processen die gevoerd worden naar aanlei-

DRINGENDE OPROEP VOOR GELDINZAMELING

President Millosevic heeft de waarheid en de wet aan zijn kant. Om dat onderdeel te kunnen benutten, ten-einde zijn vrijheid te bewerkstelligen, moeten we het volledig ongelooftwaardig geworden Tribunaal en haar beschermers bestrijden door middel van professioneel uitgevoerde acties. Daarbij willen we ons ook richten op Advocaten Genootschappen, het Europeëse Hof, de betrokken VN-organen en de media.

In de praktijk hebben we ervaren dat ad hoc vrijwilligerswerk alleen niet genoeg is om deze taken te kunnen volbrengen. De beschikbare fondsen in Servië zijn nog steeds slechtst toereikend voor de kosten van het verblijf en de werkzaamheden van de juridische medewerkers van president Millosevic in Den Haag (steeds maar één tegelijk). De fondsen van de Duitse afdeling van het ICDSM (nog steeds de eni-

ding van 'minachting van het hof' zijn absoluut onwettig en kunnen alleen maar dienen om de loop van het recht nog meer uit te hollen, evenals de waarheid.

De 'in absentia'-hoorzittingen blijken het resultaat te zijn van een vooropgezet plan en waren geheel voorspelbaar vanaf het moment, afgelopen zomer, dat twee vroegere medewerkers van Madeleine Albright, voormalig minister van Buitenlandse Zaken, David Scheffer en Michael Scharf, zich hadden uitgesproken in de International Herald Tribune en de Washington Post. Zij lobbyder publiekelijk voor de toepassing van diezelfde maatregelen die op dit moment worden یرgevoerd.

Scheffer stak zijn minachting voor internationaal erkende fundamentele mensenrechten niet ondelsteelen of banken door te eisen dat de voormalig president van de 'Trial Chamber', Richard May, "zijn goed gehanteerde leiband permanent straker aan moest trekken" door Millosevic te mulkeren en vervolgens "de procesgang er bij hem in te pompen." Bij hun openbare oproep voor het monddood maken van president Millosevic maakten noch Scheffer noch Scharf er een geheim van dat het Joegoslavië Tribunaal naar hun mening eerder een politiek dan een juridisch orgaan is. Beiden behoren tot de 'architecten' van het Tribunaal, dus zij kunnen het weten.

Amerikaans lobbywerk

Hun lobbywerk lijkt succesvol te zijn en zal een vernietigend effect hebben op alle internationale strafrechtelijke zaken in de toekomst. Beiden hebben het op diverse momenten heel duidelijk gemaakt dat het hun bedoeling is ervoor te zorgen dat bijvoorbeeld Saddam Hoesssein niet het recht heeft om de agressie van de VS tegen Irak aan de kaak te stellen.

Millosevic heeft altijd vastgehouden aan zijn verzet tegen dit instituut, dat hij beschouwt als een instituut dat illegaal is opgericht en is ingesteld om agressie en schending van nationale soevereiniteit te rechtvaardigen. Ook houdt hij vast aan zijn stellige belofte aan het volk van Joegoslavië dat hij zal bewijzen dat de zogenaamde Balkanoorlogen in feite één oorlog waren, een oorlog tegen Joegoslavië, gevoerd in strijd met het internationaal recht.

Om Millosevic hiervan te kunnen weerhouden moeten de meest fundamentele principes van het strafrecht en het internationaal recht nog verder geweld worden aangedaan en de toekomst ervan in de waagschaal gelegd.

Er is slechts één positieve kant aan deze perverse processen: ze maken de situatie helder en maken eens en voor altijd duidelijk dat het Joegoslavië Tribunaal geen juridisch orgaan is, maar in plaats daarvan macht misbruikt die het wettelijk gezien niet eens heeft.

ICDSM, 21 April 2005, vertaling J. Bernaven

ge afdeling die regelmatig financiële bijdragen levert) zijn alleen genoeg om de kosten te dekken van het minimaal noodzakelijke extra werk in Den Haag, met betrekking tot het onderhouden van contacten met en het voorbereiden van buitenlandse getuigen. Voor alle andere noodzakelijke activiteiten is er geen geld.

Wij hebben met spoed 3.000 tot 5.000 euro per maand nodig.

Onze geschiedenis en ons volk verplichten ons om door te gaan met de noodzakelijke acties. Maar zonder deze financiële middelen is dat niet mogelijk. Organiseer daarom zo snel mogelijk activiteiten voor fondsenwerving en stuur de donaties naar rekeningnummer 6391313, tnv NCPN-Iandelijk, o.v.w. Millosevic. De NCPN is de enige internationaal erkende organisatie in Nederland, gerechtigd om bijdragen te verzamelen voor het ICDSM. Uw bijdragen worden zo spoedig mogelijk doorgestuurd.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
 Aan: "Nico & Neeltje Steijnen"
 Verzonden: donderdag 5 mei 2005 21:39
 Onderwerp: E-mail met bijlage (attachment): bktv050205

SERBIAN TV CONDEMNS EX-KOSOVO PM'S PARTY ADDRESS MADE FROM HAGUE TRIBUNAL

BBC Monitoring International Reports - May 2, 2005

Text of report by Belgrade-based private BKTv on 2 May

[Presenter] The former prime minister of Kosovo and Hague [tribunal] indictee, Ramush Haradinaj, has addressed himself to a gathering of the Alliance for the Future of Kosovo [AAK, Haradinaj's party] held in Pristina. Speaking live via telephone, Haradinaj addressed those gathered and told them to continue fighting for an independent Kosovo. So far, Hague indictees have been strictly forbidden to deal with any kind of political agitation and similar attempts have been regularly punished.

[Reporter] Speaking to members of his party, Haradinaj said that they should continue cooperation with international institutions, and improve the process which would lead to the creation of a state of Kosovo. [UN] Civil administrator Soeren Jessen-Petersen, representatives of diplomatic missions and Prime Minister Bajram Kosumi, who attended the gathering, also listened to Haradinaj's words. However, it remains unknown whether Haradinaj received permission from the tribunal for this speech.

Those who are familiar with the situation in the International Tribunal for War Crimes [in former Yugoslavia] have recalled that the tribunal has so far rigorously punished all attempts by some indictees to deal with politics from Scheveningen [Hague detention unit] or give interviews.

A former amicus curiae [of the Hague tribunal], lawyer Branislav Tapuskovic, explained for BKTv that this was a unique precedent.

[Tapuskovic] So far we have absolutely not had a case of someone having any propaganda-like communication with the former Yugoslav territory on a direct line between The Hague and, say, Pristina, Belgrade or Zagreb. This is strictly forbidden and absolutely impermissible, and the question should certainly be posed in appropriate places at the tribunal about how it was possible for something like this to happen in the first place.

So far, similar cases have not been registered at all. I remember once that someone from The Hague - I do not know exactly who - managed to establish contact with the domestic public and a huge problem was created out of it. This is something which certainly should not have happened.

[Reporter] Hague indictees [former Serbian and Yugoslav president] Slobodan Milosevic, [Serbian Radical Party leader] Vojislav Seselj and certain others were even forbidden to communicate with their families after they were caught attempting to influence political events from The Hague. Branislav Tapuskovic recalled that indictees released on bail pending trial were even forbidden to make political or any other statements for the media.

How did Ramush Haradinaj acquire the right to have such privileges? Does he enjoy special status? Will he be held accountable for violating the rules of the tribunal? Nobody from The Hague wanted to comment on this.

Source: BKTv, Belgrade, in Serbian 1655 gmt 2 May 05

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Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
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 Verzonden: maandag 9 mei 2005 1:30
 Onderwerp: THE BOMBING OF THE DUBRAVA PRISON AND THE CONTEMPT TRIAL OF KOSTA

THE BOMBING OF THE DUBRAVA PRISON AND THE CONTEMPT TRIAL OF KOSTA BULATOVIC

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

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic was cut to only one hour on Friday because of the contempt hearing against Kosta Bulatovic. Bulatovic was charged with contempt because he refused to participate in the trial while Milosevic was absent.

It is worth noting that Milosevic wanted to be in court, but was barred from attending by the tribunal's Registrar. The Registrar said his blood-pressure was too high, and would not let him attend court in spite of his wish to attend.

Article 21 the ICTY statute bans trial in absentia. These contempt proceedings only arise because the trial chamber violated the statute, and attempted to conduct the trial in the absence of Milosevic.

The trial chamber is prosecuting this case itself, which means that the trial chamber is simultaneously acting as the prosecutor and the judge. In most judicial systems prosecutorial and judicial functions are not permitted to mix, but this is the ICTY and I'm not surprised by anything they do anymore.

Bulatovic pleaded not guilty to the contempt charges. Bulatovic's lawyer, Mr. Stephan Bourgan argued that the case should be dropped or tried by another chamber. His submissions were denied and he was directed to proceed with his case.

Bourgan argued that Bulatovic did not willfully interfere in the administration of justice. He argued that Bulatovic wanted to testify, but he could not because he was afraid that his testimony could damage Milosevic if he was not present to correct misinterpretations or ask important questions.

Two witnesses were called in Bulatovic's defense. The first was Dragutin Milovanovic. Mr. Milovanovic is Bulatovic's assistant. Bulatovic is in poor health and needs Mr. Milovanovic to help him get around.

Milovanovic was with Bulatovic the whole time outside of the trial, and he testified that Bulatovic really wanted to testify, but only if Milosevic was present. He said that Kosta Bulatovic's only desire was to testify and to tell the truth.

Mr. Milovanovic testified that Bulatovic was overjoyed when the tribunal told him that Milosevic would be back in court and that he could complete his testimony. He said that Bulatovic crossed himself and said "thank God" when he learned that he could complete his testimony.

The next witness was President Milosevic's legal advisor and associate, professor Branko Rakic. Rakic was asked by the tribunal to meet with Bulatovic in order to explain the legal situation and to see what Bulatovic's position was.

Rakic testified that Bulatovic really wanted to testify, but would not testify because he was afraid that Milosevic's case could be damaged if he testified in his absence.

The transcript of the trial proves that Milosevic's presence was necessary to rehabilitate Bulatovic's credibility after Mr. Nice's cross-examination.

Mr. Nice had tried to paint Bulatovic as a rabid Serb nationalist because of some things he said on a BBC videotape about the Turkish emperor from 600 years ago.

It turned out that Bulatovic was merely reciting a famous Serbian poem about the battle of Kosovo, not making any speech of his own. If not for Milosevic's re-examination that point would have stood against Bulatovic. Mr. Kay certainly would not have known about Serbian folklore.

The trial chamber will rule on Friday, May 13th whether Bulatovic is guilty of contempt or not.

After the contempt hearing, the main trial resumed for about an hour with the testimony of Col. Radovan Paponjak, the former head of the SUP in Pec.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
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 Verzonden: maandag 9 mei 2005 1:30
 Onderwerp: THE BOMBING OF THE DUBRAVA PRISON AND THE CONTEMPT TRIAL OF KOSTA

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Col. Paponjak continued to testify about the NATO attacks on the Dubrava prison in Istok. On May 19, 21, and 24, 1999 NATO warplanes bombed the prison.

According to Paponjak's evidence, which includes video footage, the NATO attacks killed 93 prisoners and some members of the prison staff.

The indictment alleges that Serbian police killed prisoners there by executing them. Milosevic and Paponjak claim that NATO killed the prisoners – not the Serbian police.

The videotape clearly shows that the prison was bombed. Bomb fragments could be seen on the tape. Craters where the bombs exploded could be seen. Buildings at the prison were on fire. Corpses could be seen buried in the rubble.

There was videotape of the corpses after they had been pulled out of the prison. None of the corpses on the video appeared to have been shot, they were burned and dismembered, as if killed in a bomb blast, or crushed by falling debris.

Mr. Nice does not deny that NATO bombed the prison. Mr. Nice claims that the police executed prisoners in between the bombing raids.

Part of the documentation that Col. Paponjak came to court with were post-mortem photographs and finger prints of the prisoners killed in the bombing raids. Unfortunately, the police did not have time to check the fingerprints against the records before the war ended.

The prison was bombed in late May. The bombing ended in early June and the police had to leave. They simply did not have enough time to establish the identities of the victims. Therefore, it was not possible to compare the names of the victims to the list of names on the indictment.

Col. Paponjak will continue his testimony when the trial resumes next Monday.

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Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Nico & Neeltje Steijnen" <sagitar@hetnet.nl>
Verzonden: maandag 9 mei 2005 1:29
Onderwerp: DUBRAVA PRISON INMATES WERE KILLED BY NATO BOMBS NOT BY SERBIAN

DUBRAVA PRISON INMATES WERE KILLED BY NATO BOMBS NOT BY SERBIAN POLICE

www.slobodan-milosevic.org - May 5, 2005

Written by: Andy Wilcoxson

Col. Radovan Paponjak, the former head of the Interior Ministry secretariat in Pec continued his testimony at the trial of Slobodan Milosevic on Thursday.

Col. Paponjak gave testimony regarding documents obtained from the Serbian Interior Ministry concerning crime statistics in Pec.

According to the statistics, in the area of Pec, 606 people were killed between January 1, 1998 and January 1, 2001 as a result of the war. 42 died in the first half of 1998; 81 died in the second half of 1998; 18 died in 1999 prior to the NATO bombing; 388 died during the NATO bombing; and 77 died after the NATO bombing up until January 1, 2001.

Of the dead, 318 were Albanians and 288 were non-Albanians.

Of the 318 Albanians killed, 73 were KLA terrorists, and 245 were civilians; of those 298 were men, 19 were women, and one was a child. Of the killers 67% were Albanians, 23% were Serbs, and 10% were other ethnicities. That is to say, 67% of the Albanians who were killed in the Pec area died at the hands of other Albanians.

The 23% of "killers" who were Serbs include police and army personnel who killed ethnic Albanian KLA terrorists. The Pec SUP arrested 70 Serbs, including 7 policemen, for crimes against Albanians.

Of the 288 non-Albanians killed, 62 were VJ soldiers, 67 were members of the MUP, and 169 were civilians. Of those, 242 were men, 42 were women, and two were children.

These statistics show that non-Albanians make-up a disproportionately large share of the victims. Given that the area around Pec was more than 80% Albanian, it is surprising to see that less than 20% of the population comprises nearly 50% of the people killed.

In the area of Pec there were 166 KLA terrorist attacks, which left 238 people dead - 53 Albanians and 185 non-Albanians. The authorities killed an additional 35 Albanians in anti-terrorist operations.

Crime killed 148 people in and around Pec, of whom 118 were Albanians and 30 were non-Albanians.

NATO flew 97 sorties in the Pec area killing 144 people, 96 Albanians and 48 non-Albanians. A large share of those deaths occurred when NATO bombed the Dubrava prison in Istok in mid-May 1999.

The remaining deaths were the result of miscellaneous causes such as suicide.

Col. Paponjak testified that the police cooperated with the members of the OSCE Kosovo Verification Mission (KVM). He said that the police had to inform the KVM before carrying out operations, and that the information they gave to the KVM was sometimes leaked to the KLA before the operation could commence.

On May 19th, 21st, and 24th, 1999 NATO bombed the Dubrava prison in Istok killing over 90 people. NATO does not deny bombing the prison. The prosecution, however, blames Milosevic for the deaths at the Dubrava prison. The indictment alleges that Serbian police lined-up the prisoners and executed them there.

To refute the allegation that the police executed the inmates, Milosevic played a videotape of the prison taken on May 19th, just after the first NATO attack. For his part, Col. Paponjak was present and directly witnessed what happened at the Dubrava Prison.

On the videotape you could see large craters where bombs had exploded. You could see bomb fragments with English writing on them. You could see that the windows had been blown out of the buildings by the shock wave from the bomb blast. You could see bomb damage to the roofs of some of the buildings. Some of the buildings were still smoldering

from the fires caused by the bombing. Clearly the prison had been bombed.

You could also see people who had been killed by the bombing. Corpses were dismembered, their limbs were blown off, their heads were blown off, and they were covered by rubble from the destroyed buildings. Clearly they had been killed in the bomb attack – not executed by Serbian policemen.

Judge Robinson was disturbed by the video. He asked Milosevic what the point of showing these ghastly pictures was. Obviously the point is to show that the people who died at the Dubrava prison were killed by the NATO attacks – not executed by Serb police.

The cherry on the cake is that the wounded prisoners were taken to the hospital after the bomb attacks. Milosevic pointed out that it would be absurd for the police to carry out an execution, and then take the people who survived the attack to the hospital.

Milosevic will play the videotapes from the May 21st and May 24th attacks tomorrow, after the contempt hearing against Kosta Bulatovic is heard.

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Van: "Petar Borojevic" <pertep@yahoo.com>
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Verzonden: maandag 9 mei 2005 17:05
Bijlage: Lawless.doc
Onderwerp: Corrected the end of the test: Lawless Lords, Founding Fathers and Juridical

Lawless Lords, Founding Fathers and Juridical Impressionism

By Petar Borojevic, Ottawa, Canada

I am following the trial of Mr. Milosevic over Internet, as close as possible, for a busy man. Seeing all injustices done to Mr. Milosevic and the Serbs I was wondering what the leading doctrines are on which Mr. Milosevic's trial is based upon.

The first eye opening lead that I had was when Mr. Milosevic has provided uncontestable evidence that his speech at Kosovo Field in 1989 was presidential, inclusive and fair to everybody. Faced with the defeat Mr. Nice, the chief prosecutor for Mr. Milosevic's case at the ICTY, has said: "It is not important what Mr. Milosevic said at Kosovo, or even what he meant to say, it is only relevant what impressions others have of what he said."

The same approach Mr. Nice applied in the case of the Panda café event in which a quite a number of innocent Serbian young men were brutally killed by Albanian terrorists while drinking coffee and having fun. Mr. Nice pointed out that, in his opinion, it is not clear who is responsible for this crime. He additionally stated that the crime committed in the Panda café is only relevant with respect to events that took place in Kosovo after the crime happened.

"So, your claim is that the Panda café event is relevant with respect what followed it and that it is not relevant to establish who has committed the crime?", asked Mr. Bonomi, one of the three judges of the trial chamber. "Yes", answered Mr. Nice, and added: "It is not necessary to know who has committed the crime, but who people believed is responsible for committing the crime."

The ICTY's prosecution has recently been faced by the strong factual evidence that is contradicting their position and their case against Mr. Milosevic has started to crumble. How to counter this? That was the question. Being resourceful Mr. Nice has come up with the solution. It is not any more relevant what factually happened. The IMPRESSION what happened OVERRULES what really happened. As a consequence the ICTY and its prosecution have revealed that they have introduced into modern legislative practice a new doctrine, which can be named "Impressions overrule Facts", whereby it is not necessary to factually establish what happened. To the contrary it is enough to establish what impressions people have of what happened. The doctrine Impressions overrule Facts can be only used in the courts of the type of the ICTY where the fundamental doctrine is not one to deliver justice based on doctrines of factual evidence and fairness but on the doctrine Might is Right, which is deeply entrenched in the statute and practice of the ICTY since its establishment.

The doctrine Impressions overrule Facts is effective, powerful and elegant in its simplicity. Let's test it on the Racak event, where it has been established that at least majority, if not all, of Albanian victims were KLA terrorists killed in the battle, contrary to the evidence provided by the so called International Community and its Albanian witnesses that were lying during their testimony before the trial chamber of the ICTY.

- Is it important that the Racak event was not a massacre and that the victims found in Racak were KLA fighters? No, it is important that the Racak villagers had an impression that the massacre happened and that the victims were civilians.

- Is it important that Mr. Walker, Mrs. Ranta, Human Rights Watch, International Media, OSCE and others have sabotaged proper investigation and provided wrong information on the Racak event? No, it is important that an impression is created that they did their job honestly and as a consequence they have provided truthful

fact pattern.

- Is it important that Racak villagers testifying before the ICTY were lying? No, since they had given an oath and had an impression that they were telling the truth and nothing but the truth.
- Is it important that the bombing of Serbia has started by the New World Order Masters based on the false accusations and evidence? No, since an impression was created that the fact pattern was correct and the bombing justified.
- Is it important that Mr. Milosevic is not guilty of ordering the massacre of Racak that never happened? No, since the impression has been created, throughout the word, that the massacre has happened and that he has ordered it and that consequently he should be held responsible and accountable for it.

The doctrine of Impressions overrule Facts was used initially as a foundation of at least one of the unique rules of evidence adopted by the ICTY i.e. hearsay is allowed to be introduced as evidence.

Whenever the New World Order Masters were faced with legal problems, the ICTY prosecutors came to the rescue. When it became obvious that bombing of Yugoslavia was illegal under International Laws and Treaties, Judge Goldstone the first prosecutor in chief of the ICTY, at the time retired from that position, participated with a team of international experts at an international conference on the issue, which came up with the doctrine named Illegal but Legitimate, whereby the bombing of Serbia was illegal according to the International Law Statutes, International Treaties and Jurisprudence, but legitimate in view of not universally legislated, harmonized and adopted humanitarian principles arbitrarily imposed by the New World Order Masters upon the small countries of their dislike.

There are at least three recognizable doctrines that the New World Order Masters, the ICTY and its prosecution are operating on: Might is Right, Illegal but Legitimate and Impressions overrule Facts. These three doctrines work beautifully together. Illegal acts by ones that act under the doctrine Might is Right are legal as long as nobody dares to question their legality. If the question is asked the doctrine Illegal but Legitimate is invoked. If this is stubbornly contested by facts the doctrine Impressions overrule Facts is enforced and the circle is closed by proving that the Mightees are always the Rightees. The beauty of this, for public confusing methodology, is that in the process of determining the legality of an act the fundamental doctrine Might is Right is never invoked and remains unnoticeable, since it is hidden by concealing mechanisms exclusively available to the Mightees, as it was brilliantly presented in the famous story The Emperor's New Clothes by Hans Christian Andersen.

The unity of these three doctrines joined under the common name Juridical Impressionism is such a powerful new legislative tool of deception, that everything currently done in the world by the New World Order Masters is based on it.

What is the role of the main stream media and NGO-s in all of this? Well, their role is to create believable impressions.

From the boring doctrines of the modern law systems based in science, which are uninventive in their insistence on the meticulous fact finding, verification of the facts and scientifically based forensic evidence, we are moving back towards the very creative justice systems of the Middle Ages, whereby the contemporary laws were based on the concepts of impressions, magic and rumors. They enabled establishment of the rules of law that went so far to request of an alleged criminal to put his hand into the boiling oil and remain unharmed, in order to prove that he is innocent. Applied to today's world these concepts of Middle Ages are reincarnated as rules of law introduced under the doctrines of Juridical Impressionism. In view of what was said it is no wonder that the Serbs had war imposed on them and were requested to meet the impossible standard of doing no harm to their enemies while fighting them in order to prove that they are innocent.

Impressionism is an old and well-established concept in arts, but finally it became the leading doctrine in modern international politics and justice, under the name the Juridical Impressionism. It was created by its founding fathers: the New World Order

Masters, their private financiers, ICTY, and its prosecutors. As a consequence, we live in this modern world of ours where the absolute power over the world affairs is in the hands of the Lawless Lords of the round table of NATO, under the leadership of King Ameartur. Unfortunately main stream politicians, lawyers, social scientists, and journalists rarely dare to contest merciless rule of Lawless Lords in public. It is surprising that this silence of the lambs is not imposed by strict laws, but rather by irresponsible negligence of the majority that does not have time to find out or does not want to care what is happening to their fellow human beings, hoping in vain that they will never be faced with the hard request to put their hands into the boiling oil, in order to prove that they are innocent.

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'Proces Öcalan oneerlijk'

Europees Hof wil 'bevooroordeeld' vonnis herstellen

13-5-2005
STRAATSBURG — Het proces tegen de Koerdische leider Abdullah Öcalan in 1999 in Turkije is oneerlijk verlopen. Dat heeft het Europese Hof voor de Rechten van de Mens gisteren bepaald. Ex-PKK-leider Öcalan had de zaak bij het Europese Hof aangespannen nadat hij was veroordeeld tot de doodstraf wegens het leiden van het separatistische Koerdische verzet en hoogverraad. Zijn straf werd in 2002 omgezet in levenslang.

De uitspraak van het Hof is een bevestiging van een beslissing van twee jaar geleden, waartegen Turkije in beroep was gegaan. Het Hof beveelt niet expliciet aan om de rechtszaak tegen Öcalan over te doen, maar zegt wel dat „een nieuw proces of de heropening van de procedure in principe een goede manier zijn om de geconstateerde overtreding te herstellen”. Turkije komt nu waarschijnlijk onder morele druk te staan om de voormalige PKK-leider opnieuw te berechten.

Een woordvoerder van de Turkse regeringspartij AKP verklaarde gisteren dat de regering „de noodzakelijke juridische stappen zal nemen om de tekortkomingen die het

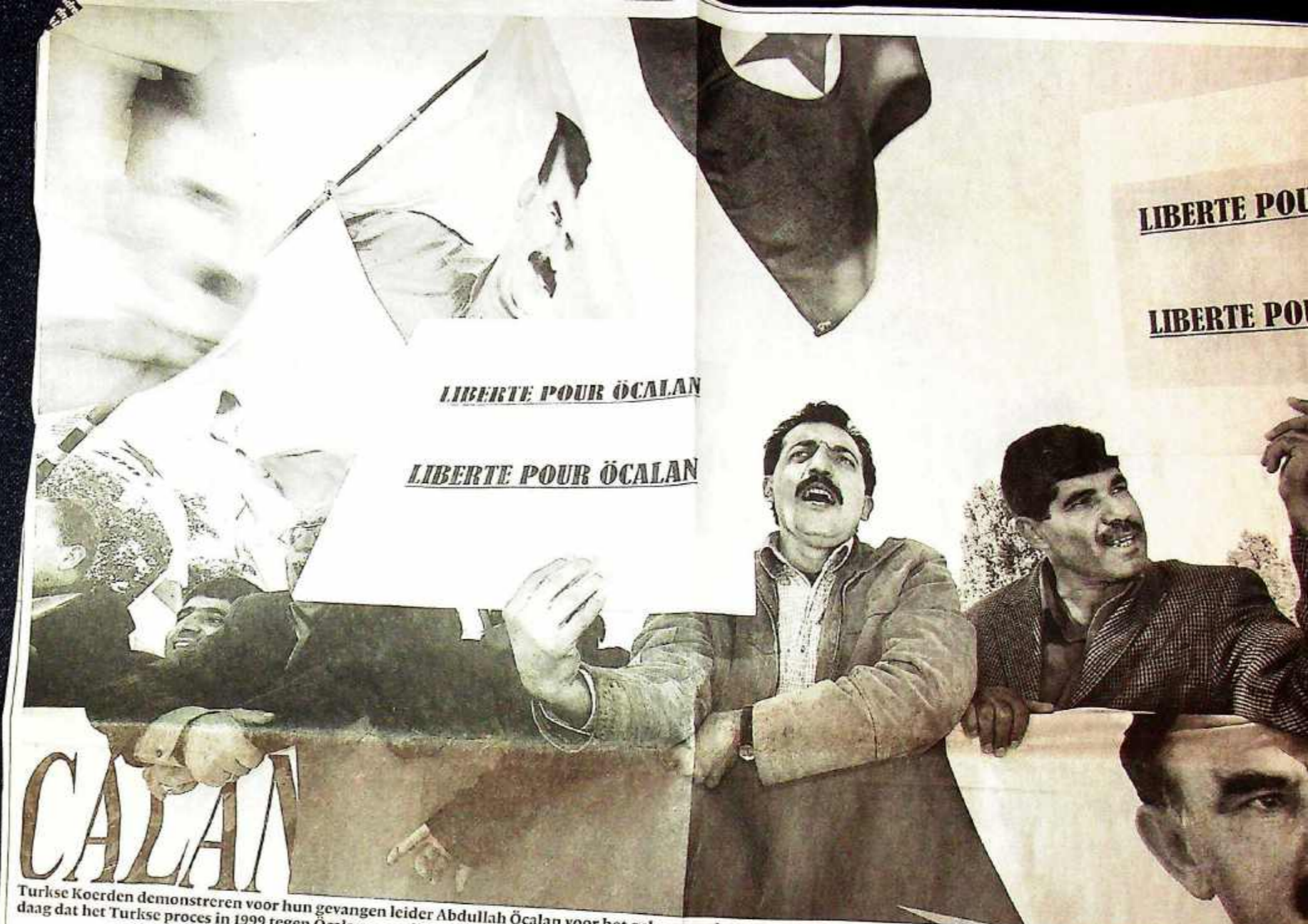
Europees Hof voor de Rechten van de Mens in het proces tegen Öcalan heeft geconstateerd, recht te zetten”. De woordvoerder verklaarde op de Turkse televisie dat de Turken niet hoeven te vrezen dat Öcalan wordt vrijgelaten en hij vroeg de kijkers vertrouwen te hebben in de staat en in de rechtspraak. Waarnemers hadden eerder gewaarschuwd voor onrust als het Europese Hof in het voordeel van Öcalan zou oordeelen.

De beslissing van het Europese Hof moet overigens nog wel worden geratificeerd door de Raad van Europa, die zich bezighoudt met de mensenrechten in Europa.

De Europese Commissie, het da-

gelijks bestuur van de EU, liet gisteren weten kennis te hebben genomen van de uitspraak van het Hof en met spanning af te wachten wat de door Ankara aangekondigde juridische stappen betekenen. „Wij gaan ervan uit dat Ankara de uitspraak respecteert”, aldus een woordvoerder van de Europese Commissie. Landen die EU-lid willen worden moeten zich houden aan uitspraken van het Europees Hof.

Het Hof oordeelde gisteren dat het proces tegen Öcalan oneerlijk was verlopen, omdat het hof dat hem heeft veroordeeld niet onafhankelijk en onbevooroordeeld was door de aanwezigheid van een militaire magistraat. (ANP/RTR)



Turkse Koerden demonstreren voor hun gevangen leider Abdullah Öcalan voor het gebouw van het Europese Hof voor de Rechten van de Mens in Straatsburg. Het Hof oordeelde vandaag dat het Turkse proces in 1999 tegen Öcalan oneerlijk was. (Foto AFP)

Geïrriteerd Turkije zal Öcalan herberechten

Turkije is geïrriteerd over de uitspraak van een Europees hof dat het proces tegen PKK-leider Öcalan oneerlijk was. Maar het heeft geen keus dan hem opnieuw te berechten.

2005
 Door onze correspondent **BERNARD BOUWMAN**
JEREVAN, 12 MEI. De Turkse minister van Buitenlandse Zaken, Abdullah Gül, klonk gisteren al geïrriteerd. Al wordt een rebellenleider als Abdullah Öcalan honderd keer berecht, altijd zal dezelfde straf uit de bus komen, zo liet hij weten. Gül voorvoelde de uitspraak van het Europese Hof voor de Rechten van de Mens in Straatsburg van vanmorgen. Dat oordeelde dat het Turkse proces

tegen Öcalan oneerlijk was en adviseerde Turkije om de zaak over te doen. Een klap in het gezicht van Ankara, dat nu juist van mening was dat het zijn uiterste best had gedaan om de Koerdische separatistenleider een eerlijk proces te geven.

De vice-voorzitter van de parlementsfractie van de regerende AKP-partij, Sadullah Ergin, noemde de uitspraak vanochtend dan ook „duidelijk niet een besluit dat wij wensten”. In een eerste reactie tegenover de nieuwzender NTV onderstreepte hij tegelijk dat het vonnis „in geen enkel opzicht de opstelling van Turkije jegens het terrorisme en de terroristen verandert”. Met de terroristen doelde hij op Öcalan en zijn Koerdische Arbeiderspartij (PKK).

In een eerder vonnis (waar zowel de advocaten van Öcalan als de Turkse overheid beroep tegen

aantekenden) concludeerde het Hof al dat onder andere de aanwezigheid van een militaire rechter gedurende een gedeelte van het proces maakte dat de rechtsgang onvoldoende eejlijk was. Daarnaast sprak het Hof zich ook tegen de doodstraf die in eerste instantie tegen Öcalan werd uitgesproken (later werd die omgezet in levenslang). Deze overwegingen kwamen terug in het vonnis van vandaag. Ook constateerde het Hof dat Öcalan onvoldoende contact had kunnen hebben met zijn advocaten.

Dat het vonnis van vanmorgen geen verrassing was, neemt niet weg dat het een fikse teleurstelling is voor Turkije. Volgens Turkse schattingen zijn bij de strijd in Zuidoost-Turkije ten minste 30.000 mensen om het leven gekomen. Omdat Öcalan die strijd begon, aldus die opvatting, is hij

verantwoordelijk voor dat verlies aan mensenlevens. „Jullie in Europa zijn zo bezig met de rechten van Öcalan”, zei een mevrouw al ten tijde van het proces tegen de rebellenleider. „Maar wie van jullie denkt aan de rechten van mijn overleden zoon (een soldaat die in de strijd om het leven kwam, red.)?” Een flink aantal Koerden in met name Zuidoost-Turkije denkt daar natuurlijk volstrekt anders over: zij vinden dat Öcalan geen andere keus had omdat de Turkse overheid de Koerden al jaren hun rechten ontzegde.

Ondanks de grimmige opmerkingen van Gül en Ergan heeft Turkije geen andere keuze dan Öcalan een nieuw proces te geven. Dat gaf een regeringswoordvoerder vanmiddag dan ook aan met de mededeling dat Turkije „zal doen wat noodzakelijk is”. Turkije wil immers graag lid worden

van de Europese Unie. Omdat ook Ankara weet dat er in een flink aantal lidstaten grote weerstanden tegen Turkse toetreding bestaan kan Ankara zich geen rel met Brussel veroorloven. Schoffering van het Europese Hof zou vrijwel zeker tot een fikse crisis met de Europese Unie leiden.

Bij herberechting zijn twee knooppunten van het Hof al niet meer aan de orde: sinds 1999, toen het proces tegen Öcalan plaats had, heeft Turkije militaire rechters afgeschafte en is ook de doodstraf uit de wet verdwenen. Öcalan is ook niet de eerste prominente Koerd die wordt herberecht in opdracht van Straatsburg. Eerder al gebeurde dat met onder anderen Leyla Zana, die voor de Koerdische DEP-partij in het Turkse parlement zat maar wegens vermeende separatistische activiteiten de gevangenis in moest.

Europees Hof acht proces Öcalan oneerlijk

STRAATSBURG, 12 MEI. Het Europees Hof voor de Rechten van de Mens heeft het Turkse proces tegen de Koerdische separatistenleider Abdullah Öcalan vandaag als oneerlijk beoordeeld, en Turkije geadviseerd hem opnieuw te berechten.

Turkije heeft al meegedeeld dat „het zal doen wat het moet doen”. Öcalan werd in 1999 ter dood veroordeeld, maar die straf werd in 2002 in een levenslange gevangenisstraf omgezet.

Uitspraken van het Hof in Straatsburg zijn bindend in alle 46 lidstaten van de Raad van Europa en er is geen beroep tegen mogelijk. Het Hof is een orgaan van de Raad van Europa.

In strijd met internationale verdragen werd Öcalan niet berecht door een onafhankelijk en onbevooroordeeld tribunaal, aldus de uitspraak van het Hof. Een militair rechter maakte immers deel uit van de rechtbank, zo had het Hof al in 2003 in een tussenvonnis geoordeeld. Daarnaast is het Europees Hof van mening dat Öcalan niet snel genoeg voor een rechter is gebracht na zijn aanhouding en dat zijn advocaten onvoldoende tijd hebben gekregen om zijn verdediging voor te bereiden en onvoldoende toegang tot hun cliënt hebben gekregen.

Ten slotte was het Hof van mening dat het vellen van een doodvonnis na een oneerlijk proces neerkomt op foltering. Er ging gejuich op onder tientallen Koerden die zich in Straatsburg bij het Hof hadden verzameld onder een spanndok met de tekst 'Laat Öcalan vrij - vrede in Koerdisan' toen de uitspraak bekend werd.

Een woordvoerder van de Turkse regering signaleerde korter tijd later dat Turkije bereid is Öcalan opnieuw te berechten. De vice-voorzitter van de regerende AKP-partij, Dengir Mir Mehmet Fırat, sprak zich in dezelfde zin uit. „De republiek Turkije is een open rechtsstaat en verplicht zich te doen wat de wetten eisen.” Beiden gaven tegelijk te verstaan dat een nieuw proces niet in vrijheid zal resulteren.

Overigens zijn de militaire rechters en de doodstraf inmiddels geschrapt in Turkije, dat bezig is zijn wegeving in overeenstemming te brengen met die van de Europese Unie, waartoe het wil toetreden. Turkije is wel al lang lid van de Raad van Europa.

Öcalans PKK nam in 1984 in het overwegend Koerdische Zuidoost-Turkije de wapens op tegen de Turkse autoriteiten. Turkije verloor 30.000 mensen die daarbij de dood hebben gevonden. Öcalan zelf leidde de afscheidingsstrijd vanuit Syrië. Damascus zette hem echter in 1998 onder zware Turkse militaire druk het land uit, waarna de PKK-leider in 1999 in Kenia door Turkse agenten werd aangehouden

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Nico & Neeltje Steijnen" <sagitar@hetnet.nl>
Verzonden: vrijdag 13 mei 2005 1:22
Onderwerp: VIDEO TAPE EVIDENCE: DUBRAVA PRISON INMATE KILLED BY NATO BOMBING IS LISTED ON INDICTMENT AGAINST MILOSEVIC

VIDEO TAPE EVIDENCE: DUBRAVA PRISON INMATE KILLED BY NATO BOMBING IS LISTED ON INDICTMENT AGAINST MILOSEVIC

www.slobodan-milosevic.org - May 9, 2005

Written by: Andy Wilcoxson

The testimony of Col Radovan Paponjak continued at the trial of Slobodan Milosevic on Monday. Paponjak is the former head of the SUP in Pec and has been giving evidence relating to the Dubrava Prison in Istok.

Col. Paponjak has testified that 93 people were killed at the Dubrava prison between May 19th and May 24, 1999. He said that the dead were inmates and prison staff killed by the NATO bombing.

Today Paponjak said that some prisoners may have been shot by prison guards while trying to escape. According to one of the documents he obtained from the prison, the bombing damaged the perimeter wall around the prison and a number of prisoners attempted to escape through the damaged wall. The document says, "measures were taken" by prison authorities to prevent the break-out. Under questioning from Judge Kwon, Paponjak said that "measures taken" could have meant shooting, but he was not sure.

President Milosevic also presented a document that would seem to indicate that some prisoners could have been shot while trying to escape. He presented the report of a Spanish forensic team, dated June 3, 2000. The report pertained to autopsies allegedly carried out on victims from the Dubrava Prison. The report said that of the 60 bodies autopsied, 45 were definitely killed by bombing and 53 were killed either by bombing or were killed with weapons "possibly during an escape attempt."

Milosevic played more videotape from the crime scene investigation carried out at the prison. On the tape the corpse of Januz Krasniqi could be seen. Krasniqi is listed in Schedule J of the indictment as having been executed by Serbian police, but from the videotape we can see that he had not been shot. No gunshot wounds or blood could be seen anywhere on Krasniqi's body (he was wearing light blue clothing so blood would have been easy to see).

Krasniqi obviously died as the result of blast injuries from the NATO bombing. With blast injuries, the force of the bomb blast causes internal injuries (the pressure wave can cause a person's blood vessels to burst, their lungs can explode, etc...), while leaving the outside of the body looking intact. Krasniqi's body appeared to be intact, clearly he was not the victim of an execution. If he had been shot with a machinegun or hit with a grenade, he would have been a bloody mess.

In fact, the corpses of all 93 of the victims could be seen on the tape. Most of them were not identified, but Krasniqi was among a small group of corpses that had been identified.

Col. Paponjak denied that any executions had taken place at the prison. He said that if any executions had been carried out that he would have known about it. With that his examination-in-chief came to an end and he was cross-examined by Mr. Nice.

The prosecution's case is very weak on the Dubrava Prison. Dr. Eric Baccard testified, as a prosecution witness, that a number of bodies exhumed at a cemetery near Istok had died as the result of gunshot wounds. The only problem was that he couldn't say whether those bodies had come from the Dubrava Prison or not.

The prosecution also relied on the testimony of Jackie Rowland, a BBC reporter who was at the prison at practically the same times as Col. Paponjak. Her testimony did not help the prosecution at all. She testified that she did not know how the corpses that she saw at the prison were killed, she could not see them because the bodies were covered by bed sheets.

In short, there is no conclusive proof that anybody was shot at the Dubrava prison. Baccard didn't know where the bodies he examined came from, and Ms. Rowland didn't know how the bodies she saw had died.

Ms. Rowland did testify that the prison was bombed between May 21st and May 24th. This is what Col. Paponjak says

Mr. Nice denies that this is the case. Mr. Nice claims that there was no bombing at that time - he says that is Serbian police were executing the prisoners.

Nice says claims that NATO bombed the prison after May 21st are attempts to "cover-up." Mr. Nice, who conveniently ignores the testimony of his own witness says claims that NATO bombed the prison are attempts to conceal the responsibility of the Serbian police.

Col. Paponjak denied that there was any conspiracy to cover things up. He said that the reports and documents that he relied on in his testimony were written contemporaneously. He said that there was no possibility of a cover-up, because nobody would have known what they were supposed to be covering-up.

He said that the story of an execution at the prison was not invented until much later. In fact when one reviews the testimony of Ms. Rowland, one sees that the story did not materialize until the middle of August 1999.

Mr. Nice spent the remaining part of his cross-examination asking general questions about the situation in Pec. Those questions did not relate to any specific charges in the indictment. The cross-examination will continue on Tuesday.

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Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Nico & Neeltje Steijnen" <sagitar@hetnet.nl>
Verzonden: vrijdag 13 mei 2005 1:23
Onderwerp: MR. NICE TELLS LIES WHILE ACCUSING COL. PAPONJAK OF BEING A

MR. NICE TELLS LIES WHILE ACCUSING COL. PAPONJAK OF BEING A LIAR

www.slobodan-milosevic.org - May 10, 2005

Written by: Andy Wilcoxson

The testimony of Col. Radovan Paponjak came to an end at the trial of Slobodan Milosevic on Tuesday. Paponjak, the former head of the Pec Secretariat of the Interior (SUP), was called to testify about events at the Dubrava Prison.

Mr. Nice concluded his cross-examination of the witness late in the day, following which President Milosevic re-examined the witness. During the cross-examination, Mr. Nice frequently called the witness a liar and insulted him.

When the witness said that NATO had bombed the Dubrava prison for the third time on May 22, 1999, Mr. Nice accused him of "making-up" his testimony as he went along.

Mr. Nice claims that NATO did not bomb the prison after May 21, 1999. According to Mr. Nice, Serbian police executed prisoners on May 22nd. He says that the Serbs attacked their own prison with grenades, executed more than 20 prisoners with firearms, and then blamed NATO for the deaths.

Mr. Nice conveniently ignores the testimony of his own witness, and ignores the information contained in his own exhibits. During the prosecution case the prosecution called BBC reporter Jacky Rowland to testify. According to her evidence, NATO bombed the prison between May 21st and May 24th, 1999.

During Ms. Rowland's examination-in-chief a news report that she filed with the BBC was played (the videotape is prosecution exhibit 292). In her May 24, 1999 report she said, "It's clear that the prison has been badly pounded by NATO since our first visit on Friday [May 21st]. One building was smouldering while the dining room [and] several cellblocks were badly damaged." (See page: 9009 of the August 27, 2002 transcript)

Mr. Nice knows full well that NATO bombed the prison after May 21st, because his own witness said they did. The lying accusations that Mr. Nice was making against Col. Paponjak were really beyond the limit of reason.

The witness testified both in the examination-in-chief and in the cross-examination that none of the prisoners were executed. Mr. Nice tried to act like he had caught the witness in a lie. Mr. Nice said that he had autopsy reports compiled by Dr. Eric Baccard proving that 37% of the prisoners who were killed at the Dubrava prison had died from gunshot wounds.

Mr. Nice has absolutely no proof that 37% of the persons killed at Dubrava Prison died as the result of gunshot wounds. Dr. Baccard carried out autopsies on bodies found in the Rakosh cemetery, and he found that 37% of those bodies had sustained gunshot wounds. The only problem was that he didn't know whether the bodies he autopsied came from the Dubrava Prison or not.

Take a look at the following excerpt from the May 22, 2002 transcript – pages 5333 to 5334.

SLOBODAN MILOSEVIC: And all the bodies found at the grave in Rakosh, were they killed at the prison in Dubrava or could they have been brought there and buried from some other place?

DR. ERIC BACCARD: I don't have information, forensic information, that would allow me to answer that question.

[End Excerpt]

As you can see, the only liar in the courtroom today was Mr. Nice. Mr. Nice has no proof that 37% of the prisoners killed in Dubrava were shot. Mr. Nice couldn't know where the people that Dr. Baccard autopsied came from – Dr. Baccard didn't even know, he only assumed.

In addition to questions about the Dubrava Prison, Mr. Nice asked general questions about the situation in Pec. For the most part, those questions did not relate to any specific charges in the indictment.

Mr. Nice is always the first to complain when Milosevic leads evidence that isn't directly related to a specific part of the

ment, but it's a restriction that the prosecutor doesn't seem to apply to himself.

During his re-examination, Col. Paponjak denied that there was any military facility at the Dubrava Prison. NATO justifies its attack on the prison by claiming that a military base was there. Mr. Nice also claimed that there was a military facility there. Col. Paponjak observed that no military equipment could be seen on any of the more than 2 hours of videotape that was shot of the prison and exhibited at the trial. One would assume that military equipment would have been visible if it was there.

It was also noted that prisoners who were wounded in the NATO bombing were taken to the Hospital. It would be absurd for the Serbs to take wounded prisoners to the hospital for medical treatment if their intention had been to execute them.

Following the conclusion of Col. Paponjak's testimony the trial chamber debated the admissibility of the documents that the witness brought to court. Mr. Nice did not want any of the documents to be exhibited, but most of them were exhibited anyway.

The Milosevic trial will resume on Wednesday, May 11, 2005.

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Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Nico & Neeltje Steijnen" <sagitar@hetnet.nl>
Verzonden: vrijdag 13 mei 2005 1:24
Onderwerp: GEN. STEVANOVIC'S TESTIMONY DETAILS POLICE ACTIVITY AND REFUTES CONSPIRACY ALLEGATIONS

GEN. STEVANOVIC'S TESTIMONY DETAILS POLICE ACTIVITY AND REFUTES CONSPIRACY ALLEGATIONS

www.slobodan-milosevic.org - May 11, 2005

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic heard testimony from Gen. Obrad Stevanovic on Wednesday. Stevanovic formerly served as Serbia's assistant interior minister. He has worked in the field of law enforcement since the late 1970s.

Stevanovic briefly testified about the 1981 riots in Kosovo. He was part of the force that the SFRY Interior Ministry sent to Kosovo to quell the rioting in 1981. He said that the character of the riots were secessionist in their tone, as evidenced by slogan of the rioters which was "Kosovo Republic."

He testified that Kosovo-Albanians deserted the police force in the late 80s and early 90s. He said that the Interior Ministry tried to convince them to stay, but they left their jobs anyway. He categorically denied that Albanians were dismissed from their jobs in the police.

Gen. Stevanovic's testimony dealt extensively with the structure of the Serbian Interior Ministry, and the laws and regulations that governed the ministry. Anybody who is curious about the nuts and bolts operation of the Serbian Interior Ministry would be well served to read the transcript of Gen. Stevanovic's testimony.

The prosecution contends that Serbia was a police state. They claim that the Serbia's police were militarized, politicized, and that they were under the direct centralized control of Slobodan Milosevic.

Serbia was not a police state under Milosevic, according to Gen. Stevanovic's testimony there was only 1 policeman for every 400 citizens. France, for example, has a higher ratio of policemen to citizens than Serbia ever had. The level of policing in Serbia while Milosevic was in power is comparable to the level in Great Britain.

Gen. Stevanovic testified that politics never entered the activities of the police. He said that police were given jobs and given promotions according to their skill level, not their political affiliation.

He testified about the sorts of weapons that the police had. From what he described, and from what the written regulations he exhibited showed, the Serbian police were armed at a level comparable to American policemen.

The witness explained how the interior minister is selected. According to the law, the Interior Minister is elected by the Serbian parliament, not by the President of Serbia. The Interior Minister is the one who controls the Ministry of the Interior, not the President of Serbia. The President of Serbia can promote personnel in the ministry to a higher rank, provided that the minister recommends their promotion.

Gen. Stevanovic testified about special police units. These units were established in all of the Yugoslav republics in the 1970s following a 1972 terrorist attack in Bosnia that killed a large number of policemen.

Stevanovic testified that the special police units were comprised of regular policemen, who had received special training to participate in the units. He said that the special police units were always subordinated to the secretariat they were serving in. For example, if a special police unit from Belgrade were operating in Pec, then they would be subordinated to the commander of the Pec Secretariat of the Interior, not to anybody in Belgrade.

Documents exhibited by Stevanovic showed the relevant laws and regulations that applied to all policemen throughout the territory of Serbia, while Milosevic was in power. According to the regulations, nobody could order the police to violate the law. If the police received an order that violated the law they were not supposed to follow it, they were obliged to report the illegal order to an official above the authority that issued it.

The police were required to enforce the law at all times, even when they were off duty. The police did not have to be ordered to enforce the law. It was always their responsibility to enforce the law.

The indictment depends on the existence of a so-called "joint criminal enterprise" or conspiracy.

The conspiracy is the sole element linking Milosevic to the crimes alleged by the indictment. Milosevic is charged with crimes on the basis that he organized and directed a conspiracy. He is charged with crimes that were allegedly committed in the pursuit of the alleged conspiracy.

If Milosevic can show that the conspiracy didn't exist, then the entire indictment falls apart. The so-called "joint criminal enterprise" is the keystone that the entire indictment rests on. Without the existence of a conspiracy, the prosecution has nothing to link Milosevic to any of the crimes alleged by the indictment.

The testimony of Gen. Stevanovic takes aim at the heart of the indictment. His testimony is aimed at showing that a conspiracy to ethnically cleanse Kosovo could not have existed in the conditions that prevailed in the Serbian Interior Ministry.

He will continue his examination-in-chief when the trial resumes next Tuesday, May 17th.

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GEN. STEVANOVIC'S CONTINUED TESTIMONY & THE CONTEMPT OF KOSTA BULATOVIC

www.slobodan-milosevic.org - May 17, 2005

Written by: Andy Wilcoxson

Gen. Obrad Stevanovic continued his testimony at the trial of Slobodan Milosevic on Tuesday. Stevanovic formerly served as Serbia's assistant interior minister. He has worked in law enforcement since the late 1970s. He also worked in Kosovo throughout the 1980s and 1990s.

The orders that the police in Kosovo were issued were part of the exhibits accompanying Gen. Stevanovic's testimony. He testified about the structure and contents of the orders. He testified that the police were ordered not to use lethal force against the KLA if civilians would be harmed. He said that the KLA exploited this, and mingled itself among the civilian population so that the police could not do anything to them.

He testified about the subordination of Serbian Interior Ministry personnel to the Yugoslav Army. This re-subordination only occurred during the state of war, and only on certain combat operations. Under the law on re-subordination, the police could only be subordinate to the army during a state of war.

Stevanovic testified about the so-called "Joint Command" that operated in Kosovo. The prosecution has alleged that the Joint Command was a parallel command structure outside of the normal vertical chain of command. Stevanovic testified that the Joint Command was a cooperation body. He said that the top military and police personnel would meet to exchange information, and they called this cooperation body the Joint Command.

The Joint Command had no command authority. It was a group of military and police commanders who met to exchange information. The Joint Command did not issue orders, and did not operate outside of the normal vertical chains of command for the military and police.

The witness testified about confidence building measures that the Serbian Interior Ministry took to quell the fears of ethnic Albanians in Kosovo. One of these measures was called the "Local Security."

The Local Security program allowed the Kosovo-Albanians to elect their own local policemen in their own villages. The Local Security allowed Serbian Interior Ministry personnel to leave the villages. The Local Security was issued firearms and had the authority to arrest people. It was Local Security's job to provide law enforcement, and according to Stevanovic they did their job pretty well.

The Local Security operated in Kosovo from 1998 until the end of the NATO bombing. Milosevic exhibited numerous documents generated by the Local Security forces during the bombing.

The documents demonstrated that these ethnic Albanian police officers continued to function normally and do their job in Kosovo at precisely the time when the prosecution claims that Serbia was ethnically cleansing the Albanians.

Gen. Stevanovic testified that the KLA attacked members of the Local Security because they did not want there to be normalized relations between the Albanian population and the state authorities.

The witness said that the KLA forced Albanian civilians to join the KLA; also that it forced them to do manual labor. He said that numerous Albanians sought protection from the KLA. Among them was Ibrahim Rugova who, according to Stevanovic, personally asked him for the protection of the Serbian Interior Ministry.

Stevanovic testified about the measures the police took to cooperate with the OSCE's Kosovo Verification Mission (KVM). He said that the army and police fulfilled their obligations and fully cooperated with the KVM. His testimony is corroborated by the testimony of Roland Keith, the commander of the Kosovo Polje KVM field office. When Mr. Keith testified he said that the army and police cooperated fully with the KVM.

Stevanovic came to court with the statistics on terrorism in Kosovo. The statistics showed that terrorism was sporadic between 1991 and 1998. In those seven years there were only 134 terrorist attacks, and only 39 people were killed.

In 1997 the Albanian Government collapsed, and the depots of the Albanian Army were looted. Stevanovic said that this looting allowed the KLA to arm itself and radically increase its terrorist activity.

In 1998 there was 2,010 KLA terrorist attacks, and 328 people were killed (over 10 times as many as the preceding seven years combined). Over half of the civilians killed in those attacks were Albanians. In 1999 the number of KLA terrorist attacks was even higher.

Even though the Serbian police withdrew from Kosovo on June 10, 1999 they still keep track of the events there. All of the Interior Ministry secretariats that had been based in Kosovo are now maintaining their offices in Serbia proper, and

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
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Onderwerp: SEIZED KLA DOCUMENTS SPEAK OF CAMPAIGN OF INTIMIDATION :

SEIZED KLA DOCUMENTS SPEAK OF CAMPAIGN OF INTIMIDATION

www.slobodan-milosevic.org - May 18, 2005

Written by: Andy Wilcoxson

Gen. Obrad Stevanovic began his third day of testimony at the trial of Slobodan Milosevic on Wednesday. Stevanovic was Serbia's assistant interior minister during the 1990s.

Stevanovic's testimony has been accompanied by hundreds of documents. Among his exhibits were KLA documents seized by the Serbian police during raids on KLA facilities. These particular documents were seized in 1998 during anti-terrorist operations in Leskovac.

The documents showed that the KLA had established elite squadrons for kidnapping and assassinations. The KLA had also established illegal prisons and so-called "execution squads."

The seized KLA documents spoke of the civilian population moving as the result of fighting, not as the result of any Serbian ethnic cleansing. One of the documents spoke of an incident on the Albanian border where forty armed KLA terrorists clashed with the Yugoslav Army while illegally attempting to cross from Albania into Yugoslavia. The document said that the result of the fighting was panic among the civilians and the fleeing of the population.

The documents showed that the KLA was engaged in the intimidation of Albanian civilians. One of the documents was a letter written by the KLA that was intended for a particular Albanian. The letter threatened that this Albanian would be kidnapped or killed if he did not give his car, his pistol, and thousands of Deutsche-marks to the KLA.

Gen. Stevanovic gave testimony regarding the actions of the police. He said that the police only used force in special circumstances, and that they did not use excessive force. Stevanovic's testimony stands in direct contradiction to what Paddy Ashdown said when he testified as a prosecution witness.

To bear this point out, Milosevic had Stevanovic read out the orders the police were given. The police were ordered to protect the civilian population regardless of their ethnicity, and to abide by the Geneva Conventions.

The police were specifically ordered to arrest military and police personnel who committed crimes against the civilian population. Not only were the police issued those orders directly, the orders were published in the Politika newspaper so that everybody would be aware of them.

Stevanovic testified that the police mostly reacted to terrorist attacks, although there were special circumstances where anti-terrorist operations were planned. Force was only used in these planned operations when civilians would not be placed in jeopardy. Force was used in a gradual nature. The witness said that force would start out minimal and then build-up as the situation warranted.

Crime statistics also feature in Stevanovic's testimony, as the former assistant Interior Minister; he has access to the official crime statistics for Kosovo. Today he focused on crimes against Albanians.

According to the official statistics of the Serbian Interior Ministry, between January 1, 1999 and June 20, 1999, 3,614 Albanians were reported to be the victims of violent crimes in Kosovo. The MUP arrested 2,788 persons, including members of the army and police, for the commission of those crimes against the Albanian population.

The statistics showed that the NATO bombing killed 617 people in Kosovo, of whom 305 were Albanians, 253 were Serbs, and 59 were others.

The NATO bombing killed more people than the anti-terrorist actions of the Serbian police. The anti-terrorist actions killed 564 people in Kosovo, the vast majority of whom were Albanian terrorists.

During Stevanovic's testimony Judge Robinson acted like he had trouble understanding the nature of Milosevic's defense.

Milosevic's defense is simple. The indictment alleges that Milosevic planned and participated in a grand conspiracy, or

joint criminal enterprise," to ethnically cleanse Kosovo and parts of Bosnia and Croatia so as to establish an enlarged Serbian state.

The prosecution charges Milosevic with specific crimes on the basis that those crimes were committed in the pursuit of the alleged master conspiracy. The prosecution has not shown a single order that Milosevic, or the Serbian government, issued advocating the commission of a crime. Nor does the prosecution allege that Milosevic directly perpetrated a war crime. This alleged "Joint Criminal Enterprise" is the only thing the prosecution has that links Milosevic to any of the specific crimes alleged by the indictment.

Milosevic's defense is very simple. Milosevic claims that the joint criminal enterprise, alleged by the indictment, never existed. The primary aim of his defense is to show that there never was a conspiracy to create "Greater Serbia" or to ethnically cleanse the non-Serbian population.

Gen. Stevanovic's testimony is aimed at showing that steps were taken by the police to prevent and punish war crimes. The prevention and punishment of war crimes does not jibe with the prosecution's claim that the police were part of a conspiracy to commit war crimes in Kosovo.

Milosevic uses his defense as a platform to defend Serbia and the Serbian people. He has conclusively shown that the Racak massacre was a hoax, and that the Serbian police never executed prisoners at the Dubrava prison.

His defense rests on two main pillars. First, the Joint Criminal Enterprise did not exist. Second, the crimes attributed to the Serbian military and police never happened or were exaggerated.

Milosevic does not deny that individual crimes were committed. He is showing through witnesses like Gen. Stevanovic and Gen. Gojovic that those crimes were punished, and that they were committed in violation of the orders that the army and police were given.

The trial will resume on Thursday. Gen. Stevanovic is expected to take another two days in chief.

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Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
 Aan: "Nico & Neeltje Steijnen" <sagitar@hetnet.nl>
 Verzonden: zaterdag 21 mei 2005 2:26
 Onderwerp: JUDGE REMINDS MILOSEVIC THAT HE IS ON
JUDGE REMINDS MILOSEVIC THAT HE IS ON

Judge Robinson reminded Milosevic today that, in case the accused has forgotten, he was "on trial and not at large" to speak about what he wanted." Testimony about "the general situation" and "widely known" circumstances of departures of Albanians from Kosovo.



THE HAGUE, 18.5. (SENSE) - On the third day of testimony of General Obrad Stevanovic, Presiding Judge Robinson found it necessary to remind Milosevic that he was "on trial and not at large" to speak about what he wanted. He also reminded him that the evidence he was presenting should be relevant to the specific crimes he was charged with and not to "the general situation" in Kosovo, which is what the accused has been examining the defense witness about over the past three days. The courtroom "is not a place where [Milosevic] can achieve some other intentions or objectives that are not of an evidentiary nature", the judge said.

Only after this reminder and warning did Milosevic switch to topics that could be relevant to his defense case. Milosevic asked General Stevanovic, who served as Assistant Minister of the Interior of Serbia during the time relevant to the Kosovo indictment, to comment on orders issued by the MUP (Ministry of the Interior) Staff in Kosovo and communiqués by the Supreme Command, which spoke of efforts to "eliminate numerous cases of killing, arson and looting" and which said that hundreds of perpetrators of criminal offenses had been arrested. General Stevanovic said he did not know of any case of "illegal order" to members of the MUP or of any case of a perpetrator of a criminal offense being "identified, but not punished".

What certainly is relevant to the charges against Milosevic are daily reports describing security-related events and containing information of importance to security, which the MUP Staff in Kosovo sent to the Ministry in Belgrade every day. The report dated 1 May 1999 says among other things that 715,158 "members of the Siptar (Albanian) national minority" fled Kosovo from 24 March to 30 April.

Since Milosevic is charged with the forcible deportation of more than 800,000 Kosovo Albanians, Judge Bonomy asked the witness if daily reports described the circumstances under which those people had fled Kosovo. General Stevanovic replied that the MUP Staff in Kosovo "did not go into deeper analysis and explanations of what happened in those areas." His assumption is that that was not done because "it was widely known" under what circumstances and why the Albanians were leaving Kosovo. The judge said he was not interested in the witness's assumptions, but Milosevic nevertheless asked "what was it that was widely known?"

According to General Stevanovic, it was "widely known" that people were leaving the war zone for safety reasons and that "the trend of departures from Kosovo increased with the start of the NATO aggression."

Milosevic announced today that he would examine General Obrad Stevanovic for two more days - tomorrow and next Wednesday.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
 Aan: "Nico & Neeltje Steijnen"
 Verzonden: zaterdag 21 mei 2005 14:27
 Onderwerp: Fw: Mr Milosevic, you are on trial

— Original Message —

From: Darkita
 To: minja@vlada.ca ; 1branka@tiscali.co.uk ; kumasi@wanadoo.es ; Dragic@aol.com ; antic.miroslav@gmail.com ; milan.kasic@3web.net ; r_rozoff@yahoo.com ; despot@tiscali.nl
 Sent: Saturday, May 21, 2005 9:22 AM
 Subject: Mr Milosevic, you are on trial

http://www.iwpr.net/index.pl?archive/tri/tri_407_3_eng.txt

Institute for War & Peace Reporting

Tribunal Update

Courtside: **Milosevic**

By Ana Uzelac in The Hague (TU No 407, 20-May-05)

Judges hearing the case of former Yugoslav president Slobodan Milosevic struggled this week to streamline the testimony of a high-ranking Serbian police official, who spoke at length about how his troops operated in Kosovo before and during the period in which the war crimes are alleged to have taken place.

Former assistant interior minister Colonel Obrad Stevanovic is the highest-ranking Serbian witness yet to appear in Milosevic's defence case.

His testimony was intended to challenge the prosecutors' claim that a parallel chain of command existed during the 1999 Kosovo war which allowed Milosevic to directly supervise the combined police, military and paramilitary forces during the conflict.

In another part of his testimony, the witness focused on the specific incidents listed in the Kosovo indictment, trying to disprove the allegations that the Serbian police committed crimes against Albanian civilians on a systematic basis.

Milosevic is accused of directing a massive and complex security forces operation to expel Kosovar Albanians out of the province between March and June 1999 – the period when his country was subjected to NATO air strikes. The campaign was accompanied by widespread and systemic intimidation of Albanian civilians, which included mass murders. The indictment lists 17 such cases and 22 of expulsion.

The prosecutors state that this operation was coordinated through the "joint command" that had been created in 1999, under then Yugoslav deputy prime minister Nikola Sainovic. Prosecutors claim that the joint command gave Milosevic control over the Yugoslav ministry of defence, the Yugoslav army, the Serbian interior ministry and local defence units within Kosovo, bypassing the existing chain of command.

Obradovic was the first Milosevic defence witness to confirm the existence of the joint command – something that all previous defence witnesses consistently claimed they did not know anything about.

The prosecutors have never been able to obtain documents relating to the work of the joint command and Belgrade's democratic government has claimed they could not locate any, suggesting they were destroyed. Milosevic's former chef de cabinet, Goran Milinovic, is currently being investigated in Serbia on suspicion of hiding or destroying some 160 documents of the joint command.

But this week Milosevic's witness managed to produce minutes from a meeting of the joint command, drawn up by Milinovic. In the minutes, Milosevic is noted addressing the people gathered, and after that Yugoslav Army's Pristina corps commander Nebojsa Pavkovic gives an overview of the "fight against the NATO aggression" in Kosovo. Pavkovic has also been indicted by the Hague tribunal, and is currently in custody awaiting trial.

The witness insisted the joint command was not a real command structure, but an organ facilitating "horizontal

cooperation" and exchange of information between the security forces in Kosovo, and did not infringe on the regular chain of command.

Obradovic is one of the rare highly placed officials in both the regular and the assumed parallel chain of command not to have been indicted by Hague prosecutors.

All his superiors, including the then interior minister Vlastimir Djordjevic and Serbian prime minister Milan Milutinovic, have been indicted. So has the witness' former colleague, another assistant interior minister Vlastimir Djordjevic, who is currently on the run, and his direct subordinate Colonel Sreten Lukic, who was in operational command over the regular police forces in Kosovo during the war there. Prosecutors have refused to comment on whether Stevanovic was ever the subject of a Hague tribunal investigation.

For the larger part of his testimony, Obradovic spoke about the intricate command structure within the Serbian police, the rules and regulations governing it and the details of its weaponry. He insisted throughout that the Serbian police never committed any systematic crimes in the province and were under strict orders to protect Albanian civilians.

To support this, he showed orders issued to the Serbian police at the time, banning shooting at civilians or even conducting operations in the populated areas. He also showed orders insisting that the police follow four basic principles when active in Kosovo, including the principle of the proportional use of force.

He also insisted that the Albanian insurgents fighting against the Serbian police in Kosovo at the time were in no way inferior with respect to their weaponry, and were in fact at an advantage due to their knowledge of the terrain, and the fact that they always carried out the first strikes.

But in what appears to be emerging as a pattern of examination in the defence case, Milosevic kept Obradovic's testimony skirting around the factual issues of his indictment for the bulk of the first three days of the examination in chief. Factual evidence was dispersed in a sea of general allegations, and descriptions of police conduct in the year preceding the conflict.

Stevanovic also presented the chamber with the police statistics on the various kinds of security incidents in Kosovo during the NATO air strikes – and these were sorted not only by the type of incident but also by the ethnicity of the victims involved.

The statistics also confirmed there was in fact massive movement of the Albanian population out of Kosovo at the time, neatly registering literally tens of thousands of people leaving the region on a single day through various border crossings out of Kosovo. After a judges' query, however, it turned out that the statistics did not show the reasons for people leaving Kosovo. The witness said only that it was "generally known" that the movement intensified "after the beginning of aggression" – referring to NATO air strikes at the time.

Only on the fourth day of his testimony did the witness focus on the concrete incidents mentioned in the indictment – the massacre of Albanian civilians in the villages of Racak and Izbica in January and May 1999 – compelling the judges to allow the testimony to last well beyond the scheduled 12 hours.

But by the end of the week, he failed to produce any new factual evidence on these cases, repeating only some of the evidence and the conclusions drawn by the previous witnesses who conducted the actual official Serbian investigation into the massacre. (See Courtside: Milosevic TU No 401, 08-Apr-05, http://www.iwpr.net/index.pl?archive/tri/tri_401_3_eng.txt and Courtside: Milosevic TU No 399, 25-Mar-05 http://www.iwpr.net/index.pl?archive/tri/tri_399_1_eng.txt)

This approach combined with the systematic late production of large amounts of evidence – too late for translations to be made in time for the testimony – tested the judges' patience once again. Much of this week's testimony was taken up with admonishing Milosevic – who insists on defending himself – for bringing repetitive and general evidence and instructing him to handle his evidence better, and trying to halt his leading questions.

"Mr Milosevic, you are on trial, you are facing specific charges and you keep on bringing general evidence," a somewhat desperate sounding presiding Judge Patrick Robinson said at one point. "This is not a general situation. You are not at large."

Kosovo is just one of the three indictments that Milosevic is facing in the Hague, and although he does not seem to be even close to wrapping it up, the judges have announced on May 20 that he has spent already over a third of the 150 days allocated to his defence against all three indictments.

Stevanovic's testimony will continue next week.

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Nico & Neeltje Steijnen" <sagitar@hetnet.nl>
Verzonden: zaterdag 21 mei 2005 1:32
Onderwerp: STEVANOVIC: NO EXECUTIONS AT RACAK AND

STEVANOVIC: NO EXECUTIONS AT RACAK AND IZBICA

www.slobodan-milosevic.org - May 19, 2005

Written by: Andy Wilcoxson

Serbia's former assistant interior minister, Gen. Obrad Stevanovic, began his fourth day of testimony at the trial of Slobodan Milosevic on Thursday.

His testimony today focused on the information that the police had regarding specific crimes alleged by the Kosovo indictment.

He indicated that the police had information about events in: Racak, Izbica, Kottina, Suva Reka, and the Dubrava Prison. The MUP has no knowledge of the other incidents alleged by the indictment. However, Stevanovic noted that the MUP investigated nearly 1,500 incidents involving loss of life that the indictment does not mention.

He began his testimony by showing that the Serbian police took all the necessary steps to prevent crimes or – if they did occur – to identify and punish their perpetrators. During his testimony, he said that 12 police officers and 12 VJ soldiers, who had committed crimes resulting in death were arrested by the Police and prosecuted.

Milosevic then asked the witness questions about Racak. Citing official documents of the Serbian Interior Ministry, General Stevanovic confirmed, that the Racak operation was undertaken with the aim of arresting a group of terrorists responsible for the murder of a police officer. According to the documents, the terrorists opened fire using mortars, hand-held rocket launchers, and machineguns. The police fired back killing 40 terrorists. The documents demonstrated that the police had not used disproportionate force in Racak.

Stevanovic did not provide any new information about Racak, what he did do was corroborate the testimony of Danica Marinkovic, Dragan Jasovic, and Slavisa Dobricanin with the relevant documents from the Interior Ministry. All of the Serbian Interior Ministry's files pertaining to Racak were introduced through Gen. Stevanovic.

The next incident that Stevanovic testified about was Izbica. The indictment alleges that Serbian and Yugoslav forces shelled Izbica on March 27, 1999. It says that on March 28, 1999, forces of the FRY and Serbia surrounded the villagers, separated the men from the women and children, and then executed the men.

The prosecution called five Izbica witnesses: Ajmane Behrami, Sadik Xhemajli, Mustafa Draga, Liri Loshi, and Milazim Thaqi. Those witnesses all denied that the KLA was present in Izbica at the time (even though Liri Loshi was a KLA member, and Milazim Thaqi just so-happens to be Hashim Thaci's cousin). The prosecution witnesses insisted that VJ and MUP forces simply came to Izbica and "executed" the hapless Albanian men for no reason at all.

The testimony of the prosecution witnesses was nonsensical, and in some cases outright absurd. Mustafa Draga claimed that he had survived the alleged Izbica execution. As proof, he brought his shirt with him to court. The shirt had holes in it, which he claimed were bullet holes left by the bullets that the Serbian police fired at him from a heavy machinegun from a distance of eight meters.

When asked to explain how the bullets that riddled the shirt he had been wearing missed hitting him, Mr. Draga claimed that he was saved by divine providence. He said, "I was saved by God to come here and testify to the truth, because only God saved me from the Serbian police."

Another Izbica witness, Milazim Thaqi (Hashim Thaci's cousin), claimed that the Serbian police tried to execute him at Izbica too. He said that they were shooting at him from only seven meters away and that they missed him too. He claimed that God saved him too. Thaqi explained, "God saved us. And I'm here to tell the truth and only the truth, nothing but the truth." – Praise Jesus, Hallelujah! It's another miracle!

Among the exhibits in Gen. Stevanovic's possession were photographs taken at the gravesite in Izbica. One of the pictures showed a makeshift grave marker with the letters "UCK" written on it, which indicates that the person buried in the grave was a member of the KLA, the fact that the KLA was there shows that the prosecution's witnesses were lying when they said the KLA wasn't there.

According to the Interior Ministry's documents, when the police first approached the area gunfire was directed at them, which further indicates a KLA presence.

Gen. Stevanovic testified that the police did not even know that any killings had taken place at Izbica. He said that the police first became aware of the issue when aerial photos of the gravesite appeared on the Internet. He said that it took seven days for the police to find the gravesite and launch an investigation. Obviously the police could not have taken part in something they didn't even know about.

He will continue his examination-in-chief when the trial resumes next Wednesday.

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STEVANOVIC DAY 5: IZBICA, DUBRAVA PRISON, SUVA REKA, KOTLINA, AND PADALISTE VILLAGE

www.slobodan-milosevic.org - May 25, 2005

Written by: Andy Wilcoxson

Serbia's former assistant interior minister, Gen. Obrad Stevanovic, testified for the fifth day at the trial of Slobodan Milosevic on Wednesday. Milosevic forecasts that this witness's examination-in-chief will be concluded by the end of the day on Thursday.

Today's portion of Stevanovic's evidence dealt with the following incidents alleged by the indictment: Izbica, Dubrava Prison, Suva Reka, Kotlina, and Padaliste village.

The indictment alleges that Serbian and Yugoslav forces shelled Izbica on March 27, 1999. It says that on March 28, 1999, forces of the FRY and Serbia surrounded the villagers, separated the men from the women and children, and then executed the men.

Last week Stevanovic testified that the police did not even know that any killings had taken place at Izbica. He said that the police first became aware of the issue when aerial photos of the cemetery appeared on the Internet. He said that it took seven days for the police to find the gravesite and launch an investigation.

When the police found the cemetery at Izbica they launched an investigation. Photographs were taken and sketches were made of the cemetery. These photographs and sketches were shown in court today. The photographs show that five of the grave markers had the letters "UCK" inscribed on them. UCK is the Albanian abbreviation for KLA.

According to the Interior Ministry's documents, when the investigative team approached the area gunfire was directed at them.

The investigation determined that the cemetery was new, because the graves had been freshly dug, and that it was a Muslim-built graveyard, because all of the corpses were buried in individual graves facing Mecca.

The Investigating Judge assigned to investigate the scene ordered an exhumation of the bodies and exhumations began on June 2nd 1999.

101 bodies were exhumed and sent to Kosovska Mitrovica and to Belgrade for forensic analysis and identification, and on that basis a list of the corpses was compiled. 15 of those identified on the Serbian list coincide with the list of names contained in Schedule F of the indictment, but the rest do not.

It is worth noting that many of the bodies found at Izbica were not even from the area. They were brought there from somewhere else and buried.

Following the identification process, the bodies were reburied in cemeteries in Vucitrn and Kosovska Mitrovica, according to interior ministry documents.

Gen. Stevanovic said that the indictment's version of events at Izbica is illogical. The indictment claims that Serbian forces captured as many as 4,500 villagers, separated the men from the women, and then executed the men. If that had been the case, then more than 100 men should have been killed. Obviously in a group of 4,500 villagers there would have had to be more than 100 men.

The defense put forward by Milosevic is that the cemetery at Izbica was a KLA cemetery, not the site of a mass killing.

The next incident that Stevanovic testified about was the Dubrava Prison. The indictment alleges that Serbian police executed scores of inmates at the Dubrava Prison in late May 1999.

Gen. Stevanovic's testimony corroborates the testimony given by Col. Radovan Paponjak. Paponjak and Stevanovic both denied that anybody was executed at the Dubrava prison. They both testified that NATO had bombed the prison, and that it was the NATO bombing that killed the prisoners, not some kind of execution.

To bear this point out, Milosevic read from the report of the Spanish forensic team that autopsied some of the people allegedly killed at the Dubrava Prison. It could be seen that corpses they autopsied died from bomb blasts or from shock waves caused by a bomb blasts.

Stevanovic testified that every one of the prison buildings had been hit by the bombing, and that approximately 100 people were killed and about 200 wounded. Most of the people killed were inmates, but some prison officials including the deputy warden were killed too.

After persistent NATO attacks on the prison, Stevanovic personally ordered its evacuation, and the prisoners were sent to different jails or to the hospital if they were wounded.

The next incident that Stevanovic testified about was Suva Reka. The indictment alleges that Serbian forces massacred the Berisha family on March 26, 1999. Stevanovic testified that the Interior Ministry did not have any information about the death of the Berisha family.

He said that if the police had information that the Berisha family was massacred, then an investigation would have been launched. To bear this point out Milosevic read out two incidents that occurred in Suva Reka at roughly the same time, these incidents killed a total of 17 people and were investigated by the police.

Milosevic's defense is that the police did not have any information to indicate that the Berisha family had been massacred at Suva Reka. The best he can do is prove that the police would have investigated if they had any information that a crime had been committed.

Stevanovic has given extensive testimony, and presented numerous documents, to show that the police arrested members of the army and police who mistreated the civilian population during the war. He has testified that the police were ordered to protect the civilian population regardless of their ethnicity.

After Suva Reka was dealt with, Stevanovic shed some light on events at Kotlina. The indictment alleges that Serbian forces burned-down the entire village of Kotlina on March 24, 1999. It says that Albanian men were killed and then thrown down wells.

According to Stevanovic, fighting between the state security forces and the KLA broke out when the authorities were searching the area around Kotlina for terrorists that had been carrying out ambushes on a nearby road.

After the fighting ended, the authorities found the local KLA headquarters, which was full of weapons and supplies. The police took pictures of the village, and those photos showed that the village had not been burned down like the indictment said it was.

The photos also showed the "wells" that the Albanians were allegedly thrown down. These "wells" did not have any water in them. These "wells" were linked together by underground tunnels and they were equipped with ladders so that people could climb in and out of them. The so-called "wells" were really KLA bunkers that had been disguised to look like wells.

The pictures showed the bodies of the 22 terrorists who died in the fighting. It was clear that the terrorists were armed, because you could see the weapons they had from the pictures.

Milosevic read out a statement that an Albanian gave to the police on March 10, 1999 (two weeks before the fighting). This Albanian identified three of the people listed by indictment as "victims" as being KLA members.

Obviously the people who died in Kotlina were killed in combat. They were not executed and thrown down wells.

Padaliste village was the final incident that Stevanovic testified about. The indictment alleges that Serbian troops went from house-to-house shooting and killing the villagers on March 26, 1999. Although the indictment alleges a wide-scale killing in the village, it only names members of the Imeraj family as having been killed.

Stevanovic said that the interior ministry simply had no information about anybody killing the members of the Imeraj family. He did point out that if somebody had gone door-to-door killing people (as alleged by the indictment) members of more than one family would have had to be killed.

To prove that the police did their job, and investigated every crime they found out about. Stevanovic testified that the police investigated more than 1,500 incidents involving loss of life in Kosovo, and that the indictment does not cover the vast majority of those cases.

Gen. Stevanovic spent the last part of his testimony today listing example after example of cases where the police arrested members of the army and police, because they had been charged with committing crimes against Albanian civilians in Kosovo.

Milosevic is using Stevanovic's testimony to demonstrate that the police investigated all crimes that they were aware of, and that they arrested all perpetrators regardless of who they were, even if they were members of the army or the police. This evidence is aimed at showing that the Serbian authorities took every step possible to prevent and punish war crimes.

Stevanovic is expected to testify about the role (or the lack of a role) that the Serbian Interior Ministry played in the wars in Bosnia and Croatia when the trial resumes tomorrow.

STEVANOVIC DAY 6: ALL STEPS TAKEN TO PREVENT AND PUNISH WAR CRIMES

www.slobodan-milosevic.org – May 26, 2005

Written by: Andy Wilcoxson

The testimony of Serbia's former assistant interior minister, Gen. Obrad Stevanovic, entered its sixth day at the Hague Tribunal's trial of Slobodan Milosevic on Thursday.

Stevanovic's testimony picked-up where it left off on Wednesday; he continued to list examples where Serbian police and military personnel were prosecuted for crimes against the civilian population. His testimony shows that the Serbian authorities took all possible measures to prevent and punish war crimes.

Stevanovic testified about sanitizing the terrain or "mopping up" after battle. The prosecution has alleged that when the Serbian police were ordered to "mop up" that that meant evidence of crimes should be covered-up.

Gen. Stevanovic said that "mopping up" meant sanitizing the terrain. He said that it included: the burial of corpses (in accordance with relevant laws), the disposal of dead livestock, chemical clean up, debris removal, and the removal of unexploded bombs and weapons.

He said that the purpose of "mopping up" was the protection of the civilian population from disease and hazardous materials. Milosevic asked him if "mopping up" meant taking bodies to central Serbia and re-burying them there, and Stevanovic said that was not the case.

Milosevic questioned Stevanovic about Batajnica, where the bodies of Kosovo-Albanians are said to have been buried. Although it is not stated in the indictment, the Prosecution claims that hundreds of Kosovo-Albanians were dug-up from graves in Kosovo and re-buried at the police facility in Batajnica near Belgrade in an effort to cover-up evidence of crimes.

Gen. Stevanovic confirmed that the SAJ (anti-terrorist police) had a base at Batajnica. He said that he did not know anything about any bodies being dug-up from Kosovo and buried there.

Stevanovic testified that the police were not present at the Batajnica base during the bombing. He said that the SAJ facilities in Novi Sad and Pristina were bombed on the first day of the war, so the police evacuated the facility at Batajnica because they assumed that it would be bombed too. He said that he thought it was strange that NATO never bombed the Batajnica facility.

Stevanovic said that the only reason somebody would bury bodies at the Batajnica SAJ facility, or anywhere else in central Serbia, would be to incriminate the state of Serbia.

Allegations that bodies had been re-buried in central Serbia first surfaced two years after the war when the new Belgrade authorities needed political justification to send Milosevic to The Hague. Prior to that nobody alleged that any bodies had been removed from Kosovo.

Paramilitaries were a topic of Stevanovic's testimony. He said that the police were not involved with any paramilitary groups, and that Serbian paramilitary groups were not present in Kosovo.

Stevanovic also denied that the Serbian Interior Ministry had any of its units in Republika Srpska or the Republic of Serbian Krajina during the wars there. He could only think of one case when the MUP had a unit outside of Serbia. In this particular case a MUP unit was stationed just inside the Bosnian border to guard a rail-line that went between two points in Serbia but crossed inside of Bosnia for a couple of kilometers.

A substantial portion of Stevanovic's testimony dealt with the orders that the police were given. A lot of time was spent exhibiting the orders that the police were given. All of the orders were aimed at the protection of the civilian population. Looting, arson, and the expulsion of the civilian population were prohibited.

In addition to the orders the police were issued, transcripts of meetings between high level Interior Ministry personnel were exhibited. These transcripts showed that the Interior Ministry, at its highest levels, was committed to the protection of the civilian population.

Stevanovic testified that the police appealed to the Kosovo-Albanians to stay in their homes. He said that he personally went to Kosovo to ask them to return to their homes after clashes between the police and the KLA in 1998. He said that he was frustrated in his efforts by a representative of the International Red Cross, who was telling the Albanians not to go home.

As far as people fleeing their homes was concerned, Stevanovic said that people of every ethnicity fled Kosovo during

EVANOVIC DAY 6: ALL STEPS TAKEN TO PREVENT AND PUNISH WAR CRIM... pagina 2 van 2
the war. Adding that the first ones to leave Kosovo were the international organizations, which left just before the
NATO bombing.

Gen. Stevanovic will continue his testimony when the trial resumes on Friday afternoon.

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STEVANOVIC DAY 7: THE NATURE OF THE SERBIAN MUP'S PRESENCE IN BOSNIA AND CROATIA

www.slobodan-milosevic.org – May 27, 2005

Written by: Andy Wilcoxson

Slobodan Milosevic concluded his examination of Gen. Obrad Stevanovic in The Hague on Friday. Stevanovic is Serbia's former assistant Interior Minister.

Milosevic began the day by drawing the court's attention to a document that he received from Mr. Nice pursuant to Rule 68. The document was a book entitled "The Phoenix of Freedom" it is a book that memorializes KLA members who died in battle. The book listed 12 of the names contained in the Kottina portion of the Kosovo indictment as being KLA members killed in battle. This is bad news for the prosecution since they claim that the men killed in Kottina were civilians.

Gen. Stevanovic's testimony mainly focused on the activities of the Serbian MUP in the Krajina and Republika Srpska.

Stevanovic said that the Serbian MUP never participated in combat operations, and did not engage in any illegal activities.

The MUP was only present in a few areas along the border belt to guard the citizens of Serbia who, due to the composition of the border, had to travel through Republika Srpska to get to other parts of Serbia.

Stevanovic listed all of the areas where the MUP was present in Republika Srpska. An example of such presence was the case of the Belgrade-Bar railway, which passes through Republika Srpska for about 9 kilometers. Stevanovic said that the MUP was stationed along the railway to guard the trains from attacks coming from Serbian paramilitary groups operating in the region.

In another case a MUP unit was sent to Banja Luka, after the war, to assist the Republika Srpska authorities deal with the massive exodus of Krajina Serb refugees.

A similar case was noted in Eastern Slavonia and Baranja. A MUP unit was sent there after "Operation Storm" to help what remained of the Serbian Krajina take care of refugees. This was the only example of MUP presence in the RSK.

Stevanovic testified that the MUP presence in the RSK and Republika Srpska was always made known and coordinated with UNPROFOR and the international forces.

Gen. Stevanovic denied that the MUP had any relationship with paramilitary groups operating in Bosnia and Croatia. He said that the MUP arrested members of paramilitary groups when they attempted to cross into Serbia.

Following the conclusion of Gen. Stevanovic's examination-in-chief, administrative matters related to the cross-examination of Dragan Jasovic were discussed (Jasovic has been examined by the defense, but not cross-examined by the prosecution).

Mr. Nice wants to suspend the defense case so that he can call witnesses to refute Jasovic's evidence. This is unprecedented; the ICTY has never suspended a defense case to allow the prosecution to call witnesses to rebut a defense witness. As a rule, the prosecution is required to wait until the end of the defense case to call witnesses in rebuttal.

Mr. Nice wants to prevent evidence, that 30 of the 40 corpses found in Racak were KLA members, from going in as exhibits. Jasovic was a police investigator in Kosovo, and he took statements from citizens in the area around Racak. Those statements show that 30 out of the 40 people found dead in Racak were known to be KLA members.

Mr. Nice wants to call some of the Kosovo-Albanians who gave statements to Jasovic as witnesses. Mr. Nice wants them, or the ICTY investigators that spoke to them, to come to the tribunal and testify that they only gave statements to Jasovic under duress. Given the current state of affairs in Kosovo, it is unlikely that any Albanian would readily admit to collaborating with the Serbian police against the KLA.

Carla del Ponte herself told the Koha Ditore newspaper, on October 12, 2004, "You cannot imagine what kind of problems we are having in the investigations into UCK leaders in Kosova. There is huge intimidation of witnesses in Kosova, and now they do not want to cooperate with us."

After the discussion regarding Jasovic was concluded, Mr. Nice began his cross-examination of Gen. Stevanovic. Mr. Nice is expected to take-up most of next week in cross-examination. The trial will resume next Tuesday at 9:00 AM.

STEVANOVIC DAY 8: MR. NICE FAILS TO PAINT SERBIA AS A POLICE STATE

www.slobodan-milosevic.org – May 31, 2005

Written by: Andy Wilcoxson

Mr. Nice continued his cross-examination of Serbia's former assistant interior minister, Gen. Obrad Stevanovic, at the ICTY trial of Slobodan Milosevic on Tuesday.

Mr. Nice attempted to depict Serbia as an oppressive police state during the 1990s, and Gen. Stevanovic dismissed the prosecutor's claims as untrue. Stevanovic testified that the population did not live in fear of the police, and anybody who has been to Serbia knows that he is telling the truth.

Mr. Nice claimed that Milosevic was in charge of the police, and Stevanovic dismissed that as absurd. Stevanovic had to repeatedly explain the obvious: that the police were subordinated to the Interior Minister, not to President Milosevic.

As Stevanovic explained in the first day of his testimony, the Interior Minister is elected by the parliament – not appointed by the President. Milosevic, as president, was in no position to control the police directly – that job falls to the Interior Minister just like it does in every other country.

Mr. Nice persisted in his claims that Serbia was a police state, he claimed that assassinations were "the order of the day." Mr. Nice even went so far as to insinuate that Milosevic might have had something to do with the assassination of Zoran Djindjic.

Mr. Nice played the videotape from the JSO anniversary in Kula in 1997, the prosecutor paused the tape on the place where Milorad Lukovic "Legija" (among many others) could be seen shaking Milosevic's hand. At that time Legija was the JSO commander, and Milosevic briefly shook his hand as he was walking down a line shaking everybody in the unit's hand. The tape is really nothing special.

The tape was already dealt with when Captain Dragan testified, and the prosecution's thesis that the tape showed a connection between Dragan's Red Berets and the Serbian JSO fell apart way back then.

Mr. Nice was only trying to be theatrical since Legija is the main suspect in the Djindjic assassination. Of course Legija is also the policeman who arrested Milosevic, and Milosevic was already in jail in The Hague when Djindjic was killed – but Mr. Nice mentioned none of that.

In a desperate attempt to advance his thesis that Milosevic ran a police state, Mr. Nice made reference to an incident where the Serbian MUP took-over the Federal SUP building in Belgrade. General Stevanovic commanded that particular operation himself.

In October 1992, the Serbian MUP took over the entrances to the building pursuant to a ruling of the 2nd Municipal Court in Belgrade, which transferred ownership of the building from the Yugoslav Federation to the Republic of Serbia.

Stevanovic denied that force had been used, or that the employees of the federal police were prohibited from entering their offices.

Stevanovic explained that the Serbian MUP set up a "new mechanism for the control and admission" into the building. Some Federal SUP employees refused to accept the new procedure and they were denied entry. All in all the incident was a non-event, and it did not advance Mr. Nice's case.

The cross-examination of General Stevanovic will continue tomorrow. Mr. Nice is expected to take most of this week in cross-examination.

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STEVANOVIC DAY 9: MR. NICE SHOWS FALSIFIED DOCUMENTS AND AN ALLEGED SREBRENICA VIDEO AT MILOSEVIC TRIAL

www.slobodan-milosevic.org – June 1, 2005

Written by: Andy Wilcoxson

Prosecutor Geoffrey Nice continued his cross-examination of Serbia's former Assistant Interior Minister, Gen Obrad Stevanovic, on Wednesday at the Hague Tribunal's trial of Slobodan Milosevic.

Mr. Nice focused the cross-examination on Srebrenica. The prosecutor unsuccessfully tried to establish a link between the Serbian MUP and the July 1995 events in Srebrenica.

Mr. Nice asserted that Stevanovic was entrusted with the task of escorting the DUTCHBAT peacekeepers from the Serbian border at Bratunac to the Serbian border with Croatia only because he could be trusted to keep quiet the knowledge of massacres, a charge which the witness vehemently denied. Gen. Stevanovic explained that he escorted the DUTCHBAT soldiers through Serbia because they asked for a police escort.

Mr. Nice spent a great deal of time reading documents allegedly seized from facilities in Republika Srpska in 2004. These documents identified a unit called "Skorpions" as being part of the Serbian MUP. Stevanovic said that the Serbian MUP had no "Skorpions" unit, and had no idea what the documents were all about.

According to the documents, these "Skorpions" were sent to the Srebrenica area in the summer of 1995. Mr. Nice claimed that the commander of the "Skorpions" was Slobodan Medic, and that the Scorpions had been tasked with guarding the Djeletovci oil fields in Republika Srpska Krajina (RSK). Gen. Stevanovic had no idea what Mr. Nice was even talking about and consistently denied that the Serbian MUP had a unit called "Skorpions."

The Milosevic trial has already heard evidence about the "Skorpions" from the former Deputy Defense Minister of the RSK, Mr. Milan Milanovic who testified as a prosecution witness.

Beginning on page 27492 of the 14 October 2003 transcript, Milanovic testified that he personally recruited Slobodan Medic to establish the "Skorpions" in order to guard oil fields in the RSK. Take a look at the following excerpt from Milanovic's testimony:

SLOBODAN MILOSEVIC: Let's move on to the next topic. You testified about a Skorpions unit which was led by Slobodan Medic. Where were they from? Are they from your area? [i.e. the RSK]

MILAN MILANOVIC: Yes.

MILOSEVIC: Did you engage them?

MILANOVIC: Where?

MILOSEVIC: Did you engage them in your area?

MILANOVIC: As far as the area is concerned, I proposed, as is stated in this text, in my statement, I proposed to the director of the oil company that they secure the oil fields that were on the separation lines.

MILOSEVIC: Does that mean that you personally found them, rallied them, organised them, and engaged them privately to protect the oil fields?

MILANOVIC: That is not true.

MILOSEVIC: Well, who engaged them, then, to defend the oil fields in your area?

MILANOVIC: I proposed Slobodan Medic as the person who should be in charge of that security, and then they were under the director of the oil company.

MILOSEVIC: So this was a security unit for the oil company, the head of which you yourself proposed.

MILANOVIC: Correct.

MILOSEVIC: Why did it happen that you chose Medic to be at the head of the security detail in the oil company in your area?

MILANOVIC: Having toured the area, I realised that the oil fields were in jeopardy as they were along the very confrontation line. And it is common knowledge that if a shell were to fall, this would cause an ecological disaster. I

toured the area. I met this young man for the first time. He was proposed to me by several people. And I even remember that I asked Badza even whether he had anything against this, and he said he didn't.

This young man was about 22 or 23 years old at the time, and he organised the task well and continued working at it until the end of 1996.

MILOSEVIC: But you also sent them to Bosnia and Herzegovina, didn't you?

MILANOVIC: I didn't send them. The command of the [VRSK] corps sent them to accomplish various assignments, and most of those units that went outside the area I would visit very frequently.

MILOSEVIC: Well, as deputy defence minister, I assume you had a decisive say. As you appointed Medic yourself, you would decide where you would send him.

MILANOVIC: As you know yourself, according to the law on defence, the ministry does not have the right to order the engagement of the army. This is a right vested in the government and the command.

MILOSEVIC: Very well. So the government [of the RSK] sent them.

MILANOVIC: Yes, the [RSK] government and the [RSK] army command.

/// END TRANSCRIPT EXCERPT ///

As you can see from the transcript of Milanovic's testimony, the "Skorpions" were not a unit of the Serbian MUP, they were a unit of the Army of Republika Srpska Krajina (VRSK). Milanovic, as deputy Defense Minister of the RSK, would certainly know which units the RSK had under its command. Milanovic, as the Deputy Defense Minister of the RSK, personally appointed Slobodan Medic to lead the unit, the Serbian MUP had absolutely nothing to do with it.

The fact that Mr. Nice had so many different documents containing the same wrong information suggests that somebody is forging documents in order to bolster the prosecution's case.

At any rate, the whole thing confused the witness, he couldn't figure out why the documents referred to the "Skorpions" as being a unit of the Serbian MUP. He asked for permission to call the MUP headquarters in Belgrade to see if there any records about the "Skorpions" there. He received permission from the Trial Chamber, and he will tell what he found out during his testimony on Thursday.

Following Mr. Nice's exhibition of the falsified documents, he played a video that he claimed showed the "Skorpions" executing six Srebrenica Muslims. Of course, if the video comes from the same source as the documents, it's liable to be nothing more than actors playing out a scene for the camera.

The tape shows men in various types of uniforms; some with Serbian flags on their caps, shooting prisoners whose hands are tied behind their backs and who appear to have been beaten.

In one scene, a group of prisoners is lying on the floor. One of the uniformed men kicks a prisoner in the head and curses at him.

A voice could be heard telling the prisoners, "when you were killing Serbs you didn't wait." This would seem to indicate that the men being executed were identified as Muslim war criminals who had previously massacred Serbs in Srebrenica, and in the surrounding villages.

Next is the execution scene, the prisoners are lined-up and shot. After three men are shot, a man's voice is heard complaining that the battery in the camera is dying.

The varying types of uniforms coupled with the lack of insignia on the uniforms suggest that this is some sort of paramilitary group. Nothing on the tape indicates that the men seen shooting the prisoners are actually members of the "Skorpions" unit. For his part, Gen. Stevanovic did not recognize a single man on the tape.

Mr. Nice did nothing to authenticate the tape. He did not say who had shot it, whose possession it has been in for the last ten years, or where he got it.

After the prosecutor dealt with Srebrenica, he briefly questioned Gen. Stevanovic about events at the Dubrava Prison.

Mr. Nice is expected to complete his cross-examination tomorrow. Since most of Mr. Nice's cross-examination has had nothing to do with evidence raised during the examination-in-chief it is logical to assume that re-examination will take quite a while. Gen. Stevanovic probably won't conclude his testimony until sometime next week.

STEVANOVIC DAY 10: THE CROSS-EXAMINATION CONTINUES

www.slobodan-milosevic.org - June 2, 2005

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Written by: Andy Wilcoxson

Serbia's former assistant interior minister, Gen. Obrad Stevanovic, began his tenth day of testimony at the Hague Tribunal's trial of Slobodan Milosevic on Thursday.

Mr. Nice cross-examined Stevanovic about events at the Dubrava Prison, and about notes written in his diary.

As far as the Dubrava Prison was concerned, Mr. Nice relied on a statement that a deputy warden gave to Serbian investigators shortly after the incident.

The deputy warden claimed that a special MUP unit arrived at the prison at 5 AM on May 22, 1999. Mr. Nice claims that the MUP unit came to the prison to massacre prisoners, although there is nothing in the deputy warden's statement that says anybody was massacred.

Gen. Stevanovic was not at the prison, and did not know what a special MUP unit would have been doing there. He told Mr. Nice to ask the Pec SUP for information about that. It is possible that the MUP came to the prison to stop the jailbreak that Col. Paponjak testified about, but Gen. Stevanovic has already testified that he doesn't know anything about that.

The deputy warden's statement is vague. He spoke about the evacuation of the prisoners, but did not mention where they were taken. He only says they were "taken in an unknown direction." His statement also failed to mention all of the occasions when NATO bombed the prison, which led Mr. Nice to claim that the prison had not been bombed.

Mr. Nice claims that any mention of NATO bombing after May 21st is "a cynical attempt to blame NATO for the atrocities committed by the Serbian MUP at the Dubrava Prison." Mr. Nice is barking-up the wrong tree, the Milosevic trial has already seen videotape evidence proving that the prison was bombed after May 21st. Col. Paponjak brought a videotape proving that the prison had been bombed on the 24th of May 1999. Furthermore, there have been prosecution witnesses, such as Jackie Rowland, who testified that the prison was indeed bombed by NATO after May 21st.

The prosecutor also cross-examined Stevanovic about the contents of his diary. Stevanovic wrote the diary for his own purposes, so the wording was rather vague in places. It contained sentence fragments and short notes that he jotted down for his own use.

In one passage the diary read: "They work perfidiously on that issue. – They will justify the aggression with evidence of crimes – Clean-up – Simultaneous clean up of the territory – We will find it harder (illegible) once the mission arrives – The clean-up of the terrain is the most important."

Mr. Nice claimed that this passage was a reference to a conspiracy to hide evidence of crimes committed by the army and police.

Gen. Stevanovic claimed that this was a reference to the activities of the KLA. He said that the terrain needed to be cleaned-up so that the KLA could not create mass-graves and stage atrocities out of their war casualties, and then palm them off as evidence of mass killings that would serve to justify the NATO aggression.

The KLA has a history of staging its war dead to create the false impression of a massacre. A case in point is Racak, and Gen. Stevanovic said they did the same thing at Pusto Selo and Izbica.

Obviously Stevanovic was not referring to the police's activity. Nobody ever classifies their own activity as "perfidious" or uses the word "they" to refer to themselves.

Mr. Nice was simply exploiting vaguely worded notes that Stevanovic jotted down in his diary to concoct elaborate conspiracy theories about the Serbian police; conspiracy theories, which the witness ripped apart.

Frustrated at his lack of success, the prosecutor resorted to insults and claimed that the witness was "ready to lie in order to protect this accused." The witness naturally denied this claim.

At the end of the hearing Stevanovic was reminded to make inquiries about the "Skorpions" with the MUP headquarters in Belgrade over the adjournment. Gen. Stevanovic will continue his testimony when the trial resumes next Monday.

Sagittarius

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Onderwerp: Srebrenica Execution Tape Prompts Arrests

Srebrenica Execution Tape Prompts Arrests

Shocking war crime video prompts Serbian government to round up former paramilitaries accused of involvement in 1995 atrocity.

By Ana Uzelac in The Hague (TU No 409, 03-Jun-05)

Belgrade moved on June 2 to arrest a number of men suspected of participating in the executions of a number of Srebrenica Muslims, after a video recording of the crime was unexpectedly shown earlier this week in the Hague tribunal and later aired in Serbia.

Hague tribunal prosecutors showed a videotape on June 1 depicting what they claim are members of a notorious paramilitary unit, allegedly operating under the control of Serbian secret services, executing Bosnian Muslims from the fallen enclave of Srebrenica in July 1995.

The tape is considered to be one of the strongest pieces of publicly-available evidence of Milosevic's government involvement in the biggest atrocity of the Bosnian war and, if authenticated, could significantly boost the genocide charges against him.

The tape was shown during the cross-examination of former Serbian assistant interior minister Obrad Stevanovic, who has testified in Slobodan Milosevic's defence case for the past three weeks. A number of Serbian TV stations rebroadcast the tape later that evening, causing shockwaves through society.

The spokeswoman for the Belgrade war crimes prosecutor's office confirmed to independent Serbian media organisation B92 that the ten people arrested were members of the Scorpions unit, and that the executions were committed near the village of Trnovo on the slopes of Jahorina mountain, near Sarajevo.

The video shows men wearing camouflaged uniforms executing a number of young men, two of which were identified this week by their families as missing after the fall of Srebrenica. Four appear to be minors, two in their Thirties.

The tape, which carries no visible time or date, begins with the alleged Serbian paramilitary unit members leading the six captives from a lorry through a wooded area to a place of execution, prodding them like cattle.

The Muslims walk calmly, with their hands tied, their eyes on the ground, looking subdued. The paramilitaries then tell their captives to stop, position them for execution and then shoot them point blank, killing four.

Serbian prime minister Vojislav Kostunica – for a long time staunch opponent of the tribunal – appeared on a press conference in Belgrade on June 2 together with the Hague chief prosecutor Carla del Ponte to announce the arrests, which came after the tape had been aired in Serbia. "I think it is important for our public that we reacted immediately and that based on this shocking and horrible footage several of those who are involved in this crime are arrested and will answer to justice," he said.

The Hague prosecutors have come across this potentially vital piece of evidence almost a year after they closed their case against Milosevic – and due to complex courtroom procedures, they may face difficulties in including it in their case. According to IWPR sources they received it only in late winter this year – roughly a year after they closed their case against Milosevic.

It was not immediately clear whether prosecutors would seek to admit the tape as evidence at this stage, but from the first reaction by Milosevic's court-assigned counsel Steven Kay QC it was clear that should they try to do so, a full-fledged courtroom battle would likely ensue.

Tribunal insiders and observers seemed to agree that - if authenticated - this could be one of the more significant pieces of evidence proving Belgrade's direct involvement in the Srebrenica massacres. Milosevic is accused among others of genocide against Bosnian Muslims - and the Srebrenica killings are the only legally established case of

genocide in Bosnia.

Serbian governments have repeatedly denied any connection with the massacre at Srebrenica. But tribunal prosecutors insist that Belgrade was involved through units under the command of the secret service, which were under the formal command of the Serbia's interior ministry and informally directly subordinate to Milosevic himself.

One document that prosecutors had submitted as evidence in the trial was a written order of the Bosnian Serb interior ministry to "transfer the Serbian interior ministry units [under its command] from positions near Sarajevo to positions near Srebrenica" – but no evidence proving that such movement of troops happened has emerged to date. (See Milosevic Linked to Srebrenica Massacre, TU 317, 09-13 June 2003, http://www.iwpr.net/index.pl?archive/tri/tri_317_1_eng.txt)

In his earlier testimony, Stevanovic confirmed that some Serbian interior ministry units were indeed dispatched to the Serb-controlled parts of Bosnia and put under Bosnian Serb command. He insisted, however, that those units were only participating in "normal police activities" there and were stationed in and around the town of Banja Luka – a hundred kilometres away from Srebrenica.

Other potentially important pieces of evidence relating to Serbia's involvement in the Bosnian war and possibly the Srebrenica massacre itself are the minutes of a meeting of the Supreme Defence Council - rump Yugoslavia's main military coordinative body - relating to this period. However, the vast majority of these have been kept under protective measures on Belgrade's insistence. (See Justice at What Price?, TU No 407, 17-May-05, http://www.iwpr.net/index.pl?archive/tri/tri_407_1_eng.txt)

"But this [tape] is uniquely the first public piece of evidence pointing at Serbia's involvement, and that makes a big difference," said one tribunal source, speaking on condition of anonymity.

While the prosecutors refused to comment officially on what they intend to do with the tape once it is authenticated, tribunal sources and observers suggested a whole array of ways in which it could be used as evidence. One option would be for the prosecution to ask for the admission of the video as important fresh evidence in the Milosevic trial, but would need to prove that it represents an important new contribution to their case.

It could also be used in the rebuttal phase of the trial, or prosecutors may even ask for the re-opening of their case on the basis of the tape's importance, according to Edgar Chen, the permanent Milosevic trial observer for the Coalition for International Justice. "It is that new and that serious," he said.

The video could also play a role in another case – that against the head of Serbian secret service Jovica Stanisic, who was recently released from The Hague detention unit and is awaiting the start of his case in Belgrade.

Chen cautions, however, that before it becomes a valid piece of evidence, the tape needs to be authenticated - and because of its potential weight for the Milosevic case and others, its authenticity is likely to be challenged by any accused, and carefully weighed by the judges.

Other important issues would be to identify the victims as being from Srebrenica, and to prove that the Scorpions unit was actually controlled by the Serbian interior ministry or its special services.

But "if the tape is authenticated and if it is accepted into evidence, this could already be quite devastating for Milosevic's defence case", Chen said.

Ana Uzelac is IWPR's project manager in The Hague.

Sagittarius

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Verzonden: vrijdag 3 juni 2005 17:52
Onderwerp: BBC Interview re Del Ponte and Srebrenica Video - 8pm on BBC World Service

Just to let you know that I have just been interviewed by the BBC TV - re Del Ponte visit to Belgrade and the Video footage shown at the Tribunal a few days ago.

The interview which is not live and will no doubt be heavily edited is scheduled to be shown on BBC World Service (for those who have Hotbird satellite access - i.e. RTS and BKTV) and also simultaneously BBC4 TV (access via UK Freewave digital) at 8pm UK time (or 9pm CET) tonight.

Regards

Misha Gavrilovic

Sagittarius

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Onderwerp: Fw: Slobo's Scorpions in Srebrenica

— Original Message —

From: Darkita
To: minja@vlada.ca ; 1branka@tiscali.co.uk ; kumasi@wanadoo.es ; Dragic@aol.com ; antic.miroslav@gmail.com ; milan.kasic@3web.net ; r_rozoff@yahoo.com ; despot@tiscali.nl ; mmennard@aol.com
Sent: Thursday, June 02, 2005 8:37 AM
Subject: Slobo's Scorpions in Srebrenica

<http://cij.org/index.cfm?fuseaction=viewReport&reportID=685&tribunalID=1&print=true>

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Chilling Video Footage Shown of Purported Execution of Srebrenica Muslims By 'Scorpions' Paramilitary Unit - Allegedly Under Serbian MUP Command

International Criminal Tribunal for Yugoslavia (ICTY)

Milosevic Trial - The Hague

01 June 2005

THE HAGUE -

The Prosecution presented chilling video footage today in the trial of Slobodan Milosevic. During its cross examination of defense witness police General Obrad Stevanovic, the Prosecution played several clips in of what it claims are Muslim prisoners from Srebrenica being executed by a paramilitary unit called the "Scorpions" in 1995. The Scorpions, the Prosecution alleges, were under the command of the Serbian Ministry of Internal Affairs (MUP), which oversaw state security and policing in Serbia.

The video, if authenticated and admitted, is potentially crippling to Milosevic's denials of any Serbian involvement in the Srebrenica massacre which claimed upwards of 7,500 lives in July of 1995. In order for video to make this impact, the Prosecution must first prove several things. First of all, the video needs to be proven reliable. It will be important to show who filmed it and the "chain of custody" of the tape between its creation and the time it appeared in court. By showing that there was no opportunity for the tape to be doctored, its reliability can be greatly increased. Secondly, the Prosecution will need to prove that the tape shows what the Prosecution alleges – that the victims are indeed Muslims from Srebrenica and that the perpetrators were indeed members of the Scorpions unit. Finally, in what may prove to be the most difficult task, the Prosecution must show that the Scorpions were in fact, under MUP control.

What the tape shows

Only several short segments of the tape, which Prosecutor Geoffrey Nice said runs approximately 2 hours in full, were shown today in court. The opening segment showed the "Scorpion" unit receiving a blessing from an Orthodox priest. The personnel, all wearing black uniforms and red berets stand at attention while the rite is being performed. The next clip showed the men en route to the Republika Srpska – one clip showed the unit gathered around buses in front a sign reading "Pale" – the Bosnian Serb wartime "capital" overlooking Sarajevo. A date stamp on the footage revealed that these segments were filmed around the 25-26 of June 1995, only two and a half weeks before the UN-declared "safe area" of Srebrenica was overrun on 11 July.

The next batch of footage showed a group of about six men, hands bound behind their backs piled up in the back of a truck. An armed guard is seen kicking one of the bound men in the head and voices are heard mocking the helpless men as cry-babies (the verb *kmeziti* was used). No date stamp was visible on this portion of the tape. The bound men were then ordered off the back of the truck by men dressed in black fatigues, some wearing red berets and others in camouflage flak vests. A voice can be heard shouting in frustration the battery was running low on the video recorder. The bound men were ordered to lie in a ditch by the side of

the road and the lorry then drove off. Perhaps in response to a plea to wait, a voice could be heard telling the bound men that "when you were killing Serbs you didn't wait."

The bound men, all dressed in civilian clothing, some with blue shirts, one barefoot, were then marched through a grassy area in single file, all looking dejected and already lifeless. One by one they were shot with short bursts of rifle fire. As each one was shot, the next stepped forward and was shot – collapsing after a second of standing listlessly upright. Four men were executed in this manner, and two survivors were instructed to move the corpses. Again, a voice is heard complaining that the battery is running low on the camera.

Defense Reaction

Steven Kay, Court-assigned counsel for the accused immediately objected that no proper foundation was established for introducing the footage, that it was sensationalist and that no questions were being put to the witness about the contents of the tape. Mr. Kay also noted that the film had not been disclosed to the defense previously yet was being shown for public viewing.

General Stevanovic responded that he was "astonished" and immediately denied any connection between himself, the units he commanded which were operating in the Republika Srpska at the time and contents of video. General Stevanovic said that he did not recognize a single person on the footage. Prosecutor Nice then systematically went through still footage from the videotape showing close-ups of the men featured, and asked the witness if he recognized any of the men. Stevanovic could not, although he claimed that he might have seen a man nicknamed "Boca" (Slobodan Medic, leader of the Scorpions) in Erdut, Serbian Krajina, although he could not place the face.

Serbian MUP operating in combat role in Republika Srpska

The video footage must be viewed in the context of other evidence, also presented today. Immediately prior to showing the footage, Prosecutor Nice had introduced some documents obtained from Republika Srpska authorities that indicate that the Serbian MUP was operating in combat roles throughout the RS. One of the documents recorded desertions by four conscripts from the Federal Republic of Yugoslavia during operations in the Bratunac-Srebrenica-Konjavac-Polje area (Mr. Milosevic objected to this characterization and argued that while the conscripts may have originally hailed from the FRY, they were serving in the Bosnian Serb forces); another report indicated that two members of the Serbian MUP were wounded in combat near Foca. Finally a report authored by Ljubomir Borovcanin, an RS MUP commander who is currently indicted for complicity in genocide at Srebrenica recorded "four members of the Serbian MUP were slightly wounded" after operations.

One RS document noted that a police detachment from Banja Luka replaced the Serbian MUP unit the "Scorpions" in fighting near Trnovo. This document, characterizing the Scorpions as a "MUP unit" is the best indicator so far that the Scorpions were at least perceived as a unit under the command of the Serbian MUP.

Stevanovic volunteered to place a phone call to the Ministry of the Interior to check to see if any of the men listed as MUP officers named in these reports were officially on the rolls of the MUP.

Use of the evidence

Ostensibly, the Prosecution showed the video in order to refute General Stevanovic's testimony about the lawful and legitimate presence of the Serbian MUP on the territory of the Republika Srpska (RS). Previously, Stevanovic testified that various police units from Serbia were invited to assist local police in the RS and the Serbian Krajina border areas with routine police work such as traffic enforcement. Stevanovic testified that he was aware of all MUP deployments outside of the territory of Serbia and that none was engaged in combat operations or illegal activities.

Beyond impeaching these assertions by Stevanovic however, (who repeatedly clarified that he could only testify as to what the Public police was doing – not the "secret police" or paramilitary groups) the tape *along with* these other documents could show a link between Belgrade and the killing in Srebrenica. The short segments shown in court by themselves will not forge the critical link between killings in Srebrenica and official Belgrade complicity – but if it is proven that the Scorpions unit allegedly featured were in fact under Serbian MUP control, the chain of command could be followed all the way to the Milosevic – who was then President of Serbia and in control of its security apparatus.

The value of the video and the RS MUP documents goes far beyond simply impeaching the testimony of Stevanovic. They speak to the core of the indictment's claims that Milosevic "participated in the formation, financing, supply, support and direction of special forces of the Republic of Serbia Ministry of Internal Affairs.... [and] Serbian irregular forces or paramilitaries. These forces participated in the execution of the joint criminal enterprise through the commission of crimes...." including genocide. Furthermore, with the recent indictment

of former Yugoslav Army Chief of Staff General Momicilo Perisic for Srebrenica, even more evidence on linking Belgrade to Srebrenica may emerge. The recent surrender of RS MUP commander Ljubomir Borovcanin (whose report was cited today) may also provide more substance to the charges that Serbian MUP was assisting RS MUP in Srebrenica.

This video and the aforementioned RS MUP documents (and potentially more evidence from the Perisic and Srebrenica cases), if introduced for their substance would likely constitute "fresh" evidence. It is unlikely to be characterized as "rebuttal" evidence since it does not appear to rebut a new and specific point made by the defense. Yet this evidence goes beyond merely "reinforcing" old Prosecution evidence - or at least what the Prosecution has been able to show in public session. In order for it to be admissible, the Prosecution may need to re-open their case. In order to do so, the evidence should not merely "reinforce" existing evidence presented during the Prosecution's case-in-chief, but should be novel enough so as not to be redundant. The evidence should have arrived in the Prosecution's hands after the close of their case-in-chief and the Prosecution must demonstrate that it exercised reasonable diligence in identifying and locating it.

Re-opening the case may be the only fair option. Given the gravity of the evidence, and the fact that it goes to the center of the Bosnian indictment against Milosevic, the Defense must be given a full opportunity to defend against this new evidence, if it is admitted.

Obrad Stevanovic's possible role in Srebrenica

Finally Prosecutor Nice repeatedly questioned General Stevanovic on his testimony that his police forces were in place to safeguard the border area between Bosnia and Serbia. At one point he confronted the witness by stating that a paramilitary unit such as the Scorpions, if they crossed over into the RS from Serbia could not have gotten through "without the complicity and knowledge of those who controlled the border crossings." While Stevanovic attributed border security to the Border Police and not to his units, Prosecutor Nice postulated that Stevanovic was of such senior rank that for a group such as the Scorpions (shown on the tape traveling in a small caravan with buses and other large vehicles) to cross from Serbia to the RS, he must have known.

Finally Prosecutor Nice concluded today's Srebrenica questioning by asserting that Stevanovic was entrusted with the task of escorting the DUTCHBAT peacekeepers from Bratunac and out of the RS only because he could be trusted to keep quiet the knowledge of the massacres, a charge which he vehemently denied.

Submitted by Edgar Chen on 01 June, 2005 - Updated: 01 June 2005 13:39

Who's Involved

Defendent: Milosevic, Slobodan; ;

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STEVANOVIC DAY 11: SKORPIONS, RACAK, AND THE CORPSES FROM IZBICA

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

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Written by: Andy Wilcoxson

The marathon testimony of Gen. Obrad Stevanovic entered its 11th day as the trial of Slobodan Milosevic resumed on Monday.

Stevanovic, who is Serbia's former Assistant Interior Minister, testified for almost seven days in chief, and has been cross-examined by the prosecutor Geoffrey Nice for more than four days now.

Over the course of the cross-examination, a videotape was played depicting the killing of six men who Mr. Nice claims are Muslims from Srebrenica. Mr. Nice claims that the men carrying out the executions were members of a group known as the Skorpions.

In spite of massive evidence to the contrary, Mr. Nice persisted in the lie that the Skorpions were a unit of the Interior Ministry of Serbia at the time of the killings.

Gen. Stevanovic strongly denied that the Skorpions were a unit of the Serbian Interior Ministry. The testimonies of prosecution witnesses, such as Milan Milanovic, corroborate Stevanovic's claim that the Skorpions were not a unit of the Serbian Interior Ministry. The Skorpions are not even from Serbia; they're all men from Eastern Slavonia.

Stevanovic says that the Skorpions were never a unit of the Serbian Interior Ministry, although he does claim that several members of the Skorpions served as volunteers in a reserve unit of the SAJ during the 1999 NATO bombing. Stevanovic denied that the Skorpions had been accepted by the SAJ as a whole unit.

Stevanovic also pointed out that the SAJ unit that some members of the Skorpions belonged to was expelled from Kosovo after two of its members were implicated in the massacre of 19 Albanian civilians in Podujevo.

In an apparent effort to mislead the court and the public, Mr. Nice misrepresented the evidence of Milan Milanovic. Mr. Nice wrongly claimed that Milanovic had testified that General Djordjevic invited the Skorpions back to Kosovo after initially expelling them.

Milanovic never said any such thing. Milanovic said that the Skorpions were expelled by Djordjevic and that only Slobodan Medic came back. He certainly did not say that Djordjevic invited the Skorpions, or even Medic, to return. All he said was that Medic went back after the Skorpions were expelled, not that anybody invited him back, or that anybody other than Medic went back.

The prosecutor continued his cross-examination asking Gen. Stevanovic questions about Racak. Mr. Nice claimed that the fact that police found no weapons on the bodies in Racak meant that they could not have died in combat.

Stevanovic had to repeat, until he was blue in the face, that the police did not have access to the bodies until after the villagers moved them to the mosque. There was never a chance to directly investigate the actual scene to see if weapons there. All the police could do was go by the fact that somebody was shooting at them, that they shot back, and that gunpowder was on the hands of these corpses.

Mr. Nice wasted a lot of time asking the witness questions that he knew could not be answered. For example, he showed the witness a paper that Natasa Kandic wrote, and then asked him to find the police report proving that an investigation had been conducted regarding the crime alleged by Ms. Kandic.

It is impossible that anybody could know about each and every police report filed at the Serbian Interior Ministry. The witness is the former assistant interior minister; he's not Rainman.

Mr. Nice did bring-up something interesting regarding the transport of bodies from Izbica to graves in central Serbia. One of the corpses exhumed at Izbica was found at Petrovo Selo. The Serbian authorities have a written record of exhuming the corpse in order to perform a post mortem; they even issued a death certificate, all of this information is in the public record.

The fact that the body of this person was taken to Petrovo Selo and re-buried is really incredible. There is no reason on Earth for Serbia to hide the body after they performed an autopsy, took pictures of the corpse, and issued a death certificate, and then put all of the information in the public records for anybody to find it.

There can't be any motive to hide a body after you put it in the public record that the person was killed. This example shows that the motive to bury bodies in central Serbia was to incriminate Serbia, not to hide evidence of killings.

Mr. Nice will continue with the cross-examination when Gen. Stevanovic continues his testimony tomorrow.

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WHO ARE THE SKORPIONS: SERBIAN VOLUNTEERS OR NATO AGENTS?

www.slobodan-milosevic.org - June 5, 2005

Written by: Andy Wilcoxson

A videotape depicting the execution of prisoners of war was played at the trial of Slobodan Milosevic last Wednesday. The prosecution claims the victims were Muslims from Srebrenica, and the executioners were a unit of the Serbian Interior Ministry (MUP) known as the Skorpions.

I have been getting a lot of e-mail asking me about this Skorpion group. The short answer is that the Skorpions were not a unit of the MUP of Serbia in 1995, which is when the videotape was said to have been filmed.

Natasa Kandic, the director of the Belgrade-based Humanitarian Law Center, told the June 3rd edition of Belgrade's Politika newspaper that she is the one who provided the ICTY prosecution with the copy of the videotape.

The Skorpions were a volunteer unit from in Djeletovci in Eastern Slavonia. Their leader was a man named Slobodan Medic aka "Boca." The Skorpions were established on the initiative of Milan Milanovic, the Deputy Defense Minister of the Republic of Serbian Krajina (RSK). Milanovic, who testified as a prosecution witness at the Milosevic trial on October 14, 2003, claims that he proposed to the director of the Krajina Petroleum Industries oil company that Medic should establish a security force to guard the Djeletovci oil fields, and that is how the Skorpions were established in May of 1992.

The Skorpions also participated in other operations. The Skorpions were essentially a mercenary group. They went to the Bihac area, and while they were in Bihac they were subordinated to the command of the Army of the Republic of Serbian Krajina, according to Milanovic's testimony.

Milanovic testified that the Skorpions went to the area of Trnovo in Bosnia-Herzegovina in 1994. While they were there, he said, they were subordinated to the MUP of Republika Srpska.

On May 14, 1996 the Skorpions were forced to vacate their base at Djeletovci by UNTAES forces. According to statements given by Slobodan Medic the Skorpions were disbanded at this point.

By all accounts, the Skorpions were inactive until NATO attacked Yugoslavia in 1999. When NATO began bombing and a state of war was declared in Yugoslavia, a mobilization order was issued. The government sought volunteers to help with the war effort, and this is when the Skorpions reconstituted themselves and allegedly became involved with the Serbian Interior Ministry – four years after Srebrenica (although nobody had any idea that they had anything to do with Srebrenica until the videotape surfaced).

According to Milan Milanovic's testimony, when NATO attacked Yugoslavia, the Chief of the Public Security Department (RJB) Gen. Vlastimir Djordjevic, called him asking if he could get any volunteers to help out in Kosovo.

Milanovic says that Slobodan Medic also called him asking if he could arrange for the Skorpions to go to Kosovo as volunteers. Medic specifically said that he wanted the Skorpions to go as part of the MUP, and not as part of the Yugoslav Army (VJ).

Milan Milanovic testified that he proposed Medic and the Skorpions to Gen. Djordjevic. The Skorpions went to Kosovo right after the bombing began.

According to the February 14, 2003 testimony of prosecution witness Gen. Aleksandar Vasiljevic, who served as the former head of military security in the Yugoslav Army, the Skorpions were affiliated in some way with the SAJ (anti-terrorist unit of the MUP). Slobodan Medic has also given statements claiming that the Skorpions were used as a reserve unit of the SAJ.

For its part, the SAJ denies that it used the Skorpions as a reserve unit, or that it even had a reserve unit.

Unfortunately, some members of the Skorpions committed serious crimes against Albanian civilians in Kosovo. In May 1999 the Serbian authorities launched an investigation against two members of the Skorpions, Dejan Demirovic and Sasa Cvjetan, on the suspicion that they had massacred 19 Albanian women and children in the village of Podujevo.

The investigation was led by Dusko Klikovac, a homicide detective at the Nis SUP. Klikovac brought Demirovic and Cvjetan in for questioning, but he did not have enough evidence to hold them.

At that point Gen. Djordjevic ordered Medic and the Skorpions out of Kosovo, but Slobodan Medic is rumored to have returned to Kosovo later on, according to Milanovic's testimony.

The district court in Prokuplje filed formal criminal charges against Demirovic and Cvjetan in 2002 when Goran Stoparic, a former member of the Skorpions, agreed to testify that he had witnessed the men perpetrate the killings.

On March 17, 2004 Sasa Cvjetan was convicted of war crimes and sentenced to 20 years in prison. Dejan Demirovic is currently living in Windsor, Ontario. The Canadian government is refusing to honor the Serbian Government's requests for his extradition.

Demirovic is not a Canadian citizen, and the Canadian government says he entered Canada illegally. It is strange that the Canadian government is so keen on protecting him. One wonders if Demirovic isn't some sort of spy.

It is unlikely that Demirovic would have gone to Canada unless he was sure that the Canadian government would give him protection. He has family in Canada, so Canada is the first place that somebody would come looking for him. It would have been more logical for him to go to some corrupt little Central American country where he could bribe the police to ignore the Interpol warrants that are out for his arrest.

If Gen. Vasiljevic is right, and the Skorpions were in some way connected to the SAJ, then maybe it was them who took those bodies to the SAJ base in Batajnica.

NATO bombed every SAJ base in Serbia except for the SAJ base in Batajnica. The regular SAJ members evacuated the Batajnica base thinking that it would be bombed too.

If the Skorpions were working with NATO, and if they had infiltrated the SAJ, then they would have had access to the base in Batajnica, and they would be secure in the knowledge that NATO would not attack the base.

The idea that regular policemen could dig-up bodies in Kosovo and transport them to Batajnica without being noticed and subsequently attacked by the KLA, or getting bombed by NATO, defies belief. If NATO and the KLA were in on this, then everything becomes much more plausible.

The KLA could supply the bodies and the freezer trucks. The Skorpions would then take the bodies to the Batajnica base and bury them. They would not have to worry about being attacked by the KLA or NATO, and their SAJ credentials would get them past regular Serbian police. If the need arose, NATO could send jets to fly over an area so that any Serbian forces who might be around would seek shelter.

NATO would know that the bodies were buried at the base, and they could reveal this "incriminating evidence" whenever they needed to. As it happens they chose to reveal this when the Serbian government needed political justification to illegally hand Milosevic over to the Hague Tribunal in 2001. Nobody said a single word about bodies being taken from Kosovo and buried in Serbia-proper before that.

According to the testimony of protected witness B-071, who testified against Milosevic on April 2, 2003, the Skorpions wore camouflage NATO uniforms when he saw them in Bosnia during the war.

Of course the idea that the Skorpions were a fifth column working for NATO to generate "evidence" of Serbian crimes to justify the aggression is speculation on my part. Only a full and transparent investigation will reveal who brought those bodies from Kosovo to Batajnica, but I would not be surprised if that investigation led to the Skorpions.

Something similar can be said about the videotape. It is strange that somebody would make a videotape of themselves executing of prisoners of war. Only an exceptionally stupid criminal would film himself committing such a horrific crime. It is difficult to believe that nobody who took part in the killings depicted on that tape would object to the video being made, unless the whole idea was to make a tape. On the tape the cameraman is heard complaining that the battery in the camera is dying and telling the other men to carry on with the executions anyway – why would he think the camera going dead would cause the men to stop the killing?

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STEVANOVIC DAY 12: SKORPIONS IN BOSNIA WERE NOT EMPLOYED BY SERBIAN INTERIOR MINISTRY

www.slobodan-milosevic.org - June 7, 2005

Written by: Andy Wilcoxson

Prosecutor Geoffrey Nice concluded his cross-examination of Serbia's former Assistant Interior Minister, Gen. Obrad Stevanovic at the trial of Slobodan Milosevic on Tuesday.

Mr. Nice asked Gen. Stevanovic some additional questions about the Skorpions. Nice had documents from the Serbian Interior ministry that listed members of the Skorpions as being reserve policemen.

Pursuant to the court's request, Gen. Stevanovic checked with the Interior Ministry to see if certain members of the Skorpions, who Mr. Nice claimed were active in Bosnia as members of the Serbian MUP, had ever been employed by the Serbian Interior Ministry. Stevanovic got the answer that the Serbian Interior Ministry had never employed the eleven men in question.

Stevanovic stuck to his assertion that the Skorpions were never accepted into the reserve forces of the SAJ as an intact unit during the 1999 NATO bombing. He said that only certain individuals from the Skorpions were accepted as volunteers. The fact that eleven known members of the Skorpions were never employed by the MUP goes to show that Stevanovic is telling the truth. If the Skorpions had been taken as a group, then all of the Skorpions would have been listed as reserve policemen.

After Mr. Nice concluded his cross-examination Milosevic re-examined the witness. Milosevic focused the first part of his re-examination on Racak.

Mr. Nice is challenging the admissibility of several documents that the witness brought to court with him regarding Racak. Milosevic used the re-examination to further establish the provenance and reliability of the documents in question.

Milosevic questioned the witness about Izbica. The witness confirmed that all of the bodies exhumed from Izbica were autopsied and that death certificates were issued for them. There are also documents stating where the bodies were exhumed from and where they were supposed to be buried after the autopsies. The witness said that it was a real mystery how some of the corpses were reburied in Central Serbia.

The prosecution claims that corpses from Izbica were dug-up and reburied in central Serbia in order to hide evidence of killings. Milosevic pointed out that there could be no question of hiding evidence of killings when the autopsy reports and the death certificates for these people were filed in the public record.

Milosevic questioned the witness extensively about the orders that the police were given. The witness confirmed that police were ordered to protect the civilian population, that the police were never ordered to commit any crimes, and that the police always took steps to arrest the perpetrators of crimes even when the perpetrators were soldiers or other policemen.

However, most of today's re-examination was spent analyzing the witness's personal agenda book. During the cross-examination the Prosecution read some passages from the notebook out of context, and presented the book as if it were evidence of a massive Serbian conspiracy to ethnically cleanse Kosovo.

Milosevic meticulously went through the book page by page. This exercise showed that the activities Stevanovic spoke about in his notes were not aimed at ethnically cleansing Kosovo. The main theme stressed throughout the notebook was the protection of the civilian population.

Milosevic will continue the re-examination when Stevanovic continues his testimony tomorrow.

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 07 June 2005 Hague Report No.1

Information Regarding the Current State of the Defense Case in the "Trial" of Slobodan Milosevic

By ICDSM Hague observer

NOTE: From now on, the ICDSM will periodically circulate relevant summaries of the developments in the Hague process against President Slobodan Milosevic. This first issue gives summarization of the process since the beginning of the "defence case" with somewhat more detailed description of its recent weeks.

1) The Opening of the Defense Case

On August 31, 2004 the Defense Case commenced after President Milosevic had been given only three months for preparation - in contrast to the "Prosecution," which investigated the "case" since the mid 1990s - and in spite of President Milosevic's constrained working possibilities arising from his ill-health, limited funds as well as the fact that he was kept in detention. Of course, his requests for provisional release were denied by the "trial chamber," despite President Milosevic's clear intent to take part in the "trial" in order to refute the lies about Yugoslavia in front of the international public.

President Milosevic was given only 150 days for the presentation of his case, half of the time the Prosecution used.

On August 31 and September 1, President Milosevic presented his opening statement for the Defense case. In this speech, President Milosevic revealed the one-sided and shamefully distorted character of The Hague "indictment" against him. He exposed the "Prosecution's" attempt to demonize the Serbian people and blame them for everything that happened during the Yugoslav crisis. He pointed out that the break-up of Yugoslavia was a process of continual violations of international law and that it constituted an aggression by foreign powers, most notably the US and the German-led European Community, against a sovereign state. He showed that the Serbs became the main target of these aggressive powers simply by having a vital

interest in preserving the Yugoslav Federation. The security situation of Serbs was put at risk in the light of new threats posed against them that were reminiscent of World War II, when at least 600.000 Serbs lost their lives - many of them in Croatian fascist death camps. As President Milosevic set out, the Western aggression against Yugoslavia was mainly accomplished by means of funding and supporting secessionist movements on the political as well as on the military level. When these secessionist forces aimed at unilaterally declaring the independence of the Yugoslav republics Slovenia and Croatia they were given immediate political support: Slovenia and Croatia were diplomatically recognized by the European Union as independent states within their former administrative borders, even though they were entirely lacking in the necessary legal prerequisites for this act and without having conducted any consultations with the Serbian side. The same thing happened again in the case of Bosnia-Herzegovina, causing the bloody civil war the Serbs are held accountable for by the "Prosecution." President Milosevic also described the historical continuity in the policy of Western powers towards Yugoslavia, which was always directed against the very existence of this multiethnic state, and their anti-Serb propaganda which dates from the 19th century. He laid particular emphasis on exposing the myth of "Greater Serbia" which the "Prosecution" has frequently ascribed to him as being part of his political aims. President Milosevic not only rejected this allegation but also presented the fact that the concept of "Greater Serbia" as an aggressive agenda of the Serbs had been used as a propagandist trick against the establishment of Yugoslavia as early as World War I by the Austro-Hungarian empire.

President Milosevic points out that there were three main forces behind the aggressive policy of the West towards Yugoslavia, each with their own motives: Germany, following the same geopolitical interests in the Balkans that it did in two world wars. The Vatican, which joined Germany's (and Austria-Hungary's) side in both world wars in an effort to prevent the spread of Orthodox faith, and later that of communism. The third force, the United States, was an ally of the Serbs in World War II, but after the collapse of the Warsaw Treaty, it was eager not to lose military influence in Europe and sacrificed the historical friendship with Yugoslavia for political and military interests.

President Milosevic also explained what happened in Kosovo prior to the NATO aggression, establishing the truth about the so-called Kosovo Liberation Army, which was in fact a terrorist organization aiming for the creation of an ethnically pure and independent Kosovo that would later be associated with Albania to create a Greater Albania. The KLA was funded and trained by the West and exercised a murderous regime over Serbs and Albanians in all areas of Kosovo and Metohija where it managed to take over control. President Milosevic also emphasized that the KLA, having been transformed into the Kosovo Protection Corps under the NATO occupation, has continued to complete its campaign of ethnic cleansing of the remainder of the Serb population in Kosovo through outrageous violence under the eyes of the UNMIK administration.

2) The Imposition of Counsel

Before President Milosevic was able to call his first witness, on September 2nd the "trial chamber" made an unprecedented decision, proving the purely political character of the ICTY, by taking away President Milosevic's right

defend himself in person and imposing counsel against his will. Former amici curiae Stephen Kay and Gillian Higgins from the UK were "assigned" as counsel for President Milosevic by the "trial chamber" in order to take full control of the conduct of the Defense case - including the examination of witnesses. President Milosevic's participation in his own "trial" was reduced to the opportunity of asking "additional" questions to witnesses after their examination and only upon permission by the "judges." The argument put forward by the "trial chamber" (as well as by "the Prosecution") was that in conducting his own Defense, Milosevic's health situation would further deteriorate. (No need to note that this was the first time that they ever cared for his health.) The "Prosecution" had already demanded the imposition of counsel long before, for the first time in August 2001. On July 5, 2004, the "trial chamber" for the first time discussed the issue at full length, on the day the defense case was publicly announced to start, and therefore in the presence of the world media. That very day, former US Secretary of State Madeleine Albright visited the "tribunal"! Ever since then, the US Foreign Policy establishment engaged heavily in a media campaign focusing on restricting president Milosevic's right to self-defense.

Having pretended hypocritically in the beginning that they wanted to "help" President Milosevic and were concerned about his health situation, the "Prosecution" became more aggressive than ever before in their last oral submission on the subject on September 1, claiming that President Milosevic was "obstructing" the trial by his manner of conduct in court (he is lacking "etiquette") and by "boycotting his medical therapy" so as to render himself unable to take part in the proceedings. (President Milosevic refuted the allegation of having manipulated his medical regime as nonsense and revealed that he observed manipulation with his food that was exchanged with that of another prison inmate - No one reacted to this allegation.)

On September 29, Mr. Kay and Ms. Higgins - only after accepting their assignment and facing the strongest possible opposition from President Milosevic -- issued an appeal against their own imposition before the Tribunal's "Appeal Chamber," pretending to share the position of President Milosevic. But the actual behavior of the "Assigned Counsel" made it clear that they were fully prepared to comply with the illegal decision of the "Trial Chamber" as they immediately began to contact people on President Milosevic's witness list. In the meantime, more than hundred possible witnesses informed the "Assigned Counsel" and the "Trial Chamber" that they were not ready to give evidence unless President Milosevic's right to self-representation were restored. On October 18, Mr. Kay told the court that up to 90 of the witnesses he had tried to contact refused to testify under the prevailing circumstances. Mr. Kay also stated that he had made every effort to convince the witnesses to come to the "Tribunal," and he did not even object to "Presiding Judge" Robinson's announcement that subpoenas be issued on unwilling witnesses, making it clear to everyone that Mr. Kay and Ms. Higgins were fully on the side of the "Tribunal" and its illegal behavior. This is not to mention the bourgeois media, which basically stopped any kind of coverage since the start of the defense case, and did not report a word about this historic witness boycott!

Probably because of the enormous witness boycott and the clear position of President Milosevic not to accept anything less than his right to self-representation, on November 1, 2004 President Milosevic won a partial victory when the "Appeals Chamber" ruled that the modalities of the conduct

the defense case should be changed. President Milosevic would be allowed to conduct his own defense, but "the presence of Assigned Counsel will enable the trial to continue even if Milosevic is temporarily unable to participate." On closer examination, this second part of the "Appeals Chamber's" ruling has to be seen as raising a possibility of an even worse violation of President Milosevic's rights than the original ruling of the Trial Chamber, as it lays the foundations of a trial in absentia.

Mr. Kay and Ms. Higgins undertook several unsuccessful steps in order to be withdrawn from their posts as "Assigned Counsel" before the "Trial Chamber," the Registry and the "Appeals Chamber," obviously in an attempt to appear as victims of the Trial Chambers' decision. The way the imposed counsel present themselves could well be aimed at influencing witnesses in order to prevent another round of boycott in case the imposed counsel take over in absence of President Milosevic. So for many, it appears that Mr. Kay and Ms. Higgins would not voluntarily take part in illegal acts by the Tribunal, but are forced to comply. In reality, they were not forced to act as "Assigned Counsel." The Registry of the Tribunal asked several lawyers whether they would be available to serve in this function as early as in the beginning of August 2004. Among those lawyers was former amicus curiae Branislav Tapuskovic, who stated in an interview with the Serbian daily Blic of August 7, 2004 that he refused to act as President Milosevic's lawyer against his will. In a letter to the ICTY Registry, Mr. Tapuskovic stated: "According to Article 21 (4)(d) of the Statute of the International Tribunal for the Former Yugoslavia, the accused is guaranteed the right TO BE TRIED IN HIS PRESENCE AND TO DEFEND HIMSELF PERSONALLY." In contrast, Mr. Kay and Ms. Higgins expressed their readiness to do the job from the very beginning.

3) Presentation of the Defense Case

Before President Milosevic's right to lead his case was restored, the "Assigned Counsel" called five witnesses from President Milosevic's witness list: Smilja Avramov, a retired law professor and former political adviser from Serbia, James Jatras, former foreign policy advisor for the U.S. Senate Republican Foreign Policy Committee, Roland Keith, a Canadian OSCE commander in Kosovo, journalist Franz Josef Hutsch from Germany, and ICDSM Vice-Chairwoman Liana Kanelli, member of the Greek Parliament.

Mr. Kay's examinations were not in accordance with the defense strategy of President Milosevic, which consists in exposing the "indictment" as not only unfounded, but as an attempt to justify Western aggression against Yugoslavia that cannot be assessed in a legal, but only in a political context. Mr. Kay, on the contrary, dealt with the witnesses as if "client" was facing an ordinary criminal indictment. Apart from his general attitude that is in line with the imperialist ideology the "Tribunal" is based on, Mr. Kay lacks sufficient knowledge about Yugoslavia. This could be best seen during the testimony of Liana Kanelli, when Kay used a map of Belgrade and surroundings to find a town in Southern Serbia. Fortunately, these witnesses managed to present important facts in spite of Mr. Kay's ineffective questioning. Prof. Avramov, who was President Milosevic's advisor from 1991 to 1993, made clear that President Milosevic never had any intention to strive for a "Greater Serbia" or carry out any kind of "ethnic cleansing," but on the contrary tried to preserve a multiethnic Yugoslavia. James Jatras gave evidence on the involvement of the Clinton Administration in arming the Croats and Bosnian Muslims.

Since the November 1 "Appeals Chamber" decision, President Milosevic has been examining his witnesses. The judges have constantly interfered with his way of conducting the examination-in-chief, reprimanding him for allegedly putting "leading questions" to the witnesses, presenting evidence not related to specific charges in the "indictment," not introducing documents in the proper way and other technical matters. It is a fact that the judges almost never applied such strict rules during the Prosecution case. The "Prosecution" frequently objects to the admissibility of documents and opens discussions on "technical" matters at length with the obvious aim of wasting as much time as possible out of the 150 days available for the presentation of the Defense case. During the "Prosecution's" cross-examination of Defense witnesses, President Milosevic often points out incorrect and tendentious translations of Serbian documents and other material. For example, he was able to prove, confirmed by the "Tribunal's" interpreters, that a BBC documentary shown by "Prosecutor" Mr. Nice deliberately mistranslated Serbian speakers.

The "Judges" - especially Ian Bonomy, who replaced the late Richard May without having had time to acquaint himself sufficiently with the foregone proceedings - treat the defense witnesses with obvious disrespect. "Prosecutor" Geoffrey Nice openly insults the witnesses during his cross examination and addresses them in a very aggressive tone, disregarding their age, position or professional merit - contrary to President Milosevic who had treated all Prosecution witnesses in a respectful way.

To date, President Milosevic has called 34 witnesses himself. Renowned intellectuals, historians and scientists, high-ranking politicians from in and outside Yugoslavia testified on the historical, political and legal position of Serbia - explaining the background of the Yugoslav crisis that is completely ignored in the "indictment" - as well as about President Milosevic's personal attitudes and actions during the breakup of Yugoslavia which were always aimed at preventing bloodshed.

Since the end of January 2005, witness testimonies have dealt with Kosovo. They cover the general political situation disadvantaging the Serbs in Kosovo in the 1980s, the terror inflicted by the KLA in the 1990s as well as the NATO aggression of 1999. One of the most important testimonies was given by Dietmar Hartwig, head of the Kosovo observer mission of the European Union (the European counterpart of William Walker). According to Hartwig, Serb police forces did not commit any aggression against civilians, but responded to provocations by the KLA in a "disciplined" way. He described the KLA as a "terrorist organization," and emphasized the clear discrepancy between the reports he sent to Western governments and their public depiction of the events in Kosovo.

In relation to the testimony of Kosovo politician Mitar Balevic, President Milosevic played video footage of the two famous speeches he gave in Kosovo in 1987 and 1989, so everybody could see that they were not nationalistic, but quite the opposite.

An important part of President Milosevic's defense is the establishment of the truth about the notorious Racak incident of January 15, 1999, which has been portrayed as a massacre by Serb police of Albanian civilians. The alleged massacre served as pretext for the NATO aggression and is the only incident in the Kosovo "indictment" that dates from prior to the NATO

gression. President Milosevic called important witnesses who countered the massacre version. Forensic expert Slavisa Dobricanin, who took part in the autopsies of the dead bodies found in Racak, confirmed that most of them had traces of gun powder on their hands. Police investigator Dragan Jasovic presented evidence that 30 of the people killed in Racak were known KLA members. The Racak incident was a police action against KLA terrorists. Danica Marinkovic was the Investigating Judge in charge of the incident. She testified that the head of the OSCE mission William Walker tried to prevent her from visiting the scene on her own account and that her team was fired upon by KLA for two days when trying to approach the scene, whereas the OSCE was able to do so. German journalist Bo Adam's testimony concentrated on Bill Clinton's claim that in Racak unarmed civilians were executed "kneeling in the dirt," which Adam, having conducted his own investigation on the scene, proved to be wrong.

4) First attempt at conducting the trial in absentia

Due to his ill-health, President Milosevic was not allowed to attend his "trial" on April 19, 2005. Presiding "Judge" Robinson ordered that the trial proceed in President Milosevic's absence in spite of all international covenants that forbid trials in absentia and even the "Tribunal's" own statute that states that every accused is entitled to be tried in his presence. Not surprisingly, Robinson based his ruling on the "Appeals Chamber" decision of November 1, 2004.

Mr. Kay was asked to establish contact with the next witness, Mr. Dragan Jasovic, in order to prepare his testimony, while the current witness, Serb refugee from Kosovo Kosta Bulatovic was called to be cross examined by Mr. Nice. Mr. Bulatovic refused to answer any questions in the absence of President Milosevic. Thereupon the "Trial Chamber" decided to order him to a "Contempt of Court" hearing the next day.

On April 20, Mr. Kay told the chamber that he had tried to establish contact with Mr. Jasovic without success. The witness refused to meet with him against the will of President Milosevic. It is noteworthy that Mr. Kay tried to visit Mr. Jasovic in his hotel, even after having been told that he did not want to see him. This again shows that Mr. Kay zealously works against the interests of President Milosevic, whom he is allegedly to "defend."

On the same day, the "Trial Chamber" charged Mr. Bulatovic with "contempt of court" because he refused to take part in the illegal attempt to deprive President Milosevic of his basic rights. He was "defended" by the President of the "Association of Defense Counsel" of the "Tribunal," Mr. Stephane Bourgon. On May 13, the "Trial Chamber" found Mr. Bulatovic guilty of "Contempt of Court" and sentenced him to a prison term of four months, suspended for two years due to his ill health. This shameless "sentence" on an old man who stood up against the violation of basic civil rights is without doubt aimed at intimidating future witnesses into not resisting the next attempt to try President Milosevic in absentia.

It is merely a matter of time when the "Trial" Chamber will again create a situation like on April 19. Then, if other witnesses act less courageously than did Kosta Bulatovic, trial in absentia will proceed.

Since May 11, General Obrad Stevanovic has been testifying. As former deputy

For minister of Serbia, he was able to refute the notion that Serbia was a police state when Slobodan Milosevic was President. He also pointed out that all Serbian policemen are obliged to protect the law at all times and must not follow orders which are against the law. This makes the theory of a "Joint Criminal Enterprise" of President Milosevic and others to ethnically cleanse Kosovo and Metohija of non-Serbs, on which the "indictment" relies, inapplicable.

Soon after the summer recess, the Defense is going to start countering the Croatia part of the indictment.

APPENDIX

List of defence witnesses (in reverse order of their appearance)

- General Obrad Stevanovic, one of commanders of Serbian police
- Radovan Paponjak, police colonel
- Zvonko Gvozdenovic, father of a boy killed in a terrorist attack
- Dragan Jasovic, police investigator
- Kosta Bulatovic, former leader of Serbian people in Kosovo
- Professor Slavisa Dobricanin, forensic expert
- Danica Marinkovic, investigative judge
- General Radomir Gojovic, former Chair of Supreme Military Court
- Barry Lituchy (USA), historian
- Dietmar Hartwig (Germany), former Head of EU Monitoring Mission in Kosovo
- Mirko Babic (Macedonia), former member of a medical team in refugee camp
- Goran Stojcic (Macedonia), former member of a medical team in refugee camp
- Dobre Aleksovski (Macedonia), former member of a medical team in refugee camp
- Dr Vukasin Andric, former Secretary of Health in Kosovo
- Vladislav Jovanovic, former Yugoslav Foreign Minister
- Bo Adam (Germany), journalist
- Mitar Balevic, former leading Serb politician from Kosovo
- Professor Ratko Markovic, Constitutional Law, former Vice Prime Minister of Serbia
- Dr Patrick Barriot (France), former member of UN missions to Krajina and Kosovo
- Eve Crepin (France), former member of UN missions to Krajina and Kosovo
- Professor Kosta Mihajlovic, Member of the Serbian Academy of Sciences
- Professor Cedomir Popov, Member of the Serbian Academy of Sciences
- Professor Slavenko Terzic, historian
- Vukasin Jokanovic, former leading Serb politician from Kosovo
- Yevgeni Primakov (Russia), former Prime Minister
- General Leonid Ivashov (Russia), former Head of Russian Army International Department
- Nikolai Rzhikov (Russia), Senator, former Soviet Prime Minister
- Professor Mihajlo Markovic, Member of the Serbian Academy of Sciences
- Liana Kanelli (Greece), MP, ICDSM Vice-Chair
- Franz Josef Hutsch (Germany), journalist
- Roland Keith (Canada), former member of OSCE Mission in Kosovo
- James Jatras (USA), former US Congress Analyst
- Professor Smilja Avramov, former President of the International Law Association

URGENT FUNDRAISING APPEAL

Sagittarius

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 Verzonden: vrijdag 10 juni 2005 20:49
 Onderwerp: CDSM: The Hague 'Slobodan Milosevic Trial' 8th June

STEVANOVIC DAY 13: THE VIDEO CLIPS THAT MR. NICE DIDN'T PLAY PROVE THAT THE SKORPIONS WERE NOT A SERBIAN POLICE UNIT

www.slobodan-milosevic.org - June 8, 2005

The re-examination of defense witness Gen. Obrad Stevanovic continued at the trial of Slobodan Milosevic on Wednesday. Stevanovic, who formally served as Serbia's Assistant Interior Minister, testified for the 13th day today.

Milosevic continued to question Stevanovic about his personal notebook. During the cross-examination the prosecution read certain passages of the witness's agenda notebook out of context and tried to present it as proof of a genocidal conspiracy.

Milosevic used the re-examination to go through the notebook line by line and page by page. This exercise, while time consuming, dispelled any illusions that anybody might have had about this notebook. The main themes of the notebook were the protection of the civilian population, the resolution of crimes, and the high ethical and legal standards of the Serbian Interior Ministry.

In connection with the notebook, Milosevic presented a copy leaflet that the KLA distributed to Kosovo-Albanians during the war. The leaflet instructed the Albanian population leave Kosovo and travel in large groups towards Macedonia and Albania. The witness had written the text of a similar leaflet into his notebook, and during the cross-examination Mr. Nice had tried to present that text as if the witness was concocting some sort of plan to expel the Albanians from Kosovo.

This notebook is the witness's personal notebook, it is was his day planner throughout 1999. The witness jotted down all sorts of things in the notebook, some things were work related, others were personal, and the notes were only intended for the use by the witness as personal reminders. Sometimes he wrote down things that other people had said, and sometimes he jotted his own thoughts down.

The notebook was seized by the prosecution when they investigated Stevanovic as a suspect in 2000. It has been a useful exhibit for Milosevic. It confirms his case that the police acted lawfully, and it confirms various points that he has made in his defense case related to particular events such as the NATO bombing of the Dubrava Prison. The notebook is a contemporaneous record written for the private use of the witness so there can be no accusation that it was written for political purposes.

After questioning Stevanovic about his notebook, Milosevic turned his attention towards the now infamous video played by Mr. Nice last week. Mr. Nice claimed that the video depicted a unit known as the Skorpions executing six Muslims from Srebrenica. Mr. Nice falsely claimed that the Skorpions were a unit of the Serbian Interior Ministry (MUP).

It turns out that Mr. Nice was selective in the clips he chose to play. The videotape proves beyond any shadow of doubt that the Skorpions were not a unit of the Serbian Interior Ministry.

On part of the tape that Mr. Nice did not play you can see the vehicles that the Skorpions' had. The vehicles' license plates were visible and they were issued by the Army of Republika Srpska Krajina. You can see a Skorpion insignia painted on the vehicles, also painted on the vehicles are the words "Army of Republika Srpska Krajina - Boca Detachment." "Boca" refers to the nickname of the Skorpions commander, Slobodan Medic (aka "Boca.")

This corresponds perfectly to the testimony of prosecution witness, Milan Milanovic, who said that the Skorpions were a unit of the Army of Republika Srpska Krajina. Milanovic, having been Deputy Defense Minister of the RSK, would certainly be in a position to know which units belonged to his army and which ones didn't.

There is no question about it, the Skorpions were not a unit of the Serbian Interior Ministry when the video was filmed. Mr. Nice is lying, and the media has been reporting the lie as if it were gospel truth.

After proving beyond any shadow of doubt that the Skorpions were not a unit of the Serbian Interior Ministry, Milosevic turned his attention to some troubling irregularities on the tape itself.

Milosevic noted that the date is visible on the tape all the way up until the execution scene is filmed. At that point the date goes away, which is a possible indication that this portion of the video had been edited on to the end of the tape from somewhere else.

Milosevic also pointed out that the audio track on the tape had been doctored. There are parts of the tape where the audio track has been deleted, and there are parts where the voices sound like they have been digitally scrambled.

Mr. Nice became extremely agitated when Milosevic called the authenticity of the tape into question. Nice suggested that the tribunal should shut Milosevic up by having Ms. Higgins conduct the re-examination instead.

Milosevic, unfazed by the prosecutor's threats, persisted in raising questions about the tape. For example there is absolutely nothing on the tape that identifies the people getting shot as being from Srebrenica. Mr. Nice claims, although there is no proof of it on the tape, that the killings took place in Trnovo. Milosevic pointed out Trnovo is over 160 km away from Srebrenica. Milosevic also noted that there is nothing on that portion of the tape that would indicate when it was filmed. Milosevic questioned whether the film had anything to do with Srebrenica at all.

Reeling from the beating that he took over the tape, Mr. Nice admitted that he did not have any real proof that the tape depicted Srebrenica Muslims being killed in Trnovo in July 1995. But he did say that he would get a witness to testify to the tape's authenticity sometime later on.

When confronted with the allegation that the audio on the tape had been doctored, Mr. Nice could only say "We've got what we've got."

Milosevic will continue to re-examine Gen. Stevanovic when the trial resumes next Wednesday.

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JUDGE ROBINSON'S ACTIONS PROVE THAT POLITICS AND PROPAGANDA ARE THE NAME OF THE GAME AT THE HAGUE TRIBUNAL

www.slobodan-milosevic.org - June 15, 2005

Written by: Andy Wilcoxson

The trial chamber cut Slobodan Milosevic's re-examination of defense witness Gen. Obrad Stevanovic short on Wednesday. Presiding Judge Patrick Robinson cut off the re-examination and said that he was "absolutely disgusted" by Slobodan Milosevic's conduct. He angrily accused Milosevic of "abusing the court shamelessly."

What was the horrible offense that Milosevic perpetrated against the tribunal? He dared to question the authenticity of the videotape allegedly depicting the execution of six Srebrenica Muslims that Mr. Nice played during Stevanovic's cross-examination.

Of course the tribunal did not put it in those terms. The argument, which was advanced by the prosecution and accepted by the trial chamber, was that questions related to the contents of the video and/or its authenticity did not rise out of cross-examination.

Mr. Nice argued that the tape was not played for the truthfulness or authenticity of its contents. The prosecutor said that he only played the tape to see if the witness could identify any of the people on it.

Mr. Nice claimed that Milosevic's questions regarding Srebrenica were intended to influence public opinion. The trial chamber agreed with Mr. Nice and that's what prompted the trial chamber to cut-off the re-examination.

Mr. Nice's argument is non-sense; it simply isn't true. The prosecutor did far more than just ask the witness to identify people on the tape. He made a number of claims about the tape during cross-examination. He claimed that the tape depicted Muslims from Srebrenica being executed by a group called the "Skorpions." He claimed that the Skorpions were a unit of the Serbian MUP. Mr. Nice also claimed that thousands of Muslims from Srebrenica shared the same fate as the six depicted on the videotape.

Under the tribunal's rules, Milosevic has the right to use re-examination to present documents and ask questions that refute the case put to the witness during cross-examination. That is the whole point of re-examination, and that's all Milosevic was doing.

This incident is really illustrative. Milosevic was prevented from re-examining his own witness because the tribunal was concerned with politics. They were concerned that the political effect of his questions would be harmful to their agenda. Anybody who saw what happened today and still believes that the Hague Tribunal is a legitimate court of law is a fool. The Hague Tribunal is not a court of law; it is an instrument of politics.

Need more proof? On June 14th, ICTY president Theodore Meron appeared on the American TV network PBS, as a guest on the "News Hour" program. PBS correspondent Ray Suarez interviewed him; take a look at what Meron had to say about the potential capture of Radovan Karadzic and this videotape:

RAY SUAREZ: Let's talk about those senior people. You mentioned your hope that Ratko Mladic will be in custody soon. Carla del Ponte, the United Nations high commissioner, spoke very directly of how she hoped his arrest was imminent. Why is there this sudden drumbeat? What information do you know that is leading people to be so optimistic about his apprehension, and what about Radovan Karadzic?

THEODORE MERON: Well, I will not talk about information as a judge. I'm neither a prosecutor nor an investigator. I do not deal with the police, the arrest aspect. But what I can tell you that for the first time, I sense a real recognition by the government in the area that they must do what they're obligated to do – to the tribunal, to the United Nations Security Council, to the international community, and they realize that it is in their interest to do so.

You have shown earlier today the chilling video of some of the acts which, apparently, occurred in Srebrenica. I don't want to speak to the forensic, evidentiary aspects of the tape, but let me tell you this: There is no question that this tape is having – has been having a real impact on public opinion in the region.

I think it will act as a very strong antidote to the rampant denial that we have seen in countries like Serbia, for example. They did not want to realize how terrible were the events in Srebrenica, in its character, in its magnitude. Srebrenica atrocity is reminiscent, really, of the events that occurred during the Second World War. And we in Plaecia (ph) The Hague just about a year ago reached a very important judgment in the case of Gen. Karadzic (sic) where we called the events in Srebrenica by their proper name – genocide.

/// END EXCERPT ///

Meron believes that the tape is having "a real impact on public opinion" among the Serbs, which he apparently thinks

<http://www.slobodan-milosevic.org/news/smorg051505.htm>

ROBINSON'S ACTIONS PROVE THAT POLITICS AND PROPAGANDA ARE... pagina 2 van 3

linked to the capture of Radovan Karadzic.

Politics is what this is all about; the tribunal wants to use this tape to turn the Serbian people against Radovan Karadzic and Ratko Mladic so that they will be handed-over to the tribunal. The tribunal played the videotape at Milosevic's trial because they know that it is broadcast in Serbia and everybody would see it.

The tribunal cut-off the re-examination of Gen. Stevanovic because they were afraid that Milosevic would expose the tape as a fraud, and ruin the political effect that they think they're having.

Before they cut him off, Milosevic did manage to do some damage to the allegations made by Mr. Nice.

Mr. Nice tendered a packet of documents and witness statements that he said proved the authenticity of the tape. One of the statements said that the tape was authentic because the person giving the statement had made a copy of it.

Another document provided by Mr. Nice showed that a Srebrenica-Muslim who was reported "missing" after the fall of Srebrenica was exhumed at Trnovo. Of course Trnovo is the place where the videotape was allegedly filmed. The only problem was that the body had been exhumed in 1993 – the person in question had been dead for at least two years before Srebrenica fell, yet he is counted among the seven or eight-thousand victims of the so-called "genocide".

In response to Mr. Nice's allegations that the Serbian MUP had taken part in atrocities at Srebrenica, Milosevic asked questions about the case of Drazen Erdemovic and the 10th Sabotage Detachment.

In 1996 the Serbian police arrested Erdemovic in Novi Sad and charged him with war crimes for the execution of 1,200 Srebrenica-Muslims. Stevanovic explained that Erdemovic was handed over to the Hague Tribunal because he was a Croatian citizen and because he wanted to go to The Hague in stead of standing trial in Serbia.

When Erdemovic arrived in The Hague he confessed to personally killing hundreds of Muslims from Srebrenica. Erdemovic only served four years in prison. Had he been convicted of the same crime in Serbia he would have likely been given the death penalty, according to Stevanovic.

Stevanovic testified that a group known as "Pauk" was arrested in Serbia in February of 2000. He said that every member of that group had been part of the same 10th Sabotage Detachment as Drazen Erdemovic had been in Srebrenica. The group was a mercenary group that had also been active in Zaire. It was a multi-ethnic group Muslims, Serbs, and Croats were all members. In 2001, after Milosevic was overthrown in the Coup d'etat of 5 October 2000, the DOS government set the "Pauk" members free.

Evidence that Serbia arrested the perpetrators of crimes in Srebrenica directly contradicts Mr. Nice's assertion that members of the Serbian Interior Ministry committed crimes in Srebrenica.

Milosevic claims that the 10th Sabotage Detachment (later known as "Pauk") was in the service of foreign intelligence, and that it perpetrated a large-scale massacre of Srebrenica-Muslims. To bear the point out he read statements from members of DutchBat who claimed that the atrocity was staged, and from Gen. Philippe Morillon who told the French parliament that "I was convinced that the population of Srebrenica was the victim of a higher interest, of a state reason, the raison d'etre, but this higher interest which was located in Sarajevo and New York but certainly not in Paris. Had I been able to evacuate all those who had wanted me to do so at the time that I intervened in Srebrenica, we could certainly have saved a number of human lives."

According to a recent article by American political analyst Stella Jatrass: Ibran Mustafic (a Muslim member of the B-H parliament) gave an explosive interview on Aug. 15, 1996, to Slobodna Bosnia ("Free Bosnia," A Sarajevo newspaper). Mustafic was quoted as saying that the betrayal of Srebrenica "was consciously prepared and that the Bosnian president and the army command were involved in this business," and that was to sacrifice Srebrenica in order to gain sympathy of the West. Of his internment in a Serbian jail, he writes, "I should have died. They [the Bosnian Muslim authorities] don't appreciate living people. They appreciate the dead because they cannot talk."

Everything is clear; Srebrenica was staged from the beginning by the Bosnian Muslim regime and their foreign backers. The videotape is just part of the show, the tribunal doesn't care about establishing the truth; they only care about politics and public perception – in a word: propaganda.

After the re-examination of Gen. Stevanovic was unceremoniously cut-off, Dragan Jasovic was cross-examined by the prosecution.

Jasovic has already given evidence in chief. He is the Serbian police officer that had the documents and witness statements proving that 30 of the 40 bodies found in Racak belonged to KLA members.

Jasovic first came to the tribunal as a prosecution witness in the Limaj case, he was added to the list of Milosevic's defense witnesses when Mr. Nice informed the court that Jasovic was a policeman who's name featured in the exhibits of Danica Marinkovic.

<http://www.slobodan-milosevic.org/news/smorg051505.htm>

21-6-05

stunning display of hypocrisy, the same Office of the Prosecutor (OTP) that called Jasovic as its witness in the Raj case is now trying to destroy his credibility in the Milosevic case.

Mr. Nice wasted nearly the entire day reading statements taken from Kosovo-Albanian witnesses by OTP investigators over the last couple of weeks. Unsurprisingly, the Albanians did not admit to willingly collaborating with the Serbian Police against the KLA.

Mr. Nice spent the entire day reading statements from Albanians who claimed that they either never gave a statement to Jasovic or that he obtained statements from them by torturing them. The only thing less surprising than the statements that Mr. Nice obtained were the denials from Jasovic.

There is no comparison between the statements taken by the OTP investigators and the evidence given by Jasovic.

Jasovic took statements from witnesses contemporaneously, and solely for the internal use of the police. He had no motivation to "cook-up" or extort false statements from witnesses. His documents were not generated for use in the trial. Nobody knew he would be testifying until very late.

The statements taken by the OTP were generated explicitly for use in the trial, and they were taken more than five years after the fact. Furthermore, the oppressive conditions imposed on Kosovo by the KLA give Albanians who did collaborate with the Serbian police against the KLA a very compelling reason to lie and deny it now.

Jasovic's cross-examination will continue when the trial resumes on Thursday.

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EVIDENCE.

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As for the accusations of 'ethnic cleansing' and 'genocide' levelled against Slobodan Milosevic the ICTY have not a scrap of credible evidence. They have not got one single document or other exhibit that suggests Mr Milosevic or the Yugoslav government are guilty of these grave charges.

On the contrary, the ICTY have in their possession a mass of documents and sworn testimonies to confirm that the Milosevic government and the Yugoslav authorities took all available steps to prevent any possible crimes against civilians.

For instance, General Gojovic, who was the head of the Legal Directorate at the Yugoslav Defense Ministry during the 1999 Kosovo war, testified in March this year that war crimes were severely punished by the Yugoslav Army.

He exhibited a large file of documents laying out the work of the Yugoslav military justice system. These documents detailed the type of crime committed, whether this be robbery or a more serious offence, the files identified the soldiers who committed the crimes, and the relevant action taken by the Yugoslav courts as of 2001. For example the Yugoslav authorities successfully convicted over 2000 perpetrators in Kosovo alone with some soldiers receiving the death penalty for their crimes.

Further, the ICTY have in their possession copies of the orders from the Yugoslav Supreme Command that instructed soldiers to abide by the Geneva Conventions.

Also, during General Gojovic's testimony Slobodan Milosevic exhibited numerous pamphlets containing codes of conduct that were distributed to the personnel of the Yugoslav Army, which clearly stated that all personnel were ordered to respect civilians,

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US Congressman Lester Munson stated:

"You will never see these NATO pilots brought before a UN tribunal. NATO is the accuser, the prosecutor, the judge, the jury and the executioner, because it is NATO that pays the bills for the ICTY. NATO does not have to submit to international law. It is international law."

(Monopoly - NATO and the Conquest of the World. Michel Collon EPO, 2000 Brussels).

Given this scenario it is easy to see people such as Natasa Kandic as an obedient servant of Nato, and every 'smoking gun' story that is produced by her ilk is not only testimony to the fact that the prosecution lacks any factual evidence, but testimony to the correctness of the battle for justice and historical truth being undertaken by Slobodan Milosevic at The Hague today.

And even a media advantage of 1300 to zero will ultimately not be enough to conceal the truth about the destruction of Yugoslavia and the false demonising of its people.

Ian Johnson

June 2005.

21-6-05

treat enemy prisoners humanely and observe the laws of war.

That the Yugoslav government did this while engaged in a life and death struggle against internal and external enemies is to their everlasting credit and proves that the charge against them of a "Joint Criminal Enterprise" of President Milosevic and others to ethnically cleanse Kosovo and Metohija of non-Serbs, on which the "indictment" relies, is inapplicable, and a complete and utter nonsense.

Of course all this would be relevant if the aim of the ICTY was to objectively establish the truth about the break-up of Yugoslavia and punish those responsible for any crimes committed. However this is not the case.

The ICTY is a political tool. It is a creation of the United States and its function is to justify the Nato aggression and to punish the victims of that aggression. The real guilt of the Yugoslav prisoners is that they defied Nato and fought for the independence of their country. Moreover, the ICTY exists to serve as a warning to anyone who thinks of trying to resist US foreign policy in the future.

The tribunal's rules are unique and have nothing to do with justice or discovering the truth about the break-up of Yugoslavia.

It has 1300 employees, it has lawyers, legal secretaries, investigators and judges who are all primarily from the Nato countries that attacked Yugoslavia. It has assistance from the governments and intelligence services of those countries that attacked Yugoslavia.

It is therefore hardly neutral.

When commenting on the illegal weapons used by Nato against Yugoslavia, weapons that are forbidden by the Geneva Convention such as fragmentation bombs, graphite bombs, used to paralyse the electrical grid and weapons of Depleted Uranium which cause cancer and birth defects,

US Congressman Lester Munson stated:

"You will never see these NATO pilots brought before a UN tribunal. NATO is the accuser, the prosecutor, the judge, the jury and the executioner, because it is NATO that pays the bills for the ICTY. NATO does not have to submit to international law. It is international law."

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And even a media advantage of 1300 to zero will ultimately not be enough to conceal the truth about the destruction of Yugoslavia and the false demonising of its people.

Ian Johnson

June 2005.

MR. NICE'S CROSS-EXAMINATION OF DRAGAN JASOVIC

www.slobodan-milosevic.org - June 16/17, 2005

Written by: Andy Wilcoxon

Prosecutor Geoffrey Nice completed his two and a half day cross-examination of Dragan Jasovic at the trial of Slobodan Milosevic on Friday.

Jasovic was a police detective working for the Urosevac SUP in Kosovo until June of 1999. His examination-in-chief was completed in April, but the prosecution needed a couple of months to prepare his cross-examination.

Jasovic provided the court with testimony about events in Racak based on statements given to him by witnesses in 1999. According to the statements he took, 30 of the people listed on Schedule A of the indictment (and considered by the tribunal to be innocent civilians executed by Serbs) were known KLA fighters.

The witnesses that Jasovic took the statements from were predominantly ethnic Albanians. They told him that Racak was a KLA stronghold, and they gave him information about the KLA's activities in the area.

Jasovic first came to the tribunal as a prosecution witness in the Limaj trial. He was added as Milosevic's defense witness during the testimony of Danica Marinkovic. It was Mr. Nice himself who suggested that Jasovic, as a police officer from the area, could provide testimony about the events in Racak.

Keeping in mind that Jasovic was brought to the tribunal by the prosecution in the first place, one really had to wonder, when viewing this cross-examination, about the integrity of the Office of the Prosecutor. Mr. Nice spent practically the entire cross-examination trying to destroy Jasovic's credibility.

Mr. Nice asserted that Jasovic was a criminal who beat-up and tortured Albanian civilians and forced them to sign false witness statements against the KLA. Mr. Nice claimed that Jasovic generated the "false" witness statements in order to legitimize the Racak "massacre."

The only problem with Mr. Nice's theory is that nobody even knew these statements existed before Jasovic exhibited them at the Milosevic trial. Furthermore, it wasn't originally Milosevic's idea to call Jasovic – it was Mr. Nice's idea.

If the idea was to cook-up some sort of false political legitimacy for a massacre, then these statements would have been available a long time ago. They certainly would not have been sitting in a police archive for more than six years gathering dust.

For his part, Jasovic stuck to his testimony that the witness statements were taken for the internal use of the police, and not for any other purposes.

Jasovic repeatedly denied allegations that he beat people up in order to extort false statements from them. He said that he understood why Albanians would deny cooperating with him now, and he insisted that they gave him statements of their own free will during 1998 and 1999.

Jasovic has a good point, there isn't an Albanian alive who is going to admit that he collaborated with the Serbian police against the KLA, and if he did admit such a thing he wouldn't stay alive for very long. The only reliable way to judge Jasovic's evidence is to compare it with other evidence, not to go by what some Albanians, whose lives could be in jeopardy, are saying more than six years after the fact.

We know from the videotapes that Danica Marinkovic exhibited during her testimony that the Serbian authorities were shot at when they entered Racak. We saw from those tapes that the KLA had bunkers, trenches, and a lot of weapons in Racak. We know from the testimony of Prof. Slavica Dobricanin that 37 out of the 40 corpses found in Racak had gunpowder residue on their hands from firing weapons.

Jasovic's evidence that 30 out of the 40 people killed in Racak were known members of the KLA is hardly a surprise. It would be obvious even without his testimony, and without the witness statements he took, that the people killed in Racak were KLA members.

During the cross-examination, Mr. Nice did his level best to mislead the public and the court. For example, Mr. Nice repeatedly and deliberately misread a police report that referred to the "liquidation" of terrorists at Racak. When Mr. Nice read-out the document in court he didn't read the word "liquidate," he decided to say "execution" instead.

This type of behavior is par for the course for Mr. Nice, the man is a pathological liar. When Mr. Nice was confronted with his lie, he tried to say that there is no difference between "liquidating" somebody and "executing" somebody, so he didn't think that taking such a liberty with the text of an official document made any difference. Of course there is a world of difference between those two terms. Enemy fighters who die in combat are considered "liquidated," whereas

unarmed people who are imprisoned before being killed are considered "executed."

In another instance, when reading from another police report, Mr. Nice took the premise of a question and magically turned it into proof an allegation. The police report outlined a conversation that a police chief had with a member of one of the KDOMs. The KDOM official asked "how come the military took part in the operation in Racak?" The police chief responded that the military did not take part in the operation.

According to Mr. Nice's "logic" this document "proves" that the army took part in Racak. Mr. Nice says that the premise of the question would not have been included in the report if the premise had been a false. Mr. Nice claimed that the document was "proof" that the police had lied to the international community about the role of the Army in Racak. If Mr. Nice was a character on "Star Trek," he would give poor Mr. Spock a heart attack with that type of logic.

Naturally, Jasovic disagreed with Mr. Nice's suggestion and said that he had no information to indicate that the Army had taken part in the events in Racak.

Towards the end of the cross-examination Mr. Nice drew Jasovic's attention to the testimonies of some witnesses who he said had "escaped" from Racak. Mr. Nice read out the names of people he called "survivors" and asked how come most of them were not listed in Jasovic's documents as KLA members.

I really have no idea what Mr. Nice thought he was proving, but he did a masterful job of showing that the people known from Jasovic's documents to be KLA members were killed in Racak, while people not considered to be KLA members lived. Obviously this means that the KLA died in combat, while civilians were not targeted.

Jasovic will be re-examined by Slobodan Milosevic when the trial resumes next Monday.

This summary only covered June 17th. The broadcast from the ICTY was not available on the 16th due to technical difficulties. Judging from Mr. Nice's performance with this witness on the 15th and today, I don't think we missed much of anything on the 16th.

###

DRAGAN JASOVIC'S "VICTIMS" NEVER ACCUSED HIM UNTIL HE TESTIFIED AGAINST KLA COMMANDER FATMIR LIMAJ ... SIX YEARS AFTER THE FACT

www.slobodan-milosevic.org – June 20, 2005

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Monday with the continued testimony of Dragan Jasovic. He was a police detective working for the Urosevac SUP in Kosovo until June of 1999. The witness provided the court with testimony about events in Racak based on statements given to him by witnesses in 1999. According to the statements he took, 30 of the people listed on Schedule A of the indictment were known KLA fighters.

Mr. Nice took the first hour of Monday's hearing asking "a couple of additional questions" that he said he forgot to ask before he concluded Jasovic's cross-examination last week. After Mr. Nice concluded, Milosevic began his re-examination of the witness.

Milosevic started the re-examination by going over the job that Jasovic had in the Urosevac SUP. Jasovic explained that his job was to gather intelligence about the KLA from informants and members of the public, not to carry out operations on the ground. Jasovic explained that the narrow scope of his duties made it impossible for him to answer the many questions that Mr. Nice asked about things that were outside the scope of his duty.

Milosevic then turned his attention to the hypocritical position of the prosecution. He read out a passage from the transcript of the Limaj trial where Jasovic was as a prosecution witness. In that trial the prosecution was trying to build-up Jasovic's credibility, but in this trial the prosecution took the opposite track and tried to destroy his credibility.

Milosevic cited the 6 June 2002 testimony of Shukri Buja, the KLA commander in Racak. According to Mr. Buja, the KLA had 47 soldiers in Racak and on January 15, 1999 they opened fire on the Serbian police who were entering the village. Jasovic said that this largely accorded to the information that he received.

During the prosecution's case a KLA book called "Fallen Heroes" was tendered. This book, although incomplete, attempts to list the names of KLA members who were killed during the war. Milosevic read the names of 20 KLA members listed by the book as being killed in Racak.

The main point of Jasovic's evidence was that 30 out of the 40 corpses found in Racak were known KLA members. This evidence is based on statements that he took from informers, friendly contacts and eyewitnesses. In order to discredit the witness, the prosecution sent investigators to Kosovo over the last two months to check-out the people who gave the statements that Jasovic's evidence relies on.

Not surprisingly, the Albanians who gave the statements to Jasovic now deny that they willingly collaborated with the Serbian police. Some deny ever giving statements to him at all, and others say they were tortured into giving false statements. However, these witnesses, even under these circumstances, did not actually deny that 15 of the 30 names listed by Jasovic were known KLA members.

Milosevic asked Jasovic what has happened to ethnic Albanians who collaborated with the Serbian police since KFOR occupied Kosovo. Jasovic recounted how one of his informants was killed, and he named a number of other cases where Albanians who collaborated with the police were later killed by the KLA.

On many occasions during his cross-examination, Jasovic tried to explain that Albanians who were known to collaborate with the Serbian police found themselves in a dangerous situation. He said that this was why the Albanians who gave statements to him during the war are denying it now.

Jasovic thought it was strange how none of the Albanians who claim to have been beaten by him ever complained to his superiors or to UNMIK about the treatment they allegedly received.

Indeed, Mr. Nice did not produce any evidence to suggest that any of the crimes that he accuses Jasovic of were reported to the international or domestic authorities in the six years before Jasovic testified against KLA commander Fatmir Limaj.

Milosevic will continue Jasovic's re-examination when the trial resumes on Tuesday.

###

GEN. DELIC PRESENTS A VIDEOTAPE PROVING THAT THE KLA AIMS TO CREATE GREATER ALBANIA

www.slobodan-milosevic.org - June 21, 2005

Written by: Andy Wilcoxson

The re-examination of Dragan Jasovic continued at the trial of Slobodan Milosevic on Tuesday. Jasovic is a policeman from the Urosevac SUP who investigated the KLA. According to statements that Jasovic took from Albanian witnesses during 1998 and 1999, 30 out of the 40 corpses found in Racak in January of 1999 were known KLA members.

During the cross-examination, Mr. Nice questioned how elderly men could possibly be members of the KLA. It was Mr. Nice's assertion that the age of some of the victims made their membership in the KLA an impossibility.

In response to Mr. Nice's suggestion, Milosevic read from the KLA's book "Fallen Heroes." It emerged from the book's list of killed KLA fighters that men all the way up into their mid-80s were KLA fighters.

Jasovic explained that the KLA, as an illegal terrorist organization, did not have any rules about the age of its soldiers. He said that the KLA even used women and children as fighters.

Jasovic's testimony is corroborated by an unlikely source, CNN. On April 17, 1999 CNN reported about a group of Albanian-Americans who volunteered for duty in the KLA. According to the CNN report:

A contingent of 97 KLA volunteers – mostly from the ethnic Albanian communities of the American northeast – landed in Tirana, Albania's capital, on Saturday.

Several said they were ex-U.S. Marines. They ranged in age from a 73-year-old man to Elinda Muriqi, a 16-year-old girl from the Bronx who said she came to Albania "to shoot some Serbs."

/// END CNN EXCERPT /// SOURCE: <http://www.cnn.com/WORLD/europe/9904/17/kosovo.kla/>

As you can see, the sex and the age of the corpse can not prove whether or not the "victim" was a member of the KLA or not. The KLA sent geriatric old men and underage teenage girls into combat. Practically nobody can be eliminated as a possible KLA member.

Milosevic completed Jasovic's re-examination by noting that none of the people who told Mr. Nice that he tortured them ever reported his alleged misdeeds to the international or domestic authorities. Milosevic pointed out that much of the alleged torture was said to have occurred while the EU-KDOM and OSCE-KVM were present in Kosovo. Even if the Albanians were afraid to report Jasovic to the Serbian police, they still could have reported him to the EU or the OSCE monitors, but they didn't.

The obvious conclusion is that the Albanians are making-up lies about Jasovic now, six years after the fact, because they want to discredit his testimony before the Hague Tribunal or because they are afraid of what will happen to them if they admit to collaborating with the Serbian police.

After Jasovic withdrew from the courtroom some administrative matters regarding exhibits were discussed, and then Milosevic called Gen. Bozidar Delic to take the witness stand.

Gen. Delic was the commander of the 549th Motorized Brigade of the Army of Yugoslavia. The 549th was based in Prizren during 1998 and 1999. Gen. Delic had 14,000 men under his command, and was responsible for a large part of Kosovo's territory.

Gen. Delic was called to give evidence about the activities of the Yugoslav Army (VJ) in Kosovo during the time covered by the indictment. He will testify about the conduct of the soldiers, the orders they were given, as well as the policies and regulations observed by the VJ.

Gen. Delic began his testimony by explaining the formation of the KLA. He said that the KLA was formed after the 1995 Dayton conference. The Albanians had a delegation at Dayton and expected to use the conference as a platform to discuss the situation in Kosovo. Western diplomats apparently brushed the Albanians off and told them that the Dayton conference was only for the Bosnian conflict.

It was Gen. Delic's testimony that the Albanians formed the KLA in order to provoke a war that would facilitate international intervention on their behalf. He said that the KLA was made-up of Stalinists loyal to Enver Hoxa, and neo-Fascists from the Balli Kombetar movement.

He explained that the objective of the KLA was to separate Kosovo from Serbia and link it up with Albania. To drive this

Gen. DELIC PRESENTS A VIDEOTAPE PROVING THAT THE KLA AIMS TO CREA... pagina 2 van 2

point home a videotape was played showing a KLA oath taking ceremony. The newly recruited KLA members were lined-up, and they can be heard on the tape swearing a loyalty oath to the KLA. They swear that they will fight to the death to create Greater-Albania.

On the same tape, Richard Holbrooke can be seen speaking to the man who led the new KLA recruits in the oath taking ceremony.

Gen. Delic also came to court armed with a VJ report about intercepted KLA radio communications. The intercepted radio communications showed that the KLA was in direct contact with NATO officials. The KLA was aware of NATO's war plans as early as 1998. On October 3, 1998 a KLA radio transmission was sent saying that NATO had completed its preparations for the attack against Serbia.

On October 30, 1998 an intercepted KLA transmission referred to a plan to expel all of the Serbs from Kosovo, together with any Albanians who did not support the KLA.

There were also radio transmissions from September 1998 explaining how Albanian refugees should flee Kosovo in large groups, preferably in groups larger than 1,000.

This all goes to show that the Kosovo war was rigged from the start. Nothing in Kosovo happens by accident. The mass exodus of Kosovo refugees was planned by the KLA months ahead of time. NATO had finished its war preparations months ahead of Racak, which is the earliest "war crime" that the Serbs are accused of in Kosovo. The plans for the war came a long time before its pretext.

Also mentioned in the radio transmissions were details about the "Homeland Calling" fund. This was a fund set-up to finance the KLA, and Albanians were forced to pay a so-called "tax" to this fund. Albanians in Western countries were expected to pay \$1,000 each, and Albanians in Kosovo had to pay between 3 and 5 % of their total income to this fund.

The hearing ended with a closed session related to confidential information about the radio intercepts. Gen. Delic will continue his examination-in-chief when the trial resumes on Wednesday.

###

GEN. DELIC DETAILS KLA TACTICS AND YUGOSLAV ARMY REACTION

www.slobodan-milosevic.org - June 22, 2005

Written by: Andy Wilcoxson

Gen. Bozidar Delic, the former commander of the 549th motorized brigade continued his testimony at the trial of Slobodan Milosevic on Wednesday.

This witness was brought to The Hague to refute the prosecution's thesis that the Yugoslav Army conducted a policy of murder and ethnic cleansing towards Albanian civilians in Kosovo during the 1999 war.

Gen. Delic came to court with more than 600 army documents and several videotapes. It was obvious from the exhibits that the army behaved in a restrained manner towards the KLA.

The witness outlined, through the documents, how the KLA escalated its activity during the first half of 1998. He gave detailed testimony about the arming of the KLA, the training its members received in Albania, and the support it received from Western governments.

He listed several examples of KLA attacks on the police and Serbian villages and the violence the KLA used against Albanians who refused to join or financially support it.

Gen. Delic provided orders and official documents showing that the Yugoslav Army responded KLA provocations in accordance with domestic and international law. When violations happened, appropriate measures were taken to punish the perpetrators.

Milosevic explained how the documents show the "continuity of proper conduct of the army", in spite of an "organised escalation of terrorist activities."

Milosevic also showed video tapes of three incidents near the border crossings near Morina and Kosara, on the border with Albania, in April 1998. The tapes depicted the KLA illegally attempting to smuggle weapons across the border.

The prosecution has alleged that an incident at the Kosara crossing on April 23, 1998, in which 19 terrorists were killed by Yugoslav border guards, was a case of "disproportionate force."

Gen. Delic explained that the terrorists were attempting to cross the border illegally and that they ignored the calls to stop and put down their weapons. Instead of stopping, they opened fire on the border guards, who were forced to return fire in self defense.

Milosevic noted that the border post was manned by six soldiers and one non-commissioned officer, while the terrorist group attempting to cross the border numbered between 150 and 200 men. In light of the ratio of forces there can be no credence given to the notion that the Serbian side used disproportionate force.

It will be interesting to see how the prosecution handles Gen. Delic. It will be difficult for them to challenge his credibility, because they have reportedly asked Delic to testify in the Haradinaj trial as an expert witness.

General Delic's testimony will continue next Wednesday.

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Sagittarius

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June 24, 2005

Dear Friends,

Four years ago former President of Yugoslavia Slobodan Milosevic was kidnapped in Belgrade and brought to The Hague to stand trial for war crimes and genocide in the wars leading to the break-up of Yugoslavia. * By charging the president of Yugoslavia, the U.S. and the NATO military alliance was charging Yugoslavia and, in particular the people of Serbia with total responsibility* for all of the wars and destruction that laid waste to a once prosperous and peaceful region. The media announced that this was to be "the trial of the century."

But once President Milosevic announced his intention to rebut his accusers by charging them with conspiracy and war crimes--the cameras and newspapers fell silent. The trial of Slobodan Milosevic dragged on for two years--*in silence and neglect *as the NATO-appointed prosecution presented their case. Again and again, defense motions were overruled and struck down.

Finally on August 31, 2004 President Milosevic was able to present the rebuttal to the prosecution's charges and put forward Yugoslavia's defense. He challenged the status and legality of the International Criminal Tribunal for Former Yugoslavia. His clear, documented, well-reasoned two-day opening talk in the defense portion of the trial is *a presentation of historic importance*.

Have you read one news article summarizing his rebuttal? Have you ever seen it quoted? Do you know how President Milosevic defended the Serbian people and all the people of the Balkans? Have you or anyone you know read his stinging expose of NATO's role? If you believe in free speech, don't you think President Milosevic's defense of Serbia should be available in every library and widely available on the internet and to journalists internationally?

Unfortunately free speech isn't free. This historic speech, its defense of Serbia and the expose of NATO criminal conspiracy will only be known if we take active steps to make it widely available. We feel that it is a moral imperative to insure that the powers that bombed, sanctioned and profited from the war are not the only forces who write the history of this war.

We are proud to announce that the International Action Center this summer will publish President

Clark's

in a 150-page book entitled *The Defense Speaks - for History and the Future*. A great deal of preparation has gone into this book already. We felt that it was essential to go back to President Milosevic's speech which was given in Serbian and correct the rather awkward, stilted English version made by Croatian and Bosnian translators employed by the Hague Tribunal with a more accurate and readable

translation. Former U.S. Attorney General Ramsey Clark is preparing a lengthy introduction that reviews the political nature of the Tribunal established by the U.S.

The International Action Center has published *four other major books exposing the U.S. role in the wars, sanctions and devastation of the region. In 1998 we published and twice reprinted NATO in the Balkans and in 1999 we published, War, Lies and Videotape: How Media Monopoly Stifles Truth. In 2002 we were proud to publish Hidden Agenda: U.S./NATO Takeover of Yugoslavia and the English translation of Michel Collon's Liar's Poker: The Great Powers, Yugoslavia and the Wars of the Future. Now IPG, a major national academic distributor, has made these well-researched and documented books available in libraries, bookstores and university courses.

These four books are a unique contribution to understanding the censored and suppressed history of the past fifteen years. *Each book was possible because people of conscience gave donations that covered all of the publication costs.*

Today the whole world knows that the U.S. war in Iraq was based on a U.S. lie about Iraq's weapons of mass destruction. The bombing of Yugoslavia was also based on a lie about mass graves. Just as the weapons of mass destruction were never found in Iraq, the mass graves in Kosovo were never found. U.S. occupation in both regions continues. Both wars based on outrageous lies and wild propaganda must be opposed.

You have an opportunity to help to bring the facts to a wider audience. We hope that you will give serious attention to this appeal to help us publish: *The Defense Speaks - for History and the Future*

<<http://www.iacenter.org/iacdonate.htm>>*. * Unless

you help, U.S. and NATO forces will have succeeded in silencing the Defense. Their version of history will be the only words heard.

We ask for your help in publishing this historic book. There will be a *special acknowledgements section* in the book where donors' names can be listed. Please go online <<http://www.iacenter.org/iacdonate.htm>> to make your donation and/or pre-order books at

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Or fill out the section below and mail it with your check to the address provided.

And help pass the word of this book and the importance of supporting it on to your friends, and family.

Thank you for your continuing support.

Yours in solidarity,

Ramsey Clark
Former U.S. Attorney General

Sara Flounders
International Action Center

Barry Lituchy

NEDAIST
Na braniku Istorije * Na braniku Istine
Sve-Evropska Slobodarska Dijaspóra
Cetvrti Saziv Protestnog Vidovdanskog Sabora u Hagu
2005

25-6-2005



>Dear Friends

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>Not being able to be with you today, I wish to extend to you the warmest
>greetings of the whole team of our monthly magazine B. I., formerly known as
>Balkans-Infos.

>B. I. is only distributed to subscribers, but has become a well-known
>authority on international affairs, because of it's independance, the
>quality of it's éditorial staff and it's contempt for standard thinking. It
>is practically the only french speaking paper to have fought, for now about
>ten years, the spin-mongering medias and their cynical propaganda.
>We have ceaselessly exposed their lies about Yugoslavia and the so-called
>humanitrian NATO war against Belgrade. We have constantly opposed american
>imperialism and the Washington war-crazy preachers. We have revealed their
>strategic plans of world domination, of oil and gas control, and of military
>conquest. We have branded from the start the Hague tribunal as a parody of
>justice, set up only to justify the western crimes in the Balkans. We have
>repeatedly denounced all the forms of religious fanaticism, and we have
>proudly celebrated in Paris our hundrenth issue last may 21st, with
>musicians, ballet dancers and several hundreds of our friends and readers.
>Jointly, our association "Truth and Justice" was the first to publish in
>book form, under the title "Ma vérité" (My Truth), president Milosevic's
>speech for the opening of his defense period. This publication has been a
>success : we have sold close to a thousand copies without any promotion or
>press coverage, and more and more libraries and drugstores are agreing to
>put it on sale. We are planning other publications, which must remain secret
>for the time being, but which I am sure will create further sensation.
>Please accept all my best wishes, and the encouragments of all the friends
>in France this message represents today. We are with you, and we hope to be
>even more so in the future.

>Thank you.

>

>Louis Dalmas
>Director of B. I.
>President of Justice et Vérité (Truth and Justice).
>Website : b-i-infos.com
>Email : lodalmas@wanadoo.fr

>

>Paris 25, of June 2005.

18/06/2005

SERBIAN DIASPORA HOLDS PRO-YUGOSLAV RALLY IN THE HAGUE

www.slobodan-milosevic.org - June 25, 2005

On Saturday, June 25, 2005 the Serbian Diaspora organization "Nedalist" held its fourth annual demonstrations in The Hague.

The demonstrations gathered under the slogan "the aggressor shall not re-write our history." The rally commenced at 2:30 pm on the "Plien" in front of the Dutch parliament, where a memorial ceremony was held for the sixteen victims of the 1999 NATO attack on Radio-Television Serbia.

The rally condemned the 1999 NATO bombing of Yugoslavia, and the illegal tribunal established in the Hague. The demonstrators called for real accountability for all war crimes, including the ones committed by NATO.

The demonstrators marched through the streets of The Hague to the Scheveningen prison, where the Hague Tribunal holds its prisoners.

The rally was addressed by:

Misha Gavriolovic, co-chairman of the Committee for Peace in the Balkans, and a leading member of the Serbian Diaspora in the United Kingdom.

Nico Steijnen, Slobodan Milosevic's attorney before the Dutch and European Courts, and a board member of the Slobodan Milosevic Freedom Center.

Joerg Lorenz, member of the Coalition against Nato Aggression in Germany, and a member of the Solidarity with Yugoslavia committee.

Andy Wilcoxson, a board member of the Slobodan Milosevic Freedom Center, and webmaster of the www.slobodan-milosevic.org website.

Stan Gasparovski, coordinator of the Committee for Peace in the Balkans, together with Olga Daric of Slobodan Milosevic's French defense committee read letters of support from:

Aleksandar Vucic, General Secretary of the Serbian Radical Party.

Neil Clerk, a British journalist who writes in the Guardian, Observer and New Statesman.

Ian Johnson, president of the Committee to Defend Slobodan Milosevic in the UK.

Andrea Marchota, president of the Committee to Defend Slobodan Milosevic in Italy

June Kelly, president of the Committee to Defend Slobodan Milosevic in Ireland.

Kornen Becirovic, the author of the famous book "Kosovo in our soul".

Louis Dalmas, a leading French intellectual on Yugoslavia, and publisher of the monthly magazine Balkan Infos, now renamed as BI. Dalmas.

Patrick Barriot and Eve Crépin, defense witnesses for Slobodan Milosevic who worked extensively throughout the former Yugoslavia as humanitarian medical workers attached to French UN troops.

The rally successfully in attracted the attention of the Dutch public in The Hague, Nedist distributed hundreds of Dutch-language leaflets outlining their platform to interested on-lookers.

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THE SREBRENICA VIDEO: MEDIA CIRCUS AGAINST JUSTICE

Slobodan Milosevic Freedom Center - July 1, 2005

PRESS RELEASE

On June 1, 2005 ICTY prosecutor, Geoffrey Nice, played a videotape during the questioning of Slobodan Milosevic's defence witness, General Obrad Stevanovic. The international media reported that the tape was definitive proof that policemen from Serbia took part in the alleged massacre of 7,000 Muslims from Srebrenica in July 1995.

It is no coincidence that this video was shown on the eve of the ten-year commemoration of the alleged massacre in Srebrenica. By playing the tape the prosecutor not only intended to portray Serbia, and president Milosevic in particular, as being responsible; he also provided a pretext for Serbia's pro-US president to 'apologize' - thus taking responsibility - for something that has not been proven over the last ten years.

The videotape was brought into the trial through the side-door. It was not introduced as an exhibit, or for the proof of its contents. It was only shown to the witness to see if he could identify any of the people on the tape. Because the tape is not an exhibit, Milosevic was prohibited from challenging its authenticity. When he tried to call the tape's authenticity into question, the tribunal cut off his re-examination, and accused him of abusing the proceedings for political purposes.

Taking a close look at the tape one cannot find any link to Srebrenica. Srebrenica is never even mentioned on the tape, and unlike the rest of the tape, the part showing the executions had the time and date removed. The audio appears to have been doctored, it is completely missing on some parts of the tape, and sounds like it was digitally scrambled on other parts. The location where the executions were filmed is not indicated on the tape either. That footage could have been made at any place and at any time.

Mr Nice's assertion that the executioners were policemen from Serbia is refuted by the tape itself. The vehicles on the tape had license plates from the R.S. Krajina Army in Eastern Slavonia (Croatia), and had the symbols of the so-called 'Skorpions' painted on them. The prosecution's own witness, Milan Milanovic testified on October 14, 2003 that this unit came from Eastern Slavonia - not from Serbia. Milanovic, who was the deputy defense minister of R.S. Krajina, testified that the Skorpions were not subordinated to Belgrade. He said they were sent to Bosnia by the R.S. Krajina government.

Interestingly, the source of the videotape is Natasa Kandic, the head of the Belgrade-based NGO Humanitarian Law Center, which is directly financed by the U.S. government through the National Endowment for Democracy.

The Hague Tribunal has created a media circus, not for the purposes of justice, but to force Serbia to bear the cross for what allegedly happened in Srebrenica. The tribunal wants to write Srebrenica's history once and for all, in spite of several serious questions that remain regarding what really happened there. They want to dig a grave and bury the truth, with the headstone reading "Serbia is guilty."

Neither the Yugoslav Army nor Serbia's police had anything to do with the events in Srebrenica, or the war in Bosnia. Even in reports written by NATO countries this fact is admitted. In the main report of the Dutch government, published in April 2001, it literally says: "There are no indications that the action was taken out in collaboration with Belgrade, neither in terms of political or military coordination."

Contrary to what the prosecutor wants us to believe, President Milosevic's efforts were exclusively directed towards finding a just and equitable peace. Instead of ordering a mass-slaughter, Milosevic's attitude towards the Srebrenica Muslims is evidenced by his decision to give safe-haven to nearly 1,000 Srebrenica-Muslim fighters who were trapped at the Drina River. At the request of Carl Bildt, Milosevic gave these soldiers shelter and safe-passage to Hungary.

Another important aspect, which remains hidden from the public, is the fact that the Yugoslav authorities arrested several people who were involved in the events at Srebrenica. There is the case of Drazen Erdemovic, a Croat, who claimed to have personally executed more than 100 people. He was arrested in Novi Sad, Serbia in 1996 and charged with murder and war crimes. Facing a severe punishment in Yugoslavia he, as a Croatian citizen, demanded to be extradited to The Hague Tribunal. The tribunal sentenced him to 5 years imprisonment, and then granted him early release and a new identity. Milosevic's government arrested several members of Erdemovic's unit, but they were subsequently set free by the DOS government following the coup of October 5, 2000.

All of this, and much more, makes it clear that the accusation that Slobodan Milosevic, as president of Serbia, was responsible for what happened in Srebrenica is completely absurd. The use of the videotape by the prosecution had no other purpose than politics. They want to manipulate public opinion because of their hopeless position. In three years they have been unable to prove Milosevic guilty of a single charge.

What actually happened in Srebrenica is still unclear. There is reason to doubt the official story. As President Milosevic said in the courtroom: I want the truth to be revealed with regard to this insane crime, in the interest of justice. It has to

<http://www.slobodan-milosevic.org/news/smfc070105.htm>

THE SREBRENICA VIDEO: MEDIA CIRCUS AGAINST JUSTICE

be explained before the world public.

For this reason, Slobodan Milosevic Freedom Center calls for an independent inquiry of this serious issue. It is clear that the so-called Hague Tribunal, because of its biased nature, is unqualified to lead such an inquiry.

Slobodan Milosevic Freedom Center The Hague

Amsterdam July 1, 2005

###

GEN. DELIC CONTINUES TO DESTROY THE PROSECUTION CASE

www.slobodan-milosevic.org - July 5, 2005

Written by: Andy Wilcoxson

The trial of Slobodan Milosevic resumed on Tuesday with the continued testimony of Gen. Bozidar Delic. Delic is the former commander of the 549th Motorized Brigade of the Yugoslav Army (VJ) based in Prizren. The 549th was responsible for the southern part of Kosovo along the Macedonian and Albanian border.

Gen. Delic is testifying about the activities of the Yugoslav Army in Kosovo. He is testifying on the basis of his own experience - what he personally saw in his unit's area of responsibility, and he is testifying on the basis of reports that he received from VJ field commanders throughout Kosovo. All told he has brought more than 600 documents and videotapes to corroborate his testimony.

Over the past six days of Gen. Delic's testimony Slobodan Milosevic has taken him through the Kosovo indictment, and the testimony of prosecution witnesses, on a detailed point by point basis.

Today, for example, Delic gave evidence about the activities of the Yugoslav Army in the village of Jeskovo. The prosecution claims that VJ troops, led by Gen. Delic, massacred civilians in Jeskovo. Two prosecution witnesses, secret witness "K32" and secret witness "K41" testified that Yugoslav Army troops massacred civilians, that there was no KLA in the village, and that Delic gave orders to "leave no one alive."

Delic knew who K32 and K41 were. He testified that K32 was a criminal who was hiding out at K41's house. He theorized that K32 testified so that the tribunal would give him a new identity, which would allow him to escape justice. He said K32 was not even in the village and could not possibly have been the sort of eye witness he claimed to be.

Gen. Delic then proceeded to destroy the testimony of K41 and K32. He read from a report of the OSCE/KVM. The report explained how KVM monitors found the dead bodies of uniformed KLA soldiers in the village. He also read from a KLA document which listed the names of the "fallen heroes" of the 125th Brigade of the KLA who had died in Jeskovo.

Delic denied ordering the killing of civilians, and said that there weren't any civilians in the village when the army got there anyway.

Gen. Delic also testified about events in Suva Reka. The indictment claims that forces of the FRY and Serbia surrounded the town of Suva Reka and expelled 80,000 of its inhabitants to the village of Bellanice. The indictment also says that this group of 80,000 refugees was shelled by the army when it got to Bellanice.

Gen. Delic said that the assertions put forward by the indictment were nonsense. He said that if 80,000 people had been the target of shelling in Bellanice, then hundreds or perhaps thousands of them would have been killed. He said that there was no such mass-killing. He refuted the hearsay testimony of prosecution witness Shefqet Zogaj who lived in Bellanice and testified that he had heard second-hand that 150 people had been killed.

Relying on VJ documents, Delic refuted the testimony of Argon Berisha who claimed that Suva Reka had been attacked with tanks on March 26, 1999. According to the documents there were no tanks in Suva Reka.

The village of Nagafc was another topic that Delic testified about. The indictment claims that Yugoslav troops mistreated a group of 8,000 Albanian refugees who were seeking shelter at on "a mountain near the village of Nagafc," and that the army shelled the village of Nagafc on 2 April 1999, killing a large number of people.

The first thing that Delic pointed out was that there is no mountain near Nagafc. He pointed to Nagafc on a map and showed that there were no mountains anywhere around it. The village is on a sort of plateau, the ground is generally flat except for some small rolling hills in the area. Obviously the prosecution failed to check even the most basic facts when it wrote the indictment; facts such as the very existence of the place where the crime is said to have been committed.

The witness read out VJ field reports that spoke of approximately 200 refugees in the area, which is a far cry from the 8,000 alleged by the prosecution.

Delic also denied the indictment's assertion that the Yugoslav Army shelled Nagafc on April 2, 1999. Delic claimed that NATO had bombed the village, and to prove it he played a videotape showing the NATO attack. On the videotape you could see the result of the NATO bombing, the village was decimated and fragments of NATO bombs, which had English writing on them, could be seen on the tape. Gen. Delic, being a military man himself, was even able to identify the types of bombs that NATO used just by seeing their fragments.

Nagafc, just like the Dubrava Prison, is another example of NATO (and the ICTY prosecution) trying to blame Milosevic
<http://www.slobodan-milosevic.org/news/smorg070505.htm>

for the people that NATO killed when it bombed Yugoslavia.

In addition to the specific points raised by the indictment, Gen. Delic also gave some more general testimony today. He explained that the objective of the Yugoslav Army was to combat terrorism, not ethnic cleansing. He said that civilian houses were only destroyed if they were used by the KLA.

He also explained how the KLA would force civilians to leave their homes in order to put them in front of its positions and use them as human shields. He said that the KLA tricked the population into being human shields by saying that they were "protecting" them.

Gen. Delic will continue his examination-in-chief when the trial resumes on Wednesday.

###

A NOTE REGARDING THE ABSENCE OF THIS WEEK'S TRIAL REPORTS

Dear readers,

I have been unable to write reports on the Milosevic trial for June 29, 30, and July 1, 2005, because I have been in The Netherlands this week. I will read the transcripts of the trial and write the trial reports for these days as soon as possible. Trial reporting will resume as normal next week.

During my stay in The Netherlands, I had the opportunity to meet various people from the Serbian Diaspora, the Milosevic support movement in Europe, and people from the media. I also had the privilege to speak with President Milosevic on the telephone, and I can tell you that he is in good shape, and that he sends his warmest regards to all of his supporters.

Also, the board of the Slobodan Milosevic Freedom Center met to discuss plans for future political work, as well as the litigation against Steven Kay and the ministers of the Dutch Government responsible for the RTS bombing. Prior to the meeting, Nico Varkevisser met with President Milosevic in the Scheveningen prison.

Best Regards,

Andy Wilcoxson

Webmaster: www.slobodan-milosevic.org

GEN. DELIC EXPOSES ANOTHER PROSECUTION WITNESS AS A LIAR

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

Written by: Andy Wilcoxson

The testimony of Gen. Bozidar Delic, former commander of the 549th Motorized Brigade of the Yugoslav Army (VJ), continued at the trial of Slobodan Milosevic on Wednesday.

Delic continued to destroy the prosecution case. Prosecution witness Xhevahire Sylja testified on July 17, 2002 that Yugoslav Airforce jets bombed a convoy of Albanian refugees killing nearly 80 civilians in an attack on April 14, 1999 near Djakovica.

Gen. Delic exposed Ms. Sylja as a total fraud. First he pointed out that NATO spokesman Jamie Shea admitted that NATO bombed the convoy (See: <http://www.usis.it/file9904/alia/99041503.htm>). Second he pointed out that the NATO bombing kept the Yugoslav Airforce completely grounded. Third he offered to provide the court with the intercepted radio communications where NATO command ordered the pilot to bomb the refugee convoy.

The fact that the prosecution called a witness to blame the Serbs for what NATO had already admitted doing just goes to show the character of the prosecution case, and the credibility of the prosecution's witnesses.

Gen. Delic also gave evidence regarding the proper conduct of the Yugoslav Army. He went through the orders that the Yugoslav Army was given to protect the civilian population. He showed the court reports written by OSCE-KVM monitors, which spoke of the professional conduct of the Yugoslav forces.

The witness testified that refugees left Kosovo for various reasons – none of which were a Serbian campaign of ethnic cleansing. He said that the refugees left due to NATO's bombing, combat between the Army and the KLA, and a pre-arranged plan to leave Kosovo in order to justify the NATO bombing. He also said that refugees fled in order to avoid being drafted into the KLA.

To prove his claims Gen. Delic played a series of videotapes. The tapes showed Albanian refugees at the Vrbica border explaining that they were leaving Kosovo because of the bombing.

The videotapes showed the result of the NATO bombing, including the barbaric attack on the Prizeren Hospital, attacks on refugee convoys, and the bombing of civilian homes. Particularly disturbing was the video showing the NATO bombing of Kosovo-Roma houses in Prizren.

The tapes demonstrated the humanity of the Yugoslav Army. The Army medical corps could be seen giving medical attention to Albanian and Roma civilians who had been injured by the NATO attacks.

The tapes demonstrate that civilians had good reason to flee from NATO's bombs. NATO was clearly targeting civilians. The tapes go to show that the cause of the mass exodus of Kosovo refugees was the NATO bombing.

The tapes also demonstrated how the KLA abused civilians. Delic played videotaped interviews with civilians who had been used as human shields by the KLA. The refugees claimed that the KLA had forced them to go without food and water for days.

Gen. Delic spent the latter part of today's hearing going over the orders and documents of the military judiciary. His testimony was aimed at showing that steps were taken to prevent and punish criminal conduct within the ranks of the army.

Gen. Delic's testimony will enter its eighth day when the trial resumes on Thursday.

###

GEN. DELIC EXPOSES PADDY ASHDOWN'S PERJURY

www.slobodan-milosevic.org - July 7, 2005

Written by: Andy Wilcoxson

Da griffier van de rechtbank
[Handwritten signature]

Gen. Bozidar Delic, former commander of the 549th Motorized Brigade of the Yugoslav Army (VJ), completed his examination-in-chief at the trial of Slobodan Milosevic on Thursday.

Gen. Delic testified that the Yugoslav Army punished soldiers who committed crimes against the civilian population. He showed the court documents that outlined crimes committed by individual soldiers in his unit, and the punishments they received. Several men were convicted of war crimes and given lengthy prison sentences.

Mr. Bonamy expressed concern because the documents were not all the way up to date, and some of the soldier's trials had not been completed when the documents were generated. The trial chamber's view appears to be that the actions of the Yugoslav judiciary were Milosevic's responsibility.

Milosevic argued that the executive branch's responsibility ends when the suspect is arrested. After the initial arrest, the judiciary takes over and determines whether the suspect is guilty of the crime and what punishment should be handed down.

In free countries the judiciary is not controlled by another branch of the government. Trials would be a pointless exercise if the courts were under external control. The concept of an independent judiciary seems to be a difficult concept for Bonamy, Kwon, and Robinson to grasp, but who can blame them - they're pawns conducting a political show trial for NATO and such high-minded legal concepts are probably beyond their understanding.

Gen. Delic provided evidence related to the cooperation that existed between the KLA and NATO. He showed the court documents detailing intercepted KLA radio communications.

The intercepted radio communications showed that the KLA was scoping-out targets for NATO to bomb. The KLA was sending radio communications to NATO pinpointing the targets that should be bombed.

The radio communications also revealed that the KLA had the ability to call off NATO bombing raids if it was in the area.

Gen. Delic testified that KLA attacks were often synchronized with NATO bombing raids. This, together with the intercepted radio communications, shows that NATO had a close working relationship with the KLA.

It was Gen. Delic's position that a large portion of the population left Kosovo because of the fear engendered by NATO's bombing raids. He detailed the sorts of weapons that NATO used in its attacks, including cluster bombs and weapons with depleted uranium.

Gen. Delic showed a NATO map of Kosovo that indicated where depleted uranium (DU) weapons had been used. He said that NATO dropped more than 30 tons of DU on Kosovo, and that Yugoslav Army soldiers who had been exposed to the contaminated areas have contracted diseases such as leukemia and cancer at very high rates. The DU used by NATO will maintain its radioactivity for almost 4 billion years.

Gen. Delic detailed the structure of the Yugoslav military. He explained what all of the different units did, and what their chain of command was.

He testified that the ethnic composition of the Yugoslav Army was roughly 70% Serb and 30% others. He played videotapes filmed by Radio-Television Serbia where soldiers of different ethnicities were interviewed during the Kosovo war, these soldiers included: Albanians, Turks, Roma, Gorani, Muslims, and others. Gen. Delic explained that the ethnic composition of the Army matched the ethnic composition of Yugoslavia - there was no discrimination against non-Serbs in the Army.

Gen. Delic testified that the Army never received orders to deport civilians or to ethnically cleanse Kosovo. He categorically stated that there was no policy of violence towards civilians, and no policy to expel ethnic Albanians from Kosovo.

Delic also spoke about relations between the Army and the police. He said that relations were professional and appropriate.

The prosecution claims that a secret chain of command existed whereby Milosevic was able to bypass the regular chain of command and directly control the army and police through the so-called "Joint Command."

Gen. Delic explained that Joint Command was a coordination body that existed between the army and police. He said

Mr. Uly Sumner (37)

GEN. DELIC EXPOSES PADDY ASHDOWN'S PERJURY

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that the Joint Command did not have any authority to issue orders. He explained that the army and police each followed their own chains of command. The army only took orders from the corps command, and the police only took orders from the Interior Ministry. Nobody took, or would take, orders directly from the Joint Command.

On every day of his testimony Gen. Delic has exposed at least one prosecution witness as a liar, and today was no exception. Today it was Paddy Ashdown's turn to be exposed as a perjurer.

On March 14, 2002 Ashdown testified as a witness for the prosecution. He said that he was on the Kosovo-Albania border near Junik. From his perch at Junik, through his binoculars, Ashdown claimed to see Serbian forces torching, looting and shelling several villages.

As a military man, Gen. Delic is good with maps. Using a topographical map of Kosovo, Delic showed the areas that Ashdown could have seen from Junik and the areas that he could not have seen (unless he had x-ray vision that allowed him to see through mountains). As it turns out, Ashdown could not have possibly seen the places and the villages that he claimed to have seen, with that Gen. Delic's examination-in-chief came to an end.

Mr. Nice asked Gen. Delic a couple of brief questions in cross-examination before the hearing adjourned. It will be interesting to see how the prosecution attacks Delic when the trial resumes next Monday, especially since he has been contacted as an expert witness by Carla del Ponte.

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NICE CROSS-EXAMINES GEN. DELIC

www.slobodan-milosevic.org - July 11, 2005

Prosecutor Geoffrey Nice began his cross-examination of Gen. Bozidar Delic by questioning him about Srebrenica. Even though the prosecutor was clearly questioning the witness for non-forensic, political purposes the trial chamber allowed it to continue.

When pressed to answer the questions Gen. Delic, who was not even in Srebrenica and was not called to testify about Srebrenica, said that he believed that 2,000 to 3,000 Serbs and several thousand Muslims died in Srebrenica. He did not believe that the number of Muslim deaths was as high as the 7,000 to 8,000 reported by the media.

Nice also questioned Gen. Delic about the alleged shelling of Dubrovnik. Delic denied that the JNA ever shelled the Old Town of Dubrovnik.

In spite of the ICTY's finding that Dubrovnik's Old Town was destroyed by JNA shelling, video filmed by North-East Illinois University professor John Peter Maher shows that Dubrovnik's Old Town was completely intact just weeks after it was supposed to have been destroyed by JNA shelling. The only building that had been destroyed was the Serbian Orthodox church and theological library, and that had been set on fire by the Croats.

Mr. Nice tried to claim that the Office of the Prosecutor was the victim of prejudice at the hands of the Serbian Government. He said that the Serbian authorities had not provided documents to the tribunal. Gen. Delic, who was part of the body that was established to cooperate with the ICTY, said that the document requests could not be filled because they were too vague. He said that if specific documents had been requested then those requests would have been fulfilled.

The prosecutor questioned the witness regarding his service in the Bosnian-Serb Army. Gen. Delic was a member of the 715th VRS brigade. In spite of Mr. Nice's insinuations that this was proof of a Serbian conspiracy, Delic saw nothing unusual about the fact that he, as a Serb from Kosovo, would volunteer to defend the Serbs in Bosnia. After all, Arabs from the middle-east came to Bosnia to fight for the Muslim cause and Mr. Nice sees nothing strange about that.

Gen. Delic denied that the so-called "Joint Command" issued orders to the VJ and MUP outside of the legal chain of command. Mr. Nice showed Delic a document from his unit that read, "Pursuant to the order of the Joint Command..." on the first line.

Gen. Delic maintains that the Joint Command did not issue orders. He repeated his testimony that it was "coordinating body" for cooperation between the Army and the police. He said that it did not have a military post code or a commander. As for the document that referred to the Joint Command, the witness said that the Pristina Corps issued orders to his unit, and it was behind the document.

The cross-examination will continue tomorrow.

###

THE PROSECUTOR LIES, THE JUDGES SABOTAGE, AND GEN. DELIC STICKS TO HIS GUNS

www.slobodan-milosevic.org - July 14, 2005

Written by: Andy Wilcoxson

The cross-examination of Gen. Bozidar Delic, former commander of the 549th Motorized Brigade of the Yugoslav Army (VJ), continued at the trial of Slobodan Milosevic on Tuesday (July 12) and Wednesday (July 13).

THE JOINT COMMAND

During the cross-examination Mr. Nice repeated the prosecution's allegation that a special body called the Joint Command was established during the Kosovo war so that Slobodan Milosevic could directly, and illegally, control the Yugoslav Army (VJ) and Serbian police (MUP). The prosecution claims that Milosevic used this body to bypass the legal chain of command to issue orders for ethnic cleansing.

The prosecutor showed Delic orders from the Pristina corps headlined "pursuant to the decision of the Joint Command." Of course the documents did not contain orders for ethnic cleansing, but the prosecutor contended that the documents proved that the Joint Command issued binding orders to the army and police.

Gen. Delic explained that the Joint Command was a body established to facilitate cooperation between the army and police. The Joint Command did not bypass the legal chain of command. The army and police maintained their command structure, all the Joint Command did was give the army and the police a forum where they could coordinate their activities.

PROSECUTION WITNESSES K41 AND K32 PROVEN LIARS

During the prosecution case a pair of secret witnesses codenamed "K41" and "K32" testified against Milosevic. They claimed that Gen. Delic personally ordered troops of the 549th brigade to attack the village of Jeskovo. They claimed that the purpose of the operation was to kill civilians, and "K32" even went so far as to claim that Delic ordered that "nobody should be left alive".

In an attempt to discredit the witness, Mr. Nice confronted Gen. Delic with the accusations of these two secret witnesses. Gen. Delic dismissed their allegations as nonsense. Delic first denied saying "nobody should be left alive," then he pointed out that "K32" was three kilometers away during the operation at Jeskovo, which meant that he was out of earshot anyway.

Gen. Delic explained that the only ones in Jeskovo were eleven well-armed KLA terrorists who had to be killed because they refused to surrender. He said that they were Islamic fundamentalists and that they fought down to the last man.

The final proof that K41 and K32 were lying came in the form of a report of the OSCE/KVM regarding the Jeskovo operation. Gen. Delic showed the befuddled prosecutor the part of the report that explained how KVM monitors found the dead bodies of uniformed KLA soldiers in the village, not civilians.

Gen. Delic went on to explain how K32 was a criminal who hid out at K41's house. Given the connection between K41 and K32, and given the manifestly false nature of their testimony, Delic theorized that K32 and K41 may have been coached to give false testimony. This obvious conclusion ruffled some feathers at the tribunal, and drew angry reactions from the prosecutor and the judges.

PADDY ASHDOWN'S PERJURY

Another prosecution witness that Delic discredited was Paddy Ashdown. Ashdown went to Kosovo in June of 1998 and on March 14, 2002 testified that he was on the Kosovo-Albania border near Junik. From his perch at Junik, through his binoculars, Ashdown claimed to see Serbian forces torching, looting and shelling several villages.

Gen. Delic spent the last 15 minutes of Wednesday's hearing going over Ashdown's testimony. Some of the villages that Ashdown says he saw were more almost 15 kilometers away, thus he could not see the details he claimed to see through his binoculars.

Other locations that Ashdown claims to have seen can not been seen from Junik because there are hills and mountains that would have obstructed his view.

Gen. Delic went through Ashdown's testimony point by point, and proved beyond any doubt that Ashdown could not have been telling the truth when he testified.

The fact that Paddy Ashdown is guilty of perjury will certainly be overlooked by the tribunal. A real court would bring him up on charges, under the tribunal's statute he can be prosecuted for contempt. But this is a political show trial and politics dictate that Paddy Ashdown won't get prosecuted.

MR. NICE'S DISGRACEFUL CONDUCT

It has become standard practice for Mr. Nice to mislead the witnesses and the court during his cross-examinations, and Gen. Delic's cross-examination was no exception.

Mr. Nice claimed that more than 200,000 Kosovo Albanians had been internally displaced prior to the NATO bombing. He claimed to base his assertion on the testimony of former Russian Prime Minister Yevgeny Primakov, who testified for Milosevic as a defense witness.

Gen. Delic said that the figure of 200,000 was greatly inflated. Not happy with the answer, Judge Bonamy intervened and advised the witness that the figure of 200,000 could not be disputed because the prosecution and the defense witness Primakov had both relied on it.

During the break Milosevic looked up Primakov's testimony and found that Primakov had testified that he didn't know how many internally displaced persons were in Kosovo prior to the NATO bombing. Mr. Nice and Judge Bonamy were both lying, and both intentionally trying to mislead the witness. Although Bonamy did back off and try to say that he was only picking up on the prosecutor's assertion.

Of course being repeatedly exposed as a liar himself does not stop Mr. Nice from accusing others of being liars. Throughout the cross-examination, Mr. Nice tried (and failed) to depict Gen. Delic as a liar and a "Serbian nationalist".

Mr. Nice and the ICTY prosecution have no sense of morality at all. Before Gen. Delic testified in Milosevic's defense, the prosecution wanted to use him as an expert witness against Ramush Haradinaj. It would seem that the Office of the Prosecutor (OTP) judges credibility based on whether the witness is testifying for them or not. When Gen. Delic would help the OTP in their case against Haradinaj he was credible, but as soon as he testified in Milosevic's defense he was magically transformed into a liar, a Serbian nationalist, and a criminal who went around Kosovo ordering the killing of civilians.

SABOTAGING THE DEFENSE

In an effort to sabotage Slobodan Milosevic's defense case, the trial chamber issued an order on Thursday asking the tribunal's cardiologist, Dr. van Dijkman, to determine whether Milosevic's health would allow the court to sit for longer than the current three days a week at four hours a day.

The Chamber's order proposes several ways to extend the working hours. One way is to continue at the present pace of three days a week, but with extended working hours. Another option is to sit for four or five days a week, and the third is a combination where there would be two or three four-day weeks in a month.

The idea to expand the working hours was originally proposed by the prosecutor at the April 14th status conference. The scheme was submitted to the trial chamber under the guise of "speeding-up the trial".

The real idea behind the scheme to extend the working hours is to sabotage of Milosevic's defense. Anybody who watches the trial on a regular basis has seen the extraordinary amount of time that is wasted every time a document does not get translated from Serbian into English.

By extending the working hours the tribunal will reduce the time that Milosevic has for preparation. Its simple arithmetic, the more hours he spends in court, the fewer hours he has to prepare his case. He will have less time to proof witnesses, and less time to submit documents for translation. The result will be that less of the defense evidence gets heard, because more time will be wasted in court dealing with things that would not have been an issue, such as document translation, if the defense had had more time to prepare.

The Milosevic trial will continue next Monday with the continuation of Gen. Delic's cross-examination.

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15-7-2005

As the 10th anniversary of Srebrenica approaches attempts to embed the mass story have intensified. In both the USA and the UK, newspapers began to carry lengthy features a full two months before the anniversary date. On the legal side, ICTY ~~Prosecutor~~ Chief Prosecutor Carla del Ponte rechartered her media campaign for the arrest of Karadzic and Miladinovic, timing a visit to Belgrade to coincide with the meeting screening during the ICTY Milosevic trial of a video purporting to show the execution of young Muslim men from Srebrenica by a special Serbian unit called the Scorpions.

This development, eagerly received in by the world's media as 'final proof' of the Srebrenica massacre, was no more than a bridge stunt. Geoffrey Nice, the ICTY prosecutor in the Milosevic case, was clearly under instruction to use the video in his cross-examination of a Serbian military commander, but had not been able to work out any coherent legal basis for doing so. Nor had been able to disclose the evidence to the defense. The witness was asked to comment on video extracts which appeared to have been of extremely poor quality in their original form (common-quality video, locally shot), but further degraded by compression to small-window streaming video format. The court was given nothing more than Mr. Nice's assurance that the video related to Srebrenica - and even Mr. Nice admitted that it had been shot at a place near Sarajevo, almost 200 km from Srebrenica.

15-7-2005

The first week of the trial in particular was marked by one embarrassment after another for the prosecution, starting with the testimony of **Ratomir Tadic**, who was supposedly present when the genocide order was given but who under cross-examination couldn't even say where in the presidential palace Milosevic's office was located — and eventually turned out to have been **paid** by British intelligence to testify. Then there was a witness named **Halit Barani**, whom Milosevic asked if he knew that KLA commanders were to assassinate all Albanians loyal to Serbia. Barani **revealed** that he was sympathetic to the KLA, had met with numerous commanders, then indicted the entire Albanian population of Kosovo: "The KLA was born from within the people, to protect parents, brothers and sisters."

A 2002 BBC wire **report** related Albanian "farmer" Agim Zeqiri's **testimony** that Serb forces burned down his village and killed members of his family. Upon cross-examination, when the proceedings brought to light that his village of Celina was harboring and supporting Albanian rebels, Zeqiri claimed to feel too ill to continue, but "did acknowledge that the KLA had used the village as a source of provisions and that at least 300 members of the KLA were based there."

Another witness, Fehim Elshani, was actually **rebuked** by the now deceased presiding judge Richard May, when he refused to answer Milosevic's questions at all. In the end, he testified that he did not know of any KLA crimes, while admitting that his son was KLA. Elshani, Zeqiri and another "farmer", Halil Morina — who **claimed** to have no knowledge of any KLA presence in his village of Landovica (where after the war a monument was erected to the town's fallen KLA soldiers) — frequently avoided eye contact with Milosevic as he cross-examined them.

The three-judge panel actually ruled in favor of Milosevic's objections to admitting testimony from chief Kosovo war crimes investigator Kevin Curtis because of the irrelevance of "evidence" composed entirely of "repeating stories he had heard from others," the AP reported. When the prosecution's intelligence analyst Stephen Spargo detailed through maps the routes taken by 800,000 or so deported or fleeing Albanians in 1999, Milosevic asked whether he knew that 100,000 Serbs left Kosovo along with everyone else once NATO started bombing. Spargo answered that he "hadn't been assigned to document Serb displacements." Naturally. In Kosovo, Milosevic continued, since there were 10 Albanians to every Serb, proportionally speaking, more Serbs than Albanians fled Kosovo — casting doubt on the forced-deportation argument that the Clinton government helped craft for our consumption.

Milosevic scored points early on when he **showed** the court an Albanian map depicting Greater Albania, which included southeast Montenegro, southern Serbia, western Macedonia and parts of northern Greece in addition to Kosovo — a long-harbored dream of many in Albania and Kosovo. It goes without saying that the American people were not shown this map of Greater Albania as they were being sold a story of Milosevic's push for a "Greater Serbia."

Meanwhile, the **forensic evidence** at the **Racak** "massacre", our final-straw pretext for bombing our historical ally whose people saved 500 downed U.S. pilots in WWII, disproved that a massacre

had taken place. And virtually every Albanian-rumored "mass grave" in Kosovo turned up empty, as Wall St. Journal's Daniel Pearl was **finding** a few years before Muslims decapitated him in Pakistan.

The first Western leader to appear at the trial was Lord Paddy Ashdown, former head of England's Liberal Democrat Party and current UN High Representative in Bosnia. Ashdown was also the first witness to **admit** that the KLA fighters were a terrorist organization which Yugoslavia was fighting.

Eastern European and Balkan affairs writer Neil Clark summed up the trial in a UK Guardian **article** of Feb. 2004 (the month the prosecution wrapped up its two-year case): "Not only has the prosecution signally failed to prove Milosevic's personal responsibility for atrocities committed on the ground, the nature and extent of the atrocities themselves has also been called into question."

Without a smoking gun linking Milosevic to crimes in Kosovo (widely anticipated to be an easier indictment to make stick than Croatia and Bosnia, where local Serbian leaders were in command), the Tribunal gave prosecutors the green light to tack on charges related to Croatia and Bosnia. It was a move that chief prosecutor Carla Del Ponte initially said the prosecution wouldn't pursue, given that that conflict was closed with the 1995 Dayton Peace Accords, which the Clinton administration hosted and for which the administration hailed Milosevic as a force for peace and stability in the Balkans.

The three-judge panel actually ruled in favor of Milosevic's objections to admitting the chief Kosovo war crimes investigator Kevin Curtis because of the irrelevance of "evidence" composed entirely of "repeating stories he had heard from others," the AP reported. When the prosecution's intelligence analyst Stephen Spargo detailed through maps the routes taken by 800,000 or so deported or fleeing Albanians in 1999, Milosevic asked whether he knew that 100,000 Serbs left Kosovo along with everyone else once NATO started bombing. Spargo answered that he "hadn't been assigned to document Serb displacements." Naturally. In Kosovo, Milosevic continued, since there were 10 Albanians to every Serb, proportionally speaking, more Serbs than Albanians fled Kosovo — casting doubt on the forced-deportation argument that the Clinton government helped craft for our consumption.

Milosevic scored points early on when he **showed** the court an Albanian map depicting Greater Albania, which included southeast Montenegro, southern Serbia, western Macedonia and parts of northern Greece in addition to Kosovo — a long-harbored dream of many in Albania and Kosovo. It goes without saying that the American people were not shown this map of Greater Albania as they were being sold a story of Milosevic's push for a "Greater Serbia."

Meanwhile, the **forensic evidence** at the **Racak** "massacre", our final-straw pretext for bombing our historical ally whose people saved 500 downed U.S. pilots in WWII, disproved that a massacre

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CITATION
NIKOSVIC-TRIAL

286 Netherlands judicial decisions

6.114 ACCESSION TO TREATIES
See: 3.143

6.21 OBSERVANCE OF TREATIES
See: 1.204 (pp. 257-261); 6.224

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6.224 CONFLICT BETWEEN TREATIES

H.B. v. the State of the Netherlands, District Court of The Hague (application for interim injunction), 28 October 1997, RV (1997) No. 99⁶³ and H.B. v. State Secretary for Justice, District Court of The Hague, 28 October 1997 (provisional remedy pursuant to the General Administrative Law Act), JV (1998) No. 20, RV (1997) No. 17.⁶⁴

— Pursuant to the recommendation made by the Supreme Court, it is assumed that B. has in the past been exposed to treatment by Turkish police officers that cannot be reconciled with Article 3 of the European Convention on Human Rights⁶⁵ and Article 3 of the Anti-Torture Convention⁶⁶, and that this must, in principle, be taken into account in connection with extradition.

— Although the Turkish government has admittedly given assurances, on request, that B. will not be subjected to a violation of his fundamental rights, the question is whether these assurances are sufficiently far-reaching to provide certainty that this will still be the case if the proceedings are continued and the custody resumed.

— Extradition of B. to Turkey is therefore in breach of Article 3 of the European Convention and accordingly prohibited.

— Nor is it possible to determine with sufficient certainty that B.'s expulsion will not constitute a violation of Article 3. This too is therefore prohibited.

The Facts: Turkey requested the extradition of B., who was of Turkish nationality, in order to prosecute him for his involvement in the purchase of a large quantity of heroin in Pakistan and its transport to Turkey in the period from the summer of 1991 to 15 December 1992. The District Court in Breda declared on 13 March 1996 that extradition was admissible, but advised the Minister of Justice not to grant the request. B. appealed in cassation against this judgment to the Supreme Court. The Supreme Court quashed the judgment of the District Court of 15 October 1996. Giving judgment anew the Supreme Court declared on 17 December 1996 that the extradition was admissible. However, the

63. Note by A.H.J. Swart.

64. Note by B.P. Vermeulen.

65. For the text of Art. 3, see *supra* n. 12.

66. 1465 UNTS p. 85; *ILM* (1984) p. 1027; *Trb* 1985 No. 69. The text of Art. 3 reads: '1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.'

legal ground under international law. This legal ground is also reflected in the Convention abolishing the requirement of legalisation for public documents, concluded in the Hague on 5 October 1961 (Trb. 1963 No. 28: the "Apostille Convention"). No one other than the State authorities may legalise documents. Nor may it be overlooked that the government is required under Article 90 of the Constitution to promote the development of the international legal order and that it is the function of the Minister to be responsible for foreign relations. The legal ground under international law can therefore be said to take effect in internal law. A decision concerning legalisation is therefore taken in the discharge of a public duty.⁶²

Legalisation has consequences under the law of evidence: a legalised document has evidential value and can be used as proof in appropriate cases, and the facts included in it are deemed to be correct. This legal consequence is also intended. Contrary to what the District Court held, this is not altered by the fact that this (abstract) legal consequence first becomes visible or concrete in a different procedure (e.g. with regard to the obtainment of a residence permit, the celebration of a marriage, an application for child benefit allowance or an entry in the municipal personal records database) because it is only at this juncture that the relevant legalised document is first used in legal transactions. There is therefore a juristic act.

2.5. It follows from the finding at 2.4 above that the question raised under 2.1.1 should, contrary to what the District Court decided, be answered in the affirmative. The decision of the District Court to hold that the application for review by the appellant at 1. was well-founded and to quash the disputed order of 10 September 1997 because the objection should have been declared inadmissible is therefore incorrect. The District Court wrongly held the objection to be inadmissible. The appeals are well-founded. Since the District Court did not arrive at a substantive assessment of the case, the Division will quash the appealed judgment in its entirety and refer the case back to the District Court pursuant to Article 44, paragraph 1, opening words, and (b) of the Council of State Act ...'

5.273 DIPLOMATIC INVIOABILITY OF PREMISES AND ARCHIVES
See: 3.1141 (pp. 265-267)

5.365 CONSULAR PUBLIC FUNCTIONS IN THE FIELD OF PRIVATE LAW
See: 5.26

6.1 CONCLUSION AND ENTRY INTO FORCE OF TREATIES
See: 3.132

62. The District Court of Haarlem (see *supra* n. 59) held that the Apostille Convention merely specified that the power of a State to determine whether a foreign document should be accorded significance in that State is assumed by virtue of international transactions. The basis for this power is, however, not the Convention, but the sovereign authority of a State over its own territory.

Supreme Court too advised the Minister of Justice not to grant the request for extradition.⁶⁷ The District Court then stayed B.'s detention for the purpose of extradition on condition that he would not leave the Netherlands. The Minister of Justice then requested the Turkish authorities for assurances that after B.'s extradition he would not be subjected to treatment contrary to Articles 2 and 3 of the European Convention.⁶⁸ These assurances were given in a letter of 14 February 1997 from the Public Prosecutor at the Court of State Security in Istanbul and were confirmed, on request, by the Turkish ambassador to The Hague by letter of 20 June 1997. The Minister then decided on 29 July 1997 to permit the extradition. B. applied to the District Court of The Hague for an interim injunction restraining the State of the Netherlands from extraditing him until the European Commission of Human Rights had decided on the merits of the complaint submitted by him. The President of the District Court granted the injunction on 28 October 1997.

On the same day the President also granted the provisional remedy that B. should not be expelled to Turkey. This was a consequence of the fact that B. had previously submitted an application on 1 March 1996 for admission as a refugee and for the issue of a residence permit. On 29 June 1997 these requests were rejected by the State Secretary for Justice. B. then lodged an objection on 10 September 1997. He was informed on 29 August that this objection would not have the effect of staying the expulsion. B. then applied to the President of the District Court in The Hague under Article 8:81 of the General Administrative Law Act for a provisional remedy directing that the objection would have the effect of staying the expulsion pending the hearing of the objection.

Held (with regard to the application for an interim injunction):

'... 3. Assessment of the dispute

3.1. The question is whether the Minister acted reasonably in arriving at the view that there was insufficient reason to assume that that in the event of extradition to Turkey the plaintiff would be subjected to treatment contrary to Article 3 of the European Convention on Human Rights.

3.2. The plaintiff has alleged that if extradited to Turkey he will run the great risk of being tortured again and that the assurances given will not prevent this. As against this, the defendant has argued that there is no imminent risk of a violation of Article 3 of the European Convention and that in view of the assurances given there are no longer any obstacles to the extradition of the plaintiff.

3.3. Pursuant to the recommendation made by the Supreme Court, it is assumed that B. has in the past been exposed to treatment by Turkish police officers that cannot be reconciled with Article 3 of the Anti-Torture Convention and Article 3 of the European Convention on Human Rights and that this same risk must, in principle, be taken into account in connection with extradition.

3.4. In view of the assurances given and in the expectation that the Turkish government attaches importance to honouring these assurances, it may be assumed that during his interrogation by the Public Prosecution Service in Istanbul the plaintiff will

67. 29 *NYIL* (1998) pp. 272-278.

68. Art. 2(1) reads: 'Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of the sentence of a court following his conviction of a crime for which this penalty is provided by law.'

not be the victim of a violation of his fundamental rights. The question is, however, whether these assurances are sufficiently far-reaching to provide certainty that this will still be the case if the proceedings are continued and the custody resumed. This question is answered in the negative since it has not been plausibly shown that the Turkish authorities will be able to continue providing the protection promised by the Public Prosecutor at the Court of State Security in Istanbul, for example in the case of transport to and subsequent residence in a penal institution. The start made by the Turkish government in implementing a programme to improve the human rights situation is a positive development. However, this does not alter the fact that the situation with regard to the plaintiff remains uncertain. The Minister did not therefore act reasonably in arriving at the conclusion that there was sufficient certainty that the plaintiff would not be subjected to treatment contrary to Article 3 of the European Convention.

3.5. In view of the above, it must be concluded that the application should be granted in the manner referred to below ...'

Held (with regard to the application for a provisional remedy):

'... 3. In so far as the decision to expel the alien results from the refusal to admit him as a refugee, it must be decided whether his expulsion should not proceed owing to Article 32, paragraph 1, opening words and (a), of the Aliens Act. This article provides that an alien should not be expelled if he has applied for admission as a refugee, unless there can be no reasonable doubt that there is no risk of persecution on account of religious, political or other belief or on account of nationality or belonging to a particular race or social group.

4. The question that arises in connection with the request by the applicant for the issue of a residence permit is whether there are grounds for assuming that the objection against the refusal of the request has a reasonable chance of success. Pursuant to Article 32, paragraph 1, opening words and (b), of the Aliens Act, expulsion should not take place in that case. Such a situation arises, *inter alia*, if there are urgent reasons of a humanitarian nature on the basis of which residence should be permitted in the Netherlands.

[...]

'... 14. As regards the substantive aspects of the applicant's request for admission as a refugee, the President is of the opinion that the defendant could not automatically conclude, pursuant to Article 15c, paragraph 1, opening words and (a), of the Aliens Act, that the application for admission as a refugee was manifestly ill-founded because it was based on circumstances which, either in themselves or in conjunction with other facts, could not reasonably give rise to even the merest suspicion that there was a legal ground for admission.

15. In view of the President, it must be concluded in the present proceedings that the fact that the alien is not a refugee within the meaning of the Refugee Convention and the Refugee Act is not beyond doubt. The President finds in this connection that it has in any event been established that the applicant was exposed to torture in Turkey by the Turkish police in 1989. This torture took place during an interrogation concerning (alleged) involvement in a drug offence. The applicant has stated that he was acquitted by a Turkish Court in respect of this charge in 1991. This statement by the applicant is confirmed by the letter of the Turkish Public Prosecutor of 14 February 1997 in which he stated that the applicant was acquitted of drug trafficking by a Turkish court in 1991.

In addition, the applicant has contended that he was involved in Kurdish opposition groups, which would also seem to be plausible to a certain extent of the plausible in view of the documents lodged. The President would observe in this connection that it is a matter of common knowledge that the Turkish authorities pursue a policy of hard repression against Kurdish opposition movements.

Viewing these factors together, it must be concluded for the time being that doubt can reasonably be said to exist as to whether the applicant is not a refugee within the meaning of the Refugee Convention and the Aliens Act. The possibility can therefore not be excluded in advance that, if the applicant fulfils the conditions of the Refugee Convention, his expulsion to Turkey would be contrary to the prohibition of *refoulement* contained in Article 33, paragraph 1, of the Refugee Convention. This is not altered by the fact that the applicant's extradition is requested merely for an offence under ordinary criminal law. It follows from the above that the criterion referred to above under 3 for staying the extradition under Article 32, paragraph 1, opening words and (a), of the Aliens Act has been fulfilled.

The request for the provisional remedy can therefore be granted for this reason alone.

16. The President notes that it is the established case-law of both the European Court of Human Rights and the Dutch administrative courts that expulsion to a country where there is a real risk of treatment contrary to Article 3 of the European Convention constitutes a violation of that article. In view of the assessment that takes place in the request for the provisional remedy, the criterion for review to be applied in the present proceedings is whether it can be assumed with a sufficient degree of certainty that the alien concerned will not, in the event of his compulsory return to his country of origin, be exposed to a real risk of violation of Article 3 of the European Convention.

17. Unlike the defendant, the President provisionally takes the view that it cannot be assumed with a sufficient degree of certainty that the applicant will not, in the event of expulsion to Turkey, run a real risk of being subjected to a violation of Article 3 of the European Convention. The President would refer in this connection first of all to the recommendation made by the Supreme Court on 17 December 1996 that the request for extradition should not be granted owing to the possibility of a violation of, *inter alia*, Article 3 of the European Convention on Human Rights. Although the President does not doubt the sincere intention of the Turkish Public Prosecution Service and the Turkish government to honour unconditionally the assurances given for the personal safety of the applicant, the fact cannot be overlooked that, despite the efforts made by the Turkish government, violations of human rights frequently occur in Turkey.

The President would refer in this connection to recent reports of the US Department of State and of human rights organisations such as Amnesty International and Human Rights Watch. The President also refers to the official communication of the Minister for Foreign Affairs of 3 September 1997 concerning the general situation in Turkey (reference DPC/AM, No. 67688), in which it was stated among other things that despite the fact that Turkey is a party to a large number of human rights conventions, including the European Convention on Human Rights, the Anti-Torture Convention and the Refugee Convention, it still clearly fails to observe human rights; for example, ill-treatment and torture frequently occur in Turkey, in particular during pre-trial detention. According to the official circular, the main targets are people who have openly worked for the Kurdish cause. It is also stated in the official communication that the European

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment found convincing proof of torture and ill-treatment by the Turkish police during visits to Turkey in 1994 and 1996. Moreover, the President would refer, with regard to the personal situation of the applicant, to the experts' statements that have been lodged and which suggest that it is very plausible that on his return to Turkey the applicant will run a real risk of being subjected to treatment contrary to Article 3 of the European Convention on Human Rights.

In view of this background, the President is not, for the time being, convinced that the assurances given by the Turkish Public Prosecution Service and the Turkish government provide, in view of their scope, sufficient protection for the applicant against treatment contrary to Article 3 of the European Convention.

18. In these circumstances the provisional remedy should be granted ...'

6.225 APPLICATION OF PROVISIONS CONTAINED IN TREATIES NOT YET
IN FORCE

See: 8.23

6.23 INTERPRETATION OF TREATIES

See: 1.204; 4.52; 6.224; 8.23; 12.28; 16.164

7.21 EXTRA-TERRITORIAL SCOPE OF LEGISLATIVE ACTS

See: 8.2; 8.23

8.12 RELATIONS OF 'VOISINAGE'

See: 8.23

8.2 TERRITORIAL JURISDICTION

See also: 5.26; 8.23

A. v. the State Secretary for Justice, District Court of The Hague (sitting in Zwolle), 9 December 1998, JV (1999) No. 28.

— *As Article 19(1) of the Aliens Act cannot be applied outside Dutch territory, an alien may be stopped and questioned about his identity as referred to in this article only after he has crossed the Dutch border.⁶⁹ This is not altered by the fact that the actual transfer*

69. Art. 19(1) reads: 'The controllers are authorised, either on the grounds of concrete indications about illegal residence or to combat illegal residence, to stop persons as quickly as possible after they cross the border in order to establish their identity, nationality and status for residence purposes. A person who alleges that he is a Dutch national but is unable to prove this may be subjected to the means of coercion referred to in paragraphs 2 and 4. The documents which an alien must possess for the establishment of his identity, nationality and status for residence purposes shall be designated by order

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toration they came into the possession of Lans through the art dealers Richard Temple Gallery, Van Rijn and Dergazarian.

8 Like the Church, the Court of Appeal infers from the above that the icons were stolen from the Church of Antiphonitus on 6 March 1975 and that the Church had then lost possession of the icons. It follows that acts of possession in respect of the icons were performed by persons other than the Church from that moment onwards. The right of action by the Church for recovery therefore became time-barred in March 1995. Ground of appeal 4 therefore fails.

9. The conclusion is that the disputed judgment will be upheld and that the Church should bear the costs of the appeal ...⁶⁸

(ON) MOGELYKHEDEN
 IN ABSENTIA TRIAL

14.1261 COMPETENCE OF OCCUPANT
 See: 14.125

14.1263 EFFECT OF OCCUPATION REGIME ON PRIVATE LEGAL
 RELATIONSHIPS
 See: 14.125

14.2 CIVIL WAR
 See: 4.52, 5.35

16.112 MEASURES RESULTING IN PROMOTION OR RESTRICTION OF TRADE
 AND OTHER TRAFFIC OF GOODS
 See: 13.16; 16.83

16.5 SOCIAL MATTERS
 See: 1.204 (pp. 340-348)

16.53 NARCOTICS
 See also: 8.233

D.D. Bouterse v. Public Prosecutor, Supreme Court, 23 October 2001, NJ (2002) No. 77.⁶⁹

— *Bouterse, former army commander, was sentenced to 11 years' imprisonment for smuggling cocaine from Suriname to the Netherlands.*

68. The Church appealed in cassation to the Supreme Court, but this was cancelled on 14 December 2002.

69. Note by J.M. Reijntjes. LJN No. AD4727 <www.rechtspraak.nl>. Summarised and discussed by E. Myjer in *NJCM-Bulletin* (2001) pp. 1046-1049.

— The question whether it was in fact due to the actions of the Dutch authorities that Bouterse was not granted temporary exemption from the application of coercive measures must be answered in the negative.

— In view of the provisions of Article 7(7) of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances of 1988, Bouterse cannot invoke the provisions of Article 7(18) on safe conduct in the context of legal relations between the Netherlands and Suriname⁷⁰ since a bilateral treaty on mutual assistance is in force between these two countries.

— In view of the special circumstances of the case the provisions of Article 6 of the European Convention on Human Rights⁷¹ do not prevent the continuation and, in due course, completion of the trial of the case in the absence of the accused, notwithstanding the lack of a statement by the accused expressly waiving his right to be present.

— The arrangement provided for in Article 279(1) of the Code of Criminal Procedure⁷² is not contrary to the provisions of Article 6(1) and (3)(c) of the European Convention.

— By allowing Bouterse's counsel, who was acting without express instructions from his client, every freedom to speak in court, the Court of Appeal, without being obliged to do so, gave counsel the opportunity to raise more matters than provided for in Article 279(1).

The Facts: A criminal investigation was instituted after suspicions in the early 1990s that former army commander Bouterse, who had Surinamese nationality and resided in Suriname,⁷³ was involved in smuggling narcotic drugs to the Netherlands. This ultimately led to his indictment before the District Court of Rotterdam in 1997 on the following counts: (1) membership of a criminal organisation from 1989 to 1992 and (2)-(6) smug-

70. Art. 7 reads: 'Mutual legal assistance [...] 7. Paragraphs 8 to 19 of this Article shall apply to requests made pursuant to this Article if the Parties in question are not bound by a treaty of mutual legal assistance. If these Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the Parties agreed to apply paragraphs 8 to 19 of this article in lieu thereof. [...] 18. A witness, expert or other person who consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting Party, shall not be prosecuted, detained, punished or subjected to any other restriction of his personal liberty in that territory in respect of acts, omissions or convictions prior to his departure from the territory of the requested Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days, or for any period agreed upon by the Parties, from the date on which he has been officially informed that his presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory, or, having left it, has returned of his own free will.'

71. Art. 6 reads: '1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. [...] 3. Everyone charged with a criminal offence has been following minimum rights: [...] (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require; [...].'

72. For the text of Art. 269(1) see under *Held*.

73. Bouterse was chairman of the National Military Council of Suriname and as such *de facto* leader of the Republic from 25 February 1980 to 25 January 1988. In 1980 and 1982 he even took on the role of President for a few days.

gling cocaine during that period by ship (through Rotterdam) and aircraft (through Schiphol Airport in the Netherlands and Zaventem Airport in Belgium) to the Netherlands. A further count (7) of smuggling cocaine by ship (through Stellendam) in the period 1996-1997 was added in 1999. The District Court acquitted Bouterse in his absence on count (2), but convicted him on counts (1) and (3)-(6) and sentenced him to 9 years' imprisonment and a fine of DfL 1,000,000 for each of offences (3)-(5) and DfL 666,667 for offence (6). Finally, he was also convicted on count (7) and sentenced to a further 7 years' imprisonment and a fine of DfL 1,000,000 (judgments of 16 July 1999). Bouterse appealed against these judgments to the Court of Appeal of The Hague. The Court of Appeal considered that counts (1)-(6) had not been proved and acquitted him. However, the Court of Appeal did consider that count (7) had been proved and sentenced him to 11 years' imprisonment for this. It proceeded to order his arrest (judgment of 30 June 2000)⁷⁴ Bouterse then appealed in cassation against this judgment to the Supreme Court. The Supreme Court dismissed the appeal.

Held by the Court of Appeal of The Hague: "... 4.11. At the court hearing of 22 May 2000 the defence confirmed that the defendant would not be coming to the Netherlands to appear at the hearing before the Court of Appeal.

4.12. The accused has not appeared before the Court of Appeal since then and the leave to proceed in his absence has remained fully in force in the present case. Nor has the defence expressed a wish for the provisional detention of the accused to be suspended at any time with a view to his appearance before the Court of Appeal.

4.13. If it should transpire that the defendant did not obtain temporary exemption from the application of coercive measures due to the actions of the Dutch authorities and that he did not appear at the appeal hearing for this reason, the Court of Appeal is now subject to the obligation, which it has in fact taken upon itself, to examine whether, and if so to what extent, consequences should be attached to this.

4.14. The first question to be answered is whether the fact that the defendant did not obtain temporary exemption from the application of coercive measures was due to the actions of the Dutch authorities.

4.15. According to the Court of Appeal, the actions of the Dutch authorities in this matter should be assessed by reference to the criterion of reasonableness. The Court of Appeal has to this extent sought to base its decision on the provisions of Article 552k, paragraph 1, of the Code of Criminal Procedure, which provides, *inter alia*, that in cases in which there is a reasonable request for legal assistance made other than pursuant to a treaty, the request should be granted unless this would be contrary to a statutory regulation or an instruction of the Minister of Justice.

4.16. The conditions set by the Public Prosecution Service for "temporary exemption from the application of coercive measures" – namely, in brief, that no coercive measures will be applied by or on the instructions of the Public Prosecution Service and that, if the defendant were to commit new criminal offences during the suspension of the provisional detention, a request will be made by the Public Prosecution Service to the Court of Appeal for termination of the suspension of the provisional detention – have not been dis-

74. LJN No. AA6305 <www.rechtspraak.nl>. For a discussion of some of the interim decisions see *NJCM-Bulletin* (2000) p. 789.

puted by the defence and can be described as entirely reasonable. It goes without saying that an accused cannot be given temporary exemption from the application of coercive measures if he commits fresh offences after his arrival in the Netherlands. It should also be noted that by handing over the application of coercive measures to the court hearing the criminal case against the defendant, the Public Prosecution Service wished to give the defendant every opportunity to appear before the Court of Appeal at the trial.

4.17. The Court of Appeal also endorses the position of the Public Prosecution Service, namely that no undertaking can be given in a general sense by the Minister of Justice not to apply coercive measures in the event of a request for legal assistance in respect of the defendant during the suspension of provisional detention. Even in a case where the applicable treaty would not make it obligatory to apply coercive measures, circumstances may occur in relation to the request for legal assistance, including request for extradition, which would constitute a ground in comparable cases for applying coercive measures. By not applying coercive measures in such circumstances the Netherlands would not only fail to fulfil its obligations under the applicable treaty but would also act in contravention of the principle of equality.

4.18. The Court of Appeal also confirms the interpretation of Article 7(7) of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances, Vienna, 20 December 1988 (referred to below as the Illicit Trafficking Convention), which was given previously at the court hearing of 10 December 1999. According to this interpretation, the provision in Article 7(18) of the Convention concerning safe conduct is not applicable in the context of legal relations between the Netherlands and Suriname since a bilateral treaty concerning mutual assistance in criminal matters is in force between them (the Treaty between the Kingdom of the Netherlands and the Republic of Suriname concerning extradition and mutual assistance in criminal matters, The Hague, 27 August 1976, referred to below as the Treaty,⁷⁵ and the Protocol containing special provisions in respect of the Treaty, The Hague, 18 May 1993,⁷⁶ which took effect on 28 February 1995). Under Article 7(7) of the Illicit Trafficking Convention, the States that are parties to the Convention expressly agree, if they have concluded a bilateral treaty of mutual legal assistance in criminal matters, to accede to one or more requests referred to in paragraphs 8 to 19 of Article 7.

4.19. According to the explanatory notes to the Treaty (Bijl. Hand. II, 1976-1977, 14 429 (R 1067) No. 1, p. 2), "every effort was made when drafting the Treaty to model it as closely as possible on the Benelux Treaty concerning extradition and mutual assistance in criminal matters, of 27 June 1962 (*Trb.* 1962, 97 and Bijl. Hand II, 8054),⁷⁷ and many provisions were borrowed from that Treaty". Since an arrangement concerning immunity as included in Article 35 of the Benelux Treaty⁷⁸ is not included in the Treaty between the Netherlands and Suriname, it must be assumed that the two States decided not to

75. 1292 *UNTS* p. 31; *Trb.* 1976 No. 143.

76. *Trb.* 1993 No. 87.

77. 616 *UNTS* p. 79.

78. Art. 35 reads: '1. A witness or expert, whatever his nationality, appearing on a summons before the judicial authorities of the requesting Party shall not be prosecuted or detained or subjected to any other restriction of his personal liberty in the territory of that Party in respect of acts or convictions anterior to his departure from the territory of the requested Party. 2. A person, whatever

make such an agreement when concluding the Treaty.

4.20. As held previously, Article 7(18) of the Illicit Trafficking Convention does not relate to accused persons. If, with a view solely to applying Article 7(18) of the Illicit Trafficking Convention, the defendant were to be treated as "another person who consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting Party", this would constitute improper use of this provision.

4.21. The request by the defence is therefore not based on any treaty.

4.22. The suggestion that the Netherlands and Suriname should now agree to provide safe conduct to the defendant, whether or not pursuant to Article 7(18) of the Illicit Trafficking Convention, appears to the Court of Appeal to be unrealistic, given the total lack of cooperation by the Government of Suriname in relation to previous requests for legal assistance by the Netherlands. In addition, the suggestion is made extremely late, since the interim judgment was given by the Court of Appeal on 10 December 1999.

4.23. The question whether it was in fact due to the actions of the Dutch authorities that the defendant was not granted temporary exemption from the application of coercive measures is therefore answered in the negative. The non-appearance of the defendant at the trial before the Court of Appeal need not therefore have any consequences.

4.24. Right up until the last moment the defendant's counsel did not declare in accordance with the provisions of Article 279, paragraph 1, in conjunction with Article 415 of the Code of Criminal Procedure, that he had been expressly instructed by the defendant to represent him at the trial.

[...]

4.26. The European Court of Human Rights held in its judgment of 23 February 1999, NJ 1999, 641, in the case of *De Groot v. the Netherlands*, *inter alia*, as follows: "The Court recalls that the right of an accused person to participate in person in the trial is a fundamental element of a fair trial (...). An accused may waive the exercise of this right, but to do so he must have received notification in person and his decision not to appear or not to defend himself must be established in an unequivocal manner (...). Furthermore, even where an appeal court has full jurisdiction to review a case on questions of fact and law, Article 6 of the Convention does not always require an absolute right for the accused to be present in person. In assessing this question regard must be had, *inter alia*, to the special features of the proceedings involved and the manner in which the defence's interests were presented and protected before the appellate court, particularly in the light of the issues to be decided by it (...)."

4.27. The defendant expressly instructed his counsel Mr Moszkowicz to institute an appeal against the judgment of the District Court. He was therefore aware that his appeal in the criminal proceedings would be dealt with. Subsequently, the defendant did not ex-

his nationality, summoned before the judicial authorities of the requesting Party to answer for acts forming the subject of proceedings against him shall not be prosecuted or detained or subjected to any other restriction of his personal liberty for acts or convictions anterior to his departure from the territory of the requested Party and not specified in the summons. 3 The immunity provided for in this article shall cease when the witness or expert or prosecuted person, having had for a period of 15 consecutive days from the date when his presence is no longer required by the judicial authorities an opportunity of leaving, has nevertheless remained in the territory, or, having left it, has returned".

pressly instruct his counsel to represent him during the appeal proceedings. Nonetheless, his counsel did in fact conduct the defence within the limits imposed on him as counsel acting without instruction, although in doing so he acted not expressly on behalf of the defendant but in any event for his benefit. In imposing limitations regarding the conduct of the defence on the defendant's uninstructed counsel, the Court of Appeal always took into account whether as a result of the limitations there would still be a fair hearing as referred to in Article 6(1) of the European Convention on Human Rights and whether the absence of the defendant was sufficiently compensated by the manner in which the defence was conducted by the uninstructed counsel. The defendant has also openly expressed his views through the media on the appeal proceedings in the Netherlands. In response to questions put to him, for example, he answered, "Why should I, er ... Holland must clarify things. They have prepared their files. That's er ... That's er ... no concern of mine. And ... I'll wait er ... I'll wait and see what happens." And also, "Do you think I'm bothered by that er ... farce going on over there? I don't want anything to do with it." In this way he openly demonstrated his disinterest in the conduct of the appeal proceedings.

Nor is there any evidence that the defendant took any steps to contact the Surinamese authorities from which the Government of Suriname could – and perhaps should (in the context of the current Treaty on Mutual Assistance) – have inferred that he would appreciate and have an interest in compliance by the Surinamese authorities with the request of the examining magistrate to have him questioned in Suriname.

Finally, the defendant failed to appear at the hearing before the Court of Appeal despite the fact that the Public Prosecution Service had set very reasonable conditions during the period in which his provisional detention would be suspended.

4.28. In these special circumstances the provisions of Article 6 of the European Convention on Human Rights are not such as to prevent the Court of Appeal from continuing – and also in due course completing – the appeal proceedings in the absence of the defendant, notwithstanding the lack of a statement by the defendant expressly waiving his right to be present.

5. The position of uninstructed counsel

5.1. At the hearing before the Court of Appeal on 9 December 1999 the Court of Appeal laid down rules governing the position of the defendant's uninstructed counsel in order to ensure the orderly and efficient conduct of the criminal proceedings. Even after the Court of Appeal adopted these rules, the defendant did not expressly instruct his counsel to defend him in the proceedings. The Court of Appeal refers to the reasoning given for this provision under case law and sees no reason to consider changing its views on this matter as a result of the arguments advanced by defence counsel in court.

5.2. As the provision governing instructed counsel, as a result of which the proceedings are deemed to be defended (Art. 279, paragraph 1, Code of Criminal Procedure), came into force so recently, namely on 1 February 1998 (Stb. 1998 No. 34), and bearing in mind that the purpose of this arrangement is to remove the disadvantages of the *in absentia* procedure without infringing the requirements of a fair hearing as laid down in Article 6 of the European Convention on Human Rights, the Court of Appeal has not considered itself free to entirely exclude the application of the provision and thereby to allow uninstructed counsel to conduct what would be in all respects a full defence. It is incumbent upon the courts to observe restraint in respect of such a recent statutory provision.

5.3 Nor is this altered by the fact that, as counsel has submitted, there is now a third situation in practice, namely the situation in which counsel wishes to assist a defendant who is not present. The disadvantages of the *in absentia* procedure are particularly apparent in such a large and complicated case as this one, for example if application were made to amend the charges or if the examination at the trial were to be stayed. If the Court of Appeal were then to apply its own 'contemporary' interpretation of the term "day of the trial", counsel could then claim that the defendant should have been summoned anew in the case of each stay!

5.4 The Court of Appeal has decided to interpret the new provision in conformity with the Convention, in the sense that the provision does not contain a direction that the defendant who has not instructed counsel should not be represented. The Court of Appeal would refer in this connection to the valedictory address given by K. Martens, former president of the Supreme Court, published in the *Nederlands Juristenblad* of 7 April 2000, pp 747-758, where he states among other things (p. 570) as follows: "Not applying the provision would, after all, result in a gap. This is why the courts would be loathe not to apply the provision, but must necessarily fill the gap with a rule of their own making. Sometimes the courts can rely in this connection on extensive interpretation of other statutory rules, but, as has been seen in practice, will not infrequently be obliged to choose between different solutions when filling the gap." He goes on to say "The more frequently the European Convention on Human Rights is successfully invoked, the greater the number of cases in which the courts will have to create law."

5.5 The consequences of the judgments cited by counsel in the cases of Lala and Pelladoah have already been discussed in the explanatory memorandum to the proposed provision (Bijl. Hand. II, 1995-1996, 24 692, No 3, pp. 12-14). If it is assumed that the judgments of the European Court of Human Rights in these cases were to indicate that counsel should be able to defend in full his absent client, even if the client deliberately chooses not to attend the trial – which is not automatically established because the Dutch law applicable at that time did not recognise the possibility of expressly instructing counsel to conduct the defence and there cannot therefore be said to be a "misguided formalist condition" even in this situation – the legislator has primacy in assessing this provision. The primacy of the legislator is one of the basic rules of a constitutional democracy. The courts must therefore proceed on the basis that this choice must be respected. If counsel were to be able to conduct a full defence even without express instructions, the provisions of Article 279, paragraph 1, of the Code of Criminal Procedure would be devoid of any practical meaning.

5.6 Faced with the choice of allowing or disallowing a defence, the Court of Appeal has opted to allow a defence, subject to the proviso that a decision on whether all requirements of a fair hearing have been fulfilled will be made only at the time of the final judgment.

The Court of Appeal has decided that counsel may address it in the widest sense of the word, but may not perform any juristic acts such as assenting or consenting and may also not request judicial decisions. Although he may speak in court, he may not take steps independently in the proceedings. According to the Court of Appeal, the term "addressing" should generally be regarded as including the putting forward of defences, whether in the preliminary stages or after the closing speech, the submission of questions to witnesses and experts appearing at the trial, and the making of observations on the procedures to be

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observed and everything which occurs at the trial in relation to the case.

5.7. Although counsel who has not been expressly instructed is deprived of the right to request judicial decisions, for example by submitting requests to question certain witnesses or experts, this does not necessarily mean that these witnesses or experts will not be summoned. Counsel is, after all, authorised to express the wish that this witness or experts should be heard by the Court of Appeal, and the Court of Appeal may grant this wish. It is merely that there can be no obligation on the Court of Appeal to give an immediate and reasoned decision on every request made by counsel who has not been expressly instructed. The reasoning may also be given at a later stage, for example at the time of the final judgment, if the Court of Appeal, before deciding on the merits, deals with the question of whether the proceedings were fair and the defendant had a proper opportunity to defend himself. This helps to prevent a situation in which counsel not only speaks in court but also performs all kinds of juristic acts and thus presents himself as a participant in the proceedings, although he also repeatedly states that he has not been expressly instructed by the defendant to represent him. The Court of Appeal has adhered to this line throughout the proceedings. Where the Court of Appeal has considered it necessary, it has granted the wish expressed by counsel to hand over documents or summon witnesses and has made *ex officio* use of the powers granted to it by law. Where it has refused to grant such wishes, the Court of Appeal has explained its reasons. This applies to all wishes expressed by counsel. The Court of Appeal has also heard counsel in advance before making any decisions and has taken account of any objections raised by him. The only exception has been in the case of the large number of witnesses summoned by counsel prior to the hearing of 9 December 1999, whom the Court of Appeal has not summoned. The Court of Appeal will give reasons for this decision, in so far as it is relevant, in the remainder of this judgment.

5.8. The Court of Appeal does not agree with the submission that the defendant has been placed at a disadvantage by the limitations imposed on the uninstructed counsel and even, to use the words of counsel, "by a serious breach of the principle of equality of arms guaranteed under treaty law". Quite apart from the fact that the defendant has had the opportunity at all times to achieve *de jure* equality of arms too by expressly briefing counsel, the notion that it has allowed "a bit of a defence" during the hearing of the appeal is, in the view of the Court of Appeal, incorrect. The Court of Appeal has always allowed counsel *de facto* to put forward a full defence, although it has deferred an explanation of the reasons for some of its decisions until the final judgment.

5.9. The Court of Appeal will for the time being leave unanswered the question of whether or not defence counsel has in this way pursued a deliberate procedural strategy. At the time of the decision of the Court of Appeal of 22 December 1999 it inferred this from a number of circumstances referred to at that juncture.

Counsel has now submitted, as a possible scenario, that he agreed to act as defence counsel on 21 August 1997 and that he met with the defendant around that time, in other words before the entry into effect of the provision concerning instructed counsel, at which the defendant instructed him to do everything which appeared useful in his interests. From his further statements the Court of Appeal must infer that, in this scenario, the arrangement of the express instruction was never raised during the further cause of the criminal proceedings because counsel simply had no further contact with the defendant. Counsel submits that the Court of Appeal may not infer the contrary from all kinds of

circumstances. The Court of Appeal absolutely accepts this, since the word of an attorney must always be believed. However, the Court of Appeal still fails to understand why, if counsel had been instructed by the defendant to do everything which would appear worthwhile in his interests, he did not contact the defendant in order to inform him of a statutory provision for which the instructions given by the defendant did not provide. The Court of Appeal fails to see how disclosure of the result of this contact could affect the relationship of trust between counsel and defendant. In fact, the Court of Appeal takes the view that the instructions given to counsel, in particular the instruction to do everything which may appear worthwhile in his interests, could be interpreted as an express instruction to defend the defendant. In any event, why counsel has interpreted this instruction differently and has not contacted his client about this requires further explanation.

5.10. The Court of Appeal therefore refuses the request by the defence to start the examination in court anew, thereby giving the defence the opportunity to exercise to the full extent all rights of defence to which it is entitled.

[...]

15.10. The public prosecutor in the district of The Hague applied in 1994 and 1995, in brief, for witnesses NN I-VIII to be given the status of "threatened witness".

15.11. The status of "threatened witness" was granted by the examining magistrate to the witnesses concerned in the period from 2 August 1994 to 5 June 1995.

[...]

15.17. The examining magistrate inquired by letter of 19 April 1995 about the possibility of sending a letter direct to an accused in Suriname in order to inform him about applications within the meaning of Article 226a of the Code of Criminal Procedure. In his letter of reply of 26 April 1995 the then Minister of Justice wrote to the examining magistrate as follows:

"The agreement between the Netherlands and Suriname concerning extradition and mutual assistance in criminal matters was unilaterally suspended by the Netherlands on 16 December 1982 following the so-called 'December murders'. The reason given for this was 'the lack of any guarantee of normal due process in Suriname'. An important consideration was that all key positions in the country had been taken by members of the military.

The situation improved when a civilian government took office. This is why the Netherlands sought rapprochement in 1991 in order to restore the mutual legal assistance relationship. This resulted in the conclusion of a Protocol between the two countries terminating the suspension. In view of the still precarious situation in Suriname, the two countries agreed in the Protocol to take measures for a cautious restoration of the relationship. This means that all requests for legal assistance on the basis of the 1976 treaty may be sent only by the Ministers of Justice. Accordingly, the power contained in the 1976 treaty for the judicial authorities to send one another direct requests for legal assistance is terminated. The Protocol has now taken effect. Further consultation must take place between the Dutch and Surinamese governments about the moment at which the suspension of the 1976 treaty is to take effect.

It is evident from the above that every form of legal assistance is impossible owing to the suspension of the treaty. Your question as to whether a letter may be sent directly to a defendant in Suriname must therefore be answered in the negative. The power to write directly to people in another country other than through the intermediary of the judicial

authorities is, after all, permitted only if this has been agreed by the two countries concerned in a treaty. Such action is permitted only between the Schengen countries. Article 14 of the 1976 treaty explicitly regulates this power in relation to Suriname. As a result of the suspension of the treaty, the action proposed by you is also not permitted."

15.18. It is not incomprehensible that the examining magistrate decided, as a result of this letter, not to hear the defendant prior to the determination of the status. Article 552k of the Code of Criminal Procedure, which has been cited by defence counsel and which provides that legal assistance of a minor nature need not be based on a treaty, relates exclusively to incoming and not to outgoing requests for legal assistance. In these circumstances the absence of this formal hearing of the defendant does not in any event constitute such a fundamental defect that the statements made by the relevant witness must be excluded from the evidence.

[...]

31.5. On appeal the sentence to be imposed has been determined by the Court of Appeal on the basis of the seriousness of the offence and the circumstances in which it was committed and on the basis of the identity of the defendant and his personal circumstances, in so far as evidence of they became known during the examination at the trial.

31.6. The following factors in particular were taken into account in this connection

31.7. In cooperation with other people the defendant arranged for cocaine obtained from him to be imported into the territory of the Netherlands. This involved a very substantial quantity of cocaine, approximately 474 kilograms including packaging. In addition, the defendant did this as a member of a criminal organisation

31.8. As is generally known, cocaine is a major danger to public health. In addition, addiction to cocaine, linked to the high prices paid by addicts, encourages further crime. The defendant clearly disregarded the interests of public health and was merely interested in his own financial gain. The legislator has imposed heavy sentences for offences of this seriousness and nature in the interests of public health

31.9. The Court of Appeal has also taken into account the position of power held by the defendant in Surinamese society. If a person such as the defendant, in a position of authority, engages in cocaine trafficking from Suriname to the Netherlands, this not only poses a danger to public health and an increase in cocaine-related crime. Persons such as the defendant serve as role models. If they abuse their position of power for their own financial gain and disregard the harmful consequences of cocaine trafficking, they should be held to account more severely than the average citizen. In addition, if people with a position in society such as that of the defendant engage in international cocaine trafficking this seriously compromise the image of the country from which the export takes place, which can have far-reaching consequences for the position of that country in the international community, including legal relations with the Netherlands.

31.10. The Court of Appeal considers it all the more serious that the defendant committed the present offence at a moment when he knew that he was being prosecuted for similar offences committed as a member of a criminal organisation.

31.11. The Court of Appeal has taken account of the fact that it is not evident from the extract from the documentation register that the defendant has previously been convicted of criminal offences. However, the Court of Appeal considers this to be of only secondary importance since the defendant ceased to be part of Dutch society a long time ago ...'

Held by the Supreme Court: "... 4. Assessment of ground of appeal I

4.1. This ground of appeal contains the complaint that the Court of Appeal wrongly – or in any event with insufficient reasons – failed to give defence counsel the opportunity to conduct the defence in full.

[...]

4.3. The ground of appeal concerns the application of Articles 279 and 331 of the Code of Criminal Procedure, which are applicable, pursuant to Article 415 of the Code of Criminal Procedure, by analogy to the proceedings before the Court of Appeal. In so far as they are relevant here the provisions read as follows.

"Article 279. 1. A suspect who has not appeared may arrange to be represented at the trial by an attorney-at-law who expressly declares that he has been specifically instructed for this purpose. The court shall agree to this [...] 2. The hearing of a case against a defendant who has instructed his attorney-at-law to represent him is treated as a defended action. Article 331. 1. Every power granted to the defendant in this Title shall be invested in the counsel who assists the defendant at the trial or is allowed to represent an absent defendant pursuant to Article 279, paragraph 1. [...]"

4.4. The text of these provisions was established by the Act of 15 January 1998, Stb. No. 33 (review of examination in court), which entered into force on 1 February 1998. According to the background to the introduction of this Act, as described in the findings of the Court of Appeal and in the opinion of the Advocate General, the legislator's intention in introducing these rules was first of all to meet the objections of the European Court of Human Rights to the application of the arrangement which previously applied in the Netherlands (partially based on case law) concerning the defence of an accused who did not attend the trial (European Court of Human Rights, 22 September 1994, NJ 1994, 733) and, second, to improve the scope for enforcing judgments given *in absentia*.

4.5. The statutory system designed by the legislator for the examination in court of people who have reached the age of criminal responsibility in criminal cases where the summons has been validly served can be summarised as follows. The case is tried and disposed of as a defended case if the defendant is present at the start of the examination in court as referred to in Article 270 of the Code of Criminal Procedure or, as the case may be, Article 280, paragraph 3, of the Code of Criminal Procedure, whether or not assisted by counsel. In that case an appeal must generally be lodged, pursuant to Article 408 and 432 of the Code of Criminal Procedure, no later than 14 days after the final judgment.

A case is also tried and disposed of as a defended case if counsel for a defendant who has not appeared is present at the start of the examination at the trial and expressly declares, pursuant to Article 279, paragraph 1, that he has been specifically instructed to conduct the defence, and the judge agrees to this. In this case too, an appeal must, in accordance with the intention of the legislator, be lodged against the final judgment within no more than 14 days after it is given.

The case is tried and disposed of *in absentia* pursuant to Article 280 of the Code of Criminal Procedure if the defendant has not appeared at the start of or in the course of the examination in court and if no counsel has appeared or a counsel who is present has not expressly stated that he has been specifically instructed by the defendant to conduct the defence. In that case, an appeal must generally be lodged in accordance with Article 399, Article 408 and Article 432 of the Code of Criminal Procedure within no more than 14 days after the defendant has become aware of the final judgment.

4.6. It should be observed that the requirement of an instruction if the defendant wishes his counsel to appear on his behalf is specified not only in Article 279 and Article 331 of the Code of Criminal Procedure. Reference may also be made to Article 450, paragraph 1, of the Code of Criminal Procedure and Article 452, paragraph 1, of the Code of Criminal Procedure concerning the use of appeals and the submission of documents by an attorney. The requirement of instruction is based on the notion that the defendant, before instructing counsel, makes a choice, for example concerning the identity of the attorney and the nature and extent of the acts that the attorney will perform on his behalf.

4.7. Against this background it is necessary to strictly observe the instruction requirement contained in Article 279 of the Code of Criminal Procedure. Strict application of Article 279 would generally not be contrary to the requirements resulting from Article 6(1) and (3), opening words and (c), of the European Convention on Human Rights. The latter provision provides, after all, that the defendant has the right to defend himself through legal assistance of his own choosing, but contains nothing that would preclude this choice from being evident from an instruction granted for this purpose by the defendant.

4.8. This is why the system provided for in Article 279 of the Code of Criminal Procedure should be interpreted as meaning: (1) that the counsel who (a) assists the defendant present at the trial, or (b) expressly declares at the trial that he has been specifically instructed to conduct the defence by the defendant who is not present, can exercise all rights and powers granted to him by law, including therefore the powers referred to in Article 331, paragraph 1, of the Code of Criminal Procedure; in such cases the proceedings are dealt with as defended proceedings; (2) that counsel who does not expressly declare that at the trial that he has been specifically instructed by the defendant who has not appeared to conduct the defence, may not exercise any of the rights and powers granted to him by law, with the exception of the right to explain the absence of the defendant and to request a stay in order that the defendant can exercise his right of attendance or in order to obtain an instruction as referred to above; in the absence of such an instruction the case is dealt with *in absentia*.

4.9. The possibility is not excluded that a different decision may have to be taken in exceptional cases on the basis of the above-mentioned treaty rules.

4.10. The Court of Appeal has established that the cases referred to above at 4.8, under (1), do not apply here. It must also be inferred from the factual circumstances established by the Court of Appeal that this does not constitute an exceptional case as referred to in 4.9. It follows that the Court of Appeal, without being obliged to do so, gave counsel the opportunity to raise more matters than provided for in Article 279(1).

4.11. The ground of appeal, which is based on a misinterpretation of Article 279 of the Code of Criminal Procedure, cannot therefore result in cassation ...

16.55 ENVIRONMENTAL QUESTIONS

See: 9.12

16.6 CULTURAL MATTERS

See: 14.125

15-7-2005

2.14. In the context of his second application for admission as a refugee the plaintiff has also not adduced evidence of any new facts or circumstances that would shed new light on his story. Even if the letters of a bishop from Jaffna could be regarded as new evidence, they cannot play a role if only because they have not been lodged.

2.15. It follows from the above that there is no ground for staying the expulsion of the plaintiff and that the request to this effect will therefore be dismissed.

2.16. On the grounds of the above the president considers that there is every likelihood that the notice of appeal that has been lodged will not result in a different outcome than in the procedure for provisional remedy. As it has not been shown that further consideration of the notice of appeal could reasonably contribute to an assessment of the case, there is reason in this case to exercise the power contained in Article 8:86 of the General Administrative Law Act. The president will hold that the notice of appeal against the decision not to grant the application for admission as a refugee is unfounded ...⁹⁹

12.29 OTHER MEANS OF SETTLEMENT
See: 16.164

(MILITARY-TRIAL)

SC RESOLUTIES BINDEW NIET /
PERSONLIJK.

13.223 UN EMBARGO, BOYCOTT, BLOCKADE

P.J.F. de Kerf v. Minister of Finance, Trade and Industry Appeal Tribunal, 19 August 1999.¹⁰⁰

— Acts as referred to in Article 1 of the Sanctions Decree on International Payments and Financial Services against Iraq of 1991¹⁰¹ of a legal entity established in the Netherlands

99. On 12 May 1999 the Committee held in an interim ruling that A.'s communication was admissible (NAV (1999) No. 86, JAV (1999) No. 160). It requested the Netherlands to make clear what measures had been taken to have A. examined by a doctor in connection with the torture that he had suffered. Finally, the Committee noted as follows: 'Furthermore, the Committee notes the State party's statement that it saw no reason to honour the Committee's request under rule 108, paragraph 9, of its rules of procedure not to expel the author while his communication is under consideration. The Committee considers that the State party, in ratifying the Convention and voluntarily accepting the Committee's competence under Art. 22, undertook to co-operate with it in good faith in applying the procedure. Compliance with the provisional measures called for by the Committee in cases it considers reasonable is essential in order to protect the person in question from irreparable harm, which could, moreover, nullify the end result of the proceedings before the Committee.'

Under rule 110, paragraph 3, of the rules of procedure the Committee reiterates its view that it would be desirable not to return the author to Sri Lanka while his communication is under consideration by the Committee. However, such expression of its views does not prejudice the Committee's final decision on the merits of the communication.'

100. Note by J.H. van der Veen. Summarised in *AB Kort* (1999) No. 485 and *NJB* (1999) p. 1702 (No. 12).

101. For the text of Art. 1 see under Held. As regards the previous Decision on Sanctions on International Payments and Financial Services against Iraq, see 22 *NYIL* (1991) p. 370. For the new Iraq Sanction Decree of 2 August 1997, see 19 *NYIL* (1998) p. 234.

and in liquidation can, since the only person connected with the legal entity has Iraqi nationality, be equated substantively with acts in respect of moneys or assets that belong to a person living or resident in Iraq.

— The Sanctions Decree must be regarded as the implementation by the Dutch legislator of Resolutions 660, 661, 687 and 778 of the Security Council of the United Nations.¹⁰² It follows that the resolutions do not therefore contain provisions that can be binding on any person and do not therefore prevent the possibility of dispensation referred to in Article 1 of the Decree from being applicable.

— Where this possibility is invoked, it will be necessary to indicate, having regard, *inter alia*, to the provisions of Article 9 of the Sanctions Act,¹⁰³ what special interests would, on balance, necessitate refusal in the case of the applicant. Refusal by means of a simple reference to the resolutions is not sufficient.

The Facts: Mass Holland International B.V., a private company, was incorporated in 1992 on behalf of A.I. Saleh, who possessed Iraqi nationality and was the owner of a chicken fattening business in Iraq. According to an extract from the Commercial Register, Saleh was the sole shareholder and managing director. The Minister of Justice issued a certificate of no objection to the incorporation of the company. At some point the assets of the company were frozen. By decision of 10 June 1996 of the Chamber of Commerce of North-East Brabant, the company was wound up and P.J.F. de Kerf was appointed as liquidator. De Kerf then wrote to the Dutch Central Bank on 4 October 1996 requesting that he be granted a dispensation from the Sanctions Decree on International Payments and Financial Services against Iraq of 1991. The Bank forwarded the request to the Minister of Finance for consideration. The latter, acting also on behalf of the Minister for Foreign Affairs, refused the request on 27 March 1997. De Kerf appealed to the Trade and Industry Appeal Tribunal against this refusal.

Held: '... 2. The basis of the dispute.

2.1. Pursuant to Article 2 in conjunction with Article 3, paragraph 1, of the Act of 15 February 1980, Bulletin of Acts and Orders 1980, 93, for the taking of sanctions against certain States or areas (referred to below as the Sanctions Act 1977), rules may be laid down concerning the movement of goods, services and payments, shipping, civil aviation, road transport, post and telecommunications in respect of the States or areas designated in the Sanctions Decree, in order to comply with resolutions or recommendations of bodies of international organisations or with international agreements relating to the maintenance or restoration of international peace and security or the promotion of the international legal order.

Pursuant to Article 9, paragraph 1, of the Sanctions Act 1977, the government ministers designated in the Sanctions Decree or the Sanctions Order may grant exemption from rules and regulations as described in Article 3 and, on request, dispensation. Pursuant to paragraph 2, an exemption or dispensation may be granted subject to conditions or obligations.

102. For the relevant text and dates of the resolutions see under Held.

103. For the text of Art. 9 see under Held. As regards the Act in general see also 12 *NYIL* (1981) p. 292, and P.J. Kuyper, 'The Netherlands in International Law of Export Control', *Jurisdictional Issues* (1992) pp. 117-145.

Article 1 of the Royal Decree of 2 April 1991, Bulletin of Acts and Orders 1991, 167, which contains financial sanctions against Iraq (the Sanctions Decree on International Payments and Financial Services against Iraq of 1991), reads as follows: "Everyone is forbidden, without dispensation granted by or on behalf of Our Minister for Foreign Affairs and Our Minister of Finance, to perform any act of management or disposal with regard to moneys or assets that are kept at banks or other financial institutions established in the Netherlands and that belong directly or indirectly, wholly or to a great extent, to the Republic of Iraq, persons resident or staying there, public bodies established there, legal entities established there and branches or sub-offices in that country of legal entities that are established elsewhere."

Pursuant to Article 1 of the Act of 31 May 1994, Bulletin of Acts and Orders 382, which extends the term of operation of the Sanctions Decree on International Payments and Financial Services against Iraq, the term of operation of the Sanctions Decree has been extended for an indefinite period.

The Sanctions Decree is intended to comply with international agreements concerning Iraq, and in particular Resolutions 660 and 661 of the Security Council of the United Nations. The following paragraph of Resolutions 661 is important to the present case:

"4. Decides that States shall not make available to the government of Iraq, or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for a strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs."

This is elaborated in Resolutions 687 of 3 April 1991 and Resolution 778 of 2 October 1992. Paragraph 20 of Resolution 687 reads:

"Decides, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products other than medicine and health supplies and prohibitions against financial transactions related thereto contained in resolution 661 (1990), shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait or, with the approval of that Committee, under the simplified and accelerated *Ano*-objection procedure, to materials and supplies for essential civilian needs has identified in the report to the Secretary-General dated 20 March 1991, and in any further findings of humanitarian need by the Committee."

Finally, paragraph 11 of resolution 778 reads as follows:

"11. Decides that no further Iraqi assets shall be released for purposes set forth in paragraph 20 of resolution 687 (1991) except to the sub-account of the escrow account, established pursuant to paragraph 8 of resolution 712 (1991), or directly to the United Nations for humanitarian activities in Iraq."¹⁰⁴

[...]

104. Resolution 660 of 2 August 1990 and Resolution 661 of 6 August 1990.

3. The disputed decision and the position of the respondent

In essence, the disputed decision is as follows. Saleh is the sole shareholder of Mass Holland International B.V. and, according to the available information, is resident in Iraq. It follows that Article 1 of the Sanctions Decree is applicable.

The condition on which dispensation can be granted is described in Resolution 778 of the United Nations. Under this resolution, blocked accounts can be released only for the purpose of transmission to the escrow account of the United Nations. As the Netherlands is subject to the obligation to implement sanctions measures against Iraq in accordance with the resolutions of the Security Council, there is no reason in this case to grant the requested dispensation. The position taken by the appellant, namely that it is being made impossible for him to discharge his statutory duties as liquidator owing to the lack of moneys to pay his accounts cannot mean that other statutory provisions, including the provisions of the Sanctions Act 1977, the implementing decrees based on the Sanctions Act 1977 and the policy in this regard, should not be applied.

In the statement of defence and at the hearing, it was once again emphasised on behalf of the respondent that the various interests had not been weighed against one another. In particular, paragraph 11 of Resolution 778 should be interpreted so strictly as to contain a prohibition on allowing any acts of management or disposal other than payments to the escrow account. This prohibition is absolute and does not allow the respondent any scope for deviation from it.

4. The position of the appellant

In support of the appeal the appellant has, in brief, submitted the following arguments against the disputed decision.

The appellant's primary submission is that Article 1 of the Sanctions Decree does not apply since this case does not involve a Dutch company. The fact that the shareholder is resident or staying in Iraq does not make any difference. It has, incidentally, not been established in any way that Saleh, who is of Kurdish origin, is still present in Iraq.

It has been argued alternatively that Article 9 of the Sanctions Act 1977 provides for the possibility of granting a dispensation as requested. The granting of an exemption or dispensation may be necessary for reasons of fairness, as is also evident from the explanatory memorandum to the Act. This is the case here. As liquidator the appellant has the duty of liquidating the assets of the legal entity that has been wound up. It is evident for the time being from the accounts of Mass Holland International B.V. that there are substantial claims that must be examined in more detail. In order to carry out this examination the appellant must have access to the assets on the bank account.

The fact that requests such as this one have always been refused need not mean that this should occur in the present case. The case of the appellant differs substantially from the previous cases disposed of by the respondent, which always involved requests by creditors of a legal entity. The respondent has wrongly failed to consider the possibility of granting dispensation subject to the condition that no payments are made to Saleh, except where permitted by law.

5. Assessment of the dispute

As regards the primary ground of appeal of the appellant, the Tribunal holds that the respondent had good grounds for taking the position that Article 1 of the Sanctions Decree also covers act of management or disposition that relate to moneys or assets

belonging to Mass Holland International B.V. in liquidation. It is held in this respect that Saleh, who, in view of the entry in the Commercial Register, must be deemed to be living or resident in Iraq and to possess Iraqi nationality, is the sole person connected with this legal entity. Acts as referred to in the above-mentioned Article 1 relating to moneys or assets of the legal entity in liquidation should therefore be substantively equated, for the purposes of the Sanctions Decree, with acts relating to moneys or assets belonging to a person living or resident in Iraq. The primary ground of appeal of the appellant therefore fails.

As regards the alternative ground of appeal, the Appeal Tribunal holds as follows. The respondent has taken the position that he is bound by the resolutions of the Security Council cited above to such an extent that a dispensation of the kind requested by the appellant can never be granted.

The Appeal Tribunal holds in this regard in the first place that the said resolutions of the Security Council do not contain provisions that can be binding on any person and do not therefore prevent the applicability of the possibility of dispensation referred to in Article 1 of the Decree. The legislator implemented the agreements contained in the resolutions in the Dutch legislation by including them in the Sanctions Decree. The possibility of dispensation contained in the Sanctions Decree, in conjunction with Article 9 of the Sanctions Act 1977, is part of this implementation. If this is invoked, it will have to be shown in respect of each request what special interests necessitate refusal of the request by the applicant. A mere reference to the resolutions is not sufficient for this purpose since the possibility of dispensation is, as mentioned above, part and parcel of the implementation.

This is all the more relevant here since there is a special situation, in the sense that a request has been submitted by the Dutch liquidator of a legal entity that is in liquidation under Dutch law. The respondent has not indicated any reasons that would prevent a dispensation subject to safeguards that no payments are made in the direction of Iraq other than to the escrow account, for example by the attachment of a condition as suggested by the appellant.

In view of the above, the Appeal Tribunal holds that the disputed decision is contrary to Article 7:12, paragraph 1, of the General Administrative Law Act, which requires that a decision on an objection be based on sound reasons. The appeal is well-founded and the disputed decision must therefore be quashed. It will therefore be directed that the respondent make a fresh decision taking into account the reasoning in this judgment ...'

14.125 HUMANITARIAN LAW
See: 4.52 (pp. 272-277)

16.164 PROTECTION OF ANIMALS

**Republic of Madagascar v. State of the Netherlands, District Court of The Hague,
16 March 1999, KG (1999) No. 125.**

— *Legal proceedings by the Republic of Madagascar against the State of the Netherlands in Dutch courts.*

— *Granting of a claim that the Netherlands should cooperate in the return to Madagascar of 35 tortoises seized in the Netherlands. The wish of the Netherlands to exclude all risk is an insufficient justification for refusing cooperation in the short term.*

The Facts: Thirty-five tortoises of the species *Geochelone Yniphora* were seized (under the criminal law) in Vlissingen on 15 November 1996. This species is included in Schedule I to the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora.¹⁰⁵ It was not until 22 June 1998 that the CITES Authority¹⁰⁶ in the Netherlands notified Madagascar of this seizure. Evidently it was only at this juncture that it became certain that the tortoises were part of a consignment of 75 tortoises that had been stolen from a breeding station in Madagascar in May 1996. The CITES Authority also stated that the animals would not be sent back to Madagascar owing to the health risks (bacterial infection), and would instead be sent to the Wildlife Preservation Trust in Jersey (UK). Madagascar then gave notice that it wished the animals to be returned immediately. However, on 15 December the CITES Authority sent all but two of the animals to the Wildlife Conservation Society in the United States. Madagascar then applied to the President of the District Court of The Hague for an interim injunction ordering the State of the Netherlands to cooperate in securing the immediate return of the 35 tortoises to Madagascar. Madagascar claimed that the Netherlands had acted unlawfully by wishing to dispose of the animals as though it had the absolute say over them. The protection provisions in the Convention and in EC Regulation No. 338/97¹⁰⁷ did not give it the right to determine what happened to the animals.

Held: '... Applicable law

4.2. The plaintiff contends that the defendant acted unlawfully in the Netherlands. The plaintiff's claim is therefore governed by Dutch law as *lex loci delicti*. Tort?

4.3. The dispute between the parties concerns the question of whether the duty of care of the defendant goes so far that it can retain possession of the tortoises against the will of the plaintiff, who is their lawful owner.

4.4. Article VII, paragraph 4, of the CITES Convention provides that: "When live animals are confiscated by government authorities, these authorities have a responsibility to dispose of them appropriately."¹⁰⁸ In view of this provision, it may be concluded that it

105. 993 UNTS p. 243; 12 ILM (1973) p. 1085; Trb. 1975 No. 23 (the species is mentioned on page 53).

106. This is the national 'Management Authority' referred to in Art. XI of the Convention. In the Netherlands, this authority is part of Laser, which is itself part of the Ministry of Agriculture, Nature Management and Fisheries.

107. Council Regulation on the protection of species of wild fauna and flora by regulating trade therein, 9 December 1996, OJ (1997) p. L 61/1.

108. This is not the text of Art. VII(4). Presumably this should be a reference to Art. VIII(4). The complete text of this provision reads as follows: 'Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article: (a) the specimen shall be entrusted to a Management Authority of the State of confiscation; (b) the Management Authority shall, after and consultation with the State of export, and returned the specimen to that State at the expense of that

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[Relying on numerous documents and witness testimonies, lead prosecutor Geoffrey Nice portrayed Delic as a liar and a hard-line Serb nationalist]

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Institute for War & Peace Reporting

Tribunal Update

Courtside: Milosevic

Prosecutor attempts to undermine credibility of defence witness.

By Michael Farquhar and Ana Uzelac in The Hague (TU No 415, 15-Jul-05)

In the fourth week of his testimony in defence of the former Yugoslav president Slobodan Milosevic, retired Yugoslav army general Bozidar Delic saw his credibility melting away under cross-examination by the court's prosecutors.

Relying on numerous documents and witness testimonies, lead prosecutor Geoffrey Nice portrayed Delic as a liar and a hard-line Serb nationalist, who fought both in the Bosnian war as well as in Kosovo, and may have personally been implicated in numerous war crimes during the Kosovo conflict in 1999.

But by dismantling witness' credibility, Nice has likely made it impossible for his colleagues to call Delic - as they initially planned - as an expert witness in another high-profile case due to begin in the Hague in 2007: that against the former Kosovo prime minister Ramush Haradinaj.

The general spent much of the time this week fending off allegations - backed up by witness testimony and documentary evidence - that he personally ordered atrocities during the 1999 war in Kosovo, including the shelling of a civilian home and murders of unarmed men.

He also clashed with Nice over accusations that the Yugoslav Army, VJ, as a whole operated outside the usual legal chain of command in Kosovo and regularly used excessive force in its operations there.

Milosevic is accused of planning and orchestrating the expulsion of some 800,000 Kosovo Albanians from the province in 1999. The campaign coincided with the NATO air strikes on Serbia between March and June that year, and it is alleged to have included widespread killings, rape and looting conducted by both VJ and Serbian police.

During the prosecution stage of the Milosevic trial, several witnesses testified that some of those murders happened under Delic's direct orders.

K32 - a protected witness who fought under Delic in Kosovo - testified that in early August 1998 he heard the general order a tank to shell an Albanian home. Civilians were seen running from the building, he said, which hadn't appeared to be offering any fire.

This week, Delic rubbished the allegation, arguing that K32 hadn't been in his presence at any time during the period in question and couldn't possibly have heard him issue such an order.

Eventually, though, he acknowledged that he had in fact ordered a tank to fire on a house near where the event was said to have taken place.

In an effort to explain why he hadn't mentioned this at any point earlier on in nearly four weeks of testimony, Delic insisted it was a separate, irrelevant incident. The inhabitants of this particular building, he claimed, had long since

driven out by "terrorists" who were using it as a firing point.

K32 also claimed in the prosecution stage of the trial that during an attack on the village of Jeskovo in March 1999, he heard Delic ordering soldiers to "make an effort not to let anyone remain alive".

Confronted with this second allegation in court this week, Delic was indignant. "I am a Serb officer," he declared, "and a Serb officer could never say something like that."

As his outrage apparently began to snowball, the general put K32's allegation down to the fact that Hague prosecutors "coach" their witnesses.

He appeared rather taken aback, however, when both Nice and the panel of judges immediately pounced on his suggestion, persistently demanding to know what basis he could have for it. Delic eventually apologised and retracted the claim.

Instead, he went on to say that K32 had been coached by "certain Albanian individuals in Pec". Getting back on the offensive, he also rebuked Nice for his courtroom manner, describing his methods of questioning as "improper" and "perfidious" – provoking an angry reaction from the Presiding Judge Patrick Robinson, who asked the witness "to restrain himself".

A second protected witness, K41, who testified in the prosecution case against Milosevic three years ago, reported that the same attack on Jeskovo resulted in the deaths of ten civilians.

But Delic this week insisted that the only dead were nine members of the Kosovo Liberation Army. In an effort to explain why his men had killed the fighters without managing to take any prisoners, the general said the dead men were elite troops, determined to "fight to the bitter end".

Delic was also presented in court this week with evidence of more widespread criminal behaviour by Yugoslav forces in Kosovo.

This included a document from former VJ chief Nebojsa Pavkovic, in which he made reference to torching of houses by Yugoslav soldiers and prohibited such behaviour in future.

Delic dismissed the suggestion that this order was part of an effort to reign in a "rampage" by VJ troops, perhaps because of the presence of international observers in the region. Rather, he said, it was just a response to a few isolated cases in which soldiers had stepped out of line.

Delic's credibility suffered further blows when the prosecutor focused on his testimony about the chain of command that was put in place during the Kosovo conflict.

The prosecutors insist that a special body called the Joint Command was formed at the time to supervise and conduct the cleansing operation. The Joint Command had its seat in Kosovo capital, Pristina, and it comprised high-ranking politicians, military and police officers. This body, the prosecutors claim, issued orders under Milosevic's direct supervision to both military and police, bypassing the regular chain of command and implementing directly the defendant's political will.

If proved, the existence of the Joint Command could significantly boost prosecutors' charges that Milosevic directly planned, ordered and approved the cleansing campaign in Kosovo.

Delic, who personally brought to The Hague a few orders headlined "Joint Command", kept on denying this body ever issued any binding orders to the army. Instead, he insisted that Joint Command was a "coordinating body". He kept on denying its power to issue orders even after Nice showed him an order issued by the Joint Command stating that police and military are not allowed to undertake any actions without its approval.

Chipping further away at his credibility, Delic continued to refer to Albanians throughout his testimony as "Shiptars" - a term considered insulting when used by non-Albanians. The term also figures in all official army documents he brought along. The prosecutors also managed to find the witnesses' PhD thesis, which he successfully defended at a Belgrade military college in 1997, in which he used the same term and also claimed that the goal of Kosovo Albanians was "to expel the Serbs by expansion based on high birth-rates".

Delic's cross-examination will continue on July 18.

Michael Farquhar is an IWPR reporter in The Hague. Ana Uzelac is IWPR's project manager in The Hague.

MR. NICE vs. RADIO-TELEVISION SERBIA

www.slobodan-milosevic.org - July 18, 2005

Written by: Andy Wilcoxson

Prosecutor Geoffrey Nice continued his cross-examination of Gen Bozidar Delic at the trial of Slobodan Milosevic on Monday.

Prosecutor Nice capitalized on the fact that Gen. Delic and several of his lieutenants believed that the OSCE publication "As Seen as Told" had been written by Natasa Kandic. Nice said that this error of fact proved that Delic and his men had agreed in advance on what they would say in their statements to the tribunal.

Gen. Delic explained that "As Seen as Told" is published in Serbia by Natasa Kandic's NGO, so it is logical that people assumed that the publisher was responsible for the book's contents. According to Delic, the logo of Ms. Kandic's NGO appears very prominently on the book's cover, which would lead one to assume that they were responsible for the book.

Mr. Nice attacked Gen. Delic for having a negative opinion of Natasa Kandic. Mr. Nice, who professes to speak on behalf of the Serbs, claims that Serbs don't like Natasa Kandic because she "forces Serbs to confront their history." This was as good as Mr. Nice's cross-examination got.

During his examination-in-chief Gen. Delic brought several video clips from Radio-Television Serbia that contain contemporaneous statements from people during the war. He also brought clips where operations that the army had carried out were filmed by RTS TV crews.

Mr. Nice could not dispute the contents of the videotapes so he resorted to an attacking Radio-Television Serbia instead. Mr. Nice asserted that Radio-Television Serbia is "an instrument of hate" and that its broadcasts are "a wicked weapon of propaganda."

Mr. Nice further asserted that Gen. Delic could not rely on the video footage because he didn't film it himself. Hopefully the Judges will remember that line of reasoning the next time Mr. Nice tries to play excerpts from the BBC's "The Death of Yugoslavia" video.

The prosecution managed to track down an Albanian woman who appeared on one of the videotapes that Delic brought to court with him. On the original video, which was filmed on the spot during the war in 1999, the woman says that she was forced from her home by the KLA.

The same woman, when interviewed by the Mr. Nice's investigators last-week, denied that the KLA did anything to her and blamed the Serbs instead.

Gen. Delic pointed out that there is not a single Kosovo-Albanian who will say anything negative about the KLA. Delic challenged Mr. Nice to name just one Albanian, who still lives in Kosovo that openly testified against the KLA under their own name. Mr. Nice, of course, did not take Delic up on his challenge and did not name a single Kosovo-Albanian who would openly agree to testify against the KLA.

Gen. Delic remained cool and collected, as Mr. Nice became more and more hysterical, and more and more liberal in his assertions. Mr. Nice went on to claim that Serbia was a police state and accused the police of killing Slavko Curuvija.

Gen. Delic, who has absolutely nothing to do with the police, simply mocked the prosecutor. He told Mr. Nice that he should give the police this information because they were still trying to catch the killer.

Gen. Delic will continue his cross-examination tomorrow.

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MR. NICE'S STRATEGY: ACCUSE, ACCUSE, ACCUSE...

www.slobodan-milosevic.org - July 19, 2005

Written by: Andy Wilcoxson

Mr. Nice continued his cross-examination of Gen. Bozidar Delic at the trial of Slobodan Milosevic on Tuesday. It was obvious from his questions that the prosecutor had lost all grip of reality and common sense.

Mr. Nice asserted that the Yugoslav Army rounded-up Albanian Catholics and forced them to protest against the NATO bombing.

Gen. Delic asked the prosecutor to tell him when the army was supposed to have done this. Of course Mr. Nice didn't know when the army allegedly did this or where the protest rallies were even held, but lack of evidence has never stopped Mr. Nice.

Gen. Delic easily dealt with Mr. Nice's claims. He explained that the army was fighting a war against 19 NATO countries and the KLA, and therefore had more important things to do than organize protest rallies.

Mr. Nice continued to make wild and very dangerous allegations. He accused Sokolj Cuse, the president of the Democratic Reform Party of Albanians, of forcing his fellow Albanians to give pro-Serbian statements to Serbian TV reporters.

Kosovo is no stranger to politically motivated killings and these sorts of statements from a Hague prosecutor could easily endanger the life of Mr. Cuse. Mr. Nice must take care to ensure that he has a firm basis for making those types of wild allegations.

Mr. Nice's basis for the accusations about Mr. Cuse and the Albanian-Catholics was the statements that Kosovo-Albanians gave to his investigators last week. He did not have contemporaneous material to support his allegations, all he had was the stories that Albanians, who could be killed if they admitted willfully opposing the KLA or the NATO bombing, gave him last week.

Mr. Nice spent most of the day questioning Gen. Delic about his war diary. Mr. Nice wanted to know how come some of the events that prosecution witnesses had testified about were not recorded in the diary, or were recorded differently. Gen. Delic's basic answer was that things happened the way they were recorded in the diary, therefore the Mr. Nice's witnesses must not have been telling the truth.

Mr. Nice wrapped the day up by asking Delic questions about the burial of Kosovo-Albanian corpses at Batajnica.

The prosecution's allegation is that Serbian Police dug Kosovo-Albanians up from their graves in Kosovo and transported them in freezer trucks to central Serbia in order to hide evidence of killings.

Several Kosovo-Albanian corpses from Gen. Delic's area of responsibility have been located at an SAJ (police) facility near Batajnica in central Serbia. Mr. Nice asked Gen. Delic how the corpses got there. Delic did not know, but he theorized that the corpses had been moved there after the war ended.

Mr. Nice claims that the exhumation, transport, and re-burial of the corpses was such a large job that the Army would have had to have known about it. According to Mr. Nice the Army must have known, because if it didn't it would have ran the risk of "catching the police by surprise."

Mr. Nice has a point (but not the one he's trying to make), the exhumation, transport and re-burial of the corpses would have been a very big job and a very difficult thing to hide. During the war the KLA controlled large parts of Kosovo, and routinely ambushed the Serbian police. If the Serbian police had been exhuming, transporting, and re-burying the bodies of dead Kosovo-Albanians, then the KLA would have had to have known about it too. Somebody would have caught the police doing this, and somebody would have said something about it at the time.

Nobody said a word about corpses being dug-up from Kosovo and re-buried in central Serbia until 2001, a full two years after the war ended.

The story about the re-burial of corpses came at precisely the same time as the Serbian government handed Milosevic over to the Hague Tribunal. It is possible that NATO dug a few hundred corpses-up from Kosovo under the guise of conducting a forensic investigation and then had its puppet regime in Belgrade bury them at a couple of locations in central Serbia in order to frame their common enemy, Slobodan Milosevic.

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Slobodan Milosevic's public response to charges fabricated by the Belgrade regime

[I recently complained in this space about, among a lot of other things, how the Defense of Slobodan Milosevic, a cause with which CM/P is inextricably involved, seems to have become so lost in its Islamophobic concerns over Muslim expansionism being at the heart of the destruction of Yugoslavia that they've failed even to take note of the judicial pogrom going down in Belgrade these days.

As usual, I was just a scoche off my mark--and I neglected to include the President's son Marko among those driven rudely and unjustly from their families, homes and country. O'erweening zeal to do the right thing is no excuse for my reckless disregard of facts and details.

Je m'excuse.

So as an amends, here's a vintage 2003 statement from President Milosevic on the very issues that are now being raised in his hometown, in complete disregard of legal niceties like statutes of limitations or double jeopardy, so that the comprador class now house-sitting Serbia for NATO can do some weapons-grade sucking up to their Imperialist masters.

The President's statement is forwarded by a neat synopsis of the recent events in Belgrade by British CDSM chairman--and my favorite pommey--, Ian Johnson.

{NB--It should not be forgotten that the head of RTS during the 1999 Nato terror bombings of Serbia over Kosovo, Mr Dragoljub Milanovic, is currently locked down doing a ten year bit for endangering his employees by not warning them that Nato was about to blow them away, just at the moment they were all awaiting a live feed of the Larry King Show from CNN--part of a trap set for a high Serbian government official King was supposed to interview, but who was saved by not being able to make this very early morning call--his make-up girl and 15 others were not so lucky. And Mr Milanovic was in the RTS building at the time, too.}

Remember, at CM/P we're still all about

FREE SLOBO (and All the Prisoners of the Globalization Wars @ Sheviningen & Xray Arusha)!!!

OFF THE TRIBS!!!

POWER TO THE PEOPLES OF THE TARGETED NATIONS!!!

HANG ON!

--mc]

Dear Friends,

On 18th July 2005 a Belgrade court convicted eight policemen for the murder of Ivan Stambolic and the attempted murder of the pro-Nato politician Vuk Draskovic. The court also imposed a 15 year sentence on former head of state security Radimir Markovic for 'assisting'.

Mr Markovic was brought to The Hague tribunal in 2003 as a prosecution witness but in court he revealed that he was being coerced to lie against Mr Milosevic. The prosecution and Hague Judges were furious at being exposed so blatantly. The false charges now laid against Mr Markovic and his 15 year sentence are his punishment for standing up to The Hague court and to those who destroyed Yugoslavia.

In August 2003 Slobodan Milosevic spoke from The Hague about the persecution of his family and the charges against him relating to Ivan Stambolic and Vuk Draskovic.

Part of his statement we print below. IJ

(Part of Statement)

The original link for this article is:

www.sloboda.org.yu/engleski/indexeng1.html

↳ Slobodan Milosevic's public response to charges fabricated by the Belgrade regime -

In March 2001, I was accused of imaginary crimes, so I could be arrested and delivered to The Hague.

These new accusations in 2003 have the same purpose: The Hague. Only this time, their goal is to try to prevent, or at least minimize, the obvious fiasco of the false Tribunal, which is serving as the weapon of war against our country and our people. This time, unlike 2001, they have also begun to terrorize my family, fiendishly persecuting my wife and my son. The criminal campaign against my wife and my son is being mounted solely because of my struggle here.

Their only crime is being my family.

People of Serbia and freedom-loving people throughout the world send me messages of support and wish me victory. It seems that only the Belgrade regime cheers on the Hague Tribunal, so much so that it does not balk from

Ivan Stambolic

I have been a friend of Ivan Stambolic for many years. We parted ways at the 8th Session of the Serbian League of Communists' Central Committee, in 1987. We never quarreled personally.

After he was relieved, he came to me and asked for one of the best jobs (in both our opinion) in the SFRY: President of the Yugoslav bank for international economic relations. And he received it, staying in that position for over 10 years despite the practice of rotating the management, until his retirement - for which he was eligible long before, on grounds of both work experience and age.

He had been completely forgotten as a politician for many years. Thus the story of how he represented a potential challenge in the elections is a blatant lie, since he was never in the running. He was not even a candidate. Besides, in those ten years, has any harm befallen any other candidates?

It is absurd to claim that I rushed to kill him as a threat, after I'd enabled him to hold a position of his choice for 10 years and he retired!

Especially puzzling for me is that his family has readily accepted this shallow lie. It seems they care more to blame me than find out the truth about the fate of their father and husband.

Ivan Stambolic was a forgotten politician, and at the time of his disappearance, a forgotten banker as well. No one in the state or the political apparatus had mentioned him for years. He belonged to the era of the former SFRY, and things have unfortunately changed since 1990.

No offense, but no one cared about Ivan Stambolic any more. There was no persecution of those who supported his position at the 8th Session. Desimir Jeftic, the chairman of the Serbian government who was also relieved, was for many years the Ambassador to Romania. Ivan's best friend and neighbor Dragan Tomic, the CEO of "Simplo" furniture company, remained a member of the Party and state leadership. I am certain he would confirm that I had told him, after Ivan was relieved, that I would think of him the worst if he'd renounced his friend and turned his back on him. So, the truth is quite the opposite from the story fabricated by several pathetic creatures.

I was informed of Ivan's disappearance over the telephone, by interior minister Vljako Stojiljkovic. I told him to use all the available resources to find him. He told me that Ivan's wife and son reported his disappearance in the afternoon, though he went jogging that morning, which would make the investigation more difficult.

All border posts were notified, and Vljako Stojiljkovic told me later that evening that several hundred police were engaged in the investigation. I insisted that all resources be used to find him [Stambolic] as soon as possible. Certainly most of these officers are still employed by the interior ministry, and can testify to that.

from what Stojiljkovic told me, everything that could have been done was done.

Draskovic.

Since the investigator, during the introductions, mentioned my alleged connection to the "attempted murder of Vuk Draskovic", I wish to say a few words about that as well.

I never believed that what happened in Budva was a real murder attempt, because it seems improbable that someone could shoot up all the bullets in a small room like that and miss with every one of them. Even Vuk Draskovic, with his talent for the dramatic, could not have turned into a fly or a mosquito. I believed that either someone tried to scare him, or that he made the entire incident up to gain attention and promote his role as the "victim of the regime." It is not hard to see who could have benefited from such an incident, but it is abundantly clear that it did not serve the government. Quite to the contrary, in fact.

Are you not ashamed?

I demanded of both the investigator and the prosecutor that my interrogation be public, and that they could even bring an open telephone line, so anyone could ask me whatever they wanted. They explained that this was not allowed by law, as long as the investigation was ongoing. I accepted that, but requested that the recordings be made public at the end of the investigation - since there would be no danger of potential interference at that time. They rejected that as well, even though they had the full legal authority to approve it. Neither I, nor they, nor my legal representatives disputed that.

Today's government uses the law as an excuse for lawlessness and tyranny. Nothing new!

Montesquieu wrote as early as 1742 that "There is no crueller tyranny than one perpetrated under the shield of law, and in the name of justice."

In this entire dirty operation of trying to save this illegitimate Hague court from a fiasco, the most shameful element is surely the persecution of my wife and son. I told the investigating judge that his investigation should include the phantom gold bars, foreign currency reserves, villas in Switzerland and whatnot, because they were all mentioned in various statements and extensive newspaper stories, only to be "forgotten" later.

I asked him "Are you not ashamed?" He did not answer.

To my wife and son, Mira and Marko, who have been separated from me in this heinous way, I wish to say: "Life is too short to thank you for your goodness."

Slobodan Milosevic

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CLASSIFIED PROSECUTION DOCUMENT SHOWS KOSOVO-ALBANIANS WITNESSES ARE VICTIMS OF KLA INTIMIDATION

www.slobodan-milosevic.org - July 20, 2005

Written by: Andy Wilcoxson

Prosecutor Nice completed his cross-examination of Gen. Bozidar Delic on Friday, just in time for the Hague Tribunal's summer recess.

The hearing began with Mr. Nice complaining that several defense documents had not been translated in to English. Mr. Nice argued that those documents could not be admitted in to evidence unless they were translated in to English before being introduced through the witness.

Milosevic responded to the prosecutor's submission by pointing out that he had submitted the documents in question to the tribunal's translation unit weeks in advance. He also argued that a vast quantity of prosecution exhibits and documents have not been translated into Serbian for him to read and understand. He pointed out that the tribunal was applying a double-standard and that the prosecutor was "behaving like a spoiled child."

Mr. Nice began Friday's cross-examination by questioning Gen. Delic about Dubrovnik. Mr. Nice wrongly asserted that Dubrovnik had been destroyed by JNA shelling. The truth of the matter is that Dubrovnik was never destroyed, and there are videotapes that prove that it was never destroyed. Professor John Peter Maher at North-East Illinois University filmed those tapes and is willing to testify at the Hague Tribunal.

At any rate Gen. Delic explained that the JNA operation in Dubrovnik was aimed at expelling the ZNG (Croat National Guard). At the time in question, Dubrovnik was part of Yugoslavia and the JNA was the only legal armed force in the country. The ZNG was a paramilitary formation, which had attacked Montenegro, and according to Delic it had its base in Dubrovnik.

Mr. Nice spent a great deal of time questioning Gen. Delic about Bela Crkva. According to the prosecution's witnesses, and the book "As Seen as Told" several Kosovo-Albanian men were killed by Serbian police in Bela Crkva. It is alleged that the villagers were chased by the police into a stream bed where the police separated the men from the women. The police then made the men strip naked, and then made them put their clothes back on. Finally the police lined the men up and executed them, shooting each of them in the back.

Gen. Delic denied that anybody was executed. According to him, no civilians could be seen anywhere in the village when the authorities got there.

During the re-examination Milosevic read out from the report of the British forensic team that autopsied the so-called "civilians" who died at Bela Crkva. According to their findings the men mostly died from gunshot wounds, and the entry wounds were generally on the front of their bodies, which means that the story about them being lined-up and shot in the back is a lie.

The next document that Milosevic read from was the KLA's book "The Phoenix of Freedom," this book documents the "ultimate sacrifice" of fallen "KLA heroes." It emerged from this book that several of the names listed by the indictment as innocent civilians killed by Serbian police at Bela Crkva were in fact KLA fighters.

The next topic that Milosevic dealt with in the re-examination was the so-called "Joint Command." The prosecution claims that the Joint Command was a parallel chain of command that Milosevic used to illegally bypass the regular chain of command so that he could order the army and police to carry out ethnic cleansing.

The first thing that Milosevic did was show the witness, and the court, a transcript of one of the Joint Command's meetings. From the transcript it emerged that the whole chain of command in both the army and police, all the way down to the level of corps command, was present at the meetings. The fact that the whole chain of command participated means that nobody could have used the Joint Command as a vehicle to bypass the regular chain of command.

During Gen. Delic's testimony much had been made of an order headlined "Joint Command." The document had number 455-63 printed on it. The Yugoslav Army had a system for numbering its documents and the number on this document proves that it was an order of the Pristina Corps. Gen. Delic said that he received that document from the command of the Pristina Corps. He also pointed out that every other communication that referred to order 455-63 referred to it as an order of the Pristina Corps.

Gen. Delic explained that the Joint Command was a body established to facilitate cooperation between the army and the police. It was not an actual command authority, the army and the police maintained their command structure, the Joint Command just gave army and police commanders a forum in which to coordinate their activities.

During his examination in chief, Gen. Delic came to court with several videotapes of Kosovo-Albanians who spoke to TV crews about how they were mistreated by the KLA and what they thought about the NATO bombing.

To challenge this material Mr. Nice tracked down some of these Kosovo-Albanians. Naturally these Albanians changed their stories to say that the KLA was wonderful and that being bombed NATO was the best thing that ever happened to them.

Gen. Delic said that the repressive environment that has been created in Kosovo since the end of the war prohibits the Albanian population from saying anything different than what they told Mr. Nice.

Mr. Nice scoffed at Delic's suggestion that Albanians are victims of repression in Kosovo. He then tried to paint Delic a racist for suggesting that Kosovo-Albanians are unable to tell the truth.

During the re-examination, Milosevic managed to take Mr. Nice by surprise. Milosevic had somehow managed to obtain a confidential motion that the Office of the Prosecutor had filed with the tribunal in the Ramush Haradinaj case.

The prosecution's motion explained that they were having tremendous difficulty getting witnesses to testify against Haradinaj, because of the repressive atmosphere and massive witness intimidation in Kosovo. According to the document, some potential witnesses have been killed for merely talking to tribunal's investigators. It said that the problem of witness intimidation in Kosovo is far worse than it is anywhere else in the former Yugoslavia.

Mr. Nice didn't like having his own argument thrown back at him one bit. First he objected saying that the prosecution's document was supposed to be confidential, and then he said that the trial chamber should not hear this type of evidence because it goes to show that Kosovo-Albanians are unable to tell the truth.

Mr. Nice's argument is ridiculous. If Kosovo-Albanians are in such a position that they can be killed for speaking in favor of the Serbs or against the KLA, then that should be taken in to account because it affects their credibility. It doesn't make them bad people; it just calls everything they say into question.

Finding a Kosovo-Albanian who is willing to speak against the KLA would be like going to North Korea and finding a Korean willing to stand in the middle of Pyongyang and publicly condemn Kim Jong Il. Nobody who values their life will do it.

With that the Milosevic trial adjourned for the summer recess until August 17th.

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