

Milosevic & Aanklachten

Map 4D

“A STRANGE AND BITTER CROP”

THE KOSOVO BOMBING CAMPAIGN IN 1999

AND THE LEGAL IMPLICATIONS

OF CANADA’S PART IN IT

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Term paper

Policies, Politics and

Legislative Process (Greg Tardi)

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STRANGE FRUIT (Lewis Allen)

*Southern trees bear strange fruit
Blood on the leaves, blood at the root
Black bodies swinging in the southern breeze
Strange fruit hanging from the poplar trees*

*Pastoral scene of the gallant south
The bulging eyes and the twisted mouth
The scent of magnolia sweet and fresh
Then the sudden smell of burning flesh*

*Here is a fruit for the crows to pluck
For the rain to gather, for the wind to suck
For the sun to rot, for the tree to drop
Here is a strange and bitter crop*

1. The Great Setup

1.2. New American Century

What is the best guarded secret of the late 1990s? That is a difficult choice. I am not talking about the Milosevic trial, which was touted as the trial of the century and then removed to the darkest recesses of legal curios¹. I would like to suggest that the best guarded secret of the late 1990s is the following letter written by a number of concerned Americans to the US President dated September 20, 1998 under the joint heading of *Project for the New American Century*, *International Crisis Group (ICG)*, *Balkan Action Council*, and *Coalition for International Justice* (annexed to this paper). The signatories were hard-line Republicans.

Dear Mr. President:

We are writing out of deep concern for the plight of the ethnic Albanian population of Kosovo, many thousands of whom, having been driven from their homes and farms by the latest Serbian offensive, now face the possibility of a winter of starvation. Over 15 percent of the Kosovo population is already homeless. It is inexplicable to us that the West simply watches as this disaster grows daily after watching similar disasters unfold in Bosnia between 1992-95...

Mr. President, the events of recent months, when added to the history of the conflict since 1991, lead to one inescapable conclusion: There can be no peace and stability in the Balkans so long as Slobodan Milosevic remains in power. He started the Balkan conflict, and he continues it in Kosovo. He has caused untold suffering to millions; he has severely damaged his own country...

[W]e believe the time has come for the United States to distance itself from Milosevic and actively support in every way possible his replacement by a democratic government committed to ending ethnic violence. Our "pact with the devil" has outlived whatever usefulness it once had.²

¹ As to the Milosevic trial, it should be noted that the presiding judge Richard May has resigned due to health reasons on February 22, 2004. Owing to the exceeding length of the trial as well as the quantity of documentary evidence and witnesses (many of whom have witnessed in closed or private sessions), it has been difficult to find a replacement. The trial is suspended at the moment.

² http://www.newamericancentury.org/balkans_pdf_04.pdf

The group proposed five steps to address the situation in the Balkans. The first served as the pretext for the “humanitarian intervention” in March 1999:

First, the humanitarian crisis needs to be addressed urgently. Milosevic must order his police and military forces to stop all violence immediately. However, the crisis cannot be ended without an agreement on a new political status for Kosovo. And that will require massive Western pressure on Milosevic.”

That step was taken in the Rambouillet Accords, which were to be “negotiated” between the Kosovo Liberation Army (KLA) and the Yugoslav and Serb leadership in Rambouillet near Paris in early 1999. In reality, there was no room for negotiation and in fact the two parties never even met. Predictably, the Serb leadership turned down the US-drafted document. The failure of the process has been largely attributed to the existence of Annex B of the Accords, which would have given NATO forces the right to patrol over the whole territory of Yugoslavia. As General Nebojsa Pavkovic told reporter Allan Little in the BBC documentary *Moral Combat: NATO at War*: “They would have unlimited rights of movement and deployment, little short of occupation. Nobody could accept it.”³

In fact, the failure of the negotiations was part of the group’s plans all along. The former US Assistant Secretary of State for Public Affairs James Rubin told Little: “Obviously, publicly, we had to make clear we were seeking an agreement, but privately we knew the chances of the Serbs agreeing were quite small.” Madeline Albright agreed: “If the Serbs would not agree, and the Albanians would agree, then there was a very clear cause for using force.”⁴ Incidentally, the fourth objective of the New American Century explicitly stated that “the administration should cease attempting to strike diplomatic bargains with Milosevic”.

In light of the later developments, the fifth objective is particularly illuminating. It was already maintained at that point that “the U.S. should vigorously support The Hague

³ Allan Little. *Moral Combat: NATO at War*, transmitted on Sunday 12 March, 2000 on BBC2 . Transcript available at URL <http://ben.aubg.bg/Courses/spring2002/pos222/BBC%20transcript.htm>

⁴ *Idem*

Tribunal's investigation of Milosevic as a war criminal". That was months before the Raçak massacre on January 15, 1999, which was the pretext to start the heavy-handed peace process at Rambouillet. The results of the Finnish forensic team that was sent to investigate the crime were seriously misrepresented in the American press even before there was any report to misrepresent. It is noteworthy that the report said: "The involvement of the Team began after 16 autopsies had already been performed by local pathologists. With respect to these corpses, the EU experts were in the position only to verify that the work had been done properly."⁵

The plan to prosecute Milosevic for war crimes also precedes the OSCE-controlled ceasefire agreement between the Serbs and the Albanians which Richard Holbrooke concluded with Yugoslavia in October 1998. It was the alleged violation of that ceasefire agreement that led to the depiction of the Serbs as the guilty party in the conflict.

The Raçak massacre was then supposedly the last straw. Yugoslavia declared the American head of the Kosovo Verification Mission of the OSCE, William Walker, a *persona non grata* after he had made statements to the effect that the Serbs were to blame for the massacre. The declaration drew an angry protest, not from the OSCE but from NATO spokesman Jamie Shea, among others.⁶

Just because the Yugoslav government accused the KVM of spying does not mean that they were *not* spying. Some OSCE verifiers have admitted that they were gathering information for NATO: "We understood from the beginning that the information collected by the OSCE patrols during our mission was intended to supplement the information NATO collected by satellite. We had a very strong feeling that we were working as spies for the Atlantic Alliance."⁷

⁵ *The Report of the EU Forensic Expert Team on the Raçak Incident* (March 17, 1999) can be viewed at URL <http://www.ess.uwe.ac.uk/Kosovo/Kosovo-Massacres2.htm>

⁶ BBC News. *Serbs snub massacre probe*. Tuesday, January 19, 1999.

⁷ Sarah d'Adda, *Giornale del Popolo*, repris par *La Liberté*, 22 avril 1999, available at URL <http://www.icdsm.org/more/liberte.htm>

1.2. "Wolfowitz Cabal"

If we take a look at the Statement of Principles of the New American Century, dated June 3, 1007, we get a veritable "Who's Who of the Republican Party": its signatories include Jeb Bush, Dick Cheney, Steve Forbes, Francis Fukuyama, Dan Quayle, Donald Rumsfeld, and Paul Wolfowitz. The Statement of Principles speaks essentially of "Reaganite policy of military strength and moral clarity".⁸

Mr. President, to whom the letter was addressed, was Bill Clinton. About a week before the letter was dated, the Kenneth Star Report was released by Congress on the ominous date of September 11, 1998.⁹ Clinton was impeached on December 19, 1998.¹⁰

Clinton was impeached by the House Republican majority.¹¹ It has sometimes been speculated that Clinton tried to get some wind off their sails by starting the Kosovo war. In light of that little-known letter to the President, that is not far-fetched. However, the link of the Republican Party with the Kosovo war is much more complex.

In her article *'Wolfowitz Cabal' Is an Enemy Within U.S.* in October 26, 2001 issue of Executive Intelligence Review, Michele Steinberg managed to identify many participants in the so-called Wolfowitz Cabal with prominent members of the Republican Party. However, as she mentions, the Cabal has disagreed with Bush himself, who rejected the Policy Board's recommendation to declare war against Iraq. The main architect of the Cabal's "Islamic card" was none other than President Jimmy Carter's National Security Adviser Zbigniew Brzezinski, a Democrat. The idea was to use the fundamentalist version of Islam to destabilize the Soviet Union. Perhaps one could characterize what happened by saying that Islam was the Frankenstein monster that turned against its master. As Steinberg writes caustically:

⁸ <http://www.newamericancentury.org/statementofprinciples.htm>

⁹ <http://www.coffeeshoptimes.com/monica.html>

¹⁰ http://news.bbc.co.uk/1/hi/events/clinton_under_fire/latest_news/238784.stm

¹¹ <http://www.usatoday.com/news/index/clinton/clin1041.htm>

However, trained by British and U.S. special intelligence services and the CIA, and armed by Israeli military networks, the very terrorist drug-runners in the Islamic world who were launched by Brzezinski and "adopted" by the Iran-Contra networks run by Lt. Col. Oliver North, under the elder George Bush's Executive Order 12333, have become the main suspects in terrorist attacks against the United States.¹²

2. Self-Inflicted Injuries

2.1. Republican Party Committee

On the other hand, the Republican support to the terrorist networks around the globe does not correspond at all to the perception of the mainstream Republican. A very rich source of valuable information to all those who have opposed the Western intervention in the Balkans originates from the Congressional Press Release from the Republican Party Committee.¹³ The thrust of the press release is summarized in the following passage:

Perhaps most threatening to the SFOR mission - and more importantly, to the safety of the American personnel serving in Bosnia - is the unwillingness of the Clinton Administration to come clean with the Congress and with the American people about its complicity in the delivery of weapons from Iran to the Muslim government in Sarajevo. That policy, personally approved by Bill Clinton in April 1994 at the urging of CIA Director-designate (and then-NSC chief) Anthony Lake and the U.S. ambassador to Croatia Peter Galbraith, has, according to the *Los Angeles Times* (citing classified intelligence community sources), "played a central role in the dramatic increase in Iranian influence in Bosnia."¹⁴

The report has become a storehouse of information for anyone who is willing to expose the fact that the so-called Breadline and Markale marketplace massacres, which precipitated the NATO intervention, originated from the Bosnian Muslim side. The document has been criticized severely. The main arguments against it are such lame

¹² <http://www.larouchepub.com/other/2001/2841wolfowitz.html>

¹³ <http://www.globalresearch.ca/articles/DCH109A.html>

¹⁴ See generally <http://www.globalresearch.ca/articles/DCH109A.html>

excuses as the fact it is not properly footnoted.¹⁵ However, a vetted version with footnotes is available on the Internet.¹⁶

2.2. Gen. Michael Rose

One does not even need a vetted version of the report. Enough evidence is available from the UN personnel who actually were there. The following excerpts from Gen. Michael Rose's book *Fighting for Peace* (1998) explains that the Markale market place shelling, which was blamed on the Serbs to provide a sufficient justification for the subsequent NATO intervention, originated from the Bosnian side and thus constituted self-inflicted injuries to conjure NATO to get involved in the Bosnian war:

Although the Serbs had now agreed virtually everything the Bosnians had asked for, Divjak was reluctant to sign up to a ceasefire, once again on the grounds that the UN proposal was not linked to any long-term political settlement. I told him that the people of Sarajevo would at that moment certainly settle for something short of this, just to be able to live in peace. He still would not agree. At this point I sprang a nasty surprise on him. I told him that the first UN examination of the bomb crater in the Markale market place indicated that the bomb had been fired from the Bosnian side of the battle lines. The room went deadly silent and Hajrulahovic looked anxious. He coldly asked me to explain. I told him that the angle of the trajectory of the mortar bomb suggested that it had been fired at extremely short range from their side of the lines or perhaps detonated *in situ* - it was difficult, I said, to be precise when only one bomb had been fired and also because the Bosnian Army had removed some of the important forensic evidence before the UN arrived. (P. 48)¹⁷

More evidence of the self-inflicted injuries is available further in Rose's book:

More serious were reports we started to receive from the French in the city that the Bosnian forces were sometimes firing on their own citizens. In one such incident a tram had been fired on from a building on the Bosnian side of the conflict line normally occupied by paramilitary police. In another incident, following a mortar attack near the Residency that killed two children, two more shells had been fired at the same location while a French Army team was investigating the first incident. These secondary shots could only have come from

¹⁵ <http://www.ci-ce-ct.com/article/showquestion.asp?faq=3&fldAuto=1357>

¹⁶ See generally <http://www.globalresearch.ca/articles/DCH109A.html>

¹⁷ http://www.karadzic.org/rat/svedok_rouz_e.html#Anchor3

the Bosnian side of the firing line. On the other side of the city, on several occasions, UN and NATO aircraft at Sarajevo airport had been fired at from the Muslim-held suburb of Butmir.

The Bosnian Government always denied that their forces had ever fired on their own people or on the UN. Nor, in the circumstances of civil war in Bosnia, was it always possible for the UN to prove conclusively who had fired any particular shot, though it was sometimes possible to identify the firing point. It is also possible that the Bosnian Government never gave orders for such attacks. Nonetheless, in my view the moral distinction between Bosnian forces firing at the Serbs with the intention of provoking retaliation against civilians and the Bosnians themselves firing on their own people is a fine one. (pages 197-198).

Michael Rose appeared as a witness in the Milosevic trial on Friday December 6, 2002, so he appears to be a trustworthy source even in the eyes of the Hague tribunal. However, if his testimony is reliable, then it manages to lay the blame much wider. In his book, Gen. Rose explains that the questionable Muslim tactics were well-known to the highest proponents of the Clinton administration, like Madelaine Albright:

As we crossed the conflict line on to the Bosnian side a detachment of 120mm mortars opened fire close by the road to our left. Bosnian forces were shelling Serb positions on the hills above the city. I asked rather nervously what was happening and Viktor Andreev, the Russian UN civil adviser in Sarajevo, who had come to meet me and who was to become my inseparable friend and colleague, told me there was nothing to worry about. There was no such thing in the eyes of the Bosnian Government, he explained, as a purely military action. There was only political action. They always greeted new arrivals to Sarajevo in this way, and the Serbs always responded in kind with artillery fire on the city. Visitors were thus given a practical demonstration of the aggression being committed against the State of Bosnia. *In this way, the Bosnian Government hoped to persuade the West to become involved in the war on their side.* When I asked about the civilian casualties that this tactic resulted in, Viktor merely shrugged and replied that civilians mattered less to the Bosnian Government than images of suffering and war.

In New York, I had mentioned this tactic of the Bosnian Government to Madeleine Albright. She confirmed that the US Administration knew what was happening but could do little about it! (...) Obviously the first task would be to tell President Izetbegovic that this grim strategy of inflicting such horrors on his own

people would never succeed and that I would do all in my power to prevent the UN from becoming engaged in a war in Bosnia as a combatant. (page 18)

The preceding excerpts are available on the Internet on the website of the International Committee for the Truth about Radovan Karadzic, and just consulting it makes one feel like a war criminal.¹⁸ Karadzic is of course an indicted war criminal, and that seems to imply that his word is worthless.

Gen. Michael Rose would seem to be another story. However, as if to show that there is a pattern as to who should be trusted to tell the truth and who should not, it is worth mentioning that Professor Francis Boyle, professor at the University of Illinois and a citizen of Bosnia and Herzegovina, addressed a letter to UN chief prosecutor Del Ponte, dated February 4, 2000, requesting that Michael Rose be indicted for war crimes. Others on his list were Boutros Boutros-Ghali, Kofi Annan, Yasushi Akashi, Bernard Janvier, Rupert Smith, Herve Gobilliard, Joris Voorhoeve, Cees Nicolai, Thomas Karremans, Robert Franken, Thorvald Stoltenberg, Carl Bildt, David Owen, Michael Rose, and their subordinates.¹⁹ This should provide an idea what determines the prosecutorial policy of the Office of the Prosecutor at the ICTY, even if the letter was not followed as to the Western names.

3. Bosnia: the Frankenstein Monster?

Very telling is also the accusation that the Republican Party report drew protest from the Muslims. This is a standard response whenever the link is made between terrorism and Islam. However, nowadays the link is too obvious to dismiss. The Center for Peace in the Balkans has been something of a pioneer in this field, drawing from articles that have appeared in the Western media.

¹⁸ http://www.karadzic.org/rat/svedok_rouz_e.html#Anchor3

¹⁹ <http://www.srebrenica.net/indexa.en.php?link=clanci&p=3>

The short article "Bin Laden's Balkan Connections" written and published by the Toronto-based Centre for the Peace in the Balkans has become a sort of classic.²⁰ The paragraph titled Bosnia begins with the following passage:

Bosnian Muslim weekly "Dani" reported on September 24, 1999, that Osama Bin Laden, the most wanted terrorist in the world, was issued a Bosnia-Herzegovina passport. Bin Laden was issued the Bosnian passport by the Bosnian embassy in Vienna in 1993. However, Bin Laden was not the only one. A number of suspected terrorists have traveled the globe utilizing "legally issued" Bosnia-Herzegovina documents.²¹

The section on Albania/Kosovo Albanians has this to say of Bin Laden's alleged activities amongst the Kosovo Albanians:

Bin Laden's organization was one of several fundamentalist groups that had sent units to fight in Kosovo, the neighboring province of Serbia. Apparent confirmation of Bin Laden's activities came when Claude Kader, 27, a French national and self-confessed member of Bin Laden's Albanian network, was jailed for the murder of a local translator. He claimed during his trial that he had visited Albania to recruit and arm fighters for Kosovo, and that four of his associates were still at large.²²

An article in Montreal's own *The Gazette* drew the link between the radical Muslim Abu Walid and Bosnia in its article "Radical Muslim emerges as leader of Chechnya's terrorists" on February 11, 2004:

An expert in explosives, Abu Walid trained in camps in Afghanistan and fought alongside Muslims in Bosnia before arriving in Chechnya in 1995, according to Russia's Federal Security Service. Like Khattabe, he is a money man for the rebels – receiving and distributing funds smuggled in from abroad to support the Chechens' fight.²³

There is practically no end to reports that link the modern terrorism threat to Bosnian mujahedin one way or another. In the ISSA Special Reports of March 12, 2004, Gregory R. Copley wrote as follows:

²⁰ <http://www.balkanpeace.org/our/our09.shtml>

²¹ *Idem*

²² *Idem*

²³ Judith Ingram, *Radical Muslim emerges as leader of Chechnya's terrorists*, *The Gazette*, Montreal, Wednesday, February 11, 2004 at A19.

This network, which played a key and direct rôle in the September 11, 2001, attacks on the United States, has been at the center of the so-called “green transversal”, the line which runs essentially from Afghanistan through Western Europe to North America, running drugs and arms and supporting Islamist proselytization and terrorism. This network, essentially established and managed with the immense support of the late Bosnia-Herzegovina leader Alija Izetbegovic, remains in existence and is tied directly to both *al-Qaeda* as well as with the Iranian Government, which stations *Pasdaran* (Iranian Revolutionary Guard Corps: IRGC) fighters in organized groups and compounds inside Bosnia.²⁴

Even the Spanish Al-Qaeda cell, which has received a lot of publicity after the train bombing in Spain, has been traced back to Bosnia. The Bosnian Muslim daily *Oslobodenje* told on March 17, 2004 the following: “The Spanish Al Qaeda cell, according to Italian intelligence sources, originated in the Mujahidin who were trained in camps near Zenica during the war in Bosnia. After the war, they moved to Spain, according to Italian media.”²⁵

4. Violation of the Principle of Non-Intervention

4.2. Indirect Intervention

The use of the Muslim terrorists to advance the American interests worldwide thus seems to have turned against itself. There is something morally appalling and at the same appealing in that equation. Of course, support to terrorism was never legally acceptable. It was an effrontery to another State's sovereignty and thus a violation of the principle of non-intervention to begin with.

In the eighth consideration of the *United Nations General Assembly Resolution 2131(XX). Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty* of 21 December 1965

²⁴ <http://128.121.186.47/ISSA/reports/Balkan/Mar1204.htm>

²⁵ <http://www.slobodan-milosevic.org/news/os031704.htm>

we read that “direct intervention, subversion and all forms of indirect intervention are contrary to these principles and, consequently, constitute a violation of the Charter of the United Nations”.²⁶ That excludes any use of terrorist movements for the purpose of destabilizing the government in power.

Even more sobering is the seventh consideration of the same document: “armed intervention is synonymous with aggression and, as such, is contrary to the basic principles on which peaceful international cooperation between States should be built.”²⁷

That reflects the provision of Article 2(4) of the UN Charter: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

It is quite evident that the New American Century had a complete disregard of the UN Charter or any other rules of the international law. The ethnic conflict and the ensuing humanitarian catastrophe was something that the group did its best to exacerbate. It is obvious that nobody had the slightest intention at any time to investigate the flagrant crimes committed by the Kosovo Albanians even against US personnel. On the contrary, the KLA was reputedly withdrawn from the CIA list of terrorist organizations in late 1998.

Until then, the US policy followed the statement made by Robert Gelbard in February that year saying that the US would never negotiate with a “terrorist organization” like the KLA. After that statement, the Serb forces cracked down on the KLA with all its might. It has been said that Gelbard was wrong. A member of the US House Representatives, Joseph J. DioGuardi, claimed in his testimony to the Committee on International Relations that “they were merely trying to defend their families and property from the

²⁶ See e.g. <http://jurist.law.pitt.edu/2131.htm>

²⁷ *Idem*

marauding Serb paramilitaries (many of whom were criminals let out of jail and put in uniform for the occasion) and when nowhere was the KLA listed as a terrorist group”.

Was the KLA just trying to defend their families? To say something like that shows that one is interested in the strategic value of the KLA notwithstanding their abominable deeds. The beauty is in the eye of the beholder.

To show how precarious the career of a terrorist can be, let us dwell on Ramush Haradinaj. On December 14, 1998, Ramush Haradinaj, together with his KLA troops, opened fire on the Panda Café in the city of Pec and killed six youths. Ramush Haradinaj was indicted by the UNMIK on August 13, 2001 for this and many other acts.²⁸ To show the Western readiness to make a “pact with the devil”, to quote *New American Century*’s expression, we may quote the following passage.

According to Britain’s *Observer* newspaper, September 19, 2000, Haradinaj was “the key US military and intelligence asset in Kosovo during the civil war and NATO bombing campaign that followed.” British officials characterised him as a psychopath who is said to be responsible for killing six teenagers at the Panda Café in Pec/Peje and murdering and disposing of 40 civilians in the Radonjic Lake canal in 1999. Nevertheless he was valued as “one of the few former commanders who can deliver”: a reference to his crucial role in the smooth transformation of the KLA into the Kosova Protection Force, ostensibly a civil defence organisation of 3,000 active troops and 2,000 reservists.

An article by Tom Walker in *Sunday Times* on September 3, 2000, in which he said that “the public relations pendulum may begin to swing the Serbs’ way”, indicated that the acts committed by Haradinaj were by no means isolated incidents by an individual psychopath:

Glodjane, further west in the Decane area bordering Albania, was fiercely contested by the Serbs and Albanians. In September 1998 the Serbian media centre in Pristina claimed that the bodies of 34 people had been found in a canal there. They were a mixture of Serbian farmers, some gypsies and Albanians suspected of being collaborators. The local commander at the time was Haradinaj, now head of the Alliance for the Future of Kosovo.

²⁸ <http://www.kosovo.com/news12.html>

In Orahovac, an ancient Balkan maze of cobbled streets and mixed ethnicities, at least 50 Serbs were abducted by the KLA in July 1998, never to be seen again. In the autumn hundreds of angry Serbs marched six miles through the hills to Dragobilj, the local KLA headquarters and one of the few places where Islamic mujaheddin fighters were seen. The protest failed to persuade the KLA to give any details of the missing Serbs.²⁹

Walter also pointed out that much of the reluctance to open an investigation into the activities of the KLA was motivated by security concerns.

The investigations by the International War Crimes Tribunal for the former Yugoslavia are among its most secretive, with officials fearing retaliation by the Albanians. "The operations of the KLA clearly involved many activities we should scrutinise," said one Hague official.³⁰

Be that as it may, it should be clear even based on this sketchy evidence that Milosevic did not start the Kosovo conflict, as the New American Century maintained.

The efforts to set up Milosevic as the bogeyman preceded the Kosovo war by a few years. It is possible that such plans existed already at the time of signing the Dayton Accords in 1995. Marko Lopusina and Andre Huzsvai wrote in an opinion in The Los Angeles Times on February 12, 2002:

Former Assistant Secretary of State John Shattuck wrote in a 2001 article in the Boston Globe that, if the 1995 Dayton agreement "prolonged Milosevic's rule ... it also sealed his fate." In it, Milosevic agreed to the tribunal that is now putting him on trial. When he was arrested in 2001, "the trap that had been set in 1995 at last slammed shut," wrote Shattuck. This confirmed a long-held suspicion that the U.S. manipulated Milosevic and world opinion.³¹

²⁹ Tom Walker. *KLA faces trials for war crimes on Serbs*. The Sunday Times. (UK), Sunday, September 3, 2000 EUROPE reproduced at URL <http://www.slobodan-milosevic.org/kosovo-deaths.htm>

³⁰ <http://www.slobodan-milosevic.org/kosovo-deaths.htm>

³¹ <http://www.balkanpeace.org/hed/archive/feb02/hed4681.shtml> . It is not clear what Shattuck means by the trap. It is true that Milosevic recognized the ICTY by signing the Dayton Accords, as Lopusina and Huzsvai point out, but only insofar as the tribunal's jurisdiction in Bosnia and Herzegovina was concerned. It may be relevant that Milosevic signed the Dayton Accords on behalf of the Bosnian Serbs, even if he had strictly speaking no powers to do so as President of Serbia. Shattuck may mean that by putting his signature on the Dayton Accords Milosevic ostensibly assumed the responsibility for the crimes committed by the Bosnian Serbs while putting an end to the Bosnian war.

4.2. Direct Intervention

However, the legal problems did not stop at the indirect interference in the domestic affairs of a state. The New American Century had stated explicitly that there would be no peace in the Balkans as long as Milosevic was in power. That is a direct reference to what has become known as regime change. That puts into perspective Professor Julie Mertus' statement that "[t]he U.S. bent over backward in Yugoslavia to argue that none of its actions - not the bombing, the extensive sponsorship of civil society, or the war crimes investigations and trials - amounted to support for regime change."³²

Mertus takes, quite rightly, a very critical view of the legality of regime change. She is also right in that the US did not advertise its intention to change the regime in Belgrade. The New American Century's letter does not constitute official US foreign policy. On the other hand, even the official rhetoric never managed to conceal the fact that the US objective was regime change in Yugoslavia. However, the Clinton administration did call Yugoslavia a *failed state*, as is clear in the article by Southeast European Reconstruction by Janusz Bugajski.³³

The leap from a failed state to a regime change is a short one. Especially after the conflict, it became clear that there was no leap. Tony Blair told the audience in his speech that he gave in the George Bush Senior Presidential Library in Texas on 7 April 2002.

If necessary the action should be military and again, if necessary and justified, it should involve regime change. I have been involved as British Prime Minister in three conflicts involving regime change. Milosevic. The Taliban. Sierra Leone, where a country of six million people was saved from a murderous group of gangsters who had hijacked the democratically elected government.³⁴

Even without such candor, the NATO intentions should have been no secret. NATO missiles hit the presidential palace in Belgrade during the bombing, which amounted to

³² <http://jurist.law.pitt.edu/forum/forumnew98.php>

³³ <http://www.csis.org/ce/sereconstruction.pdf>

³⁴ <http://www.fco.gov.uk/Files/kfile/Annexes.pdf>

an assassination attempt. That would have made sense only if the objective was a regime change. It is not satisfactory to excuse that attack by saying that NATO hit Milosevic's bedroom without the intention to kill him because they knew that he would be somewhere else. In any case, any assassination attempt of a foreign head of state was contrary to the US law, regardless of the intention.

5. Humanitarian intervention

The Kosovo war was touted as a humanitarian intervention, as if that had made it legal. However, the decision by the International Court of Justice in the *Case concerning Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States) stated explicitly that humanitarian intervention does not justify the use of force. As Penelope C. Simons writes, the prohibition of the use of force is a rule of *jus cogens*, that is, a peremptory norm of international law. The case simply reinforced the prohibition of the use of force laid down in the UN Charter:

This general prohibition on the use of force has been confirmed by the International Court of Justice in the *Corfu Channel Case* (1949) and the *Case Concerning Military and Paramilitary Activities In and Against Nicaragua* (1986) and is considered to be a rule of *jus cogens* – that is, a peremptory norm of international law from which no subject of international law may derogate... The two main exceptions to this general prohibition are: the right of a state to use force in self-defence or collective self-defence under Article 51 of the Charter, and the right of the Security Council under Article 42 to authorise the use of force "to maintain or restore international peace and security."³⁵

The case is important because the United States tried to justify its use of force in Nicaragua by calling its military and paramilitary activities in Nicaragua a "humanitarian intervention". However, as the classical passage in the Nicaragua decision states:

In any event, while the United States might form its own appraisal of the situation as to respect from human rights in Nicaragua, the use of force could not be the

³⁵ Penelope C. Simons. *Humanitarian Intervention: A Review of Literature*. Humanitarian Intervention, Ploughshares working paper 01-2. at URL <http://www.ploughshares.ca/content/WORKING%20PAPERS/wp012.html>

appropriate method to monitor or ensure such respect. With regard to the steps actually taken, the protection of human rights, a strictly humanitarian objective, cannot be compatible with the mining of ports, the destruction of oil installations, or again with the training, arming and equipping of the *contras*. The Court concludes that the argument derived from the preservation of human rights in Nicaragua cannot afford a legal justification for the conduct of the United States, and cannot in any event be reconciled with the legal strategy of the respondent State, which is based on the right of collective self-defence.³⁶

The situation in Nicaragua, or rather the American reaction to it, bears a close resemblance to the situation in Kosovo, and the American "reaction" to it. In the conclusion of her paper, Penelope C. Simons denies the right to intervene in the name of basic human rights without the authorization of the Security Council:

[T]he international law literature reveals a recognition among legal scholars that the Security Council has the legal right, but no legal obligation (although there may be a moral obligation) to use force to intervene to prevent widespread deprivations of internationally recognised human rights. However, there currently is no legal right or emergent right of states or regional organisations to forcefully intervene in another state for such a purpose without the authorisation of the Security Council, although there may be a moral right to forcefully intervene in such circumstances.³⁷

The above quote was from the merits of the case. Perhaps even more important is the preliminary ruling on the jurisdiction of the Court. The Wikipedia article on the case puts it quite well:

The United States argued that the Court did not have jurisdiction. U.S. ambassador to the United Nations Jeane Kirkpatrick dismissed the Court as a "semi-legal, semi-judicial, semi-political body which nations sometimes accept and sometimes don't." The Court rejected these arguments. The United States then refused to participate in the merits phase of the proceedings, but the Court found that the US refusal did not prevent it from deciding the case. The Court also

³⁶ ICJ Reports (1986), at para. 268.

³⁷ Penelope C. Simons. Humanitarian Intervention: A Review of Literature. Humanitarian Intervention, Ploughshares working paper 01-2, at URL <http://www.ploughshares.ca/content/WORKING%20PAPERS/wp012.html>

rejected the United States defense that its action constituted collective self-defense.³⁸

Another Wikipedia article puts quite well how the Nicaragua decision affected the US recognition of the ICJ jurisdiction:

The U.S. accepted the Court's compulsory jurisdiction in 1946 but withdrew its acceptance following the Court's judgment in 1986 that called on it to "cease and to refrain" from the unlawful use of force against Nicaragua. The US was "in breach of its obligation under customary international law not to use force against another state" and was ordered to pay reparations (see note 2) , although it never did.³⁹

That means that when the "humanitarian intervention" was again at issue in the International Court of Justice, the U.S. did not recognize the jurisdiction of the IJC. That shifted the NATO partners of the US in the Kosovo bombing campaign had to answer for their deeds at the ICJ while the US did not. That is the situation that Canada is now in.

6. The Legality of the Use of Force (Serbia and Montenegro v. Canada)

The US refusal to recognize the compulsory jurisdiction of the ICJ left the prime mover of the "humanitarian intervention" out of the grasp of international law and made the junior NATO partners, like Canada, pay for their quixotism. If there ever was an example of political law, this is it. The US made the political consequences and it made its partners, like Canada, answer for their legal consequences. In other words, it was a political decision to whom law would be applied and to whom it would not.

³⁸ http://en.wikipedia.org/wiki/Nicaragua_v._United_States. Actually, Kirkpatrick's words were not part of the legal defense but a part of an interview with a journalist:
<http://www.lawschool.cornell.edu/lawlibrary/asil/15oped.htm> . It should be noted that Kirkpatrick was one of the signatories of the Statement of Principles of the New American Century.

³⁹ http://en.wikipedia.org/wiki/International_Court_of_Justice

6.1. Lessons from the Nicaragua Decision

The *Nicaragua* decision came under heavy fire. Understandably, the most vocal protests came from the US administration. "On October 7, 1985, President Ronald Reagan announced that the United States was withdrawing from the compulsory jurisdiction of the International Court of Justice (ICJ)."⁴⁰ Many lessons have been drawn from the showdown between the US and the ICJ. As has been seen earlier in this paper, the Reaganites still thought that the salvation of the world depended on the use of military force, which it justified somewhat questionably, with moral clarity. The advocates of the new world order, on the other hand, draw the lesson that "opt-in regimes can undermine justice"⁴¹.

The more the US, in turn, came under fire from the international community for its refusal to ratify the Rome Statute of the ICC, the less inclined the US hardliners were to ratify it. That disinclination can be accounted for almost entirely by the *Nicaragua* experience. It should be remembered that the United States had been among the first States to accept the compulsory jurisdiction of the ICJ. The Truman Declaration was issued on August 2, 1946 and it recognized the compulsory jurisdiction of the ICJ over the US. However, the Truman Declaration was amended by the so-called Connally Reservation, which read as follows: "The United States does not accept compulsory jurisdiction over any disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America, as determined by the United States of America."⁴²

In the *Nicaragua* case the objections concerning the jurisdiction have eclipsed the clearness of the decision on the merits. If legal scholarship had given due attention to the decision by the IJC on the merits of the case, the decision on the preliminary measures in the *Legality of Use of Force* would not have been such an anticlimax as it was. The case

⁴⁰ http://www.advocacynet.org/news_view/news_94.html

⁴¹ *Idem*

⁴² *Idem*

in question concerned the legality of the bombing campaign which was carried out as a "humanitarian intervention". Yugoslavia turned to the ICJ to request the indication of provisional measures, namely to order the NATO countries to stop the bombing. The case for the indication of provisional measures was thrown out of court, because the ICJ decided it had no jurisdiction in the case. It is to be noted however, that even though the request for the indication of provisional measures failed, "the findings reached by the Court in the present proceedings in no way prejudice the question of the jurisdiction of the Court to deal with the merits of the case or any questions relating to the admissibility of the Application, or relating to the merits themselves" (para. 42). The Court is still busy with the case, even if the proceedings have never quite reached the stage of the merits. The Court will hold public hearings from 19 to 23 April 2004.⁴³

I will discuss the case against Canada just to pick one of the similar cases against several NATO countries: Belgium, Canada, France, Germany, Italy, Netherlands, Portugal, Spain, the United Kingdom and the United States of America. That already reveals the first problem in the case. The ICJ does not have jurisdiction over NATO, only over individual states. The case thus had to be split between the individual member states of NATO. Indeed, it is not true to say that NATO acted as a monolithic whole. That is demonstrated by the fact that Yugoslavia (or "Serbia and Montenegro" as it is now called) did not take to court the following NATO countries: Greece, Denmark and Norway. Only Norway had refused to take any part in the bombing campaign. Greece and Denmark played only a marginal role. In Greece, practically the whole population was against the campaign.

It was to be expected that the case against the US would not get very far. The reason was the American refusal to recognize the jurisdiction of the ICJ. Paragraphs 27 to 28 of the Order of 2 June 1999 on the Request for the Indication of Provisional Measures against the US read as follows:

Whereas the United States observes that it "has not consented to jurisdiction under Article 38, paragraph 5, [of the Rules of Court] and will not do so";

⁴³ <http://212.153.43.18/icjwww/idocket/iyca/iycaframe.htm>.

Whereas it is quite clear that, in the absence of consent by the United States, given pursuant to Article 38, paragraph 5, of the Rules, the Court cannot exercise jurisdiction in the present case, even *prima facie*.

The Court was at pains not to appear unfair to those NATO countries that had recognized the compulsory jurisdiction of the ICJ. It resorted to denying its jurisdiction to indicate provisional measures. The way it argued the lack of jurisdiction is less enlightening as the composition of the judges that voted against the indication of the provisional measures.

The following judges were against the indication of provisional measures (or, as the decision ultimately read, in favor of the rejection of the request for the indication of provisional measures). Seven of them came from NATO countries: Judge Stephen M. Schwebel is American. Judge Gilbert Guillaume is French. Judge Géza Herczegh is Hungarian (Hungary joined NATO in March 1999, when the bombing started). Judge Carl-August Fleischhauer is German. Judge Rosalyn Higgins is British. Judge Pieter H. Kooijmans is Dutch. Judge *ad hoc* Marc Lalonde is Canadian.

The following five judges who were also against the indication of provisional measures (or in favor of the rejection) came from outside NATO countries. Anyone can draw their own conclusions as to the role of their background. Judge Shigeru Oda is Japanese. Judge Mohammed Bedjaoui is Algerian. Judge Raymond Ranjeva is from Madagascar. Judge Abdul G. Koroma is from Sierra Leone. Judge Gonzalo Parra-Aranguren is from Venezuela.

The following four judges were in favor of the indication of the provisional measures: Judge Christopher Gregory Weeramantry is Sri Lankan. Judge Vladlen S. Vereshchetin is Russian. Judge Shi Jiuyong is Chinese. Judge *ad hoc* Milenko Kreca is from Yugoslavia.

Of the 16 judges in all, seven (almost half) came from NATO countries, and they were all in favor of the rejection. Perhaps even more importantly, they all came from NATO countries that were mentioned in the complaint by Yugoslavia. On the other hand, three

of the four judges that were against the rejection came from Russia, China and Yugoslavia. There is a clear pattern here.

6.2. *Jus Cogens and Erga Omnes*

As has been seen earlier in this paper, the prohibition of the use of force is part of *jus cogens*, that is, a peremptory norm of international law. It can be argued that the violation of such a rule gives rise to an obligation *erga omnes*, gives rise to erga omnes obligations of protection that bind all states and generates effects to third parties, including private persons.⁴⁴

In the present case, that would mean that the Court could not have dabbled with a norm of *jus cogens* by the pseudo-argument that Yugoslavia recognized the jurisdiction too late, and since the wording of the recognition spoke only disputes from the date of recognition onwards, Yugoslavia had excluded the Court's jurisdiction to deal with the issue. The important point is, however, that if the non-use of force is a norm of *jus cogens* which gives rise to an obligation *erga omnes*, then the NATO countries would have had enforceable obligations towards Yugoslavia, even if the recognition of the jurisdiction had been lacking. Now the Court seems to have thought that the protection of human rights was an obligation *erga omnes*, which gave the NATO countries the right to intervene, even if their own interests were apparently not involved (until NATO decided to make the conflict its business so that beating the Yugoslav resistance became a matter of international prestige).

It is, however, questionable, whether the Court has any more jurisdiction to deal with the merits either, according to its own logic. The merits deal with the same dispute, which according to the Court arose before Yugoslavia recognized the jurisdiction of the Court.

⁴⁴ See generally Report n° 96/03, Case 12.053, Maya Indigenous Communities of the Toledo District, Belize, October 24, 2003 at URL <http://www.indianlaw.org/200310PrelimRpt.doc> .

As if to show how tenuous the Court's argument is, paragraph 39 of the decision states as follows:

Whereas the fact that the bombings have continued after 25 April 1999 and that the dispute concerning them has persisted since that date is not such as to alter the date on which the dispute arose; whereas each individual air attack could not have given rise to a separate subsequent dispute; and whereas, at this stage of the proceedings, Yugoslavia has not established that new disputes, distinct from the initial one, have arisen between the Parties since 25 April 1999 in respect of subsequent situations or facts attributable to Canada.

6.3 State as Victim of Genocide?

Besides, to say that Yugoslavia had *erga omnes* obligations towards all other states, including NATO, in relation to basic human rights, is not tenable. If human rights entail *erga omnes* obligations, then surely the prohibition of genocide entails such obligations as well. Sure enough, Yugoslavia argued explicitly that the bombing campaign constituted genocide. However, the Court employs the most bizarre logic to wriggle out of that argument. The Court said in para. 39 of the decision:

Whereas it appears to the Court, from this definition, "that the essential characteristic of genocide is the intended destruction of 'a national, ethnical, racial or religious group' ...; whereas the threat or use of force against a State cannot in itself constitute an act of genocide within the meaning of Article II of the Genocide Convention.

How the Court arrived at the conclusion that the use of force was directed *against a State* is not at all as clear as the Court might think. There was no declaration of war against any State. The use of force was palmed off as a humanitarian intervention. The whole exercise was to target the Serbs, a clearly defined national, ethnical, and even religious group. There is little doubt that the campaign was directed against the Serbs, no matter how unbelievably Madelaine Albright tried to explain that the Americans do not hate the Serbs.

Just the fact that the Yugoslav State took up the defense of a national group on its territory at the ICJ does not in itself make the State *per se* the object of the alleged

genocide. That should be all the more clear in view of the fact that Yugoslavia was called *a failed state*. In any case, the State has more right to “intervene” on behalf of one of the major constituent ethnical groups on its territory than a military coalition of Western powers on behalf of another ethnical group.

There is little point in dissecting all the legal faults of the *Legality of Use of Force* decision. The emphasis is on the political background of the recoiling from a meaningful judgment. Even if the Court did not indicate the provisional measures, it showed its own pusillanimity by mentioning in paragraphs 44 and 45 that the parties should not aggravate or extend the dispute and that disputes should be resolved by peaceful means:

44. Whereas, whether or not States accept the jurisdiction of the Court, they remain in any event responsible for acts attributable to them that violate international law, including humanitarian law; whereas any disputes relating to the legality of such acts are required to be resolved by peaceful means, the choice of which, pursuant to Article 33 of the Charter, is left to the parties;

45. Whereas in this context the parties should take care not to aggravate or extend the dispute;

The Court hardly needs to remind the parties not to aggravate or extend the dispute. It had just demonstrated that there was no dispute that within its jurisdiction. Nevertheless, the Court reminds the parties that disputes should be resolved by peaceful means. The recourse to the Court, of course, is a “peaceful means” *par excellence*. The Court had just given a very bizarre piece of advice, because it had just closed the door to such resolution by peaceful means.

The Court’s advice was bizarre for another reason too. The dispute related to the use of force. How can one resolve a dispute concerning the use of force “by peaceful means”, now that the Court had denied it had jurisdiction? Was the Court trying to say that the real dispute was the alleged human rights violations on the Yugoslav territory and Yugoslavia was responsible for the use of force that NATO was supposedly “forced” to use? That would show very clearly that the Court was not interested in the legal dispute before it, which was very clear-cut from the purely legal point of view, but refused to

deal with the issue out of political considerations. By giving such backhanded advice in a situation that it had just refused to deal with shows that it was almost begging for forgiveness for its own cowardice.

To show how clear-cut the legal decision was, one has to consider the legality of the use of force in light of the UN Charter. The system of the UN Charter is based on the prohibition of the use of force. There are two exceptions: 1) self-defense and 2) Security Council authorization. Neither was applicable in this case. The humanitarian intervention was not an act of self-defense. Neither was there a Security Council authorization. In fact, such authorization was never even asked. On this point Prof. Cotler is wrong in his speech in the House of Commons.

The reason for the refusal to ask the Security Council for authorization was the conviction that Russia would torpedo any authorization by exercising its veto power in the Security Council. That was certainly twisted logic, considering to what lengths Canada, in particular, went to try to reach a consensus in the Security Council in the Iraqi conflict.

The Court's refusal to touch on those fundamental issues speaks volumes of its unwillingness to deal with politically hazardous issues.

7. ICTY Indictment

7.1. Arbour's Decision to Indict Milosevic

The decision in the *Legality of the Use of Force* was handed down on June 2, 1999. There is a chronological explanation for the disappointment that it was. Milosevic had been indicted on May 27, 1999. Here more than anywhere else the maxim "justice delayed is justice denied". The Yugoslav government had instituted proceedings against NATO on April 29, 1999, a little more than a month after the start of the bombing campaign. The

decision by the Court came conveniently five days after the Milosevic indictment by the ICTY.

In light of the Wolfowitz letter, quoted at the beginning of this paper, the decision to indict Milosevic should not have been a surprise. However, as Martti Ahtisaari mentioned in his memoirs *Mission in Belgrade*, the indictment was a surprise to himself, to Kofi Annan and many others. It is therefore clear that Louise Arbour did not consult any of the representatives of the international community in advance. On the other hand, US Deputy Secretary of State Strobe Talbot seems to have had some inside knowledge of the indictment in advance, which suggests that the Clinton administration could exert influence on Arbour's indictment decision.⁴⁵

There is no reasonable doubt whether Louise Arbour did do the bidding of the US. The very chronology bears this out.

As Ed Vuillamy said of the indictment in his article in the Observer on May 30, 1999, "Both the United States and Britain were informed of her announcement on Thursday, two days in advance. It was discussed in a 10-minute conversation between Bill Clinton and Tony Blair on Tuesday."⁴⁶ That is all the more remarkable now that the chief negotiator in Belgrade, President Ahtisaari, did not know of the indictment in advance, and neither did the UN Secretary-General Kofi Annan.

Similarly, Secretary of State Madelaine Albright said in a joint press conference with Louise Arbour on April 30, 1999, four weeks before the indictment:

Well, obviously, the question of what is going to happen to Mr. Milosevic is a subject that is very much on our minds, and Justice Arbour knows what we have said both publicly and privately; that she and the Tribunal need to follow out the trail of evidence to its conclusion. We, as I said, are supportive of her efforts.

⁴⁵ See generally Martti Ahtisaari. *Tehtävä Belgradissa* (Mission in Belgrade). Helsinki: WSOY. 2000.

⁴⁶ <http://emperors-clothes.com/letters/philpot.htm>

NATO's top spokesman Jamie Shea admitted in May 17, 1999 NATO press briefing very bluntly that "I believe that when Justice Arbour starts her investigation, she will because we will allow her to."⁴⁷ Then, Shea went on:

NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers, and of course to build a second chamber so that prosecutions can be speeded up so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality and I don't anticipate any others at this stage.⁴⁸

This is by no means the only time that Louise Arbour's independence has been questioned. She has been accused of brushing the Hourigan report aside once it became clear that based on that report, she would have to investigate Mr Kagame, Rwanda's de facto leader. National Post summarizes the Hourigan report as follows:

The most "explosive" about the document was the informants claimed that Paul Kagame, former military chief of the RPF, had acted as "operations commander" of the assassination, and that a "foreign government" had also provided assistance. Mr. Kagame is today Rwanda's de facto leader. The RPF took power from the Hutus 100 days after the genocide began.

According to National Post, the Hourigan report said that Arbour "was 'at first very positive' about the leads, but 'later advised that this issue was not within the ICTR mandate and would not be investigated.'" ⁴⁹

According to journalist Robin Philpot, Louise Arbour made that decision after having discussed the matter with Madelaine Albright: "D'abord enthousiaste, Mme Arbour aurait bâillonné l'avocat et étouffé l'enquête après en avoir discuté avec la secrétaire d'État Madeleine Albright." According to Philpot General Roméo Dallaire had also lied about the events in Rwanda, which accounted for his subsequent mental problems.⁵⁰

⁴⁷ *Idem*

⁴⁸ *Idem*

⁴⁹ Steven Edwards. *Memo contradicts UN claims on assassination probe*. National Post Friday, March 31, 2000 at http://pages.infinit.net/glp/rwanda/rwanda_007e.html

⁵⁰ Pierre Dubuc. *Pourquoi tous ces Canadiens francophones autour de la piscine à Kigali ? L'aut'journal* Le mercredi 31 mars 2004. <http://www.lautjournal.info/autjourarchives.asp?article=1419&noj=219>.

Pierre Dubuc concludes his article with the question:

Pourquoi tant de Canadiens francophones ont-ils joué des rôles importants au Rwanda ? Parce que les États-Unis avaient besoin de francophones de service – qui n'étaient pas des Français – pour saper l'influence de la France dans la région et ouvrir la voie à l'influence anglophone de pays comme l'Ouganda et ses parrains impérialistes, l'Angleterre et les États-Unis.⁵¹

The French Canadians are portrayed as US lackeys in Rwanda. In Rwanda, the relationship is fairly well documented. In Yugoslavia, the relationship takes a little more extrapolating, but the constructive talks with Madelaine Albright can hardly be expected to command anyone's confidence. Ahtisaari has surmised that NATO wanted to use the indictment as an *ex post* justification for its bombing campaign, which never got the Security Council authorization.⁵²

In light of the parallelism between the US foreign policy and the ICTY prosecutorial decisions, it is not surprising that the requests for investigation into NATO's war crimes never got a follow-up. It does not matter how cogent the arguments and how well-documented the facts were. The UN chief prosecutor always found a way not to open even an investigation, but even when no way was found, the investigation was not opened anyway.

7.2. Letter to Arbour

Michael Mandel and a number of other Canadian lawyers wrote on May 6, 1999 a *Notice of the Existence of Information concerning Serious Violations of International Humanitarian Law within the Jurisdiction of the Tribunal; Request that the Prosecutor Investigate Named Individuals for Violations of International Humanitarian Law and Prepare Indictments against them Pursuant to Articles 18.1 and 18.4 of the Tribunal*

⁵¹ *Idem*

⁵² See *supra* note 45.

Statute.⁵³ The “named individuals” include Prime Minister Jean Chrétien, Foreign Minister Lloyd Axworthy and Minister of Defense Art Eggleton.

The Annex to that document details chapter by chapter killing and plight of the civilians, killing of children, killing and plight of refugees, bombing of Surdulica, assassination attempt on President of the Federal Republic of Yugoslavia Slobodan Milosevic, crime against the freedom of speech, bombing of the building of the Radio and Television of Serbia, destruction of vital Yugoslav economic facilities, destruction of bridges, environmental disaster, hospitals and health institutions, destruction of pre-school institutions, schools and universities, destruction of world cultural heritage on the soil of the FR of Yugoslavia, use of prohibited weapons, and co-ordination between NATO and terrorists of the so-called “KLA”.

The document has its flaws, which actually only bear out the enormity of the crime. The document does not attempt to list all the crimes nor try to argue their illegality exhaustively. That would be an impossible task, simply because attempting to do that would take too long. A more in-depth document would be easy to dismiss as “rambling”.

The writers argue that the prosecutor has the duty to prosecute crimes that fall within its jurisdiction based on the Statute. The emphasis is thus on the word “shall” in Article 18(1) of the Statute:

The Prosecutor *shall* initiate investigations ex-officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor *shall* assess the information received or obtained and decide whether there is sufficient basis to proceed.

It should be noted that the Prosecutor has never even initiated investigations. That piece of knowledge is interesting in light of the following considerations in that same document:

⁵³ The document can be accessed for instance at <http://www.canadianliberty.bc.ca/relatedinfo/charges+against+NATO.html>

And whereas NATO leaders have openly admitted targeting civilian infrastructure as well as military targets.

And whereas, though the above-mentioned NATO leaders have claimed that these incidents were accidents, they have also admitted that they were an inevitable result of their bombing strategy, a strategy which they appear to have contributed unmodified and even to have intensified throughout those incidents.

7.3. Double Standards

7.3.1. Cluster Bombs and UNESCO World Heritage Sites

The discrepancies between the approaches to Yugoslavia and NATO are too flagrant to be attributed to anything else than political interference.

How could Milan Martić be indicted for using cluster bombs in Zagreb⁵⁴, but NATO's use of cluster bombs is not even investigated? NATO has openly admitted having used them.

How can Strugar et al. be indicted for "destruction or willful damage to historic monuments and institutions dedicated to religion" in the Old Town district of Dubrovnik, which was a UNESCO World Cultural Heritage Site⁵⁵, when the destruction of UNESCO sites in Kosovo does not lead to indictment of NATO?

7.3.2. Bombing of RTS Studio and the Conviction of Milanović

Why has NATO not been charged with the bombing of the RTS studio; if the former head of the RTS was convicted because he was thought to have advance knowledge of the bombing and did not take the personnel out? CNN had this to say on June 21, 2002:

⁵⁴ Martić (IT-95-11) "RSK", Initial Indictment, 25 July 1995, at para. 8-10.

⁵⁵ Strugar (IT-01-42) "Dubrovnik", Initial Indictment, 27 February 2001, at para. 31.

BELGRADE, Yugoslavia -- The former head of Serbian TV has been jailed for failing to protect staff who were killed when NATO bombed the station's headquarters. Dragoljub Milanovic was sentenced to nine-and-a-half years after the court ruled he had not ensured the safety of his workers even though he knew the building could be a NATO target during the 1999 air campaign. Sixteen TV workers died in the airstrike on the TV station in central Belgrade and their relatives have accused then-President Slobodan Milosevic's regime of deliberately putting the employees in danger. Milanovic was convicted of "provoking general danger" by failing to evacuate the building, which was hit by NATO on April 23, 1999. Presiding judge Radmila Dragicevic-Dicic said. "He failed to act according to regulations governing the safety of RTS even though he was aware this could provoke danger for the lives of the people because NATO aggression had already started," Reuters reported.

Dragicevic-Dicic said there had been an official order from the federal defence ministry to move the broadcast operations to another location. "It was not up to you to assess the danger, there was an order and you should have acted upon it," she said. When she finished reading the sentence, Milanovic stood up and said he had known in advance what the verdict would be. He repeated he was innocent and alleged documentary evidence against him had been forged.

Milanovic was sentenced to an additional six months jail for an unrelated financial infraction. In the 78-day air war launched against Yugoslavia's repression of Kosovo Albanians, NATO declared the studios of Radio Television Serbia (RTS) a legitimate target on the grounds that its broadcasts were part of Milosevic's "war machine." Zanka Stojanovic, whose son Nebojsa died in the strike, said: "He sentenced himself when he assumed the right to decide the lives of others. He should have thought about this when he put them up for sacrifice."

The report ignores the fact that not all bombing victims blamed Milanovic. *Christian Science Monitor* of June 12, 2000 saw fit to publish the following information:

For now, the three most active families continue to press their case both at home and abroad. A trial began last week in the Netherlands, holding individual government ministers accountable in the deaths of 39 NATO bombing victims, 13 of whom died in the RTS bombing.⁵⁶

⁵⁶ Alex Todorovic. *Families of NATO bomb victims demand accounting*. *Christian Science Monitor*, June 12, 2000 available at URL <http://www.balkanpeace.org/hed/archive/june00/hed221.shtml>. The article means the case *Medic et al.*, which I will discuss towards the end of this paper.

7.3.3. "Where Have All the Bodies Gone?"

How can NATO not be investigated for violating the principle of proportionality, when it killed more people with its humanitarian intervention than were killed in Kosovo in all? The question of proportionality is intimately linked to the question of the extent of the killing operations in Kosovo. If NATO saved more people than it killed, then it has a better case for claiming proportionality. Gen. Lewis MacKenzie touched on that subject in his article "Where have all the bodies gone?" which was published in *Globe and Mail* on November 9, 1999. He mentioned that NATO estimates during the bombing campaign claimed that 10,000 Albanians had been killed during the internal conflict in Kosovo. Less fewer were found when the outside forensic teams had the opportunity to investigate the claims:

To date, fewer than 500 bodies have been found, and hundreds of those were individually buried — not what you would expect during a mass-murder campaign. Forensic teams have expressed frustration as they follow up specific stories of atrocities and find no evidence at the precise alleged site.

Undoubtedly, the site of the best-known and most horrific NATO allegation was the infamous mine at Trepca, where, according to reports shared with the Western media, more than 700 murdered Kosovo Albanians were thrown down the mine shafts and boiled in vats of hydrochloric acid. The ICTY itself investigated this site and found no evidence to support the allegations.⁵⁷

MacKenzie presents NATO in an unduly favorable light. The figure that NATO offered was not 10,000 but 100,000 to 500,000 dead Albanians, and as Edward S. Herman reminds us, "the word 'genocide' was used freely to describe Serb actions⁵⁸

The exact number of bodies is impossible to establish, but it is quite clear that the number of deaths is much lower than the figure established by NATO to justify its bombing campaign. A good account of how the number of bodies found is somewhere around 4000.

Between June and November 1999, ICTY teams exhumed 2,108 bodies from 195 grave sites. During the second phase of exhumations, between April and

⁵⁷ <http://www.agitprop.org.au/stopNATO/1999111117.htm>

⁵⁸ <http://www.zmag.org/ZMag/articles/february02herman.htm>

November 2000, forensic experts examined another 325 sites and found an additional 1,577 bodies and 258 incomplete remains. In her November 2000 address to the U. N. Security Council, ICTY Chief Prosecutor Carla Del Ponte stated that the provisional total of exhumed bodies was "almost 4,000 bodies or parts of bodies." It should be noted, however, that the ICTY apparently made no distinction between combatants and non-combatants, and that in some areas the KLA was present among the civilian population (eg: in the Vrbovac-Stutica area of Drenica during the April 30 offensive that left dozens of ethnic Albanians dead).⁵⁹

Even the media started shrinking away from the exorbitant claims made by NATO spokesman Jamie Shea during the bombing campaign. What made an easy target was that the 100,000 had been used by Shea in a context that had very little to do with the number of dead Albanians. He claimed that Albanian women had given birth to 100,000 babies in the refugee camps. As Andro Linklater of the *Spectator* has been quoted as saying:

Nothing illustrates better the importance of the dispassionate, truth-telling journalist than the mess in the Kosovo campaign, which, it becomes increasingly clear, were gulled into supporting by manufactured stories of Serb atrocities and refugee suffering. It was Robin Cook who invented the Serb rape camps, none of which has ever been found, and nice Jamie Shea, the NATO spokesman, who devised the 100,000 babies born in refugee camps, a figure shown to be literally inconceivable.⁶⁰

Of course, the findings were an embarrassment, but NATO was still trying to wriggle out of the uneasy conclusions:

While U.S. Defense Secretary William Cohen claimed that 100,000 Kosovo Albanian males were missing, he also clearly stated that his reports showed that 4,600 Kosovars had been executed, a claim that has been confirmed by the forensic trail of evidence uncovered by war crimes investigators since June. But Ignatieff eventually admits that the Tribunal had up to then found only 2,108 bodies, so that forensic evidence based on discovered bodies could certainly not demonstrate that 4,600 people had been executed.⁶¹

It is very important to understand the "technical" meaning of the word "confirm", which Cohen is using in that passage. The ICTY has developed a complex semantics, no doubt

⁵⁹ UNDER ORDERSL: War Crimes in Kosovo – 4. March-June 1999.
http://wearcam.org/envirotech/identity_cleansing.htm

⁶⁰ <http://www.agitprop.org.au/stopNATO/20000709zzzpkcpbuk.htm>

⁶¹ <http://www.zmag.org/ZMag/articles/february02herman.htm>

in part to save NATO's face. The word "confirm" does not mean that the reports concerning the deaths have been proven to be correct but only that the reports have been looked into:

ICTY: "confirmed" sites are the same as KFOR's "confirmed" sites. They are reported sites where ICTY-supported field investigations have been conducted and completed. The "confirmed" designation does not necessarily confirm the number of bodies "reported", it simply signifies that a site investigation has been completed. The number of bodies found at a "confirmed" site does not always conform to the number of bodies cited in "reported" or "identified" reports.⁶²

That may explain why the Schedules of the deaths, which appear at the back of the ICTY indictments, have remained unchanged ever since they were first produced, even if the subsequent forensic search has not delivered anything to substantiate them. For instance, the Schedules at the back of the Milosevic indictment in relation to Kosovo have not been changed to reflect more recent findings. The unreliability of the Schedules should be obvious even in view of the fact that they were written in May 1999, when ICTY did not even have the possibility to visit Kosovo.

7.3.4. Kosovo Supreme Court: No Genocide

As to the genocide, UNMIK itself admits that no genocide took place. It refers to the decision by the Kosovo Supreme Court that no genocide was committed in Kosovo.

The Kosovo Supreme Court has ruled that the Yugoslav troops did not carry out genocide of ethnic Albanians during the 1998-1999 military campaign in Kosovo. The decision was based on the 1948 Geneva Convention which defines genocide as the intent "to destroy, in whole or in part, a national, ethnic, racial or religious group as such".⁶³

The decision was made in October 2001. Understandably, the ruling was a severe blow to the efforts to whitewash violence against the Serbs by using the alleged genocide as the trump card.

⁶² <http://www.ess.uwe.ac.uk/Kosovo/Reports/atrocit.html>

⁶³ <http://www.unmikonline.org/pub/news/nl109.html>

At the beginning of the year, the District Court in Mitrovica sentenced Miroslav Vuckovic to 14 years in jail for war crimes and genocide. This was one of the rare trials of persons responsible for war crimes in Kosovo, but only several months later the sentence was described as too harsh and "incompatible" with what the defendant actually did.

A judicial body formed by the Kosovo Supreme Court chaired by French Judge Petarice de Charetet annulled the sentence, returning it to a lower court and explaining that "according to the Kosovo Supreme Court, violence used by the Milosevic regime in 1999 cannot be viewed as genocide..." This ruling angered many Kosovo Albanians who see themselves as victims of terror and genocide. Supreme Court Chairman Rexhep Hadzimusa said that the body he heads "is not authorized to make such statements."⁶⁴

7.3.5. NATO Death Toll

The real question, however, is that of proportionality. Human Rights Watch has estimated in its report that 500 civilian deaths were the direct result from the bombing campaign. Yugoslav estimates have been considerably higher, and the HRW figure must be considered as the absolute minimum. On the other hand, as MacKenzie wrote in November 1999, fewer than 500 bodies were found in Kosovo. That figure has risen as the forensic search has progressed, but from the sketchy evidence that is available, it can be inferred that the further the search progresses, the less it proves the guilt of the Serbs, which it set out to prove.

It can also be inferred that the bulk of the victims, regardless of nationality, were killed by the Kosovo Liberation Army. One source even claims that 78% of the victims of the 3,150 non-combatant victims were killed by "NATO/KLA action". The figure 3,150 comprises all non-combatant victims. This is the total of the original figure 2,108 and the subsequent findings. It demonstrates by a breakdown of that figure that 2,467 were killed by NATO/KLA. It also demonstrates that the number of recovered bodies has been steadily rising since late 1999 because the killings by Albanians have not stopped after the UN took over the administration of the province. That means that the figure 3,150 includes "420 Albanians killed since Kfor/KLA occupation began (Kfor number June 99

through March 00; 400 murdered)” as well as “1041 Non-Albanians killed since Kfor/KLA occupation began (number cited in <http://www.sunday-times.co.uk/news/pages/sti/2000/09/03/stifgneur02004.html>)”.⁶⁵ In other words, ICTY uses crimes committed by Albanians against Albanians under UN and NATO tutelage to inflate the anti-Serb figure.

That shows that the number of the bombing victims was in any case higher than the number of deaths caused by other reasons in Kosovo. It does not matter if the number of NATO bombing victims is 500 or 2000. The above calculation indicates that the numbers killed by “NATO/KLA” is 2,467, which includes the events after the administration of the province was transferred to the UN. According to the same calculation, the Yugoslav forces could account only for a maximum of 683 victims. Indeed, that brings the total up to 3,150, which is close to the official figure, “almost 4,000”.

To this internationally induced catastrophe should be added “up to 250,000 Serbs and other non-Albanians [who] have fled Kosovo in fear of ethnic Albanian revenge” as reported by Reuters (and admitted by UNMIK itself).⁶⁶ The number of internally displaced persons before the bombing campaign and the refugees during the bombing never came even close to that figure.

⁶⁴ <http://www.aimpress.ch/dyn/trae/archive/data/200110/11016-004-trae-pri.htm>

⁶⁵ *Human Casualties in the War and Immediate Post war Period in Kosovo*, reproduced at URL <http://www.slobodan-milosevic.org/kosovo-deaths.htm>. The Sunday Times link mentioned does not function, but the article can be viewed at that same URL.

⁶⁶ <http://www.unmikonline.org/press/wire/im250300.html>

7.4. Decision not to Investigate "NATO Crimes"

In other words, if the disease does not kill the patient, the cure will. There could be no more flagrant example of a violation of proportionality than what some officials would likely dismiss as a "numbers game". It remains to be seen what steps the international community has taken to address the problem.

In May 1999, Arbour established a working group, which included military lawyers, military analysts, and prosecuting attorneys. The group did not finish its work while Arbour was the chief prosecutor. The work continued under Prosecutor Del Ponte and came to conclusion about a year later, in June 2000.⁶⁷

The document that concluded that no investigation would be opened was the Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia.⁶⁸ Rather curiously, the report starts out by assessing the environmental damage. It bases the evaluation on a specific legal document, namely Additional Protocol I of the Geneva Conventions. Even there, it is obvious that the group has applied unduly stringent criteria to be able to conclude that no investigation was necessary. The Office of the Prosecutor even says that

"Articles 35(3) and 55 have a very high threshold of application. Their conditions for application are extremely stringent and their scope and contents imprecise. For instance, it is generally assumed that Articles 35(3) and 55 only cover very significant damage. The adjectives 'widespread, long-term, and severe' used in Additional Protocol I are joined by the word 'and', meaning that it is a triple, cumulative standard that needs to be fulfilled."⁶⁹

From this difficulty it jumps to the conclusion that "it would appear extremely difficult to develop a *prima facie* case upon the basis of these provisions, even assuming they were applicable." Conveniently, it argues that such environmental damage would take longer

⁶⁷ Office of the Prosecutor, Press Release. *Prosecutor's Report on the NATO Bombing Campaign*. The Hague, 13 June 2000. PR/ P.I.S./ 510-e available at <http://www.un.org/icty/pressreal/p510-e.htm>

⁶⁸ <http://www.un.org/icty/pressreal/NATO061300.htm>

⁶⁹ *Ibid.*, at para 15.

to measure: "[I]t is thought that the notion of 'long-term' damage in Additional Protocol I would need to be measured in years rather than months."⁷⁰ It even reverts to this argument to discredit another study, which was more critical:

"Moreover, it is quite possible that, as this campaign occurred only a year ago, the UNEP study may not be a reliable indicator of the long term environmental consequences of the NATO bombing, as accurate assessments regarding the long-term effects of this contamination may not yet be practicable."⁷¹

One should bear in mind that those flimsy arguments were meant to demonstrate that no investigation was even necessary. Yet, it admits that the "OTP has been hampered in its assessment of the extent of environmental damage in Kosovo by a lack of alternative and corroborated sources regarding the extent of environmental contamination caused by the NATO bombing campaign"⁷²

It is pointless to go through the whole document. The study of those three paragraphs 15 to 17 amply demonstrates the pusillanimity of the working group. That is all the more evident in the concluding remarks of the document, which are worth quoting in full (emphasis added):

90. The committee has conducted its review relying essentially upon public documents, including statements made by NATO and NATO countries at press conferences and public documents produced by the FRY. *It has tended to assume that the NATO and NATO countries' press statements are generally reliable and that explanations have been honestly given.* The committee must note, however, that when the OTP requested NATO to answer specific questions about specific incidents, the NATO reply was couched in general terms and failed to address the specific incidents. The committee has not spoken to those involved in directing or carrying out the bombing campaign. The committee has also assigned substantial weight to the factual assertions made by Human Rights Watch as its investigators did spend a limited amount of time on the ground in the FRY. *Further, the committee has noted that Human Rights Watch found the two volume compilation of the FRY Ministry of Foreign Affairs entitled NATO Crimes in Yugoslavia generally reliable and the committee has tended to rely on the casualty figures for specific incidents in this compilation.* If one accepts the figures in this compilation of approximately 495 civilians killed and 820 civilians wounded in documented

⁷⁰ *Ibid.*, at para. 15.

⁷¹ *Ibid.*, at para. 17.

⁷² *Ibid.*, at para. 17.

instances, there is simply no evidence of the necessary crime base for charges of genocide or crimes against humanity. Further, in the particular incidents reviewed by the committee with particular care (see paras. 9, and 48-76) the committee has not assessed any particular incidents as justifying the commencement of an investigation by the OTP. *NATO has admitted that mistakes did occur during the bombing campaign; errors of judgment may also have occurred. Selection of certain objectives for attack may be subject to legal debate.* On the basis of the information reviewed, however, the committee is of the opinion that neither an in-depth investigation related to the bombing campaign as a whole nor investigations related to specific incidents are justified. In all cases, either the law is not sufficiently clear or *investigations are unlikely to result in the acquisition of sufficient evidence to substantiate charges* against high level accused or against lower accused for particularly heinous offences.

91. On the basis of information available, *the committee recommends that no investigation be commenced* by the OTP in relation to the NATO bombing campaign or incidents occurring during the campaign.

In other words, the working group admitted that it has relied on the information provided by NATO, and tried to justify the failure to open its own investigation by conceding that information provided by NATO is generally reliable. On the other hand, it admitted that (or says that NATO admits that) errors of judgment may have occurred. It even went so far as to say that the "FRY Ministry of Foreign Affairs entitled *NATO Crimes in Yugoslavia*" was generally reliable⁷³. The question remains, however, why the FRY document was called *NATO Crimes in Yugoslavia* and why the working group, on the other hand, on the basis of the same document, "recommends that no investigation be commenced by the OTP in relation to the NATO bombing campaign".

Just to show that there are no heroes in this story, it should be noted that Del Ponte's integrity is even more seriously in question than Arbour's. As Moscow-born Spaniard Felipe Turover⁷⁴ told Jürgen Elsässer in an interview for the German publication *Konkret*:

Switzerland and the Swiss banks live mainly off money laundering. All the world's dictators and major criminals deposit their money here. Above all the

⁷³ *White Book NATO Crimes in Yugoslavia* can be accessed on the Internet at URL <http://www.slobodan-milosevic.org/NATO.htm>.

⁷⁴ Turover was a key witness in the impeachment proceedings against President Yeltsin. See Philip Willan, James Meek. *Yeltsin family 'took bribes'*. The Guardian. Thursday August 26, 1999 available at URL <http://www.guardian.co.uk/yeltsin/Story/0,2763,200949,00.html>

canton of Tessin is exceptionally well placed for this. People simply carry millions in suitcases and glove compartments over the border from Italy. Every politician in Tessin knows about it and benefits from it. And as the canton's public prosecutor del Ponte protected this activity even before the Mabetex case at the end of the 1990s. Take the case of a company in Chiasso accused of money laundering for the Italian Mafia. She stopped the proceedings. But basically del Ponte is pro-del Ponte. She would do anything for her career, even bring a case against George W. Bush. She is in any case a useless lawyer. To my knowledge she has never won a case in her entire career. Her only talent is self-promotion, self-marketing.⁷⁵

8. Civil Action

8.1. Holland Leads the Way

Del Ponte said that no investigation would be opened on June 2, 2000. The timing could not have been more awkward. On June 6, 2000, Amnesty International published its report "*Collateral Damage*" or *Unlawful Killings? Violations of the Laws of War by NATO during Operation Allied Force*. The subheading is aptly chosen: *Violations of the Laws of War by NATO during Operation Allied Force*. In effect, the report contradicts the decision of the Office of the Prosecutor of the ICTY not to open an investigation. Instead of commenting on the report as a whole, I will quote conclusion 12 of the report, which is the most important for the present purposes:

NATO should ensure that victims of violations of international humanitarian law receive adequate redress, including compensation through a mechanism set up for this purpose. NATO member states should also ensure that their own national laws allow any such victim to seek redress through civil action.⁷⁶

⁷⁵ Interview by Jurgen Elsaesser with Felipe Turover on Carla del Ponte Konkret, December 2002 [Translated by Colin Meade] available at URL <http://www.slobodan-milosevic.org/news/delponte1204.htm>

⁷⁶ Amnesty International. '*Collateral Damage*' or *Unlawful Killings? Violations of the Laws of War by NATO during Operation Allied Force*. Report EUR 70/18/00). June 2000 at 33.

The report by Amnesty International has been of importance in those instances where civil action has had any results at all, namely in the Netherlands. The Dutch courts took notice of the report by Amnesty International *ex officio*.⁷⁷

There were also separate cases pending in two different courts, in Amsterdam (*Dedovic* case) and in The Hague (*Danikovic* case, *Tijsterman* case, *VJV* case, and the *Medic* case). In the *Medic* case, the Dutch lawyer Nico Steijnen was thus in a position to make a case by comparing their reactions to the same questions. The *Medic* case in The Hague led to an interlocutory hearing of the former Prime Minister Kok, former Minister of Foreign Affairs Van Aartsen on January 26, 2004. Steijnen is now trying to get the rest of the four witnesses to appear before the court. They are the former Speaker of the Lower Chamber of the Dutch Parliament Van Nieuwenhoven and the former Minister of Defense De Grave. Van Nieuwenhoven refused to appear in court in defiance of the subpoena.⁷⁸

The testimony by Van Aartsen has been summarized as follows⁷⁹: The State was involved in the drafting and confirmation of the target lists and in the definition of the different stages of the use of force against Yugoslavia. The State did not enter the least reservation in relation to the use of cluster bombs, the targets against which they were used nor the distance of the targets from the population centers. The State took into account the principle of proportionality and the avoidance of civil population. Van Aartsen did not go into the criteria in Art. 52(2) of Additional Protocol I to the Geneva Conventions:

2. Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

⁷⁷ Letter of Appeal to the District Court of The Hague in the *Medic et al.* case, 9 October 2002, at 15 section 4.1. (refers to *Dedovic* 5.3.22.).

⁷⁸ Steijnen recounts the history of that legal battle in his article *Dutch Leaders Forced to Answer for Taking Part in NATO's Crimes*, which can be viewed at URL <http://emperors-clothes.com/news/case.htm>.

⁷⁹ As to the testimonies by ministers Van Aartsen and Kok, I will translate and quote almost *verbatim* the conclusions reached in the press release of January 28, 2004 *Verhoor Kok en Van Aartsen biedt munitie voor verdere rechtsgang*, which can be accessed at URL <http://www.NATOsued.org/NL/archiefNL/040126/040126nl.html>

There were no explicit warnings that the RTS studio in Belgrade would be attacked⁸⁰. There were only general warnings by the NATO spokesman during the press conferences. The civilian population was directly warned through flyers or otherwise. Van Aartsen considered the RTS to be a propaganda tool and a dual-use object, even if the reports by Amnesty International and by Human Rights Watch denied that it was not a dual-use object.

After the bombing of Nis, the Netherlands imposed a moratorium on the use of cluster bombs because of the risk of malfunctioning. The moratorium was not imposed by other NATO member states. Van Aartsen could not say on what basis the proportionality of a given attack could be determined.

The testimony by Kok has been summarized as follows: Kok, Van Aartsen en De Grave were the ministers who bore the principal responsibility for the war against Yugoslavia. The security of the soldiers was one of the main principles. Kok never checked in advance and in detail if the target categories could be regarded as military targets. Neither did Kok verify afterwards if the attack against a given target, like the RTS, met the criteria of military targets. One can draw the conclusion that he did not control adequately the military apparatus as Prime Minister. Kok used the same justification as Van Aartsen for the attack against the RTS. The legality of a military attack was assessed more carefully if it was carried out by Dutch units. In practice that was done by the Chief of the Defence Staff.

A lot of the success in the Netherlands can be attributed to the report "Humanitarian Intervention" published in April 2000. That report was written by the Advisory Committee on Issues of International Public Law and the Advisory Council on International Affairs. The conclusion was that a "humanitarian intervention" was not

⁸⁰ That conclusion should cast a shadow on the validity of the conviction of Milanovic in Belgrade. He was convicted of ignoring warnings of the attack against the RTS studio.

permissible without the authorization by the Security Council. Ironically, the report had been requested by Minister Van Aartsen himself on October 12, 1999.⁸¹

The legal implications do not stop at the bombing. The bombing was rather the beginning of the end for the Kosovo Serbs, the overwhelming majority of whom has had to flee from the province. The humanitarian plight of the Kosovo Serbs broke to the fore after the recent unrest in Kosovo on March 16, 2004. That may have direct legal consequences. Nico Steijnen represents several Serbs that have been driven out of Kosovo and has complained to the Dutch daily *Volskrant* about its coverage of the situation in Kosovo.⁸²

8.2. Situation in Canada

The plaintiffs in the case argue that “as a centre for international law, the Netherlands must be seen to uphold it”.⁸³ Obviously that argument does not work in Canada. The Ontario Superior Court dismissed the case *Aleksic et al.* on January 10, 2001. Judge Sedowick did dismiss the Government’s three arguments for inadmissibility

- “the issues raised in this action are not justifiable in a Canadian court because they include issues of international law which are political in nature” (s. 13).
- “the actions of the Canadian ministers and civilian and military officials of which the plaintiffs complain were taken in the exercise of royal prerogative powers in foreign affairs and the disposition and control of Canada's armed forces” (s. 14).
- “obligations by a state under international law are only owed to and enforceable by other states, not individuals” (s. 15).

⁸¹ Letter of Appeal to the District Court of The Hague in the *Medic et al.* case, 9 October 2002, at 5 (section 6.17).

⁸² Nico Steijnen’s letter to the *Volskrant*, March 30, 2004. In that letter Steijnen mentions that his clients include Vukasin and Radmila Radomirovic from Podujevo, Marko, Draginja and Miroslava Pantic from Djakovica, Gici, Gorani, Milenija Markovic as well as Gordana and Mirko Petkovic from Pec, Vlasta Djurinic and Goran Vasic from Pristina, and Zoran Seslija from Gniljane.

⁸³ BBC News. *Ex-PM testifies on NATO strikes*. Monday, 26 January, 2004, at URL <http://news.bbc.co.uk/2/hi/europe/3428967.stm>.

However, the case was dismissed, because it was impossible to link "the alleged damages suffered to the alleged wrongful acts", unless it was done marginally, as in this case (s. 17):

Rule 25.06(1) requires that "Every pleading shall contain a concise statement of the material facts upon which the party relies for the claim or defense, ..." (emphasis added). The statement of claim in this action is only marginally compliant with this provision. This is not a class action. Each of the plaintiffs has a separate and distinct cause of action. As previously stated, the gist of this action is the plaintiffs' damages claim. No material facts are pleaded as to how the individual plaintiffs were affected by the actions of the Canadian ministers and officials. The plaintiffs must plead the material facts relating to each cause of action, linking the alleged damages suffered to the alleged wrongful acts. (Rule 25.06(9))...⁸⁴

One material difference between the *Medic et al.* and *Aleksic et al.* is that in *Aleksic* not all plaintiffs were Yugoslav citizens and bombing victims or their survivors. The Part A Plaintiffs alleged "that at all material times during the bombardment period these plaintiffs "sojourned in Yugoslavia or had family or relatives living there or had contractual relations with persons living or doing business there" (s. 4). On the other hand, the Part B Plaintiffs were "all residents of Yugoslavia" (s. 5).⁸⁵

It is possible that the Canadian judge is using the kind of excuse for dismissing the claim that the Dutch judge ultimately managed to avoid. It is impossible to link "the alleged damages suffered to the alleged wrongful acts", as the judge demanded. The Dutch judge knew that. That is why the interlocutory hearing was arranged. The purpose was to determine what part Dutch leaders played in the war. As the letter of appeal in the *Medic* case pointed out (2.4.), the Dutch Supreme Court had decided on March 24, 1995 that an interlocutory hearing was possible if it was impossible to determine against whom proceedings should be initiated due to lack of information which only the witnesses could provide.⁸⁶ A similar procedure may not be possible in Canada, but as Amnesty International had concluded in its report '*Collateral Damage*' or *Unlawful Killings*?

⁸⁴ Stevan Aleksic et al. v. The Attorney-General of Canada. Ontario Superior Court of Justice, Cour File No. 99-CV-1-1304, 2001-01-10.

⁸⁵ *Ibid.*, s. 5.

⁸⁶ Letter of Appeal to the District Court of The Hague in the *Medic et al.* case, 9 October 2002, at 5.

“NATO member states should also ensure that their own national laws allow any such victim to seek redress through civil action.” (conclusion 12).

8.3. Joint Criminal Enterprise

A further complication might be that civil liability cannot be considered separately from criminal responsibility. However, as the case law of ICTY demonstrates, the concept of “joint criminal enterprise” is the elastic device which extends criminal responsibility to areas which would normally be covered by collective civil liability.

It is very much to be doubted whether any national (and rational) legal system would be willing to adjust itself to the ICTY case law in that respect. “Joint criminal enterprise” is the one-size-fits-all garment to get convicted anyone who has fallen out of grace just by demonstrating his association with the wrong kind of people.

Since this is such a momentous concept, it bears explaining its genesis briefly. In the *Tadic* Appeals judgment, the Appeals Chamber distinguished three different categories of what it called “co-perpetration”. In para. 204, the Chamber discussed the third category in the following terms:

The third category concerns cases involving a common design to pursue one course of conduct where one of the perpetrators commits an act which, while outside the common design, was nevertheless *a natural and foreseeable consequence of the effecting of that common purpose*.⁸⁷ (emphasis added)

The same judgment also used for the first time the concept “joint criminal enterprise” in para. 220. It said that “the Appeals Chamber holds the view that the notion of common design as a form of accomplice liability is firmly established in customary international

⁸⁷ “Judgment”, *The Prosecutor v. Dusko Tadic*, Case No.: IT-94-1-A, Appeals Chamber, 15 July 1999 at 89, available at URL <http://www.un.org/icty/tadic/appeal/judgement/index.htm>.

law and in addition is upheld, albeit implicitly, in the Statute of the International Tribunal”.⁸⁸

That “third category” has been embedded in the later case law of the ICTY, and has been called “the *extended* form of joint criminal enterprise”. That name was given to it in the *Krnjelac* judgment of 15 March 2002.

Although there has been no relevant amendment made to the Indictment following the Trial Chamber’s express interpretation of the Indictment as alleging a basic joint criminal enterprise, but not an extended one, the Prosecution nevertheless sought in their Pre-Trial Brief to rely on the *extended form of the joint criminal enterprise*. It asserted that, even if it were not established that the Accused participated in a joint criminal enterprise of persecution, beatings, torture and murder, these crimes were “*natural and foreseeable consequences*” of the Accused’s participation in a joint criminal enterprise of illegal imprisonment of the non- Serb detainees and in particular of the Accused’s action in permitting outsiders access to the detainees.⁸⁹ (emphasis added)

To show how elastic the concept of joint criminal enterprise has become, it is now used to cover political responsibility. In the *Tadic* judgment, the concept still had a connection to the actual perpetration of a certain crime. In the Croatia indictment of Milosevic, for instance, the joint criminal enterprise seems to be a crime in itself. The link between the “intent”, “actions” and the “foreseeable consequences” has become extremely tenuous. The very term “foreseeable consequences” suggests that the “intent” of the participants in that enterprise was something separate from those “foreseeable” consequences and that the enterprise was thus not criminal until those “foreseeable” consequences materialized. The following is an excerpt of paragraph 27 of the first amended indictment of Milosevic et al.:

Slobodan MILOSEVIC knowingly and wilfully participated in the joint criminal enterprise, sharing the intent of other participants in the joint criminal enterprise or aware of the foreseeable consequences of their actions. On this basis, he bears individual criminal responsibility for these crimes under Article 7 (1) of the Statute of the Tribunal in addition to his responsibility under the same Article for

⁸⁸ *Ibid.*, at 98.

⁸⁹ “Judgment”, *The Prosecutor v. Milorad Krnojelac*, Case No.: IT-97-25-T, Trial Chamber II, 15 March 2002 at 35, available at URL <http://www.un.org/icty/krnjelac/trialc2/judgement/index.htm>.

having planned, instigated, ordered or otherwise aided and abetted in the planning, preparation and execution of these crimes.⁹⁰

In fact, as the excerpt illustrates, the accused did not even have to share the intent of the enterprise. It is enough that he was aware of the foreseeable consequences of the actions of the *other* participants. That undermines the credibility of the concept. How can the accused be demonstrated to be part of a joint criminal enterprise, if he did not partake in its actions or did not even share its intent but was merely aware of the foreseeable consequences of the actions of the “other” participants?

There is little likelihood of the multifarious concept “joint criminal enterprise” ever being introduced to the national courts, but that only shows the extent of the judicial abuse in the ICTY, which is the prolongation of the violation of the principle of non-intervention. If it were adopted into national courts, it would make civil litigation very attractive. Until now, civil action seems to have been curtailed, because there is no criminal prosecution to bolster it. If “joint criminal enterprise” were transported from the NATO-friendly ICTY to the national courts or even the ICTY itself, no government leader would be spared from criminal prosecution just by hiding behind the other leaders’ backs.

9. Conclusion

Amnesty International made the following recommendation in its report *‘Collateral Damage’ or Unlawful Killings?*: “NATO member states should also ensure that their own national laws allow any such victim to seek redress through civil action”. There is no way to wriggle around that recommendation. If the member states change their national laws to allow bombing victims to seek redress, then they admit that they was something wrong with the laws to begin with. On the other hand, the member states cannot maintain credibly that the national laws are not in need of a change. So far no civil action in

⁹⁰ “First amended indictment”, *The Prosecutor v. Slobodan Milosevic*, Case No. IT-02-54-T, 23 October 2002, available at URL <http://www.un.org/icty/indictment/english/mil-ai021023.htm>

relation to the bombing has been successful. If redress seems justified to Amnesty International, then there is something wrong with the national judicial system. The member states seem to hope that the dilemma will be solved if it is ignored.

National courts are not the only ones that have refused even to acknowledge that there might be a problem. The ICTY prosecutor has refused to open an investigation into the NATO bombing campaign, although it accepted that the Yugoslav sources were reliable in relation to the bombing damage. There is also at least one court decision, that of Milanovic in relation to the RTS bombing, where the Yugoslavs have been convicted of the deaths caused by the NATO attack.

However, it is in relation to the RTS bombing that the civil action has proceeded the furthest in the Dutch courts. How far can the civil action proceed without questions being asked about the ICTY prosecutor's refusal even to investigate the NATO bombing campaign? Civil action and criminal prosecution cannot remain separate for ever. Does that mean that the Dutch civil action will die in its tracks?⁹¹ If it does not, what will the consequences be for similar actions in other NATO countries? The Dutch case inched forward partly because similar cases were before two different courts and their decisions could be compared with each other. Maybe the Dutch experience will provide a similar instigation for other NATO countries to venture on the legal terrain as the two Dutch courts provided each other. Does justice not speak with one voice?

There are certain other considerations as well. The Milosevic trial is now suspended. It was a prosecutorial disaster before, and now the presiding judge has had to resign because of health problems. If the Milosevic trial was an *ex post* justification for the bombing campaign, as Ahtisaari suggested, it is likely that the legality of the bombing campaign itself will be addressed sooner or later and the cases that have made some headway will likely get new wind in their sails.

The recent unrest in Kosovo was unprecedented in that the international community blamed by and large the Albanians. That may bode well for the future litigation as well

from the bombing victims' viewpoint. As Tom Walker stated in 2000, "the public relations pendulum may begin to swing the Serbs' way". If it does, it will have tremendous implications for our legal landscape.

⁹¹ One might recall that Belgium curtailed its universal genocide law (which was becoming a threat to American citizens) after US threats to withdraw NATO headquarters from Brussels.

SELECT BIBLIOGRAPHY

Ahtisaari, Martti. *Tehtävä Belgradissa* (Mission in Belgrade). Helsinki: WSOY. 2000.

Steijnen, Nico. Letter of Appeal to the District Court of The Hague in the *Medic et al.* case, 9 October 2002.

(Online material is too numerous to mention, and given the media blackout, most of the material is on the Internet.)

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: woensdag 7 april 2004 15:32
Onderwerp: CDSM:Fw: Judge joins Milosevic trial

>
> <http://news.bbc.co.uk/1/hi/scotland/3606599.stm>
>
> Judge joins Milosevic trial panel
>
> Lord Bonomy was elevated to the bench in 1997
>
> A Scottish law lord is to replace one of the judges in the trial of former
> Yugoslav president Slobodan Milosevic.
>
> Lord Bonomy's appointment comes after English judge Richard May was forced
> to stand down due to ill health.
>
> Mr Milosevic is charged with genocide and crimes against humanity during
> wars in Croatia, Bosnia and Kosovo in the 1990s.
>
> The trial has already heard the prosecution case and Mr Milosevic is due
> to
> present his defence in June.
>
>
> Proceedings have been interrupted numerous times, often as a result of Mr
> Milosevic's health problems.
>
> Dunblane shootings
>
> When it was announced that Mr May would be stepping down, Mr Milosevic,
> who has the right to challenge his replacement, twice declined to comment on
> the proposal.
>
> Mr May has led the judges panel since the trial began in February 2002 and
> some reports say Mr Milosevic could use the change of judge as grounds to
> move for a retrial.
>
> Lord Bonomy must now catch up on two years of proceedings and tens of
> thousands of pages of evidence.
>
>
> Judge Richard May is known for taking a tough line with Mr Milosevic
>
> The Scottish judge was elevated to the bench in 1997, one year after he
> led
> the evidence at the Cullen Inquiry into the Dunblane shootings.
>
> Mr Milosevic is being tried at the International Criminal Tribunal set up
> by
> the UN Security Council, sitting in the Hague.
>

- > He has repeatedly refused to enter a plea, and has attempted to denounce the legitimacy of the court.
- >
- > The court has recorded a not guilty plea to all the charges on his behalf.
- >
- > He is due to start presenting his defence on 8 June and the trial is expected to last until 2005.
- >

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Sagittarius

Van: "Ian Johnson" <i-
Aan: <Undisclosed-Recipient:>
Verzonden: zaterdag 17 april 2004 21:07
Onderwerp: CDSM: 3 Articles.

Below are three articles that may be of interest. The first one sees Vanora Bennett of the Times weeping over her keyboard at the failure of the ICTY to stitch up President Milosevic. (Thanks to AB for forwarding this). The second article is the text of a speech given by Ivan Predov from the Bulgarian Communist Party GD at recent anti-Nato Conference in Istanbul. (Thanks to Jugoinfo for this). The third article relates to a piece in Der Spiegel and concerns the violence in Kosovo. (Thanks to DT for forwarding this). IJ

1.

Times: April 15, 2004

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 >> You don't need 1,631 witnesses to reveal the
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 >> IT WAS supposed to herald a brave new world of
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 >> The tribunal's most prominent case, the trial of
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>

>

>2.

Contribution to Anti-NATO Conference, 28/02/2004, Istanbul

Bulgarian Communist Party - Georgi Dimitrov

By Ivan Predov

Member of The Central Committee

Enlargement of NATO –A New Challenge To Balkan Nations

To better understand the deep ethnical conflict in the Balkans, one must place them in the large-scale international context, which gives them their real meaning. While waving the banner of "Democracy and Human Rights" all over the world, capital today takes openly mafia and criminal aspects. The bloody conflicts on the territory of ex-Yugoslavia are typical products of contemporary imperialism.

Imperialism maintains its power by dividing those, who are submitted to its dictatorship. The bourgeoisie seeks to divide working people on ethnical, national and religious bases. Therefore, NATO command made use of the remnants of the fascists in Yugoslavia, Bulgaria and Rumania.

However, not only the ex-fascists have been involved in supporting the aggression on the Balkans. The new arising political forces in the ex-socialist countries from the right to the "left" wing parties gave their support to the plans of NATO enlargement, close to the borders of Russia.

Sagittarius

Van: "Ian Johnson" <i-
 Aan: <Undisclosed-Recipient;>
 Verzonden: zaterdag 17 april 2004 21:07
 Onderwerp: CDSM: 3 Articles.

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In proces tegen Milošević Schot volgt May op bij VN-tribunaal

Door een onzer redacteurs

2009

DEN HAAG, 15 APRIL. De Schotse rechter Lord Lord Bony is door secretaris-generaal Kofi Annan van de Verenigde Naties benoemd als opvolger van de Britse rechter Richard May in de zaak-Milošević.

Dat heeft de woordvoerder van president Theodor Meron van het Joegoslavië-tribunaal gisteren bekendgemaakt.

May, voorzitter van de uit drie rechters bestaande rechtbank in de zaak-Milošević, verlaat per 31 mei om gezondheidsredenen het VN-hof. Rechter Patrick Robinson uit Jamaica heeft zijn taak als voorzitter overgenomen.

Bony (58) is geboren in het Schotse Motherwell en studeerde rechten in Glasgow. Na zijn studie was hij eerst advocaat, vervolgens officier van justitie en in 1997 rechter. Bony begint officieel op 1 juni, maar hij is al in Den Haag om zich in te werken. Het proces tegen Slobodan Milošević begon in februari 2002. Het hof heeft meer dan 290 getuigen gehoord; het stenogram van de zittingen beslaat ongeveer 30.000 pagina's.

Op 8 juni wordt het proces hervat. Dan begint de ex-president van Servië en Joegoslavië aan zijn verdediging. Milošević wordt beschuldigd van oorlogsmisdaden, misdaden tegen de menselijkheid en volkerenmoord begaan tijdens de oorlogen in Kroatië, Bosnië en Kosovo. Omdat Milošević het hof niet erkent, heeft hij geen advocaat en voert zijn eigen verdediging.

Hij heeft bij het hof een lijst ingediend met de namen van 1631 personen die hij als getuigen wil laten oproepen, zo bevestigde gisteren de woordvoerder van de griffie. De rechters moeten de getuigenlijst, die niet is gepubliceerd, nog goedkeuren. Zij kunnen namen schrappen, als zij getuigen niet relevant achten of als te veel

getuigen over hetzelfde onderwerp worden opgeroepen.

Milošević' juridisch adviseur Zdenko Tomanović heeft tegenover de media in Belgrado bevestigd dat de Amerikaanse oud-president Bill Clinton en de Britse premier Tony Blair op de lijst staan. Als Clinton en Blair door de VN-rechters worden 'goedgekeurd', is het de taak van Milošević om ze naar Den Haag te laten komen om te getuigen. Als de ex-president kan aantonen dat dat is mislukt, kan hij de rechters vragen getuigen te dagvaarden.

Gisteren werd ook bekend dat hoofdaanklager Carla Del Ponte president Meron om uitleg zal vragen over de beperking van haar manoeuvreerruimte die vorige week is bekendgemaakt. Volgens Del Ponte's woordvoerder Florence Hartman hebben de rechters de regels zonder overleg met Del Ponte gewijzigd. Die wil nu weten wat de nadere criteria zijn om te beoordelen of iemand een „belangrijke leider” is. Vorige week bepaalden de rechters dat het hof zich bij het uitvaardigen van nieuwe aanklachten beperkt tot de hoofdverantwoordelijken voor oorlogsmisdaden in ex-Joegoslavië.

Daarmee geven de rechters gehoor aan een resolutie van de Veiligheidsraad, eind maart, waarin het Joegoslavië-tribunaal wordt gemaand zich te houden aan de afgesproken 'voltooiingsstrategie'. Het VN-hof moet in 2010 de werkzaamheden hebben afgerond. Del Ponte beschouwt de actie van de rechters als een inperking van haar bevoegdheden.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: woensdag 28 april 2004 19:50
Onderwerp: CDSM: Bosnian Serbs to testify for

GROUP OF 250 BOSNIAN SERB EX-CAMP INMATES TO TESTIFY FOR MILOSEVIC IN THE HAGUE

SRNA - April 24, 2004

Banja Luka, 24 April: The (Bosnian) Serb Republic Association of (former) Camp Inmates decided at today's annual convention in Banja Luka that 250 former prisoners - who were held (during wars in the former Yugoslavia) in as many Muslim, Croatian and Slovene prison camps for Serbs - will testify for the defence of the former Serbian and Yugoslav president, Slobodan Milosevic.

"Among these 250 former camp inmates, there are 11 women who had been raped and 19 young men who were taken to Muslim and Croatian prison camps as children at the beginning of the war," SRNA has been told by Branislav Dukic, president of the Serb Republic Association of Former Camp Inmates.

He added that the camp inmates veterans will prove with their testimony in The Hague that not only Muslims and Croats, but also Serbs, had suffered in the former Yugoslav republics.

Dukic said that, at today's annual convention, Slavko Jovicic was re-elected as the vice-president of the Serb Republic Association of Former Camp Inmates. He had been suspended from this post because of his outbursts at gatherings of the opposition (as published) in Banja Luka.

Source: SRNA news agency, Bijeljina, in Bosnian/Croatian/Serbian 1545 gmt 24 Apr 04

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The efforts to set up Milosevic as the bogeyman preceded the Kosovo war by a few years. It is possible that such plans existed already at the time of signing the Dayton Accords in 1995. Marko Lopusina and Andre Huzsvai wrote in an opinion in The Los Angeles Times on February 12, 2002:

1.8-2006

Former Assistant Secretary of State John Shattuck wrote in a 2001 article in the Boston Globe that, if the 1995 Dayton agreement "prolonged Milosevic's rule ... it also sealed his fate." In it, Milosevic agreed to the tribunal that is now putting him on trial. When he was arrested in 2001, "the trap that had been set in 1995 at last slammed shut," wrote Shattuck. This confirmed a long-held suspicion that the U.S. manipulated Milosevic and world opinion.³¹

²⁹ Tom Walker. *KLA faces trials for war crimes on Serbs*. The Sunday Times. (UK), Sunday, September 3, 2000 EUROPE reproduced at URL <http://www.slobodan-milosevic.org/kosovo-deaths.htm>

³⁰ <http://www.slobodan-milosevic.org/kosovo-deaths.htm>

³¹ <http://www.balkanpeace.org/hed/archive/feb02/hed4681.shtml>. It is not clear what Shattuck means by the trap. It is true that Milosevic recognized the ICTY by signing the Dayton Accords, as Lopusina and Huzsvai point out, but only insofar as the tribunal's jurisdiction in Bosnia and Herzegovina was concerned. It may be relevant that Milosevic signed the Dayton Accords on behalf of the Bosnian Serbs, even if he had strictly speaking no powers to do so as President of Serbia. Shattuck may mean that by putting his signature on the Dayton Accords Milosevic ostensibly assumed the responsibility for the crimes committed by the Bosnian Serbs while putting an end to the Bosnian war.

16

negotiator in Belgrade, President Ahtisaari, did not know of the indictment in advance, and neither did the UN Secretary-General Kofi Annan.

Similarly, Secretary of State Madelaine Albright said in a joint press conference with Louise Arbour on April 30, 1999, four weeks before the indictment:

Well, obviously, the question of what is going to happen to Mr. Milosevic is a subject that is very much on our minds, and Justice Arbour knows what we have said both publicly and privately; that she and the Tribunal need to follow out the trail of evidence to its conclusion. We, as I said, are supportive of her efforts.

⁴⁵ See generally Martti Ahtisaari. *Tehtävä Belgradissa* (Mission in Belgrade). Helsinki: WSOY. 2000.

⁴⁶ <http://emperors-clothes.com/letters/philpot.htm>

28

7. ICTY Indictment

7.1. Arbour's Decision to Indict Milosevic

The decision in the *Legality of the Use of Force* was handed down on June 2, 1999. There is a chronological explanation for the disappointment that it was. Milosevic had been indicted on May 27, 1999. Here more than anywhere else the maxim "justice delayed is justice denied". The Yugoslav government had instituted proceedings against NATO on April 29, 1999, a little more than a month after the start of the bombing campaign. The

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There is no reasonable doubt whether Louise Arbour did do the bidding of the US. The very chronology bears this out.

As Ed Vuillamy said of the indictment in his article in the Observer on May 30, 1999, "Both the United States and Britain were informed of her announcement on Thursday, two days in advance. It was discussed in a 10-minute conversation between Bill Clinton and Tony Blair on Tuesday."⁴⁶ That is all the more remarkable now that the chief negotiator in Belgrade, President Ahtisaari, did not know of the indictment in advance, and neither did the UN Secretary-General Kofi Annan.

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NATO's top spokesman Jamie Shea admitted in May 17, 1999 NATO press briefing very bluntly that "I believe that when Justice Arbour starts her investigation, she will because we will allow her to."⁴⁷ Then, Shea went on:

NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers, and of course to build a second chamber so that prosecutions can be speeded up so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality and I don't anticipate any others at this stage.⁴⁸

This is by no means the only time that Louise Arbour's independence has been questioned. She has been accused of brushing the Hourigan report aside once it became clear that based on that report, she would have to investigate Mr Kagame, Rwanda's de facto leader. National Post summarizes the Hourigan report as follows:

The most "explosive" about the document was the informants claimed that Paul Kagame, former military chief of the RPF, had acted as "operations commander" of the assassination, and that a "foreign government" had also provided assistance. Mr. Kagame is today Rwanda's de facto leader. The RPF took power from the Hutus 100 days after the genocide began.

According to National Post, the Hourigan report said that Arbour "was 'at first very positive' about the leads, but 'later advised that this issue was not within the ICTR mandate and would not be investigated.'" ⁴⁹

According to journalist Robin Philpot, Louise Arbour made that decision after having discussed the matter with Madelaine Albright: "D'abord enthousiaste, Mme Arbour aurait bâillonné l'avocat et étouffé l'enquête après en avoir discuté avec la secrétaire d'État Madeleine Albright." According to Philpot General Roméo Dallaire had also lied about the events in Rwanda, which accounted for his subsequent mental problems.⁵⁰

⁴⁷ *Idem*

⁴⁸ *Idem*

⁴⁹ Steven Edwards. *Memo contradicts UN claims on assassination probe*. National Post Friday, March 31, 2000 at http://pages.infinit.net/glp/rwanda/rwanda_007e.html

⁵⁰ Pierre Dubuc. *Pourquoi tous ces Canadiens francophones autour de la piscine à Kigali ? L'aut'journal* Le mercredi 31 mars 2004. <http://www.lautjournal.info/autjourarchives.asp?article=1419&noj=219>.

Pierre Dubuc concludes his article with the question:

Pourquoi tant de Canadiens francophones ont-ils joué des rôles importants au Rwanda ? Parce que les États-Unis avaient besoin de francophones de service – qui n'étaient pas des Français – pour saper l'influence de la France dans la région et ouvrir la voie à l'influence anglophone de pays comme l'Ouganda et ses parrains impérialistes, l'Angleterre et les États-Unis.⁵¹

The French Canadians are portrayed as US lackeys in Rwanda. In Rwanda, the relationship is fairly well documented. In Yugoslavia, the relationship takes a little more extrapolating, but the constructive talks with Madeline Albright can hardly be expected to command anyone's confidence. Ahtisaari has surmised that NATO wanted to use the indictment as an *ex post* justification for its bombing campaign, which never got the Security Council authorization.⁵²

In light of the parallelism between the US foreign policy and the ICTY prosecutorial decisions, it is not surprising that the requests for investigation into NATO's war crimes never got a follow-up. It does not matter how cogent the arguments and how well-documented the facts were. The UN chief prosecutor always found a way not to open even an investigation, but even when no way was found, the investigation was not opened anyway.

⁴⁵ See generally Martti Ahtisaari. *Tehtävä Belgradissa* (Mission in Belgrade). Helsinki: WSOY, 2000.

⁴⁶ <http://emperors-clothes.com/letters/philpot.htm>

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...preceded the Kosovo war by a few ... the Dayton
...ight of the Wolfowitz letter, quoted at the beginning of this paper, the decision to
indict Milosevic should not have been a surprise. However, as Martti Ahtisaari mentioned
in his memoirs *Mission in Belgrade*, the indictment was a surprise to himself, to Kofi
Annan and many others. It is therefore clear that Louise Arbour did not consult any of the
representatives of the international community in advance. On the other hand, US Deputy
Secretary of State Strobe Talbot seems to have had some inside knowledge of the
indictment in advance, which suggests that the Clinton administration could exert
influence on Arbour's indictment decision.⁴⁵

There is no reasonable doubt whether Louise Arbour did do the bidding of the US. The
very chronology bears this out.

As Ed Vuillamy said of the indictment in his article in the Observer on May 30, 1999,
"Both the United States and Britain were informed of her announcement on Thursday,
two days in advance. It was discussed in a 10-minute conversation between Bill Clinton
and Tony Blair on Tuesday."⁴⁶ That is all the more remarkable now that the chief
negotiator in Belgrade, President Ahtisaari, did not know of the indictment in advance,
and neither did the UN Secretary-General Kofi Annan.

Similarly, Secretary of State Madelaine Albright said in a joint press conference with
Louise Arbour on April 30, 1999, four weeks before the indictment:

Well, obviously, the question of what is going to happen to Mr. Milosevic is a
subject that is very much on our minds, and Justice Arbour knows what we have
said both publicly and privately; that she and the Tribunal need to follow out the
trail of evidence to its conclusion. We, as I said, are supportive of her efforts.

⁴⁵ See generally Martti Ahtisaari. *Tehtävä Belgradissa* (Mission in Belgrade). Helsinki: WSOY. 2000.

⁴⁶ <http://emperors-clothes.com/letters/philpot.htm>

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The Illegitimacy of the Court

1-5-2004

U.S. policy in the Balkans was cynical and war-mongering. It seems strange that a journal of progressive opinion should unquestioningly accept the doctrine that small nations should simply accept the diktats of great powers. Nor should it unquestioningly accept its claims about humanitarian crises when even the most superficial survey of the historical record will show that it was the policies of the Great Powers that caused these crises. Finally, it is surprising that it unquestioningly accepts that a court largely funded and staffed by the very great powers that had caused so much havoc in Yugoslavia (\$17 million in 2003 from the U.S. alone) should act as a disinterested impartial judicial body.

To prove that day is night a very peculiar kind of court had to be created, one that falls outside of the two chief sources of international criminal law, treaty law and international customary law. The Security Council possesses neither legislative nor judicial functions. It can neither create new international law nor make binding interpretations of existing international law. The UN has no jurisdiction or authority to try, punish or imprison individuals, not even those who have violated international law. Nor is punishment of individuals for international crimes among the Security Council's enumerated powers listed in the UN Charter. The 1948 Genocide Convention explicitly states that national courts are the appropriate venue to try individuals accused of genocide.

According to the ICTY's statute, the waging of aggressive war is not a crime that falls within its domain. This is a curious omission. The most important war crimes court since Nuremberg has decided to dispense with the most important crime under the Nuremberg standard. This is scarcely surprising. Under its rubric, NATO would undoubtedly have been guilty of a crime. Every jurisdiction in the world plainly recognizes the difference between violence committed while acting in self-defense and violence committed while acting aggressively.

Given this, it is hardly shocking that the court violates every judicial norm whether in the civil law or common law tradition. Indictments are often kept secret and suddenly sprung on the court's victims. Bail is rarely granted, and detainees can wait years in prison before their cases come to trial. Prosecutor and court are one and the same.

4-6-04

(George Szamuely, a writer based in New York City, was born in Hungary and educated in England. He has served as an associate at the Manhattan Institute, editor at Freedom House, film critic for Insight, research consultant at the Hudson Institute, and as a weekly columnist for the New York Press.)



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4-6-04

There is no jury. Appellate court and trial court are also one and the same. The court is answerable to no one. There is no jury. The court is financed by interested parties like the U.S., assorted NATO governments, U.S. corporations and, of course, the ubiquitous George Soros—this in fact violates the tribunal's own statute that funding can only come from the United Nations.

The ICTY's procedures would be unacceptable in any serious jurisdiction. Hearsay (essentially rumor and gossip) is admissible. Testimony presented at one trial can be introduced as evidence in another trial, without any cross-examination. Prosecutors can present pretrial witness statements as witness trial testimony. Since statements made to, and prepared by, the prosecutor, are essentially prosecutor statements, it means prosecutorial assertions are treated as evidence in chief. Prosecutors can introduce illegal wiretaps whose authenticity has not been established and whose provenance is kept secret. As evidence in a trial of one of the most serious charges known—genocide—any self-respecting court would throw them out.

Witnesses can testify anonymously or even by videotape. Moreover, the same judges preside over a number of trials at one and the same time in which the same issues are being presented and argued over, which is clearly prejudicial to all of the defendants. Another innovation is the giving of multiple statements, to enable witnesses to remember more and more and thereby to ensure that their statements get closer and closer to the prosecutorial or official version of events. Prosecutorial misconduct is rampant. Witnesses are blackmailed using the threat of indictment to compel them to come up with the right version of the events. Much of the proceedings take place in closed session, ostensibly to protect witnesses but, more likely, to protect the court from serious scrutiny. The tribunal can alter its procedures and rules of evidence as it goes along and apply it *ex post facto* to ongoing cases. Prosecutors, unlike defense attorneys, take part in this rule-changing process.

With so many rules rigged in favor of prosecutors, much of what takes place at the ICTY has the character of something out of Alice in Wonderland: "Alice laughed: "There's no use trying," she said, "one can't believe impossible things." "I daresay you haven't had much practice," said the Queen. "When I was younger, I always did it for half an hour a day. Why, sometimes I've believed as many as six impossible things before breakfast." Stacy Sullivan appears to be a devotee of the Queen.

(George Szamuely, a writer based in New York City, was born in Hungary and educated in England. He has served as an associate at the Manhattan Institute, editor at Freedom House, film critic for Insight, research consultant at the Hudson Institute, and as a weekly columnist for the New York Press.)



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Sagittarius

Van: "Vladimir Krsljanin"
Aan: <Undisclosed-Recipient;>
Verzonden: zondag 2 mei 2004 16:16
Onderwerp: Artists' Appeal for Milosevic

Artists' Appeal for Milosevic

For over two years now, Slobodan Milosevic has been on trial before the International Criminal Tribunal for former Yugoslavia - a Security Council institution of dubious legality - charged with 66 counts of war crimes, crimes against humanity and genocide. Over 500,000 pages of documents and 5000 videocassettes have been filed as evidence by the Prosecution. There have been some 300 trial days. More than 300 witnesses have testified. The trial transcript is near 33,000 pages. Yet after all this time and effort, the Prosecution has failed to present significant or compelling evidence of any criminal act or intention of President Milosevic.

In fact, it has been revealed that some prosecution witnesses have been coerced to lie under oath, others have committed perjury. Former NATO commander Wesley Clark, was allowed, in violation of the principle of an open trial, to give testimony in private, with Washington able to apply for removal of any parts of his evidence from the public record they deemed to be against US interests.

President Milosevic was indicted during the 78 day continuous bombardment of Yugoslavia by US-led NATO forces, which used cluster bombs and depleted uranium, attempted to assassinate Milosevic by bombing his residence, killed thousands of civilians and caused billions of dollars of damage to the country's infrastructure. This illegal act of undeclared war is in clear violation of the NATO Charter, the UN Charter, and International Law. Yet neither Wesley Clark, nor the leaders of NATO countries have been indicted for the crimes of which Slobodan Milosevic is accused.

The proceedings of the ICTY against Slobodan Milosevic, as a large and growing number of international jurists has publicly stated, respect neither the principles nor even the appearance of justice. According to Ramsey Clark, the former Attorney-General of the United States, "the spectacle of this huge onslaught by an enormous prosecution support team with vast resources pitted against a single man, defending himself, cut off from all effective assistance, his supporters under attack everywhere and his health slipping away from the constant strain, portrays the essence of unfairness, of persecution". And now that presiding judge Richard May has resigned his position for unspecified health reasons, it appears inevitable, the issue prejudged, that the trial will nevertheless continue, in spite of the virtual impossibility that a new judge will be able to come to grips with the mountain of evidence presented so far.

If justice is not just, if prosecution is persecution, if international law is flaunted in order to "enforce international law", we are indeed now living in the dystopian world of George Orwell's 1984. The neighborhood bully has decided the world is his back yard. The implications of this egregious use of "power politics" go beyond the unjust trial of Slobodan

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

THE DECISIVE BATTLE FOR TRUTH NEEDS YOUR HELP NOW!

SLOBODA urgently needs your donation.

Please find the detailed instructions at:

<http://www.sloboda.org.yu/pomoc.htm>

To join or help this struggle, visit:

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

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

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

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

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

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

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

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Milosevic: the "new world order" now being implemented is simply inhuman and intolerable. What can be done to change this cruel and criminal state of affairs?

Let us remember that it was not long ago that 15 million people marched on the same day in a gesture of international solidarity to say no to the Bush junta's illegal war on Iraq. Now is the time for another such gesture. For if this trial continues, the only triumphs will be those of travesty over justice, power over principle, disinformation over truth. And many feel that the sum total of these acts constitutes state terrorism perpetrated on a virtually defenseless country and its legally elected president.

As artists, our work is to broaden our horizons, to become more human and to share that humanity. And to create. Destruction is intolerable to us. It is intolerable that courts be used to justify the killing of civilians, the destruction of a sovereign nation, and the demonization and imprisonment of that nation's leader. Let us now create a massive demonstration of our humanity. Now is the time to make ourselves heard loud and clear, once again, by publicly denouncing this injustice. We urge you to join your efforts to those of the International Committee for the Defense of Slobodan Milosevic.

Robert Dickson, poet (winner of the Governor General's award for French poetry 2002), Canada
Harold Pinter, playwright, UK
Peter Handke, writer, Austria/France
Alexander Zinoviev, writer, philosopher, Russian Federation
Valeri Ganchev, writer (President of the Writers' Union of Russia), Russian Federation
Vyacheslav Klykov, sculptor (President of the International Fund for Slavonic Literacy and Culture), Russian Federation
Dimitri Analis, poet, Greece/France
Valentin Rasputin, novelist, Russian Federation
Fulvio Grimaldi, filmmaker, journalist, Italy
Vladimir Kostrov, poet (winner of Tyutchev and Bunin awards), Russian Federation
Nadja Tesich, novelist, Yugoslavia/US
Milos Raickovich, composer, Yugoslavia/US
Mick Collins, screenwriter, US/France
John Stepling, screenwriter, playwright, US/Poland
John Goodrich, playwright, US

March-April 2004
Montreal-New York-Moscow-Paris

If you are an artist and you want to add your name to this Public Appeal, please send an e-mail to slobodavk@yubc.net or to info@idcsm-us.org .

TRUTH
OR SLAVERY, HUMILIATION AND DESTRUCTION OF SERBIAN NATION

Klacht genocide Milošević blijft

Oor een onzer redacteuren

DEN HAAG, 6 MEI. Oud-president Slobodan Milošević heeft in de oorlog in Bosnië (1992-1995) met „genocidale intentie” gehandeld. Een verzoek van de amici curiae om Milošević vrij te spreken van genocide moet worden afgewezen. Dit schrijft hoofdaanklager Carla Del Ponte aan de rechters in haar repliek op het verzoek dat de ‘vrienden van het hof’ begin maart indienden.

Na de val van de moslimenclave Srebrenica in de zomer van 1995 heeft Milošević volgens Del Ponte „stilzwijgend ingestemd” met de genocide die daarna heeft plaatsgevonden. Volgens haar wist Milošević van tevoren dat er in Srebrenica gruweldaden zouden worden gepleegd. Die kennis en het achterwege laten van actie om „genocidale handelingen te voorkomen” zijn volgens Del Ponte het bewijs dat Milošević zelf „een genocidale intentie” bezat. Genocide, volgens veel deskundigen de zwaarste misdaad van het internationaal strafrecht, is het met voorbedachten rade geheel of gedeeltelijk uitroeien van een bevolkingsgroep.

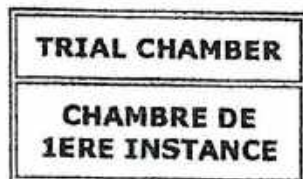
De amici curiae vroegen in maart het VN-hof Milošević vrij te spreken van genocide. De amici vinden dat de aanklagers deze zwaarste aanklacht tegen Milošević tot nu toe niet hebben kunnen bewijzen in het proces tegen de ex-president. De amici curiae, die moeten toezien op de eerlijkheid van het proces bij afwezigheid van een verdediger van de vroegere Joegoslavische president, menen dat de aanklagers de afgelopen twee jaar niet hebben bewezen dat Milošević een „specifieke intentie” had om in het geheel of gedeeltelijk een bevolkingsgroep uit te roeien.

De aanklagers hebben hun onlangs hun zaak afgerond, Milošević begint met zijn verdediging op 22 juni en niet op 8 juni, zoals tot nu toe was gepland. Dit liet de griffie van het hof gisteren weten. De hoorzitting waarbij de getuigenlijst en andere praktische zaken met Milošević worden besproken, is op 9 juni. De rechters hebben dit gisteren besloten, mede omdat nog een aantal documenten moet worden vertaald. Ook hebben de rechters rekening gehouden met de slechte gezondheid van de ex-president.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: vrijdag 7 mei 2004 1:34
Onderwerp: CDSM: SM Defence case to start 22nd June

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



The Hague, 30 March 2004
JP/P.I.S./841-e

MILOSEVIC DEFENCE CASE TO START ON 22 JUNE 2004

Please be advised that the Defence case in *The Prosecutor v. Slobodan Milosevic* will commence on 22 June 2004 and not on 8 June 2004, as previously scheduled. The Pre-Defence Conference will now be held on 9 June 2004, instead of 17 May 2004.

In its Order of 5 May 2004, the Trial Chamber considered that the material filed by Mr. Milosevic on 13 April 2004, including his list of proposed witnesses, still needed to be translated and would need to be examined before the Pre-Defence Conference took place. Furthermore, the Trial Chamber considered Mr. Milosevic's bad health during the three month period assigned for the preparation of the Defence case, his present bad health and his doctor's advice to rest.

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Sagittarius

Van: "Ian Johnson" <i-
 Aan: <Undisclosed-Recipient;>
 Verzonden: woensdag 12 mei 2004 0:40
 Onderwerp: CDSM: ICTY Press Release

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

REGISTRAR

GREFFE

The Hague, 7 May 2004
 CVO/P.I.S./844-e

**RESTRICTIONS ON VOJISLAV SESELJ'S COMMUNICATION PRIVILEGES
 EXTENDED FROM 10 MAY TO 13 JUNE 2004**

Please find attached the full text of a decision issued by the Deputy Registrar, David Tolbert, today concerning the communication privileges of Mr. Vojislav Sesejl.

"DECISION"

THE DEPUTY REGISTRAR,

NOTING the decision of the Registrar filed on 8 April 2004 (the "Decision") followed by a corrigendum filed on 13 April 2004 concerning the communication privileges of Mr. Vojislav Seselj (the "Accused") at the United Nations Detention Unit (the "Detention Unit") and previous decisions on the matter therein referred to, wherein, for a further period of thirty (30) days therein stated, it was decided to "[p]rohibit, unless otherwise authorised by the Commanding Officer of the Detention Unit, all communication between the Accused with person(s) except for his legal counsel (if applicable) and diplomatic or consular representatives and his immediate family, provided that his contact with his family shall be subject to live monitoring under conditions prescribed by the Commanding Officer of the Detention Unit";

CONSIDERING the Accused's defiant disposition *vis-à-vis* the Decision and previous decisions concerning his communication privileges is unchanged and remains of concern;

NOTING WITH CONCERN the letter of 15 April 2004, addressed by the Accused to Mr. Tomislav Nikolic, the Deputy President of the Accused's political party, which was published in the press on 21 April 2004, wherein the Accused alleges serious misconduct on the part of officials of the Tribunal, including Judges, Prosecutors and staff members in the Registry, of which some are cited by name;

RECALLING that as a result of similar allegations made by the Accused on the part of Tribunal officials, Trial Chamber II, in its "Decision on Certain Allegations Made in Motion Number 23" dated 18 November 2003, cautioned the Accused and took a "very poor view of his conduct in this matter and that any future attempts to hijack public proceedings for the purpose of directing unsubstantiated accusations against staff members or other persons associated with

this Tribunal is more than likely to meet with sanctions";

NOTING that the Accused's unsubstantiated allegations, particularly where the allegations are of such a grave nature, amount to a serious abuse of the opportunity afforded in the Decision and previous decisions concerning his communication privileges to exercise his right to communicate in writing in accordance with the existing regulations and practice at the Unit concerning import and export of mail;

CONSIDERING that the Accused has, in the said letter, strongly encouraged that the letter be distributed to the media and supporters of his political party, in contradiction of the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Tribunal or otherwise Detained on the Authority of the Tribunal ("Rules of Detention") and that the publication of the letter has resulted in a widespread media attention and coverage of the fact that an indictee for crimes against humanity and war-crimes such as the Accused is in a position to facilitate, with ease, the ongoing Serbian presidential elections campaign;

CONSIDERING that the balance between the rights and entitlements to communication or visits of the Accused with that of the Tribunal to effectively perform its mandate and functions, must be assessed in view of the 13 June 2004 Serbian presidential elections and the disposition of the Accused as noted above;

CONSIDERING THEREFORE that the particular circumstances in this case continue to necessitate the imposition of measures to avoid potentially deleterious media coverage resulting from unrestricted communication entitlements and visits;

DECIDES pursuant to Rules 60 and 63 of the Rules of Detention, for a further period, from 10 May 2004, until 13 June 2004, the day the Presidential elections will be held, which decision shall then be reviewed, to:

Prohibit, unless otherwise authorised by the Commanding Officer of the Detention Unit, all communication between the Accused with person(s) except for his legal counsel (if applicable), diplomatic or consular representatives and his immediate family, provided that his contact with his family shall be subject to live monitoring under conditions prescribed by the Commanding Officer of the Detention Unit;

The current practice in relation to written communications shall be maintained and the Detention Unit's regulations concerning the import and export of mail shall be adhered to."

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Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: donderdag 13 mei 2004 18:42
Onderwerp: CDSM: [icdsm-italia] Milosevic "trial" -

1. World Peace Council on Milosevic, Kosovo and the Hague Tribunal
2. Law on rights of the Hague prisoners suspended
3. Group of 250 Bosnian Serb ex-camp inmates to testify for Milosevic in the Hague
4. Milosevic's Ill Health Delays UN War Crimes Trial Again

LINK:
Milosevic "trial" - Prosecution witness list
<http://www.slobodan-milosevic.org/news/icity041804.htm>

---(1)---

Da: "Vladimir Krsljanin"
Data: Gio 13 Mag 2004 02:59:09 Europe/Rome
Oggetto: World Peace Council on Milosevic, Kosovo and the Hague Tribunal

STATEMENT OF THE PRESIDENT OF THE WORLD PEACE COUNCIL ORLANDO
FUNDORA

"The illegal process that US and NATO carry at The Hague against Yugoslav President Slobodan Milosevic and by that against the people of Serbia and Yugoslavia defending their freedom from the aggression, deserves full condemnation and must end.

The peace-loving forces all over the World demand accountability of real criminals and cease of the persecution of President Milosevic, his family and all freedom fighters of Yugoslavia.

Athens, 9 May 2004

/signed/
Orlando Fundora,
President of the World Peace

Council"

NOTE:

The above statement was issued by new elected President of the World

Peace Council (WPC) Orlando Fundora after the end of the works of the Assembly of the World Peace Council, reflecting the position expressed during the deliberations.

The highest WPC body, the Assembly, meets every three years. This time, in Athens, 6-9 May 2004, around 150 delegates representing 60 member-organizations from more than 50 countries from all continents took part.

After the long and fruitful discussion, the Assembly adopted a political Declaration with a Plan of Action, underlying the need to strengthen the role of WPC in achieving the World peace through the opposition to imperialist wars and policies - within the ranks of the most massive peace movement emerging in the World - and analyzing all the contemporary challenges and points of war, oppression and people's struggle in the World.

The paragraph on Yugoslavia in the WPC Declaration expresses solidarity with Yugoslav peoples in struggling against the consequences of NATO aggression and occupation of the Serbian province of Kosovo and denounces the so-called Hague tribunal as a notorious tool of manipulation with truth aiming to legitimize the aggression and other crimes of USA and NATO.

Due to the lack of time, the Assembly authorized its executive bodies to deal with the issues treated in the topical draft Resolutions.

The Assembly also adopted the Amendments to WPC Rules and Regulations and elected new leadership.

Orlando Fundora from Cuba was elected WPC President and Thanassis Pafilis from Greece was elected General Secretary. WPC, one of the oldest and most glorious international non-governmental organizations in the UN system reelected its Presidents of Honor: Romesh Chandra (India) and Evangelos Mahairas (Greece).

Since November 2003 Sloboda/Freedom Association is a full member of WPC.

TRUTH
OR SLAVERY, HUMILIATION AND DESTRUCTION OF SERBIAN NATION

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

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

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

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

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

---(2)---

Serbian Constitutional Court puts temporary ban on law on rights of ICTY indictees

Tanjug - April 15, 2004

11:32 BELGRADE , April 15 (Tanjug) - The Serbian Constitutional Court on Thursday put a temporary ban on the implementation of the law on the rights of detained indictees of the International Criminal Tribunal for the former Yugoslavia (ICTY), based in The Hague, and the members of their families.

The Court found that the law insufficiently precisely regulates this delicate legal issue and that there is grounds to believe its implementation could consequently result in violations of the elementary Constitutional principles.

Da: "Vladimir Krsljanin"

Data: Gio 15 Apr 2004 21:59:59 Europe/Rome

Oggetto: Law on rights of the Hague prisoners suspended

Additional explanation: The Federal Constitutional Court which was a serious institution was dissolved after the abolishment of Yugoslavia. Judges of the Constitutional Court of Serbia were appointed in the period of Djindjic dictatorship. The 'public pressure' mentioned below is a chorus scream of the US paid obscure NGO's whose 'prominent members' appeared in desperation of loosing any significance. The decision was made this morning to release the Government from the burden to issue a Decree on the session later today which would make the implementation of the Law possible. Issuing of that Decree was a Government's obligation according to the Law. The problem was that Minister of Finance Dinkic (one of the leaders of G17+ Party, which abstained from vote on the Law) announced that he has prepared a decree which would cut Milosevic and Seselj from any assistance. Such a Decree would overrule the Law itself, drafted by the leading opposition Serbian Radical Party and the leading governmental Democratic Party of Serbia. Possible lack of consent on the Decree on the session of the Government could produce a threat to its survival. So, the best solution was a solomonic solution - of course on the detriment of the national interests.

Associated Press Worldstream
 April 15, 2004 Thursday 7:59 AM Eastern Time

HEADLINE: Constitutional court suspends disputed law aiding war crimes suspects

BYLINE: JOVANA GEC; Associated Press Writer
 DATELINE: BELGRADE, Serbia-Montenegro

Serbia's Constitutional Court on Thursday suspended a disputed law allocating financial and other benefits to Slobodan Milosevic and fellow war crimes suspects jailed at the U.N. war crimes tribunal. The court issued a "temporary ban" until it decides on a final ruling. The court said that its move is based on Serbia's Constitution stipulating that all citizens of the republic are "equal and enjoy equal rights and duties."

Serbia's parliament - which passed the law last month - can respond within 30 days, the court added.

Disputing the ruling, Milosevic's loyalists in the parliament, who drafted the law, accused the Constitutional Court of being a "political institution," they said was controlled by the previous, pro-Western government.

Separately, Djordje Mamula, an aide to Prime Minister Vojislav Kostunica, urged the court to provide more detail on its decision and told the Beta news agency that the move was the result of public pressure.

The legislation formally came into effect when passed March 31 but no payments have been made due in part to disputes over who - if anyone - should benefit.

It stipulates that the state pays expenses, including phone bills and family visits for Milosevic and other war crimes suspects being tried or awaiting trial by the tribunal in The Hague, Netherlands. It also grants them financial help for legal expenses and pays for postage on packages mailed them by family members.

The law was drafted and approved by legislators loyal to Milosevic, and opposed by the pro-Western Democratic Party, which led the 2000 rebellion against Milosevic and extradited him to the U.N. tribunal in 2001 to face charges stemming from the Balkan wars of the 1990s.

Approval last month is an illustration of the revival of the nationalists who won December elections in Serbia, allowing them to form a government led by Kostunica and supported in the parliament by Milosevic's Socialists.

Officials from Kostunica's government have argued that the law would encourage the fugitive war crimes suspects to surrender voluntarily, but critics have claimed that the law rewards Milosevic and associates they say bankrupted Serbia.

The Constitutional Court debate on the law followed a motion by the Democrats and a number of human rights groups, which disputed its legality because it provides aid only to war crimes suspects before the Hague tribunal and not to others tried in the country.

Explaining its decision to suspend the law, the Constitutional Court said that the move was necessary because "application of the law could violate basic constitutional rights," the official Tanjug news agency reported.

---(3)---

GROUP OF 250 BOSNIAN SERB EX-CAMP INMATES TO TESTIFY FOR MILOSEVIC IN THE HAGUE

SRNA - April 24, 2004

Banja Luka, 24 April: The (Bosnian) Serb Republic Association of (former) Camp Inmates decided at today's annual convention in Banja Luka that 250 former prisoners - who were held (during wars in the former Yugoslavia) in as many Muslim, Croatian and Slovene prison camps for Serbs - will testify for the defence of the former Serbian and Yugoslav president, Slobodan Milosevic.

"Among these 250 former camp inmates, there are 11 women who had been raped and 19 young men who were taken to Muslim and Croatian prison camps as children at the beginning of the war," SRNA has been told by Branislav Dukic, president of the Serb Republic Association of Former Camp Inmates.

He added that the camp inmates veterans will prove with their testimony in The Hague that not only Muslims and Croats, but also Serbs, had suffered in the former Yugoslav republics.

Dukic said that, at today's annual convention, Slavko Jovicic was re-elected as the vice-president of the Serb Republic Association of Former Camp Inmates. He had been suspended from this post because of his outbursts at gatherings of the opposition (as published) in Banja Luka.

---(4)---

<http://www.slobodan-milosevic.org/news/icty050504.htm>

Press Release . Communiqué de presse
(Exclusively for the use of the media. Not an official document)
TRIAL CHAMBER
CHAMBRE DE IERE INSTANCE

The Hague, 30 March 2004
JP/P.I.S./841-e

MILOSEVIC DEFENCE CASE TO START ON 22 JUNE 2004

Please be advised that the Defence case in The Prosecutor v. Slobodan Milosevic will commence on 22 June 2004 and not on 8 June 2004, as previously scheduled. The Pre-Defence Conference will now be held on 9 June 2004, instead of 17 May 2004.

In its Order of 5 May 2004, the Trial Chamber considered that the material filed by Mr. Milosevic on 13 April 2004, including his list

of proposed witnesses, still needed to be translated and would need to be examined before the Pre-Defence Conference took place. Furthermore, the Trial Chamber considered Mr. Milosevic's bad health during the three month period assigned for the preparation of the Defence case, his present bad health and his doctor's advice to rest.

Milosevic's Ill Health Delays UN War Crimes Trial Again

THE HAGUE (AP)--Former Yugoslav President Slobodan Milosevic will start his defense against war crimes charges at the U.N. tribunal two weeks late, in part due to his ill health, the court said Wednesday.

Milosevic's trial, which began in early 2002, has already been delayed by 65 days because he was repeatedly ill with the flu and the effects of high blood pressure.

Prosecutors rested their case in February after calling around 300 witnesses.

In reaching their decision to further delay the hearings, the judges considered Milosevic's "present bad health and his doctor's advice to rest," a statement said.

Milosevic will defend himself against 66 counts of war crimes, including genocide, allegedly committed during the Balkan wars of the 1990s. His defense will now begin on June 22, instead of June 8.

Other reasons for delaying the hearings were that Milosevic's witness list - which reportedly contains 1,631 names - needs to be reviewed and translated, the statement said.

Milosevic's lawyers say he hopes to call former U.S. President Bill Clinton, Secretary of State Madeleine Albright and U.N. Ambassador Richard Holbrooke to the stand.

Last month, Scottish judge Lord Iain Bomy was named to join the three-judge panel hearing Milosevic's case after the senior judge, Richard May, resigned due to ill health.

Dow Jones Newswires

05-05-041307ET

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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: maandag 17 mei 2004 16:01
Onderwerp: CDSM: The Demonization of Slobodan Milosevic by Michael

We originally circulated 'The Demonization of Slobodan Milosevic' by Michael Parenti last December. We are sending it again on the CDSM email list for the benefit of our many new friends who may not have seen it previously.

IJ.

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>

> The Demonization of Slobodan Milosevic

>

> -----

> December 2003

>

> U.S. leaders profess a dedication to democracy. Yet over the past five
 > decades, democratically elected governments---guilty of introducing
 > redistributive economic programs or otherwise pursuing independent
 > courses that do not properly fit into the U.S.-sponsored global free
 > market system---have found themselves targeted by the U.S. national
 > security state. Thus democratic governments in Argentina, Bolivia,
 > Brazil, Chile, Cyprus, the Dominican Republic, Greece, Guatemala,
 > Guyana, Haiti, Syria, Uruguay, and numerous other nations were
 > overthrown by their respective military forces, funded and advised by
 > the United States. The newly installed military rulers then rolled back
 > the egalitarian reforms and opened their countries all the wider to
 > foreign corporate investors.

>

> The U.S. national security state also has participated in destabilizing
 > covert actions, proxy mercenary wars, or direct military attacks against
 > revolutionary or nationalist governments in Afghanistan (in the 1980s),
 > Angola, Cambodia, Cuba, East Timor, Egypt, Ethiopia, the Fiji Islands,
 > Grenada, Haiti, Indonesia (under Sukarno), Iran, Jamaica, Lebanon,
 > Libya, Mozambique, Nicaragua, Panama, Peru, Portugal, Syria, South
 > Yemen, Venezuela (under Hugo Chavez), Western Sahara, and Iraq (under
 > the CIA-sponsored autocratic Saddam Hussein, after he emerged as an
 > economic nationalist and tried to cut a better deal on oil prices).

>

> The propaganda method used to discredit many of these governments is not
 > particularly original, indeed by now it is quite transparently
 > predictable. Their leaders are denounced as bombastic, hostile, and
 > psychologically flawed. They are labeled power hungry demagogues,
 > mercurial strongmen, and the worst sort of dictators likened to Hitler
 > himself. The countries in question are designated as "terrorist" or
 > "rogue" states, guilty of being "anti-American" and "anti-West." Some
 > choice few are even condemned as members of an "evil axis." When
 > targeting a country and demonizing its leadership, U.S. leaders are
 > assisted by ideologically attuned publicists, pundits, academics, and
 > former government officials. Together they create a climate of opinion
 > that enables Washington to do whatever is necessary to inflict serious
 > damage upon the designated nation's infrastructure and population, all

the name of human rights, anti-terrorism, and national security.

- > There is no better example of this than the tireless demonization of
- > democratically-elected President Slobodan Milosevic and the
- > U.S.-supported wars against Yugoslavia. Louis Sell, a former U.S.
- > Foreign Service officer, has authored a book (Slobodan Milosevic and the
- > Destruction of Yugoslavia, Duke University Press, 2002) that is a hit
- > piece on Milosevic, loaded with all the usual prefabricated images and
- > policy presumptions of the U.S. national security state. Sell's
- > Milosevic is a caricature, a cunning power seeker and maddened fool, who
- > turns on trusted comrades and plays upon divisions within the party.
- >
- > This Milosevic is both an "orthodox socialist" and an "opportunistic
- > Serbian nationalist," a demagogic power-hungry "second Tito" who
- > simultaneously wants dictatorial power over all of Yugoslavia while
- > eagerly pursuing policies that "destroy the state that Tito created." The
- > author does not demonstrate by reference to specific policies and
- > programs that Milosevic is responsible for the dismemberment of
- > Yugoslavia, he just tells us so again and again. One would think that
- > the Slovenian, Croatian, Bosnian Muslim, Macedonian, and Kosovo Albanian
- > secessionists and U.S./NATO interventionists might have had something to
- > do with it.
- >
- > In my opinion, Milosevic's real sin was that he resisted the
- > dismemberment of Yugoslavia and opposed a U.S. imposed hegemony. He also
- > attempted to spare Yugoslavia the worst of the merciless privatizations
- > and rollbacks that have afflicted other former communist countries.
- > Yugoslavia was the only nation in Europe that did not apply for entry
- > into the European Union or NATO or OSCE.
- >
- > For some left intellectuals, the former Yugoslavia did not qualify as a
- > socialist state because it had allowed too much penetration by private
- > corporations and the IMF. But U.S. policymakers are notorious for not
- > seeing the world the way purist left intellectuals do. For them
- > Yugoslavia was socialist enough with its developed human services sector
- > and an economy that was over 75 percent publicly owned. Sell makes it
- > clear that Yugoslavia's public ownership and Milosevic's defense of that
- > economy were a central consideration in Washington's war against
- > Yugoslavia. Milosevic, Sell complains, had a "commitment to orthodox
- > socialism." He "portrayed public ownership of the means of production
- > and a continued emphasis on [state] commodity production as the best
- > guarantees for prosperity." He had to go.
- >
- > To make his case against Milosevic, Sell repeatedly falls back on the
- > usual ad hominem labeling. Thus we read that in his childhood Milosevic
- > was "something of a prig" and of course "by nature a loner," a weird
- > kind of kid because he was "uninterested in sports or other physical
- > activities," and he "spurned childhood pranks in favor of his books."
- > The author quotes an anonymous former classmate who reports that
- > Slobodan's mother "dressed him funny and kept him soft." Worse still,
- > Slobodan would never join in when other boys stole from orchards---no
- > doubt a sure sign of childhood pathology.
- >
- > Sell further describes Milosevic as "moody," "reclusive," and given to
- > "mulish fatalism." But Sell's own data---when he pauses in his negative

ing and gets down to specifics---contradicts the maladjusted "moody loner" stereotype. He acknowledges that young Slobodan worked well with other youth when it came to political activities. Far from being unable to form close relations, Slobodan met a girl, his future wife, and they enjoyed an enduring lifelong attachment. In his early career when heading the Beogradska Banka, Milosevic was reportedly "communicative, caring about people at the bank, and popular with his staff." Other friends describe him as getting on well with people, "communal and relaxed," a faithful husband to his wife, and a proud and devoted father to his children. And Sell allows that Milosevic was at times "confident," "outgoing," and "charismatic." But the negative stereotype is so firmly established by repetitious pronouncement (and by years of propagation by Western media and officialdom) that Sell can simply slide over contradictory evidence---even when such evidence is provided by himself.

Sell refers to anonymous "U.S. psychiatrists, who have studied Milosevic closely." By "closely" he must mean from afar, since no U.S. psychiatrist has ever treated or even interviewed Milosevic. These uncited and unnamed psychiatrists supposedly diagnosed the Yugoslav leader as a "malignant narcissistic" personality. Sell tells us that such malignant narcissism fills Milosevic with self-deception and leaves him with a "chore personality" that is a "sham." "People with Milosevic's type of personality frequently either cannot or will not recognize the reality of facts that diverge from their own perception of the way the world is or should be." How does Dr. Sigmund Sell know all this? He seems to find proof in the fact that Milosevic dared to have charted a course that differed from the one emanating from Washington. Surely only personal pathology can explain such "anti-West" obstinacy. Furthermore, we are told that Milosevic suffered from a "blind spot" in that he was never comfortable with the notion of private property. If this isn't evidence of malignant narcissism, what is? Sell never considers the possibility that he himself, and the global interventionists who think like him, cannot or will not "recognize the reality of facts that diverge from their own perception of the way the world is or should be."

Milosevic, we are repeatedly told, fell under the growing influence of his wife, Mirjana Marković, "the real power behind the throne." Sell actually calls her "Lady Macbeth" on one occasion. He portrays Marković as a complete wacko, given to uncontrollable anger; her eyes "vibrated like a scared animal"; "she suffers from severe schizophrenia" with "a tenuous grasp on reality," and is a hopeless "hypochondriac." In addition, she has a "mousy" appearance and a "dreamy" and "traumatized" personality. And like her husband, with whom she shares a "very abnormal relationship," she has "an autistic relation with the world." Worse still, she holds "hardline marxist views." We are left to wonder how the autistic dysfunctional Marković was able to work as a popular university professor, organize and lead a new political party, and play an active role in the popular resistance against Western interventionism.

In this book, whenever Milosevic or others in his camp are quoted as saying something, they "snarl," "gush," "hiss," and "crow." In contrast, political players who win Sell's approval, "observe," "state," "note," and "conclude." When one of Milosevic's superiors voices his discomfort

- at "noisy Kosovo Serbs" (as Sell calls them) who were demonstrating against the mistreatment they suffered at the hands of Kosovo Albanian secessionists, Milosevic "hisses," "Why are you so afraid of the street and the people?" Some of us might think this is a pretty good question to hiss at a government leader, but Sell treats it as proof of Milosevic's demagoguery.
- > Whenever Milosevic did anything that aided the common citizenry, as when he taxed the interest earned on foreign currency accounts---a policy that was unpopular with Serbian elites but appreciated by the poorer strata---he is dismissed as manipulatively currying popular favor. Thus we must accept Sell's word that Milosevic never wanted the power to prevent hunger but only hungered for power. The author operates from a nonfalsefiable paradigm. If the targeted leader is unresponsive to the people, this is proof of his dictatorial proclivity. If he is responsive to them, this demonstrates his demagogic opportunism.
- > In keeping with U.S. officialdom's view of the world, Sell labels "Milosevic and his minions" as "hardliners," "conservatives," and "ideologues"; they are "anti-West," and bound up in "socialist dogma." In contrast, Croatian, Bosnian, and Kosovo Albanian secessionists who worked hard to dismember Yugoslavia and deliver their respective republics to the tender mercies of neoliberal rollback are identified as "economic reformers," "the liberal leadership," and "pro-West" (read, pro-transnational corporate capitalist). Sell treats "Western-style democracy" and "a modern market economy" as necessary correlates. He has nothing to say about the dismal plight of the Eastern European countries that abandoned their deficient but endurable planned economies for the merciless exactions of laissez-faire capitalism.
- > Sell's sensitivity to demagoguery does not extend to Franjo Tudjman, the crypto-fascist anti-Semite Croat who had nice things to say about Hitler, and who imposed his harsh autocratic rule on the newly independent Croatia. Tudjman dismissed the Holocaust as an exaggeration, and openly hailed the Croatian Ustashe Nazi collaborators of World War II. He even employed a few aging Ustashe leaders in his government. Sell says not a word about all this, and treats Tudjman as just a good old Croatian nationalist. Likewise, he has not a critical word about the Bosnian Muslim leader Alija Izetbegovic. He comments laconically that Izetbegovic "was sentenced to three years imprisonment in 1946 for belonging to a group called the Young Muslims." One is left with the impression that the Yugoslav communist government had suppressed a devout Muslim. What Sell leaves unmentioned is that the Young Muslims actively recruited Muslim units for the Nazi SS during World War II; these units perpetrated horrid atrocities against the resistance movement and the Jewish population in Yugoslavia. Izetbegovic got off rather lightly with a three-year sentence.
- > Little is made in this book of the ethnic cleansing perpetrated against the Serbs by U.S.-supported leaders like Tudjman and Izetbegovic during and after the U.S.-sponsored wars. Conversely, no mention is made of the ethnic tolerance and diversity that existed in President Milosevic's Yugoslavia. By 1999, all that was left of Yugoslavia was Montenegro and Serbia. Readers are never told that this rump nation was the only remaining multi-ethnic society among the various former Yugoslav

politics, the only place where Serbs, Albanians, Croats, Gorani, Jews, Egyptians, Hungarians, Roma, and numerous other ethnic groups could live together with some measure of security and tolerance.

> The relentless demonization of Milosevic spills over onto the Serbian people in general. In Sell's book, the Serbs are aggrandizing nationalists. Kosovo Serbs demonstrating against mistreatment by Albanian nationalists are described as having their "bloodlust up." And Serb workers demonstrating to defend their rights and hard won gains are dismissed by Sell as "the lowest instruments of the mob." The Serbs who had lived in Krajina and other parts of Croatia for centuries are dismissed as colonial occupiers. In contrast, the Slovenian, Croatian, and Bosnian Muslim nationalist secessionists, and Kosovo Albanian irredentists are simply seeking "independence," "self-determination," and "cultural distinctiveness and sovereignty." In this book, the Albanian KLA gunmen are not big-time drug dealers, terrorists, and ethnic cleansers, but guerrilla fighters and patriots.

> Military actions allegedly taken by the Serbs, described in the vaguest terms, are repeatedly labeled "brutal," while assaults and atrocities delivered upon the Serbs by other national groups are more usually accepted as retaliatory and defensive, or are dismissed by Sell as "untrue," "highly exaggerated," and "hyperventilated." Milosevic, Sell says, disseminated "vicious propaganda" against the Croats, but he does not give us any specifics. Sell does provide one or two instances of how Serb villages were pillaged and their inhabitants raped and murdered by Albanian secessionists. From this he grudgingly allows that "some of the Serb charges . . . had a core of truth." But he makes nothing more of it.

> The well-timed, well-engineered story about a Serbian massacre of unarmed Albanians in the village of Racak, hyped by U.S. diplomat and veteran disinformationist William Walker, is wholeheartedly embraced by Sell, who ignores all the contrary evidence. An Associated Press TV crew had actually filmed the battle that took place in Racak the previous day in which Serbian police killed a number of KLA fighters. A French journalist who went through Racak later that day found evidence of a battle but no evidence of a massacre of unarmed civilians, nor did Walker's own Kosovo Verification Mission monitors. All the forensic reports reveal that almost all of the forty-four persons killed had previously been using fire arms, and all had perished in combat. Sell simply ignores this evidence.

> The media-hyped story of how the Serbs allegedly killed 7,000 Muslims in Srebrenica is uncritically accepted by Sell, even though the most thorough investigations have uncovered not more than 2,000 bodies of undetermined nationality. The earlier massacres carried out by Muslims, their razing of some fifty Serbian villages around Srebrenica, as reported by two British correspondents and others, are ignored. The complete failure of Western forensic teams to locate the 250,000 or 100,000 or 50,000 or 10,000 bodies (the numbers kept changing) of Albanians supposedly murdered by the Serbs in Kosovo also goes unnoticed.

> Sell's rendition of what happened at Rambouillet leaves much to be desired. Under Rambouillet, Kosovo would have been turned into a NATO colony. Milosevic might have reluctantly agreed to that, so desperate

- ne to avoid a full-scale NATO onslaught on the rest of Yugoslavia.
 To be certain that war could not be avoided, however, the U.S.
 > delegation added a remarkable stipulation, demanding that NATO forces
 > and personnel were to have unrestrained access to all of Yugoslavia,
 > unfettered use of its airports, rails, ports, telecommunication
 > services, and airwaves, all free of cost and immune from any
 > jurisdiction by Yugoslav authorities. NATO would also have the option to
 > modify for its own use all of Yugoslavia's infrastructure including
 > roads, bridges, tunnels, buildings, and utility systems. In effect, not
 > just Kosovo but all of Yugoslavia was to be subjected to an
 > extraterritoriality tantamount to outright colonial occupation.
 >
- > Sell does not mention these particulars. Instead he assures us that the
 > request for NATO's unimpeded access to Yugoslavia was just a pro forma
 > protocol inserted "largely for legal reasons." A similar though less
 > sweeping agreement was part of the Dayton package, he says. Indeed, and
 > the Dayton agreement reduced Bosnia to a Western colony. But if there
 > was nothing wrong with the Rambouillet ultimatum, why then did Milosevic
 > reject it? Sell ascribes Milosevic's resistance to his perverse "bunker
 > mentality" and his need to defy the world.
 >
- > There is not a descriptive word in this book of the 78 days of
 > around-the-clock massive NATO bombing of Yugoslavia, no mention of how
 > it caused the loss of thousands of lives, injured and maimed thousands
 > more, contaminated much of the land and water with depleted uranium, and
 > destroyed much of the country's public sector industries and
 > infrastructure-while leaving all the private Western corporate
 > structures perfectly intact.
 >
- > The sources that Sell relies on share U.S. officialdom's view of the
 > Balkans struggle. Observers who offer a more independently critical
 > perspective, such as Sean Gervassi, Diana Johnstone, Gregory Elich,
 > Nicholas Stavrous, Michel Collon, Raju Thomas, and Michel Chossudovsky
 > are left untouched and uncited. Important Western sources I reference in
 > my book on Yugoslavia offer evidence, testimony, and documentation that
 > do not fit Sell's conclusions, including sources from within the
 > European Union, the European Community's Commission on Women's Rights,
 > the OSCE and its Kosovo Verification Mission, the UN War Crimes
 > Commission, and various other UN commissions, various State Department
 > reports, the German Foreign Office and German Defense Ministry reports,
 > and the International Red Cross. Sell does not touch these sources.
 >
- > Also ignored by him are the testimonies and statements of members of the
 > U.S. Congress who visited the Balkans, a former State Department
 > official under the Bush administration, a former deputy commander of the
 > U.S. European command, several UN and NATO generals and international
 > negotiators, Spanish air force pilots, forensic teams from various
 > countries, and UN monitors who offer revelations that contradict the
 > picture drawn by Sell and other apologists of U.S. officialdom.
 >
- > In sum, Sell's book is packed with discombobulated insider details,
 > unsupported charges, unexamined presumptions, and ideologically loaded
 > labeling. As mainstream disinformation goes, it is a job well done.
 >
- > Michael Parenti's recent books are To Kill a Nation: The Attack on

Yugoslavia (Verso), and The Terrorism Trap: September 11 and Beyond
(City Lights). His latest work, The Assassination of Julius Caesar: A
> People's History of Ancient Rome has been nominated for a Pulitzer Prize.
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Van: "Ian Johnson" <i-
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Verzonden: donderdag 27 mei 2004 21:50
Onderwerp: CDSM: Edward Herman Article
 Some relevant stuff on Kosovo & The Hague tribunal in this article by Edward Herman. IJ

The Cruise Missile Left:**Samantha Power and the Genocide Gambits****by Edward S. Herman**

Znet 17 May 2004
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Establishment politicians, media, and intellectuals use the word genocide with great abandon, but with a hugely politicized selectivity. It is an invidious word, like terrorism, so that attaching it to an enemy and target is helpful in demonizing, thereby setting up the target for bombing and invasion, and establishing a case for pursuit of its leaders via assassination squads or tribunals. Genocide was used often to describe the "killing fields" of Pol Pot, but not the killing fields of Vietnam where the United States ravaged the country, killed many more people than did Pol Pot, and left a destroyed country and chemical warfare heritage of hundreds of thousands of children with birth defects. The word was never used in the U.S. mainstream to describe Indonesian operations in East Timor, where the invasion of 1975 and murderous occupation killed off between a quarter and a third of the population, a larger fraction than in Cambodia and not attributable, at least in part, to a prior war and its after-effects (as in Cambodia). But in the one mention of the word "genocide" in reference to East Timor in the *New York Times* (February 15, 1981), veteran reporter Henry Kamm explained that this was unwarranted "hyperbole"--that the situation was "complex" and there were multiple causes of all those deaths (presumably in contrast with Cambodia, where Kamm and the Times never found any complexity or causes other than Pol Pot's policies).

The word genocide is rarely if ever applied to Turkish ethnic cleansing and massacres of its Kurds, and in fact Turkey was mobilized to participate in the 78-day NATO (de facto U.S.) bombing war against Yugoslavia in 1999, supposedly to terminate "genocide" in Kosovo, although Turkey's attacks on its local Kurds were far more deadly than any pre-bombing-war Yugoslav violence against the Kosovo Albanians. The obvious explanation of the varying word usage is that Turkey was a U.S. ally, and its ethnic cleansing and killings were facilitated by greatly increased U.S. (Clinton administration) military aid, just as Indonesia's violence in East Timor was greatly helped by greater U.S. (Carter administration) aid to the killer state. Yugoslavia, on the other hand, was a U.S. target. Amusingly, as Noam Chomsky points out in *Hegemony or Survival*, when Turkey failed to cooperate in the invasion-occupation of Iraq, suddenly the U.S. media began to report on Turkey's "ghastly record of torturing, killing, and 'disappearing' Turkish Kurds" that had previously been kept under the rug, although they continued to keep under the rug the fact of massive Clinton administration aid facilitating that "ghastly record."

The word genocide has been used often by establishment politicians, media and

intellectuals to describe Saddam Hussein's behavior in the 1980s, notably his resort to chemical warfare to kill Iraqi Kurds; but it is never used in the mainstream to describe the "sanctions of mass destruction" that are credibly estimated to have killed over a million Iraqis. The establishment institutions have avoided all but passing mention of the numbers dead, and they suppress even more completely the evidence that the killings were a consequence of deliberate actions, including the U.S. and British use of the sanctions system to block the import of medicines and equipment to repair water and sanitation systems that were destroyed with full recognition of the disease-threatening consequences.

"Genocide" was applied frequently to describe Serb actions in Bosnia and Kosovo in the 1990s, actions supposedly the basis of "humanitarian intervention" and a major tribunal operation to bring Serbs to book. The link here between Western target, invidious word usage, focus of attention of the "cruise missile left" and mainstream news and commentary, and dedicated, long-lasting and expensive tribunal pursuit of the chosen villains, is dramatic. The intellectual apologists for Western imperialism have pretended that the Yugoslavia Tribunal is not fully politicized, but is rather pursuing justice, as they skirt by the facts that nothing happened to Tudjman, Izetbegovic, or any other non-Serb high officials guilty of war crimes in the Balkans. (These would properly include Clinton, Blair and their top associates, guilty of aggression, and whose bombing tactics even Human Rights Watch, a notorious apologist for NATO policies in the Balkans, condemned as violations of "international humanitarian law"). The apologists claimed that the global reach of justice was approaching institutionalization in the 1990s—that human rights "has taken hold not just as a rhetorical but as an operating principle in all the major Western capitals" (David Rieff)—pointing beyond the Yugoslavia Tribunal to the Spanish effort to bring Pinochet to book, the Belgian case brought against Ariel Sharon, and the installation of the International Court of Justice (ICJ). They slighted the facts that nothing happened to Pinochet, that the case against Sharon was ended by a change in Belgian law (under U.S. pressure), that no tribunal was organized to deal with triple genocidist Suharto, and that the ICJ is repudiated by the United States despite groveling and compromising efforts to accommodate U.S. demands for assured exemption from ICJ jurisdiction.

So it remains a power-out-of-the-gun truth that only a U.S. target can commit "genocide" or even engage in "ethnic cleansing," while the United States can commit blatant aggression with only slightly delayed UN accommodation, and it and its clients don't aggress, ethnically cleanse, or commit genocide. (In ratifying the "Genocide Convention," with a 40-year time lag, the U.S. Senate wrote in a U.S. exemption to its application; the U.S. insistence on an above-the-law status is long-standing.)

It is truly Orwellian to see the Yugoslavia Tribunal struggling to pin the "genocide" label on Milosevic, and to have done that already against Bosnian Serb General Radislav Krstic. In Milosevic's case, the prosecutor, sensing that only 4-5,000 bodies—from all causes and on all sides—having been found in Kosovo after a bloody war, would not sustain a charge of genocide, decided to try to make him responsible for all Bosnian Serb killings in Bosnia, something the Tribunal had forgotten to do over the five previous years. This effort has been a notorious failure.

In the Krstic case, the genocide charge was based on the Srebrenica events of July 1995, where some substantial but uncertain number of Bosnian Muslims were killed, some in fighting and some executed. Here again the number of bodies in the discovered grave sites in the Srebrenica area is under 5,000, and certainly includes large numbers killed in the fighting during July. The Tribunal court claimed a Bosnian Serb plan and intent to kill all military age Srebrenica males, although no document or credible witness statement was found sustaining this charge, although thousands of Bosnian Muslim soldiers were allowed passage to safety, although many wounded Bosnian Muslims were allowed repatriation, and although the

Bosnian Serbs made a number of actual deals and broader proposals for a prisoner exchange.

The alternative view, that there was no such plan, only a vengeance motive and an intent to locate and execute the Bosnian Muslim cadres responsible for the killing of several thousand Serbs in the Srebrenica vicinity over the prior three years, was quickly dismissed by the Tribunal court. Vengeance as a motive is only acceptable for Western-backed killers (and David Rieff and company have relied on this to explain away the massive ethnic cleansing in Kosovo under NATO auspices). It is also well-known and conceded by the court that all the Bosnian Muslim women and children in Srebrenica were helped to safety in Bosnian Muslim territory, strange behavior with a genocidal intent. The Tribunal reasoning is that in a patriarchal society, the removal of males is especially important for making community survival difficult. Of course, the idea of genocide in one small town is also a pathbreaking idea, perhaps to be followed by genocide in one household. But for such a noble enterprise as putting the Serbs in their place, and making "humanitarian intervention" palatable, creative thought is useful.

The contrast between the treatment of Yugoslavia and Israel-Palestine remains truly dramatic. For one thing, Israeli ethnic cleansing of Palestinians from the "promised land" has been going on for half a century, and it is clear that the steady expropriations, demolitions, and killings of the Palestinians is for the benefit of Jewish settlements, not for "security." So this is as pure an illustration of ethnic cleansing as can be found on the face of the earth; Israeli historian Benny Morris, in his recent acknowledgement of this "ethnic purification," complained only that it hadn't gone far enough. By contrast, the Serb attacks on Kosovo Albanians before and during the 1999 bombing war were never to provide room for Serb settlements, they were a feature of an ongoing civil war (stoked by outsiders), so that this wasn't true ethnic cleansing at all. There was ethnic cleansing in Bosnia and Croatia, but it was carried out by all parties, struggling to establish land control in an externally encouraged civil war. Nevertheless, the phrase ethnic cleansing was used lavishly to describe Serb actions in Kosovo, as well as Bosnia, but it is rarely applied to Israeli behavior.

In the Genocide Convention of 1948, the word genocide was defined loosely, as any act "committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such." Genocidal acts included causing serious "mental harm" or inflicting "conditions of life" aimed at such destruction. Can anything be clearer than that the Sharon government is trying to destroy the Palestinians as a national group by creating intolerable "conditions of life"? Under "Operation Defensive Shield" Israel carried out a "systematic process of demolition of Palestinian public and private property, and mass expropriation of Palestinian land on behalf of settlers" (Appeal by 153 Israeli academics); "the Israeli army deliberately trashed the inside of every Palestinian institution that it did not entirely destroy—schools, charities, health organizations, banks, radio and TV stations, even a puppet theatre" (Gila Svirsky). As Rania Awwad has said, "Sharon's solution is to depopulate as much as possible the Occupied Palestinian Territories by making life for its citizens unbearable. And what could be more unbearable than watching your children cry themselves to sleep from hunger, night after night?" The Israeli leadership is not trying to exterminate all Palestinians, but they are prepared to kill them freely, take away their land, and make life so harsh that they will die off or leave. That this is a genocidal process is sometimes suggested in the Israeli media, but not in the Free Press.

The cruise missile left also adheres closely to the party line on genocide, which is why its members thrive in the *New York Times* and other establishment vehicles. This is true of Paul Berman, Michael Ignatieff and David Rieff, but I will focus here on Samantha Power, whose large volume on genocide, *"A Problem From Hell": America and the Age of Genocide* won a Pulitzer prize, and who is currently the

expert of choice on the subject in the mainstream media (and even in *The Nation* and on the Bill Moyers show).

Power never departs from the selectivity dictated by the establishment party line. That requires, first and foremost, simply ignoring cases of direct U.S. or U.S.-sponsored (or otherwise approved) genocide. Thus the Vietnam war, in which millions were directly killed by U.S. forces, does not show up in Power's index or text. Guatemala, where there was a mass killing of as many as 100,000 Mayan Indians between 1978 and 1985, in what Amnesty International called "A Government Program of Political Murder," but by a government installed and supported by the United States, also does not show up in Power's index. Cambodia is of course included, but only for the second phase of the genocide—the first phase, from 1969-1975, in which the United States dropped some 500,000 tons of bombs on the Cambodian countryside and killed vast numbers, she fails to mention. On the Khmer Rouge genocide, Power says they killed 2 million, a figure widely cited after Jean Lacouture gave that number; his subsequent admission that this number was invented had no effect on its use, and it suits Power's purpose.

A major U.S.-encouraged and supported genocide occurred in Indonesia in 1965-66 in which over 700,000 people were murdered. This genocide is not mentioned by Samantha Power and the names Indonesia and Suharto do not appear in her index. She also fails to mention West Papua, where Indonesia's 40 years of murderous occupation would constitute genocide under her criteria, if carried out under different auspices. Power does refer to East Timor, with extreme brevity, saying that "In 1975, when its ally, the oil-producing, anti-Communist Indonesia, invaded East Timor, killing between 100,000 and 200,000 civilians, the United States looked away" (146-7). That exhausts her treatment of the subject, although the killings in East Timor involved a larger fraction of the population than in Cambodia, and the numbers killed were probably larger than the grand total for Bosnia and Kosovo, to which she devotes a large fraction of her book. She also misrepresents the U.S. role—it did not "look away," it gave its approval, protected the aggression from any effective UN response (in his autobiography, then U.S. Ambassador to the UN Daniel Patrick Moynihan bragged about his effectiveness in protecting Indonesia from any UN action), and greatly increased its arms aid to Indonesia, thereby facilitating the genocide.

Power engages in a similar suppression and failure to recognize the U.S. role in her treatment of genocide in Iraq. She attends carefully and at length to Saddam Hussein's use of chemical warfare and killing of Kurds at Halabja and elsewhere, and she does discuss the U.S. failure to oppose and take any action against Saddam Hussein at this juncture. But she does not mention the diplomatic rapprochement with Saddam in the midst of his war with Iran in 1983, the active U.S. logistical support of Saddam during that war, and the U.S. approval of sales and transfers of chemical and biological weapons during the period in which he was using chemical weapons against the Kurds. She also doesn't mention the active efforts by the United States and Britain to block UN actions that might have obstructed Saddam's killings.

The killing of over a million Iraqis via the "sanctions of mass destruction," more than were killed by all the weapons of mass destruction in history, according to John and Karl Mueller ("Sanctions of Mass Destruction," *Foreign Affairs*, May/June 1999), was one of major genocides of the post-World War 2 era. It is unmentioned by Samantha Power. Again, the correlation between exclusion, U.S. responsibility, and the view that such killings were, in Madeleine Albright's words, "worth it" from the standpoint of U.S. interests, is clear. There is a similar political basis for Power's failure to include Israel's low-intensity genocide of the Palestinians and South Africa's "destructive engagement" with the frontline states in the 1980s, the latter with a death toll greatly exceeding all the deaths in the Balkan wars of the 1990s. Neither Israel nor South Africa, both "constructively engaged" by the United States,

show up in Power's index.

Samantha Power's conclusion is that the U.S. policy toward genocide has been very imperfect and needs reorientation, less opportunism, and greater vigor. For Power, the United States is the solution, not the problem. These conclusions and policy recommendations rest heavily on her spectacular bias in case selection: She simply bypasses those that are ideologically inconvenient, where the United States has arguably committed genocide (Vietnam, Cambodia 1969-75, Iraq 1991-2003), or has given genocidal processes positive support (Indonesia, West Papua, East Timor, Guatemala, Israel, and South Africa). Incorporating them into an analysis would lead to sharply different conclusions and policy agendas, such as calling upon the United States to simply stop doing it, or urging stronger global opposition to U.S. aggression and support of genocide, and proposing a much needed revolutionary change within the United States to remove the roots of its imperialistic and genocidal thrust. But the actual huge bias, nicely leavened by admissions of imperfections and need for improvement in U.S. policy, readily explains why Samantha Power is loved by the *New York Times* and won a Pulitzer prize for her masterpiece of evasion and apologetics for "our" genocides and call for a more aggressive pursuit of "theirs."

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Uitstel hervatting proces Milošević

Door een onzer redacteurs

DEN HAAG, 28 MEI. De hervatting van het proces tegen oud-president Slobodan Milošević is wegens zijn zwakke gezondheid uitgesteld tot 5 juli. Hij heeft last van hoge bloeddruk en hartproblemen. Zijn cardioloog wil dat hij rust neemt „waarna hij voor drie dagen per week aan het werk mag”. Milošević staat voor het Joegoslavië-tribunaal terecht wegens misdaden tegen de menselijkheid en oorlogsmisdaden.

Sagittarius

Van: "Michel Collon"
 Aan: "Sagitar" <sagitar@hetnet.nl>
 Verzonden: zaterdag 29 mei 2004 15:11
 Onderwerp: Herman : "Genocide", Milosevic and Nato

"Milosevic was not indicted along with Mladic and Karadzic in 1995 for the ethnic cleansing in Bosnia in prior years, so the belated attempt in The Hague in 2002 to make him responsible for those killings suggests that UN war crimes tribunal chief prosecutor, Carla Del Ponte did this because she saw that the killings in Kosovo fell far short of anything she could pass off as "genocide." "

"There is now substantial literature that makes a strong case that the Tribunal is not only a crudely political arm of NATO, but that it is a "rogue court." As a political arm, it regularly cleared the ground for NATO military actions and since that victory the Tribunal has worked hard to prove that the NATO war was just. "

Stacy Sullivan on Milosevic and Genocide

By Edward S. Herman | May 28, 2004

Liberals and much of the left have been badly bamboozled on recent Yugoslav history and the role of the International Criminal Tribunal for the Former Yugoslavia, with former Serbian President Slobodan Milosevic having been hyper-demonized and the history of the Balkans rewritten to fit what Lenard Cohen calls the "paradise lost/loathsome leaders" paradigm. But numerous serious scholars have rejected this history and regard the U.S. and other NATO powers as heavily responsible for the disasters since 1990. Lord David Owen's *Balkan Odyssey*, and his testimony before the Tribunal, make it very clear that Milosevic was eager for a settlement of the Bosnian wars well before the Dayton agreement in 1995, and that he regularly had major conflicts of interest with the Bosnian Serbs. It is clear from Owens, as well as from other experts that the U.S. government played a key role in the failure of the 1991 Vance plan, the 1992 Cutileiro plan, and the 1993-94 Vance-Owen and Owen Stoltenberg plans, as the Clinton administration armed the Bosnian Muslims, and later the KLA in Kosovo, while encouraging them both to hope (and work) for U.S.-NATO military intervention on their behalf.

Milosevic was not indicted along with Mladic and Karadzic in 1995 for the ethnic cleansing in Bosnia in prior years, so the belated attempt in The Hague in 2002 to make him responsible for those killings suggests that UN war crimes tribunal chief prosecutor, Carla Del Ponte did this because she saw that the killings in Kosovo fell far short of anything she could pass off as "genocide." Even establishment spokespersons like retired U.S. Air Force General Charles Boyd and UN official Cedric Thornberry have stressed that the Bosnian killings in the years 1991-1995 were by no means confined to those by Bosnian Serbs: the Croats and Bosnian Muslims, the latter supplemented by thousands of imported mujahideen, slaughtered many thousands of their ethnic enemies in the area. But the Tribunal, organized, funded, and essentially controlled by the U.S. and Britain, was only interested in pursuing NATO targets, and these were almost exclusively Serbs.

There is now substantial literature that makes a strong case that the Tribunal is not only a

oudely political arm of NATO, but that it is a "rogue court." As a political arm, it regularly cleared the ground for NATO military actions and since that victory the Tribunal has worked hard to prove that the NATO war was just.

The Milosevic trial is the main vehicle for proving NATO's virtue, though it has been a major flop in proving its case and maintaining an image of fairness and justice. The latter problem was nicely illustrated in the Tribunal's recent privileged treatment of the U.S. government and Wesley Clark. Thus, the U.S. government was given the right to demand a closed session of the court and to redact testimony; Clark was allowed to communicate with outsiders and obtain and insert into the record a truth testimonial from Bill Clinton, in straightforward violation of Judge May's trial rules. Readers of the *New York Times* (or *In These Times* and *The Nation*) will also never know that with William Walker on the stand, Judge May's deference to the "Ambassador" was laughable: during direct examination by the prosecutors there was not one interruption, while during Milosevic's cross-examination he interrupted **70 times**, and wouldn't allow him to ask Walker, the man who grieved so over deaths at Racak, about his earlier crude apologetics for the killing of the six Jesuit leaders and others in El Salvador.

A recent example of the kind of analysis that repeats the canards common to the liberal "conventional wisdom" is FPIF's commentary by Stacy Sullivan, of the Institute for War and Peace Reporting (IWPR), on "*Milosevic and Genocide: Has the Prosecution Made Its Case?*" (<http://www.fpif.org/commentary/2004/0402milosevic.html>). IWPR is funded by the State Department, USAID, the National Endowment for Democracy, the Open Society Institute, and half a dozen other Western governments, and it has long served as a *de facto* propaganda arm of NATO. Sullivan is most noted for her *New Republic* classic of hardline pro-war and vengeance propaganda, "*Milosevic's Willing Executioners*" (May 9, 1999). Sullivan's FPIF article is in the same mode, taking it as a given that the Tribunal is an apolitical instrument of justice and that we have an honest and not a show trial.

An Annotated Response to Sullivan

Her first sentence says that the prosecutors announced right off that they would "prove" Milosevic guilty of genocide. She fails to mention that the Bosnia charges were added belatedly, that Milosevic had not been charged with them at the time of the actual killings, and that while Del Ponte said she would "prove" this guilt she admittedly didn't yet have the evidence. Indict, publicly and flamboyantly charge, and then look for the evidence, has long been the Tribunal's *modus operandi*.

Sullivan's second sentence mentions that there were "300 witnesses," "some high level insiders who have turned on their former master," "thousands of pages of documents," etc. We are supposed to be impressed with this sheer volume of smoke that must show a genocidal fire. She doesn't mention that Canadian law professor Michael Mandel gave Del Ponte "thousands of pages" of documents in April 1999 showing NATO war crimes, which of course Del Ponte ignored, and that thousands of pages have been published and innumerable witnesses could have been supplied as witnesses for the many thousands of Serb victims in Bosnia. It is extremely easy to find victimized people in civil wars who will testify to maltreatment if given the opportunity and even paid for their trouble, and some and perhaps most will even be telling the painful truth. But only a propagandist will mention the 300 witnesses as if this alone is a serio! us consideration in proving "genocide."

As regards the "high level insiders," in fact the prosecution came up with few that were high level and fewer still who were cooperative. One of their prime witnesses, Ratomir Tanic, appears to have been a conman, who was so "inside" that he couldn't even describe the location of the president's office. Genuine insiders like former Yugoslav president Zoran

nic and member of the Yugoslav presidency Borislav Jovic confirmed Milosevic on almost all key points. Rade Markovic, the former head of Yugoslav security, who had everything to gain from denouncing his old boss, also defended Milosevic on all key points while renouncing a statement he claimed had been extracted from him by threats and torture during a 17 month stint in prison. Sullivan predictably doesn't mention that many "insiders" and others were bribed and threatened with heavy sentences unless they acquiesced to plea-bargains.

Sullivan claims that many legal experts are doubtful about a successful genocide charge because the Tribunal "has set the bar for doing so extremely high." They might have to prove that Milosevic "orchestrated the breakup of Yugoslavia with the specific intent to destroy Bosnian Muslims as a people...[with] unequivocal evidence of genocidal intent...calling for the liquidation of all of the Bosnian Muslims..." The idea that Milosevic wanted the breakup of Yugoslavia is ideology run wild and contradicts the usual formula that he attacked Slovenia and Croatia in an attempt to prevent their exit from Yugoslavia (for a summary of an alternative view of the Balkan wars, see Edward S. Herman, "*Diana Johnstone on the Balkan Wars*," <http://www.monthlyreview.org/0203herman.htm>, as well as a recent piece by George Szamuely for FPIF, "*The Yugoslavian Fairytale*," <http://www.fpif.org/commentary/2004/0405fairytale.html>).

As there was a lot of back-and-forth ethnic cleansing and killing in Bosnia, and the celebrated Srebrenica killings were comprised entirely of military-aged men, many killed in fighting, and after the Bosnian Serbs had admittedly separated out the women and children and moved them to safe refuge, intent and plan (as well as the still elusive Milosevic control of the Bosnian Serb forces) would seem rather essential to proving that Milosevic was guilty of genocide in any sense. Besides, Del Ponte said she was definitely going to "prove" genocide. What concept did she have in mind?

What constitutes genocide?

Sullivan doesn't have a clue on the level of Tribunal "bars" for charges of genocide. These have proved to be wonderfully flexible, and her claim of a too-high bar has no basis in any Tribunal actions but is rather a form of pressure to get the bar low enough to assure the show trial's proper result. In Bosnian Serb General Krstic's case, the Tribunal found Krstic guilty of genocide by making it virtually the same thing as ethnic cleansing, and extending the concept to killing only armed men in a single small town!

Assuming that this was a valid case of genocide, Sullivan alleges that an "acquittal would have serious consequences for attempts to prosecute genocide in the future." If it isn't a valid case of genocide it wouldn't interfere with future efforts at all. However, if it is a corrupt case brought by an alliance that actually carried out the "supreme crime" of aggression in violation of the UN Charter in attacking Yugoslavia, using the Tribunal first as a war-facilitating instrument and then as a means of justifying the aggression, losing the case would be a plus for the international rule of law. This is not likely to happen, given the fact that the Tribunal is an arm of the NATO powers, although the case made by the prosecution has been so weak that it is not inconceivable that Milosevic might only be found guilty of "crimes against humanity."

Great Powers and Genocide

What might really interfere with efforts to pursue genocide would be if the United States or another major power engaged in genocide or gave it support, as there are no mechanisms to prevent or punish acts such as these in the New World Order, and major powers are essentially exempt. Thus, the "sanctions of mass destruction" imposed by the U.S. and

Britain on Iraq from 1991-2002 killed four or five times as many civilians as died from all causes in the Balkans wars of the 1990s, and as Thomas Nagy and Joy Gordon have shown, these deaths were brought about deliberately; and Suharto's and his successors' operations in Indonesia and East Timor were big-time genocidal, but under Western, and notably U.S. and British, protection. The problem of this exemption does not occur to Sullivan.

Sullivan argues that "by far the most serious consequences of an acquittal on genocide charges...would be for Bosnia's victims," ignoring the Croat and Serbian victims, of which there were many thousands. (The largest single ethnic cleansing during the Balkan wars was of Serbs driven out of the Krajina in August 1995, by the Croats, with U.S. assistance; the largest proportionate ethnic cleansing in those wars was of Serbs and other minorities, including Roma, driven out of Kosovo by the KLA under NATO auspices after June 1999.) But even in her own narrow terms of reference, how concerned are Bosnian victims over this issue? How does Sullivan know about the victims' feelings? A poll taken in Bosnia several years ago indicated that no more than six percent of Bosnian Muslims, Serbs, or Croats considered the bringing of war criminals to justice as important (Charles Boyd, "Making Bosnia Work," *Foreign Affairs*, January 1998).

Furthermore, why would Bosnian victims need a successful "genocide" charge and not be satisfied with guilt for "crimes against humanity?" However, if the function of the trial is to prove the NATO war just, we must have "genocide." Best, however, to pretend that it is concern over the victims rather than NATO-establishment priorities that make the charge of genocide so important.

Editor: John Gershman, Interhemispheric Resource Center ([IRC](#))

(Ed Herman is an economist and media analyst. He has a regular "Fog Watch" column in Z magazine. With Philip Hammond, he co-edited Degraded Capability: the Media and the Kosovo Crisis (Pluto: 2000).)

Additional References

Thomas Nagy, "The Secret Behind the Sanctions: How the U.S. Intentionally Destroyed Iraq's Water Supply," *The Progressive*, (September 2001)
<http://www.progressive.org/0901/nagy0901.html>

Joy Gordon, "Economic Sanctions as Weapons of Mass Destruction," *Harpers*, (November 2002)
<http://www.harpers.org/CoolWar.html>

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<http://www.fpif.org/commentary/2004/0405sssgenocide.html>

See also : Vanessa Stojilkovic & Michel Collon, *The Damned of Kosovo*, film, 78', 2002.

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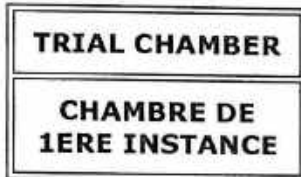
**See also : Michel Collon, *Liars' Poker*, New York, 2002
and *Monopoly; Nato conquerring the world*, New York, june 2004
available at : Milo Yelesiyevich**

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Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: zaterdag 29 mei 2004 5:30
Onderwerp: CDSM: SM Defence Case Rescheduled to Start 5th July

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



The Hague, 27 May 2004
CVO/P.I.S./852-e

MILOSEVIC DEFENCE CASE RESCHEDULED TO START ON 5 JULY 2004

Please be advised that the start of the Defence case in *The Prosecutor v. Slobodan Milosevic* has been rescheduled and will commence on Monday, 5 July 2004 at 9 a.m. The Pre-Defence Conference will now be held on Thursday, 17 June 2004 at 10 a.m.

In its Order of 27 May 2004, the Trial Chamber considered "*the continued ill health of the Accused, and the advice of the treating cardiologist that the Accused rest for a period, after which he may resume work initially for three days per week*".

Furthermore, the Trial Chamber considered that "*the Trial Chamber has not yet received full translation of the Rule 65 ter material filed by the Accused on 13 April 2004, which it must examine before the Pre-Defence Conference*".

The Trial Chamber also ordered that it will sit the following days until the summer recess (from 2 August until 20 August 2004):

- Monday 5 July to Wednesday 7 July 2004,
- Tuesday 13 July to Thursday 15 July 2004,
- Monday 19 July to Wednesday 21 July 2004, and
- Tuesday 27 July to Thursday 29 July 2004.

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Verzonden: woensdag 2 juni 2004 21:04
Onderwerp: Fw: Hague Demonstration on Saturday, 26th June 2004

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

From: "Wil van der Klift" <manifest@wanadoo.nl>
To: "M Gavrilovic" <mishag1@cwcom.net>
Cc: "C.R. Hilvers" <chilvers@wxs.nl>; "Despotovic, Ruza" <ruzad@ggzba.nl>;
 "Ruza Despotovic" <despot@tiscali.nl>; "Klaus Hartmann"
 <klaus.hartmann@user.ecore.net>
Sent: Wednesday, June 02, 2004 12:41 AM
Subject: Re: Hague Demonstration on Saturday, 26th June 2004

> Dear Misha,
 >
 > today I talked with Klaus Hartmann about the fact that we are prepared to
 > assist in both the demonstration at June 26 and a conference somewhere in
 > October. I also told him that I was waiting for an official email and
 > informed him about the fact that there is enough time yet to get a
 > permission. Klaus was in The Hague to meet our friend.
 >
 > I feel happy to receive this email for I see this mail as an official
 > document I can work with. Don't worry about your friends in The Hague, we
 > will start now to organize all activities needed for the demonstration.
 > Branko and Ruza will take care of the installation for music and
 > speakers.
 > I will rent a 'car' like before.
 >
 > Klaus will take contact with Cas Hilvers to find out if, and if so what
 > he
 > can do and under what conditions. Anyhow I want to know if there is a room
 > needed, when, for how many persons, etc?
 >
 > I hope you will send me the information you promised me to send.
 >
 > See you soon,
 >
 > best regards,
 >
 > Wil

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

> **From:** "M Gavrilovic" <mishag1@cwcom.net>
 > **To:** "Wil van der Klift" <manifest@wanadoo.nl>
 > **Sent:** Wednesday, June 02, 2004 12:09 AM
 > **Subject:** Hague Demonstration on Saturday, 26th June 2004

>> Dear Wil,
 >>
 >> I have only just now got your message and, having just spoken to Ruza, I

an
 > replying immediately. There appears to have been a misunderstanding re
 >> confirmation. I believed that my telephone call following Ruza's
 informing
 >> you earlier was sufficient.
 >>
 >> The demonstration is organised by the Serbian Diaspora organisation
 > NedaIst
 >> (an abbreviation of "Nedamo Istoriju" or 'We shall not surrender our
 >> history'. NedaIst has only recently been formed and is as yet
 > unregistered).
 >> Our main reason for the demonstration is to maintain continuity in our
 >> Diaspora's interest regarding implications of proceedings at The Hague.
 > The
 >> response re this has been particularly good in Germany so far.
 >>
 >> We would hope for similar arrangements as last time. The formal speeches
 >> would start at 14:00 The Plein and would finish at approx 17:00 in front
 of
 >> Sheveningen prison. We would ask for Police permission to assemble from
 >> 12:00 onwards. We would ideally want 1 hour or at least 45 min at the
 > Plein
 >> for speeches. We expect a similar number of participants as last time -
 >> approx 250 people.
 >>
 >> Vlada has been informed. He is very pleased about the Diaspora action
 and
 >> fully supports the demo. So does the German section. Vlada is unable to
 >> attend due to event in, I believe Athens, on same day.
 >>
 >> We would expect you to give a welcoming speech similar to last time as
 > this
 >> was very well received. There will be other speakers that NedaIst will
 >> invite but I must be certain that the event will definitely go ahead
 > first.
 >>
 >> We do not plan to have a Press conference and will only concentrate on
 the
 >> demonstration.
 >>
 >> We would be prepared to reimburse reasonable logistics expenses. We will
 >> also arrange for a Dinner for some participants and expect that you and
 >> Tineke will be able to attend.
 >>
 >> I hope this is enough at present. Our "NedaIst" Organising Committee
 >> consists of:
 >>
 >> Dr Ljiljana Verner, Hannover (will be responsible for most of the
 > logistics
 >> for visitors from Germany)
 >> Dr Branka Obradovic, Vienna
 >> Ruza Despotovic, Amsterdam
 >> Misha Gavrilovic, London (I will moderate as on the previous two
 > occasions)
 >>

Ruza is of course also part of the local NL committee and I expect that
> she
>> will help you with logistics in the Hague. I am aware that you will be
>> rather busy during the week with other things as you told me already.
You
>> main activities though are the registration with the Hague Police,
giving
>> the welcoming speech as last time and of course liaise with the Police
>> during the demo.
>> At this stage it is very important to have confirmation from the Police
> asap
>> as we cannot send invitation letters without the confirmation.
>>
>> Best Regards
>> Misha Gavrilovic
>>
>
>

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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: zaterdag 5 juni 2004 0:39
Onderwerp: CDSM: Stacy Sullivan on Milosevic and Genocide by Edward S Herman 28th May 2004.
<http://www.fpif.org/commentary/2004/0405ssgenocide.html>

"Milosevic was not indicted along with Mladic and Karadzic in 1995 for the ethnic cleansing in Bosnia in prior years, so the belated attempt in The Hague in 2002 to make him responsible for those killings suggests that UN war crimes tribunal chief prosecutor, Carla Del Ponte did this because she saw that the killings in Kosovo fell far short of anything she could pass off as "genocide." "

"There is now substantial literature that makes a strong case that the Tribunal is not only a crudely political arm of NATO, but that it is a "rogue court." As a political arm, it regularly cleared the ground for NATO military actions and since that victory the Tribunal has worked hard to prove that the NATO war was just. "

Stacy Sullivan on Milosevic and Genocide

By Edward S. Herman | May 28, 2004

Liberals and much of the left have been badly bamboozled on recent Yugoslav history and the role of the International Criminal Tribunal for the Former Yugoslavia, with former Serbian President Slobodan Milosevic having been hyper-demonized and the history of the Balkans rewritten to fit what Lenard Cohen calls the "paradise lost/loathsome leaders" paradigm. But numerous serious scholars have rejected this history and regard the U.S. and other NATO powers as heavily responsible for the disasters since 1990. Lord David Owen's Balkan Odyssey, and his testimony before the Tribunal, make it very clear that Milosevic was eager for a settlement of the Bosnian wars well before the Dayton agreement in 1995, and that he regularly had major conflicts of interest with the Bosnian Serbs. It is clear from Owens, as well as from other experts that the U.S. government played a key role in the failure of the 1991 Vance plan, the 1992 Cutileiro plan, and the 1993-94 Vance-Owen and Owen Stoltenberg plans, as the Clinton administration armed the Bosnian Muslims, and later the KLA in Kosovo, while encouraging them both to hope (and work) for U.S.-NATO military intervention on their behalf.

Milosevic was not indicted along with Mladic and Karadzic in 1995 for the ethnic cleansing in Bosnia in prior years, so the belated attempt in The Hague in 2002 to make him responsible for those killings suggests that UN war crimes tribunal chief prosecutor, Carla Del Ponte did this because she saw that the killings in Kosovo fell far short of anything she could pass off as "genocide." Even establishment spokespersons like retired U.S. Air Force General Charles Boyd and UN official Cedric Thornberry have stressed that the Bosnian killings in the years 1991-1995 were by no means confined to those by Bosnian Serbs: the Croats and Bosnian Muslims, the latter supplemented by thousands of imported mujahideen, slaughtered many thousands of their ethnic enemies in the area. But the Tribunal, organized, funded, and essentially controlled by the U.S. and Britain, was only interested in pursuing NATO targets, and these were almost exclusively Serbs.

There is now substantial literature that makes a strong case that the Tribunal is not only a crudely political arm of NATO, but that it is a

"rogue court." As a political arm, it regularly cleared the ground for NATO military actions and since that victory the Tribunal has worked hard to prove that the NATO war was just.

The Milosevic trial is the main vehicle for proving NATO's virtue, though it has been a major flop in proving its case and maintaining an image of fairness and justice. The latter problem was nicely illustrated in the Tribunal's recent privileged treatment of the U.S. government and Wesley Clark. Thus, the U.S. government was given the right to demand a closed session of the court and to redact testimony; Clark was allowed to communicate with outsiders and obtain and insert into the record a truth testimonial from Bill Clinton, in straightforward violation of Judge May's trial rules. Readers of the New York Times (or In These Times and The Nation) will also never know that with William Walker on the stand, Judge May's deference to the "Ambassador" was laughable: during direct examination by the prosecutors there was not one interruption, while during Milosevic's cross-examination he interrupted 70 times, and wouldn't allow him to ask Walker, the man who grieved so over deaths at Racak, about his earlier crude apologetics for the killing of the six Jesuit leaders and others in El Salvador.

A recent example of the kind of analysis that repeats the canards common to the liberal "conventional wisdom" is FPIF's commentary by Stacy Sullivan, of the Institute for War and Peace Reporting (IWPR), on "Milosevic and Genocide: Has the Prosecution Made Its Case?" (<http://www.fpif.org/commentary/2004/0402milosevic.html>). IWPR is funded by the State Department, USAID, the National Endowment for Democracy, the Open Society Institute, and half a dozen other Western governments, and it has long served as a de facto propaganda arm of NATO. Sullivan is most noted for her New Republic classic of hardline pro-war and vengeance propaganda, "Milosevic's Willing Executioners" (May 9, 1999). Sullivan's FPIF article is in the same mode, taking it as a given that the Tribunal is an apolitical instrument of justice and that we have an honest and not a show trial.

An Annotated Response to Sullivan

Her first sentence says that the prosecutors announced right off that they would "prove" Milosevic guilty of genocide. She fails to mention that the Bosnia charges were added belatedly, that Milosevic had not been charged with them at the time of the actual killings, and that while Del Ponte said she would "prove" this guilt she admittedly didn't yet have the evidence. Indict, publicly and flamboyantly charge, and then look for the evidence, has long been the Tribunal's modus operandi.

Sullivan's second sentence mentions that there were "300 witnesses," "some high level insiders who have turned on their former master," "thousands of pages of documents," etc. We are supposed to be impressed with this sheer volume of smoke that must show a genocidal fire. She doesn't mention that Canadian law professor Michael Mandel gave Del Ponte "thousands of pages" of documents in April 1999 showing NATO war crimes, which of course Del Ponte ignored, and that thousands of pages have been published and innumerable witnesses could have been supplied as witnesses for the many thousands of Serb victims in Bosnia. It is extremely easy to find victimized people in civil wars who will testify to maltreatment if given the opportunity and even paid for their trouble, and some and perhaps most will even be telling the painful truth. But only a propagandist will mention the 300 witnesses as if this alone is a serio! us consideration in proving "genocide."

As regards the "high level insiders," in fact the prosecution came up with few that were high level and fewer still who were cooperative. One of their prime witnesses, Ratomir Tanic, appears to have been a conman, who was so "inside" that he couldn't even describe the location of the

president's office. Genuine insiders like former Yugoslav president Zoran Lilic and member of the Yugoslav presidency Borislav Jovic confirmed Milosevic on almost all key points. Rade Markovic, the former head of Yugoslav security, who had everything to gain from denouncing his old boss, also defended Milosevic on all key points while renouncing a statement he claimed had been extracted from him by threats and torture during a 17 month stint in prison. Sullivan predictably doesn't mention that many "insiders" and others were bribed and threatened with heavy sentences unless they acquiesced to plea-bargains.

Sullivan claims that many legal experts are doubtful about a successful genocide charge because the Tribunal "has set the bar for doing so extremely high." They might have to prove that Milosevic "orchestrated the breakup of Yugoslavia with the specific intent to destroy Bosnian Muslims as a people...[with] unequivocal evidence of genocidal intent...calling for the liquidation of all of the Bosnian Muslims..." The idea that Milosevic wanted the breakup of Yugoslavia is ideology run wild and contradicts the usual formula that he attacked Slovenia and Croatia in an attempt to prevent their exit from Yugoslavia (for a summary of an alternative view of the Balkan wars, see Edward S. Herman, "Diana Johnstone on the Balkan Wars," <http://www.monthlyreview.org/0203herman.htm>, as well as a recent piece by George Szamuely for FPIF, "The Yugoslavian Fairytale," <http://www.fpif.org/commentary/2004/0405fairytale.html>).

As there was a lot of back-and-forth ethnic cleansing and killing in Bosnia, and the celebrated Srebrenica killings were comprised entirely of military-aged men, many killed in fighting, and after the Bosnian Serbs had admittedly separated out the women and children and moved them to safe refuge, intent and plan (as well as the still elusive Milosevic control of the Bosnian Serb forces) would seem rather essential to proving that Milosevic was guilty of genocide in any sense. Besides, Del Ponte said she was definitely going to "prove" genocide. What concept did she have in mind?

What constitutes genocide?

Sullivan doesn't have a clue on the level of Tribunal "bars" for charges of genocide. These have proved to be wonderfully flexible, and her claim of a too-high bar has no basis in any Tribunal actions but is rather a form of pressure to get the bar low enough to assure the show trial's proper result. In Bosnian Serb General Krstic's case, the Tribunal found Krstic guilty of genocide by making it virtually the same thing as ethnic cleansing, and extending the concept to killing only armed men in a single small town!

Assuming that this was a valid case of genocide, Sullivan alleges that an "acquittal would have serious consequences for attempts to prosecute genocide in the future." If it isn't a valid case of genocide it wouldn't interfere with future efforts at all. However, if it is a corrupt case brought by an alliance that actually carried out the "supreme crime" of aggression in violation of the UN Charter in attacking Yugoslavia, using the Tribunal first as a war-facilitating instrument and then as a means of justifying the aggression, losing the case would be a plus for the international rule of law. This is not likely to happen, given the fact that the Tribunal is an arm of the NATO powers, although the case made by the prosecution has been so weak that it is not inconceivable that Milosevic might only be found guilty of "crimes against humanity."

Great Powers and Genocide

What might really interfere with efforts to pursue genocide would be if the United States or another major power engaged in genocide or gave it

support, as there are no mechanisms to prevent or punish acts such as these in the New World Order, and major powers are essentially exempt. Thus, the "sanctions of mass destruction" imposed by the U.S. and Britain on Iraq from 1991-2002 killed four or five times as many civilians as died from all causes in the Balkans wars of the 1990s, and as Thomas Nagy and Joy Gordon have shown, these deaths were brought about deliberately; and Suharto's and his successors' operations in Indonesia and East Timor were big-time genocidal, but under Western, and notably U.S. and British, protection. The problem of this exemption does not occur to Sullivan.

Sullivan argues that "by far the most serious consequences of an acquittal on genocide charges...would be for Bosnia's victims," ignoring the Croat and Serbian victims, of which there were many thousands. (The largest single ethnic cleansing during the Balkan wars was of Serbs driven out of the Krajina in August 1995, by the Croats, with U.S. assistance; the largest proportionate ethnic cleansing in those wars was of Serbs and other minorities, including Roma, driven out of Kosovo by the KLA under NATO auspices after June 1999.) But even in her own narrow terms of reference, how concerned are Bosnian victims over this issue? How does Sullivan know about the victims' feelings? A poll taken in Bosnia several years ago indicated that no more than six percent of Bosnian Muslims, Serbs, or Croats considered the bringing of war criminals to justice as important (Charles Boyd, "Making Bosnia Work," Foreign Affairs, January 1998).

Furthermore, why would Bosnian victims need a successful "genocide" charge and not be satisfied with guilt for "crimes against humanity?" However, if the function of the trial is to prove the NATO war just, we must have "genocide." Best, however, to pretend that it is concern over the victims rather than NATO-establishment priorities that make the charge of genocide so important.

Editor: John Gershman, Interhemispheric Resource Center (IRC)

(Ed Herman is an economist and media analyst. He has a regular "Fog Watch" column in Z magazine. With Philip Hammond, he co-edited Degraded Capability: the Media and the Kosovo Crisis (Pluto: 2000).)

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2)

PRESS REVIEW :

MILOSEVIC TO BEGIN DEFENCE AT UN WAR CRIMES COURT

5-7-2009
THE HAGUE (AFP) - Slobodan Milosevic is to start presenting his defence case against charges of war crimes, nearly two years after the former Yugoslav president went on trial before the UN court here for his role in the 1990s Balkan wars.

It is not known whom Milosevic will call to testify on his behalf although he has asked judges in the trial to force British Prime Minister Tony Blair, German Chancellor Gerhard Schroeder and former US president Bill Clinton to take the stand.

He served the trial chamber with a list of 1,631 witnesses, whose names have not been revealed by the court, but it would be impossible to call all of them within the 150 court days he has been given to present his defence.

Milosevic faces more than 60 counts of war crimes and crimes against humanity for his alleged central role in the wars in Croatia in 1991-95, Bosnia in 1992-95 and Kosovo in 1998-99. For the bloody conflict in Bosnia which left 200,000 people dead, he faces separate charges of genocide, the gravest of war crimes. If convicted Milosevic could be sentenced to life imprisonment.

The former Serb strongman has consistently denied the charges against him and refuses to recognize the legality of the International Criminal Tribunal for the former Yugoslavia (ICTY).

In a major boost to the prosecution's case, judges turned down a request by court-appointed lawyers in the case to drop the genocide charges against Milosevic because of insufficient evidence.

Milosevic is expected to launch a purely political defence by accusing the Western powers of supporting separatist movements in the former communist federation, blaming them for the series of wars that led to a breakup of the ex-Yugoslavia.

The biggest challenge for the judges will be to manage the defence as Milosevic has frequently shown that he does not intend to play by the tribunal's rules.

"The challenge for the court is that (Milosevic) does not appear to be gagged in the court room but on the other hand they have to keep the defence case focused", Richard Dicker of Human Rights Watch said.

The judges have already told Milosevic that they will intervene if evidence becomes repetitive, cumulative or is considered to be irrelevant to the indictment.

Already the mammoth trial, seen as the most important war crimes trial in Europe since World War II, has dragged on for two years. It is not expected to finish until at least mid-2005 but Milosevic's ill health could throw a spanner in the works.

The man suffers from high blood pressure and is at risk of a heart attack, tribunal-appointed doctors say. So far the trial has been interrupted over a dozen times because of Milosevic's ill health.

3)

PRESS REVIEW :

MILOSEVIC TRIAL RESUMES AMID HEALTH CONCERNS

By Paul Gallagher and Emma Thomasson

Extracts :

THE HAGUE (Reuters) - Former Yugoslav President Slobodan Milosevic appeared for the resumption of his war crimes trial on Monday but the start of his defense before The Hague tribunal was thrown into doubt due to his ill health.

Milosevic's bouts of high blood pressure, flu and exhaustion have frequently delayed his trial that began in February 2002. The former Serb strongman had been due to launch his defense by making a four-hour long opening statement in a case widely regarded as Europe's biggest war crimes trial since World War II.

But the trial's presiding judge said the court had received medical reports which indicated that Milosevic had extremely high blood pressure and that it was essential for him to rest.

His lawyer Zdenko Tomanovic said before the hearing that Milosevic had been examined by a doctor and did not expect him to make his opening statement for another one or two weeks.

The court heard a doctor had recommended rest for Milosevic because of high blood pressure but that the trial could resume when it returned to normal.

"Today was the day set by the chamber for the accused to commence the presentation of his defense but last week the chamber received two medical reports...on the health of the accused", presiding judge Patrick Robinson said.

The court decided to hold a hearing to look at the implications of the reports, Robinson said. Milosevic, who graduated from the Belgrade Law Faculty and is conducting his own defense, has described his trial as a battle for truth against what he called politically motivated charges that were "false" and "monstrous".

Since the prosecution wrapped up their case in February, Milosevic has been working on his defense from an office with a computer, fax, telephone and filing cabinets in the tribunal's detention center.

Milosevic says the tribunal is guilty of inherent bias against him and the Serb people, branding it an illegal institution designed to cover up what he says were NATO war crimes sponsored by the United States and Britain.

NATO launched a bombing campaign against Serbia in 1999 after accusing it of ethnic cleansing against the majority Albanians in Kosovo, forcing Milosevic to withdraw his forces from the province.

Milosevic has also charged that the United States, Britain, Germany and Osama bin Laden's al Qaeda all supported terrorism by the Kosovo Liberation Army.

Milosevic, who has described himself as a peacemaker in the Balkans, declined to enter a plea to the charges. Pleas of not guilty were entered on his behalf by the trial's three judges.

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: maandag 7 juni 2004 17:14
Onderwerp: Sloboda: Join or endorse the big rally in Belgrade on 28

SLOBODA/Freedom Association
Member of the World Peace Council
Belgrade, Rajiceva 16, tel./fax +381 11 630-549
www.sloboda.org.yu slobodavk@yubc.net

PROCLAMATION

The three years of slavery and national humiliation, misery and criminal, sale of people and national wealth, destruction of economy and culture, ruining of the state and persecution of honest people started on Vidovdan (St. Vitus day) 2001 by kidnapping President Slobodan Milosevic and by bringing the Serbian people before the false court of those who committed the biggest crimes on this soil.

The struggle of Slobodan Milosevic for truth has woken up the people and shown that only upright we can go to the free and better future.

Slobodan Milosevic and all defenders of freedom and motherland have to be freed from incarceration and persecution now.

Today, when our people is returning to the honest way of freedom and justice, and when the World rises against aggression and terror, the Freedom Association

calls upon all patriots and all progressive and patriotic parties and organizations to join the

GREAT PEOPLE'S RALLY
on
VIDOVDAN,

Monday, 28 June 2004, at 5 p.m.
at the Republic Square in Belgrade

Freedom for Slobodan Milosevic
and all defenders of freedom and motherland!

FREEDOM FOR SERBIA!

Belgrade, 7 June 2004

Freedom Association

TRUTH
OR SLAVERY, HUMILIATION AND DESTRUCTION OF SERBIAN NATION

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

THE DECISIVE BATTLE FOR TRUTH NEEDS YOUR HELP NOW!

SLOBODA urgently needs your donation.

Please find the detailed instructions at:

<http://www.sloboda.org.yu/pomoc.htm>

To join or help this struggle, visit:

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

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

Milosevic)

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

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

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

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

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

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Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Klaus Hartmann" <klaus.hartmann@user.ecore.net>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Nico & Neeltje" <sagitar@hetnet.nl>; "Misa Gavrilovic" <mishag1@cwcom.net>
Verzonden: donderdag 10 juni 2004 23:35
Onderwerp: Fw: Serbia not cooperating with Hague

— Original Message —

From: [nebojsa](#)
To: R Despotovic
Sent: Thursday, June 10, 2004 12:11 PM
Subject: Serbia not cooperating with Hague

Serbia not cooperating with Hague | 20:25 June 08 | [B92](#), [FoNet](#), RFE
<http://www.b92.net/english/news/index.php?start=20&>

NEW YORK, HAGUE – Tuesday - Chief prosecutor of the Hague Tribunal Carla Del Ponte said in a report to the UN security council today that Serbia-Montenegro has ended all cooperation with the Tribunal.

According to the report, both Del Ponte and tribunal president Theodore Meron said that Serbia-Montenegro has practically ended all cooperation with The Hague, and that a relationship between the country and the court is nonexistent.

The UN Security Council will hold further discussions on the report on June 29.

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 <despot@tiscali.nl>
Verzonden: woensdag 16 juni 2004 23:50
Onderwerp: SM porces gaat morgen tweede fase in

Milosevic-proces gaat morgen tweede fase in

—door Thomas Verfuss

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Checked by AVG anti-virus system (<http://www.grisoft.com>)

Version: 6.0.7657 Virus Database: 401 - Release Date: 12-6-04

DEN HAAG - Het Milosevic-proces, dat op 12 februari 2002 begon, gaat morgen de tweede fase in. Tot nu toe is in de rechtszaak voor het Joegoslavië-Tribunaal alleen het bewijs van de aanklagers behandeld. Morgen wordt een begin gemaakt met de planning van de verdediging van Milosevic.

Tot dusver was het de rol van Milosevic, het bewijs van de aanklagers te ontkrachten door de getuigen à charge aan een kruisverhoor te onderwerpen. Het is nu de beurt aan de ex-president van achtereenvolgens Servië en Joegoslavië om zijn eigen getuigen op te roepen. Dat wordt vandaag gepland tijdens een zogenoemde 'Vóórverdedigingconferentie' van enkele uren.

Een van de pijnpunten zal het aantal getuigen zijn dat Milosevic wil oproepen: 1631. De rechters zullen naar verwachting die lijst flink kortwieken, om de duur van het Milosevic-proces binnen aanvaardbare proporties te houden. Tot nu toe is een gemiddelde van circa 150 getuigen per jaar gehaald in deze zaak. Bij eenzelfde ritme zou het horen van 1631 getuigen dus tot in 2015 duren.

De getuigenlijst van Milosevic is nog vertrouwelijk. Enkele namen heeft hij echter al bij het begin van het proces in 2002 bekendgemaakt: De Franse president Chirac, de Amerikaanse ex-president Clinton, de Britse premier Blair en andere westerse toppolitici. Als die potentiële getuigen niet willen komen, kan dat tot het nodige getouwtrek leiden, zoals onlangs weer eens bleek bij het relletje rond de getuigenis van ex-Dutchbat-commandant Karremans in het Srebrenica-proces.

Van veel andere getuigen wilde Milosevic de rechters in eerste instantie de namen niet eens geven. De rechters eisten echter alle namen, om een goed overzicht te hebben. Morgen zal moeten blijken of 'Slobo' aan dat verzoek gehoor heeft gegeven.

Dan zal ook het eerste optreden in de Haagse rechtszaal zijn van Lord Iain Bonomy, de Schotse rechter die Richard May vervangt. De Britse rechter May, die ruim twee jaar de Milosevic-zaak heeft geleid, is om gezondheidsredenen afgetreden. De Jamaicaan Patrick Robinson is de nieuwe voorzittend rechter. Derde magistraat in de strafkamer is de Zuid-Koreaan O-Gon Kwon.

Bonomy heeft, zoals de procedureregels vereisen, 'gecertificeerd' dat hij zich vertrouwd heeft gemaakt met de zaak. Waarnemers achten dat een moeilijke klus: De Schot heeft bijna driehonderd getuigen gemist (waarvan videobanden en stenografische verslagen zijn); daarnaast zijn er honderdduizenden pagina's processtukken in dit eerste proces

tegen een voormalig staatshoofd voor een VN-tribunaal.

De presentatie van het bewijs van de verdediging zal zeker meer dan een jaar in beslag nemen. Daarna is er - in het sterk Angelsaksisch getinte systeem van het tribunaal - een tweede ronde voor de aanklagers (rebuttal) en een tweede ronde voor de verdediging (rejoinder). Daarna kunnen de rechters nog eigen getuigen oproepen in het 'proces van de eeuw'.

Het tijdschema kan verder worden verstoord door de geregelde 'ziekmeldingen' van Milosevic. De 62-jarige 'Slobo' heeft herhaaldelijk te kampen met hoge bloeddruk, uitputtingsverschijnselen en griep.

Milosevic is aangeklaagd wegens oorlogsmisdaden en misdaden tegen de mensheid in Kosovo, Kroatië en Bosnië. Voor Bosnië komt daar nog eens de zwaarste aanklacht - genocide (volkenmoord) - bij.

Met Milosevic' openingspleidooi en de eerste getuigen à decharge wordt volgens de voorlopige planning begonnen op 5 juli.

ANP

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: donderdag 17 juni 2004 2:15
Onderwerp: CDSM:: UN war crimes tribunal dismisses bid to acquit

They are really taking this to the wire. Hopefully the fiasco at the end will be even greater than it would be if they gave up now. BJP.

<http://www.un.org/apps/news/story.asp?NewsID=11068&Cr=ICTY&Cr1=>

UN war crimes tribunal dismisses bid to acquit Milošević

16 June 2004 ? The United Nations war crimes tribunal for the former Yugoslavia today dismissed a legal motion to acquit former Yugoslav President Slobodan Milošević of charges of genocide and other crimes against humanity after finding there is enough evidence for him to answer.

In a decision handed down in The Hague, the International Criminal Tribunal for the former Yugoslavia (ICTY) ruled that Mr. Milošević must answer charges relating to events in Bosnia and Herzegovina, Croatia and Kosovo during the Balkan wars of the 1990s.

The decision was not unanimous: Presiding Judge Patrick Robinson of Jamaica and Judge Iain Bonomy of the United Kingdom ruled separately against Mr. Milošević, while Judge O-Gon Kwon of the Republic of Korea issued a dissenting judgment on some of the questions.

The ICTY also granted several challenges in favour of Mr. Milošević, finding there was insufficient evidence to support certain allegations relating to some of the charges.

The legal motions for acquittal had been filed by so-called Friends of the Court, lawyers appointed by the ICTY to help ensure Mr. Milošević receives a fair trial, at the conclusion of the prosecution case in February. The former Yugoslav leader does not recognize the court.

In dismissing the motion for acquittal, the ICTY rejected several submissions regarding Bosnia. The judges found there is enough evidence to show that there was a joint criminal enterprise ? which included members of the Bosnian Serb leadership ? to destroy part of Bosnia?s Muslims as a group; that Mr. Milošević was part of the enterprise; and that the enterprise committed genocide.

The court ruled there is enough evidence to show that there was an armed conflict in Kosovo before the bombing campaign by the North Atlantic Treaty Organization (NATO) began in March 1999.

The judges also ruled against a submission that some of the charges regarding Croatia should be dismissed because Croatia was not an independent state before early 1992 and therefore the conflict before then was not international.

But the ICTY found that some of the allegations relating to charges in Croatia and Bosnia could not be sustained by the evidence, and granted the motions confined to them.

Mr. Milošević faces charges of genocide, crimes against humanity and violations of the laws or customs of war. He is expected to begin his defence case next month.

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Milosevic wil 1400 getuigen laten komen, ook Clinton

AP, ANP
DEN HAAG

18-6-2004

Slobodan Milosevic wil voor zijn verdediging voor het Joegoslavië-Tribunaal in Den Haag bijna 1400 getuigen oproepen. Dat zei hij donderdag tijdens een zitting die de fase moest voorbereiden waarin de voormalige president 'de meest flagrante leugens zal bestrijden' die volgens hem in het VN-hof zijn uitgesproken. Deze fase begint op 5 juli, maar wordt misschien uitgesteld.

Milosevic mag van de rechters van het tribunaal zo veel getuigen oproepen als hij wil, zolang hij zich maar houdt aan de 150 zittingsdagen die voor zijn verdediging zijn uitgetrokken. De aanklagers werkten in hun fase circa driehonderd getuigen af en maakten daarbij bovendien gebruik van schriftelijke verklaringen.

Zodra het proces wordt hervat, moet Milosevic wekelijks laten weten welke getuigen hij oproept. Donderdag vroegen de rechters wel al meer informatie over de getuigen, zoals hun leeftijd en het onderwerp waarover zij zouden moeten getuigen. Milosevic, die wordt verdacht van misdaden tegen de menselijkheid, oorlogsmisdaden en volkenmoord, heeft al namen bekendgemaakt van mensen die hij als getuige wil oproepen, zoals Tony Blair, Bill Clinton en Gerhard Schröder.

Donderdag maakte Milosevic zich kwaad over het feit dat het hof nog geen bevelen heeft uitgevaardigd tegen deze 'vijandige getuigen'. Maar volgens Robinson had hij schriftelijke en met redenen omklede verzoeken moeten indienen.

Sinds de aanklagers hun zaak afronden heeft Milosevic bijna drie maanden de tijd gehad om zich voor te bereiden. Hij verdedigt zichzelf en heeft geen advocaat in de rechtszaal. Het Tribunaal heeft *curiae amici* aangesteld, vrienden van het hof, om over Milosevic's belangen te waken. Een van hen, de Britse jurist Kay, drong donderdag bij de rechters aan de verdediging later dan 5 juli te laten beginnen. Robinson stemde ermee in dat te overwegen aan de hand van een rapport over hoeveel werkdagen Milosevic de afgelopen maanden verloor door ziekte. Milosevic (62) zei dat artsen hem vanaf 14 april 41 dagen verboden te werken.

Milosevic wil Clinton, Blair en Schröder horen

DEN HAAG — Slobodan Milosevic wil onder anderen Bill Clinton, Tony Blair en Gerhard Schröder laten oproepen als getuige voor zijn verdediging. Milosevic verzocht het tribunaal gisteren de wereldleiders te dagvaarden.

"De meest flagrante leugens zijn hier uitgesproken, en de enige manier om die te bestrijden is de waarheid te presenteren", zei de 61-jarige oud-president van Joegoslavië. Op 5 juli begint hij aan zijn verdediging. Hij heeft dan drie maanden de tijd gehad om zich voor te bereiden. De rechters hebben nog niet laten weten of zij Clinton, Blair en Schröder zullen dagvaarden. Milosevic moet schriftelijk motiveren waarom hij hen wil horen. Milosevic wil in totaal 1631 mensen laten getuigen. Hij heeft een lijst ingediend bij het tribunaal met de namen van ruim veertienhonderd van hen.

De rechters willen meer infor-

18-6-2004
matie over de getuigen, zoals hun leeftijd en het onderwerp waarover zij zouden moeten getuigen. Milosevic hoeft hun namen niet bekend te maken. Wel moet hij, zodra het proces wordt hervat, wekelijks aan de aanklagers laten weten welke getuigen hij oproept.

Milosevic, die vaak ziek is maar

ditmaal een strijdlustige indruk maakte, mag van de rechters zo veel getuigen oproepen als hij wil, zolang hij zich maar houdt aan de 150 zittingsdagen die voor zijn verdediging zijn uitgetrokken. De aanklagers hebben in hun deel van het proces bijna driehonderd getuigen opgeroepen. (AP)

Sagittarius

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Verzonden: zaterdag 19 juni 2004 23:41
Onderwerp: VPRO Nederland 3 over Joegoslavië tribunaal en de rechtzaak Milosevic
 Beste vrienden,

Bijgaand de link behorende bij de uitzending van aanstaande zondag van Tegenlicht (VPRO, Nederland 3) die gaat over het Joegoslavië-tribunaal en de rechtszaak tegen Milosevic. Het is een terugblik op het tweeluik van Jos de Putter, met als toegift een interview met Lord David Owen - over de rol van Milosevic in het Joegoslavië-conflict - en een vooruitblik op de verdediging van Milosevic (toegelicht door zijn raadsman Ognjenovic).

Zie ook de link van VPRO Tegenlicht:

<http://www.vpro.nl/info/tegenlicht/index.shtml?7738514+7738518+18079837+18079503>

De herhaling van de uitzending is op zaterdagmiddag 26 juni.

Met vriendelijke groeten,
 Ruza

—
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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: zaterdag 19 juni 2004 23:23
Onderwerp: CDSM: Can The Truth Be Killed (in The Hague)? - Statement By ICDSM

> STATEMENT BY Professor VELKO VALKANOV,
 > FOUNDER AND COCHAIRMAN OF THE
 > INTERNATIONAL COMMITTEE TO DEFEND
 > SLOBODAN MILOSEVIC (ICDSM)
 >
 > *****
 > CAN THE TRUTH BE KILLED?
 > *****
 >
 > To the Organization of the United Nations
 > To the International Public
 >
 > Yesterday the judges of the so-called International Criminal
 > Tribunal for the former Yugoslavia demonstrated in the clearest way that
 for
 > them their political tasks and goals are much more important than truth,
 > justice and law.
 > In the Pre-Defense Conference for Slobodan Milosevic's defense
 > case, which is expected to start in July this year, they were stubbornly
 > refusing to prolong the unjustly short three month period for the
 > preparation of the defense case, in spite of the fact that physicians had
 > forbid President Milosevic to work more than half that time. They have
 > refused once again without discussion the request for President
 Milosevic's
 > provisional release for medical treatment, recovery and appropriate
 > preparations for the rest of the process. For presentation of the defense
 > case, they have allocated 150 working days in spite of the fact that for
 its
 > case the Prosecution had twice as much time. The judges kept the right for
 > themselves to refuse any defense witness as irrelevant, even during
 his/her
 > testimony. They have refused to discuss the demands of President Milosevic
 > for issuing subpoenas for the leaders of the NATO aggression against
 > Yugoslavia and for issuing orders to the intelligence services of the
 > leading NATO countries as well as to the state of Serbia and Montenegro to
 > disclose the relevant documents, justifying their refusals with
 unacceptable
 > procedural reasons. Ignoring totally the fact that Slobodan Milosevic with
 > his seriously damaged health conducts his own defense while being in
 illegal
 > detention and deprived of any adequate material, financial or time
 > resources, the judges have imposed or tried to impose a whole series of
 procedural restrictions and obstacles relating to the order of the defense
 > witnesses and to the information that has to be submitted on the witnesses
 > and on the content of their testimony. Particularly irritating was the way
 > yesterday's proceedings were conducted by the presiding judge Patrick

> Robinson, who has been, in the same manner as his predecessor Richard May, switching off the microphone to President Milosevic and attempting to turn the debate on the presentation of the defense case into discussion between the judges, prosecution and friends of the court, without listening to the opinions of Slobodan Milosevic about the issues of his primary concern.

> Only a day earlier, the newly elected member of the Trial Chamber,

> judge Ian Bonomy from Britain ruled with his vote to the detriment of

> Slobodan Milosevic in a situation where the opinions of the other two judges were in conflict on the issue of the acquittal for the charges of genocide.

> By this act Ian Bonomy confirmed that in only two months he managed to

> become acquainted with a million pages of relevant material - an

> unbelievably disgraceful example of legal malfeasance.

> The Hague tribunal is attempting to kill the truth.

> Nobody in the World needs such a false court, except those in NATO who are responsible for the most serious crimes against peace, against Yugoslavia and against the Serbian people.

> In this moment when the whole world is rising up against

> aggression and terror, but also against the associated manipulations of the

> law, and when the people of Serbia with more and more courage enter the

> battle for truth led by Slobodan Milosevic, the crime against truth, law and

> elementary human rights being perpetrated at The Hague, must be stopped now.

> ICDSM and its national sections, today, in their statements and

> public actions, will intensify the struggle against the Hague crimes.

> Fighters for truth and freedom for Slobodan Milosevic grow in

> number. Recently, the Parliaments of the Russian Federation and of the

> Republic of Belarus appeared with powerful declarations. The same was done by the World Peace Council. On the initiative of Canadian poet Robert

> Dickson, the most renown international artists - Harold Pinter, Peter

> Handke, Alexander Zinoviev, Rolf Becker, Valentin Rasputin, Dimitri

> Analis, Nikolai Petev and many others are signing the petition demanding

> that this crime, the last, desperate phase of the NATO war against Yugoslavia be

> stopped, in the interest of humanity and in the interest of peace.

> The truth cannot be killed.

> Freedom for Slobodan Milosevic!

> Freedom for Serbia!

>

>

> Sofia, 18 June 2004

>

> *****

> *****

> **IMPORTANT NOTICE:**

> =====

> ICDSM calls upon all its members and friends to react NOW in similar, other

> appropriate or more effective way!

> *****

> *****

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> *****
>
> TRUTH
> OR SLAVERY, HUMILIATION AND DESTRUCTION OF SERBIAN NATION
>
> <http://www.icdsm.org/battle.htm>
>
> THE DECISIVE BATTLE FOR TRUTH NEEDS YOUR HELP NOW!
>
> *****
>
> SLOBODA urgently needs your donation.
> Please find the detailed instructions at:
> <http://www.sloboda.org.yu/pomoc.htm>
>
> To join or help this struggle, visit:
> <http://www.sloboda.org.yu/> (Sloboda/Freedom association)
> <http://www.icdsm.org/> (the international committee to defend Slobodan
> Milosevic)
> <http://www.free-slobo.de/> (German section of ICDSM)
> <http://www.icdsm-us.org/> (US section of ICDSM)
> <http://www.icdsmireland.org/> (ICDSM Ireland)
> <http://www.wpc-in.org/> (world peace council)
> http://www.geocities.com/b_antinato/ (Balkan antiNATO center)
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Van: "Van Asseldonk"
Aan: "Sagittarius" <sagitar@hetnet.nl>
Verzonden: zaterdag 19 juni 2004 15:42
Onderwerp: A strange and bitter crop
Beste Nico: bedankt voor dit formidabele paper! Ik was zo vrij het door te sturen naar Phon en Philipp Boos(= IALANA, Duitsland). Groeten, Ton

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Verzonden: zaterdag 19 juni 2004 0:51
Onderwerp: SloM
www.haaretz.com

Last update - 15:45 16/06/2004

Motion to drop genocide charges against Milosevic rejected

By The Associated Press

THE HAGUE - United Nations war crimes judges on Wednesday dismissed a motion to acquit former Yugoslav President Milosevic of genocide, court documents said.

The ruling means that Milosevic will have to defend himself against the genocide charges when he opens his case for the defense, scheduled for July 5.

It came in response to a motion from three independent lawyers acting as "friends of the court" who argued that the prosecution had failed to provide sufficient evidence to support the genocide charges and asked the court for an immediate dismissal of those charges.

The lawyers were appointed by the court to ensure fair proceedings against the former Serbian leader, whose trial began in February 2002. Milosevic is acting as his own defense attorney against a total of 66 charges.

While the court said the genocide charges would stand, it agreed with the motion to dismiss several specific allegations relating to the wars in Croatia and Bosnia in the early 1990s. It rejected the motion to dismiss some allegations in a third indictment regarding the 1999 war in Kosovo.

The lawyers submitted the 200-page motion in March after the prosecution finished presenting its case after more than two years of hearings, which were repeatedly interrupted because of Milosevic's poor health.

The ruling said a majority of the judges "found sufficient evidence to support each count challenged in the three indictments, but there is no or insufficient evidence to support certain allegations relevant to some of the charges," said a document obtained by The Associated Press.

On one point raised by the three lawyers, judge O-Gon Kwon dissented from the majority opinion that Milosevic was an active participant in a "joint criminal enterprise" that planned or helped carry out the genocide of Muslims in Bosnia.

Judge Kwon concurred, however, the prosecution had presented an adequate case that Milosevic had "aided and abetted or was complicit" in genocide because he knew others were planning the destruction of at least part of Bosnia's Muslim population, and he took no action to stop them, the judges ruled.

The genocide charges focus on the massacre of an estimated 7,500 Muslims in the Bosnian enclave of Srebrenica in July 1995.

An appeals court of the Yugoslav war crimes tribunal affirmed two months ago in the case of Bosnian Serb Gen. Radislav Krstic that genocide had been committed at Srebrenica, which had been under United Nations protection.

Slobodan Milosevic pledged today to fight 'the most terrible accusations' when he opens his defence against war crimes charges in The Hague tribunal next month. 'I should like here before the public to prove that these are all false indictments, false accusations against Serbia, against the Federal Republic of Yugoslavia and against myself personally,' Milosevic told the court. 'The point of everything that I wish to do here is this: it is to present the truth and you know full well the most terrible accusations have been uttered here,' Milosevic said.

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Na tien jaar stopt Graham Blewitt als plaatsvervangend hoofdaanklager van het Joegoslavië-tribunaal. Een gesprek over zijn strijd tegen straffeloosheid en de intriges binnenskamers. Over zijn baas Carla Del Ponte: 'Ze duwde me steeds verder opzij.'

Cees Banning
Petra de Koning

Het afscheid van zijn vrouw, op het vliegveld van Sydney, was in januari van dit jaar minder verdrietig dan anders. Graham Blewitt, plaatsvervangend hoofdaanklager van het Joegoslavië-tribunaal in Den Haag, had in zijn kerstvakantie besloten dat hij de VN dit voorjaar niet zou vragen om verlenging van zijn contract. Al sinds de oprichting, tien jaar geleden, werkt Graham Blewitt bij het tribunaal. Het was een mooie, spannende tijd geweest. Maar nu was hij bijna 57 en vóór zijn pensioen wilde hij graag nog een andere baan – in zijn eigen land, Australië.

Dat is zoals Graham Blewitt het vertelt. Zijn baas, hoofdaanklager Carla Del Ponte, zal zich een andere versie herinneren. Ook zij had eind december een beslissing genomen. Ze wilde niet dat het contract van haar plaatsvervanger zou worden verlengd. Meteen na het kerstrees liet ze hem bij zich komen. Graham Blewitt zegt dat ze toen tegen hem zei: „Ik wil een team om me heen dat mijn beleid uitvoert zonder er vragen bij te stellen.” Ze wilde loyaliteit. Graham Blewitt: „Ik vroeg: wat doe je als ik me daar niet zomaar bij neerleg? Dat wist ze nog niet, zei ze. Ik zei dat ik zou nadenken over wat ze had gezegd. Ik zei niet dat ik zelf allang had besloten weg te gaan, ik dacht: ik laat het eerst nog een beetje bij haar broeien.”

Graham Blewitt zegt dat in februari van dit jaar, kort nadat bekend is geworden dat hij in juni zal vertrekken – gisteren was het zijn laatste dag bij het tribunaal. De afgelopen jaren hebben we hem daar vijf keer gesproken. De eerste keer,



Vertrekkend hoofdaanklager Blewitt over de mores van het Joegoslavië-tribunaal

'De politiek laat

Graham Blewitt: „In Joegoslavië dronken burens de ene dag samen bier bij de barbecue, de volgende dag slachten ze elkaar af. Het laat zien hoe dun het laagje vernis is tussen een beschaafd mens en een monster.” Foto Vincent Mentzel

samen bier bij de barbecue, de volgende dag slachten ze elkaar af.” Graham Blewitt vindt dat dat de misdaden „beestachtiger” maakt, de daders vindt hij „kwaadaardiger”. „Het laat zien hoe dun het laagje vernis is tussen een beschaafd mens en een monster.”

Graham Blewitt zat begin 1994 in een bijna leeg kantoor. Het werk moest nog beginnen, het tribunaal had nog maar weinig mensen in dienst. Ook een hoofdaanklager was er de eerste die was

Graham Blewitt en zijn collega's de keuze hadden gemaakt om helemaal onderaan te beginnen, op lokaal niveau, bij de „kleine vissen”, en dan „naar boven” te werken. Dusko Tadić werd naar Den Haag gebracht, hij zit nu een straf uit van twintig jaar. „Nee”, zegt Graham Blewitt, „ik vind dat geen probleem. Dit instituut had nu eenmaal dringend een zaak nodig om geloofwaardig te zijn. Dusko Tadić was eigenlijk meer een symbool. We lieten zien dat niemand buiten

afgelopen jaren kwam er bij het tribunaal ook geld binnen voor speciale projecten, bijvoorbeeld voor het onderzoek naar massagraven in Kosovo. Onderzoekers van het tribunaal hebben tegen NRC Handelsblad gezegd dat ook de NAVO geld heeft gegeven voor een speciaal project: een onderzoek naar mogelijke misdaden die in 2001 in Macedonië werden gepleegd. De NAVO vroeg om zo'n onderzoek toen ze in Macedonië was om toe te zien op het vredesakkoord tussen de

alleen goed en efficiënt, zegt Graham Blewitt, als er „wederzijds begrip en respect” is bij de verschillende partijen. „Dan kunnen er bijvoorbeeld ook informele, off the record gesprekken worden gevoerd over een zaak. Je weet, als je in zo'n rechtssysteem opgroeit, wie professioneel is en wie niet.” Graham Blewitt vindt dat er bij de advocaten, de aanklagers en „tot op zekere hoogte” ook bij de rechters van het tribunaal te weinig wederzijds respect was, en te weinig begrip over andere

Karadžić lopen'

... Karadžić te arresteren. Ratko Mladic zou in Servië worden - daar kan het Westen niet komen. Maar Radovan Karadžić zou zich schuilhouden in Bosnië. De internationale troepenmacht in Bosnië, SFOR, doet soms een poging om hem te vangen. „Ik kan gewoon niet geloven dat ze hem niet kunnen arresteren”, zegt Graham Blewitt. „Ik zie waartoe de wereld is gaan. Saddam Hussein is het beste voorbeeld. Met dezelfde politiek wil ook Karadžić.”

„Het Joegoslavië-tribunaal heeft volgend jaar een contact gehad met mensen die zeiden dat ze spraken met Radovan Karadžić. Als ik me goed herinner was dat vorig jaar voor het tribunal. Radovan Karadžić zou - onder voorwaarden - bereid zijn zich over te geven. Ze stellen dan voor dat delen uit de aanklachten worden geschrapt. Srebrenica bijvoorbeeld. Dat nemen we niet serieus. Wij kunnen hem alleen pranderen dat zijn overgave waardig zal verlopen en dat hem geen kwaad wordt gedaan. Over de aanklachten wordt nu niet onderhandeld. Als hij eenmaal hier is, is alles mogelijk.”

Graham Blewitt blinkt als hij dat zegt, wat heel even als iemand die er vertrouwen in heeft dat dat zal gebeuren. Het moet „een tragedie” zijn, zegt hij, als de twee mannen zich in het openbaar gaan verontemen vanaf het moment dat het tribunal de deuren sluit - in 2008 moeten alle rechtszaken zijn afgerond, in 2010 moeten ook alle zaken in hoger beroep worden behandeld. „Op een dag zullen ze zijn behandeld. Dat moet. Misschien worden berecht. Dat moet. Misschien moet het tribunal dan maar worden heropend.”

Nazi hunter
In Australië was Graham Blewitt hoofd van een speciale eenheid die onderzoek deed naar misdadigers uit de Tweede Wereldoorlog. Er waren, toen het onderzoek eind jaren tachtig begon, 840 verdachten. De onderzoekers hadden informatie over 400 van hen, van wie de helft dood was. Van de overgebleven 200 waren er 40 tegen wie de onderzoeken moog bewijs konden verzamelen om drie rechtszaken te beginnen. Er werden maar drie rechtszaken gevoerd en tot een veroordeling kwam het niet. Een verdachte werd tijdens het proces dood aan een hartaanval. De tweede werd niet veroordeeld omdat de getuigen niet uit de dokaine wilde komen, van de derde zat de jury dat hij

niet schuldig was.

Volgens Graham Blewitt mistukte het onderzoek omdat zijn eenheid te weinig steun kreeg van de Labor-regering. De onderzoekers kregen veel kritiek, en weinig geld. „Er was begin jaren negentig veel discussie over de vraag of deze brave grootvaders nog wel vervolgd moesten worden. Er kwamen verkiezingen aan en de regering drukte het initiatief de kop in.”

In februari 1994 werd Graham Blewitt plaatsvervangend hoofdaanklager van het Joegoslavië-tribunaal. Hij zegt dat hij die baan graag wilde hebben omdat hij ervaring had als nazi hunter. Dat zou nuttig kunnen zijn voor het tribunal - dat nog maar net was opgericht. En hij vond dat er een eind moest komen aan de geweldspirale die hij zag. Van de 840 verdachten die zijn eenheid in Australië had onderzocht kwamen er 24 uit Joegoslavië.

De Amerikanen, en ook de Britten, willen dat dit instituut zijn deuren sluit

„Toen we getuigen hoorden over deze verdachten, viel het ons op hoe sterk die getuigen de onrechtvaardigheid voelden. Omdat misdaden uit die tijd niet waren bestraft. Bij die vierentwintig zaten beruchte criminelen die, nog vóór de oorlog in Joegoslavië begon, vanuit Australië werkten aan een 'Vrij Kroatië'. Er waren getuigen, Kroaten en Serviërs, die zeiden dat ze hun zonen naar Joegoslavië zouden sturen als het daar oorlog werd. Om de misdaden uit de Tweede Wereldoorlog te wreken.”

Dat hebben ze ook gedaan, zegt Graham Blewitt. Kroaten en Serviërs uit Australië sloten zich aan bij paramilitaire groepen in Bosnië die vreselijke misdaden begingen.

Graham Blewitt noemt de holocaust een „moordmachine”. „De uitvoerders hadden eigenlijk niets met joden te maken gehad. In Joegoslavië waren het buiten tegen burenen. De ene dag dronken ze

denoemd, de venter, Ramon Escovar, had bijna meteen ontslag genomen omdat hij in zijn eigen land minister van Binnenlandse Zaken kon worden. Hij werd pas in augustus van dat jaar opgevolgd door de Zuidafrikaan Richar Goldstone.) Graham Blewitt was alleer Hij had, vertelt hij, anderhalve meter aan sollicitatiebrieven op zijn bureau. Voora van diplomaten. Er waren maar weinig ervaren juristen of onderzoekers die bij het nieuwe hof wilden werken. En ook als er wél geschikte kandidaten bij waren, zou het lang duren voordat ze door de VN-sollicitatie-procedures heen waren en aan het werk konden. Graham Blewitt maakte zich daar zorgen over. Hij had haast. Het tribunal werd in die tijd nog gezien als „vijgenblad” voor de schamte van de internationale gemeenschap die niet ingreep in de oorlog op de Balkan. Niet als een instituut dat echte misdadigers zou gaan berechten.

Maar toen gebeurde er iets, zegt Graham Blewitt. Op een nacht, in maart 1994, werd hij thuis opgebeld door de voorzitter van de VN-commissie die voorbereidend werk had gedaan voor het tribunal - er waren getuigen gehoord en misdaden beschreven. De commissievoorzitter zei dat een Bosnisch-Kroatische politicus met de dood werd bedreigd omdat hij voor het tribunal wilde getuigen over een bloedbad dat Bosnische Kroaten hadden aangericht in een dorp van moslims. De volgende ochtend was Graham Blewitt op het Nederlandse ministerie van Justitie, samen met de hoofd administratie van het tribunal. Hij probeerde te regelen dat de Bosnisch-Kroaat in Nederland asiel kreeg. Op het ministerie werd hij opnieuw gebeld. De getuige kon mee met een buitenlands militair vliegtuig. Het toestel was opgestegen van het vliegveld in Sarajevo, maar de Bosnische Serviërs dreigden het neer te halen als het niet meteen terugkeerde. Het hoofd administratie snapte toen opeens waar het om ging, zegt Graham Blewitt. „Hij regelde dat ik bij het aannemen van mensen geen rekening hoefde te houden met VN-procedures en VN-voorschriften. Ik kon gaan bellen met mensen die ik kende uit het netwerk van nazi-jagers.”

Graham Blewitt haalde aanklagers en onderzoekers uit Australië, Schotland, Engeland, Amerika, Canada. Samen met hen bedacht hij de strategie die het tribunal zou gaan volgen. Er moest, vonden ze, snel een aanklacht komen, en er moest zo snel mogelijk een verdachte worden gearresteerd. Dat wilde het publiek, dat wilden de rechters - die hadden al maandenlang niets te doen. „Het apparaat moest op gang moest worden gebracht”, zegt Graham Blewitt. „Ook om te zien waar de problemen zaten.”

Van de VN-commissie die voorbereidend werk had gedaan voor het tribunal hadden de aanklagers veel informatie gekregen over misdaden in het noord-westen van Bosnië, rond de stad Prijedor. En in Duitsland zat al een Bosnisch-Servische verdachte vast, Dusko Tadić, die in dat gebied kampbewaker zou zijn geweest. Hij was geen zware misdadiger nu zou hij niet meer door het tribunal worden berecht. Maar hij had de pech dat

betreft was. Het betekende dat we druk konden uitoefenen op anderen.”

Lip service
Er kwam veel kritiek op die strategie. Rechters van het tribunal vonden dat meteen de militaire en politieke leiders aangeklaagd moesten worden. Ze vonden het vervelend dat ze zoveel tijd kwijt waren aan kampbewaarders en politiemannen. Maar volgens Graham Blewitt kon het niet anders: eerst moest worden bewezen dat misdaden waren begaan, wat het patroon daarin was, welk beleid erachter zat. „De rechters waren vooral met zichzelf en hun eigen rol bezig. Ze hadden geen idee van wat er allemaal moest gebeuren voordat een zaak in de rechtszaal kon worden behandeld.”

Ook nu is er nog kritiek op de onderzoeksstrategie. Graham Blewitt zegt dat vooral de Amerikanen het er de laatste tijd vaak over hebben. Het tribunal zou te veel kleine misdadigers hebben aangeklaagd. Dat zou te veel tijd en veel geld hebben gekost. Vorig najaar verlaagde de VN het budget voor het tribunal met twintig miljoen dollar. Graham Blewitt: „De Amerikanen, en ook de Britten, willen dat dit instituut zijn deuren sluit, op wat voor manier dan ook. Omdat het te duur is. De Britten komen dan met het Internationaal Strafhof dat er nu is. En er wordt gezegd dat verdachten ook in ex-Joegoslavië berecht kunnen worden.”

Er is, zegt Graham Blewitt, nog wel lip service. Niemand zal zeggen dat de vervolging van oorlogsmisdadigers niet belangrijk is. „Maar de internationale gemeenschap wordt ongeduldig. Men denkt: Milošević wordt nu berecht, het is wel goed zo.” Graham Blewitt noemt het gebrek aan steun „teleurstellend”. Hij zegt dat zijn collega's er veel last van hebben. „Mensen gaan op zoek naar een andere baan.” Hij denkt niet dat dat komt omdat het tribunal over vier jaar klaar moet zijn met alle rechtszaken. „Er komt een moment dat mensen om die reden weggaan. Maar nu is dat nog te vroeg.”

De VS steunden het tribunaal jarenlang wel, zegt Graham Blewitt. De Amerikanen waren het volgens hem ook lang tijd eens met de keuzes die waren gemaakt. In 1994, toen hij dringend medewerkers nodig had, stuurde de regering in Washington tweentwintig mensen naar Den Haag - gratis. Graham Blewitt was er blij mee. Er waren mensen bij die veel van de Balkan wisten en daar ook onderzoek hadden gedaan. Maar ze kwamen niet alleen om te helpen. De VS wilden ook graag weten wat er in het tribunal gebeurde. „Ik heb hen een keer getest. Er was een reorganisatie en mensen verhuisden van kamer. Ik zette de Amerikanen aan het eind van de gang. Ze protesteerden. Ze zeiden: 'Maar dan kunnen we niet meer zien wie er bij de hoofdaanklager naar binnen gaat.' Ik moest erom lachen, zij ook. Ze maakten er geen geheim van dat ze vaak naar hun ambassade gingen. Soms zeiden ze: 'Ik moet vroeg weg, ik moet nog bij de ambassade langs.' We betaalden hun salaris niet, dus we hadden geen controle over hen.”

Er waren meer landen die personeel uitleenden. Er werden ook computers gegeven, boeken, videoapparatuur. En de

banen. Graham Blewitt bevestigt dat. De NAVO, zegt hij, dacht dat de aanwezigheid van tribunaalonderzoekers in dat land preventief zou werken. De twee partijen zouden zich dan beter gedragen. Het tribunal vond de misdaden die in Macedonië waren gepleegd volgens Graham Blewitt „niet zo indrukwekkend” als de misdaden die eerder in Bosnië en Kosovo waren gepleegd. Uit zichzelf was het tribunal er niet aan begonnen. „Maar de NAVO stond op en neer te springen. Ze wilden ons er heel graag bij hebben. Wij zeiden: 'We hebben het druk, en we hebben geen middelen. Die zullen van jullie moeten komen.' De donaties - volgens onderzoekers een bedrag van zo'n 700.000 euro - kwamen van ver-

Tegen betaling van de NAVO doet het tribunaal onderzoek naar de misdaden in Macedonië

schillende NAVO-lidstaten. Graham Blewitt noemt dat „een normale budgetprocedure”.

Er werd een onderzoeksteam opgericht voor Macedonië en dat zal, zegt Blewitt, dit jaar liden tot één aanklacht. Of het niet raai is dat het tribunal op verzoek en tegen betaling oorlogsmisdaden onderzoekt. Zo kun je erover denken”, zegt Graham Blewitt. „Maar dit onderzoek valt buiten ons mandaat, en onze aanwezigheid heeft een afschrikwekkend effect gehad. Al meteen na het begin van de conflicten stuurden we een boodschap naar de regering in Skopje: denk eraan dat wij in actie komen als de troepen zich misdragen. Daarna gingen er instructies naar de legeronderdelen: doe niets verder. De regering en de generaals realiseerden zich wat het betekende als wij ons ermee bemoeiden.”

Films en feiten
Graham Blewitt is tevreden over wat het Joegoslavië-tribunaal de afgelopen tien jaar heeft gedaan en wat dat betekent. „Er is een bijdrage geleverd aan het stoppen van de straffeloosheid. Het heeft geleid tot de oprichting van het Sierra Leone-tribunaal en het Internationaal Straffe-tribunaal en het Internationaal Straffe-tribunaal te lang duren. En ook hij was geschokt door het nieuws, in de zomer van 2000, dat Servische en Kroatische advocaten een deel van hun salaris, betaald door de VN, delen met hun cliënten. Graham de VN, delen met hun cliënten heeft met Blewitt denkt dat het te maken heeft met de achtergrond van de mensen die in het tribunaal werken. Ze hebben vaak geen ervaring met het rechtssysteem dat daar wordt gebruikt, het common law-systeem waarbij al het bewijs in de rechtszaal moet worden gepresenteerd. Dat werkt

dingen dan de zaak zelf. Dat is frustrerend, procedures duren dan lang.” Hij vindt dat het nu beter gaat. Mensen leren hoe het werkt. „Het is een natuurlijke ontwikkeling. Ik zou niet weten hoe we dit hadden kunnen vermijden.”

In juli 1995 werden in de Bosnische enclave Srebrenica zo'n zevenduizend moslims vermoord door Bosnische Serviërs. Het tribunaal werkte in die tijd aan een aanklacht tegen de militaire en politieke leiders van de Bosnische Serviërs, Ratko Mladic en Radovan Karadžić, voor oorlogsmisdaden tijdens de belegering van Sarajevo. De aanklacht was net ná het bloedbad klaar. Graham Blewitt: „We zullen nooit weten wat er was gebeurd als we er eerder mee waren gekomen. Of het invloed zou hebben gehad. Ik ben bang van niet.”

Er werd een onderzoeksteam opgericht, en het tribunaal wilde graag horen wat de militairen van Dutchbat hadden meegemaakt. De Nederlanders waren in Srebrenica om de enclave, door de VN uitgeroepen tot 'veilig gebied', te beschermen. Maar het ministerie van Defensie vond het niet goed dat onderzoekers van het tribunaal bij de debriefing waren, zegt Graham Blewitt. „Zij zouden wel bepaalde wat voor ons belangrijke informatie was. Wij zeiden: het is aan ons om dat te doen. Maar dat gevecht hebben we verloren. Het was heel duidelijk dat de Nederlanders bezig waren met damage control, ze vonden dat wij daar niets mee te maken hadden.” Graham Blewitt is er nog steeds niet zeker van dat het tribunaal alle belangrijke informatie over Srebrenica van de Nederlanders heeft gekregen. Een voorbeeld? „Er was materiaal vernietigd, een fotorolletje. Wij hebben nooit kunnen geloven dat dat een ongeluk was. Dat zou zo slordig en onprofessioneel zijn geweest. Dat gebeurt gewoon niet. Ik denk dat het onderdeel was van de cover-up.”

Graham Blewitt begrijpt wel, zegt hij, dat Srebrenica voor Nederland een 'trauma' is. „Mensen blijven zich afvragen of het anders had kunnen lopen als de Nederlandse militairen méér hadden gedaan.” Hij heeft daar zelf wel „een mening” over, maar daar wil hij niets over zeggen. „Het tribunaal gaat over criminele verantwoordelijkheid. Wat ik vind doet er niet toe.” Graham Blewitt wil het veel liever hebben over de dankbaarheid die hij voelt voor Nederland. Omdat hij er tien jaar lang zo prettig heeft gewoond. Hij heeft er aardige mensen ontmoet, hij heeft veel films gezien, lekker gefietst, en hij heeft erg vaak lekker kunnen eten. „Het was voor het eerst dat ik buiten Australië woonde, en ik heb daar geen enkel probleem mee gehad.”

Nu gaat hij terug naar Australië. Een aanbod om in Irak te gaan werken als aanklager heeft hij afgewezen. De Australische oppositiepartij Labor heeft beloofd dat oorlogsmisdadigers uit recente conflicten vervolgd zullen worden als die partij dit jaar de verkiezingen wint. Graham Blewitt wil daar dan graag aan meedoen. Als Labor verliest, gaat hij „nadenken” en misschien schrijft hij een boek over het Joegoslavië-tribunaal. „Of twee boeken. Eén over het werk, en één over de intriges.”

Sagittarius

Van: "Klaus von Raussendorff" <redaktion@aikor.de>
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Verzonden: maandag 21 juni 2004 14:48
Onderwerp: Demo: Abschaffung des Haager Tribunals - Freiheit für Milosevic (Den Haag, Sa., 26. Juni 04)

Liebe Leute,

zum Kampf für die Abschaffung des internationalen "Tribunals" der NATO in Den Haag und für die Freiheit von Slobodan Milosevic dokumentiere ich:

AUFRUF ZUR INTERNATIONALEN DEMO GEGEN DAS "TRIBUNAL" DER NATO
IN DEN HAAG, SAMSTAG, DEN 26. JUNI 2004

[1]

ANSCHULDIGUNG WEGEN VÖLKERMORD BLEIBT BESTEHEN
NEUER RICHTER BRINGT EINWAND VON KWON ZUM FALLEN - KEINE
VERLÄNGERUNG DER
VORBEREITUNGSZEIT FÜR MILOSEVIC IN SICHT

Von Anna Gutenberg, Den Haag

Quelle: <http://www.free-slobo.de/>

[2]

KANN DIE WAHRHEIT GETÖTET WERDEN?

Erklärung von Professor Velko Valkanov, Gründer und Ko-Präsident des
Internationalen Komitees für die Verteidigung von Slobodan Milosevic (ICDSM)

Quelle: www.free-slobo.de

[3]

Mit internationalistischen Grüßen
Klaus von Raussendorff

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"unsubscribe"

[1]

**AUFRUF ZUR INTERNATIONALEN DEMO GEGEN DAS "TRIBUNAL" DER NATO
IN DEN HAAG, SAMSTAG, DEN 26. JUNI 2004**

Der "Strafgerichtshof für das frühere Jugoslawien" wurde unter Bruch der UN-Charta geschaffen vom UN-Sicherheitsrat, der sich damit ein der UN-Vollversammlung vorbehaltenes Recht anmaßte.

Sonderbehandlung und Sondergerichte bedeuten nicht Rechtspflege, sondern faschistischen Rechtsbruch, führen zum "System Guantanamo".

Deshalb fordern wir:

SCHLIESST DAS VÖLKERRECHTSWIDRIGE SONDERGERICHT IN DEN HAAG!

FREIHEIT FÜR SLOBODAN MILOSEVI? UND ALLE POLITISCHEN GEFANGENEN DER NATO!

Seinen Charakter machte das "Tribunal" unmissverständlich klar, als es auf dem Höhepunkt der Bombardierung Jugoslawiens durch die NATO seine Anklage erhob - gegen Slobodan Milosevi? und die politische Führung des angegriffenen Landes - statt gegen die Aggressoren: Dieses Tribunal ist kein Instrument des Rechts, sondern zur Zerstörung des Rechts, zum fortgesetzten Bruch des Völkerrechts.

Am Vidovdan, dem höchsten serbischen Feiertag, am 28. Juni 2001 lieferte eine Marionettenregierung in Belgrad Slobodan Milosevi? an das "Tribunal" der Aggressoren aus - für eine Handvoll Dollar.

Die Angreifer wollen über die Angegriffenen zu Gericht sitzen. Sie wollen aller Welt zeigen: Widerstand gegen die "Neue Weltordnung" ist strafbar.

Der NATO dient ihr Haager "Tribunal" zur permanenten politischen Erpressung und zur kolonialen Beherrschung des Balkan.

Dazu wollen sie die Geschichte umschreiben - jedoch:

WIR GEBEN UNSERE GESCHICHTE NICHT HER!

Deshalb rufen wir auf zur

D E M O N S T R A T I O N

in Den Haag am Samstag, dem 26. Juni 2004, 14 Uhr Kundgebung am "Plein",
Protestmarsch zum Gefängnis, ab 16 Uhr Kundgebung

**WIDERSTAND GEGEN DAS ILLEGALE HAAGER "TRIBUNAL" IST WIDERSTAND GEGEN
DIE
GLOBALISIERUNG DER BARBAREI!**

NedaIst - Serbisches Diaspora-Komitee "Nedamo Istoriju" in Zusammenarbeit
mit dem ICDSM - Internationales Komitee zur Verteidigung von Slobodan
Milosevi?

ViSdP: Klaus Hartmann, Schillstr. 7, 63067 Offenbach am Main, E-Mail:

[2]

Quelle: <http://www.free-slobo.de/>

ANSCHULDIGUNG WEGEN VÖLKERMORD BLEIBT BESTEHEN

NEUER RICHTER BRINGT EINWAND VON KWON ZUM FALLEN - KEINE
VERLÄNGERUNG DER
VORBEREITUNGSZEIT FÜR MILOSEVIC IN SICHT

Von Anna Gutenberg, Den Haag

Am gestrigen Donnerstag, den 17. Juni, 2004, wurde vor dem Jugoslawien-Tribunal (ICTY) in den Haag die Vorbereitungskonferenz der Verteidigung im Fall Slobodan Milosevic abgehalten, die deutlich zu dessen Ungunsten verlief. Man werde dem ehemaligen jugoslawischen Staatschef keine zahlenmäßige Begrenzung seiner Zeugen auferlegen, so die Richter, sondern Zeugen nach ihrer Relevanz zulassen oder ablehnen. Die Zeit wird 150 Sitzungstage betragen und damit, so die Kritik Milosevics, nur etwa halb so lange wie die Anklagehalbzeit, was die Zahl der Zeugen naturgemäß begrenzt. Milosevic kritisierte scharf die kurze Zeit, die ihm zur Vorbereitung zur Verfügung steht, die keine adäquate Vorbereitung erlaube. Die Richter hatten ihm dafür schon ursprünglich nur drei Monate gestattet. Nun beantragte Milosevic eine Verlängerung, weil es nicht einmal zu diesen drei Monaten gekommen sei. Für 41 Tage sei ihm vom Arzt das Arbeiten verboten worden und er durfte auch seine Assistenten nicht sehen. Seit er seine Arbeit wieder aufgenommen habe, dürfe er nur drei Tage die Woche arbeiten. Doch der leitende Richter, Patrick Robertson, schien den 5. Juli als Beginn der Verteidigung beibehalten zu wollen, ohne sich endgültig festzulegen. Milosevic sieht die Entscheidung der Richter als Verletzung seiner elementarsten Rechte. Wie er die Auflagen der Richter erfüllen solle, bleibe dahingestellt. Obwohl er jeden Arbeitstag voll nutze, habe er erst um die zehn Zeugen treffen können und halte es für unmöglich, unter diesen Umständen die Forderung zu erfüllen, die ersten 50 Zeugen innerhalb der nächsten Tage nennen zu können.

Milosevic hob hervor, dass er nur einen Krieg im ehemaligen Jugoslawien sehe, den eine Dekade andauernden Krieg GEGEN Jugoslawien. Daher lehne er es strikt ab, die Verteidigung an Hand der drei Anklagen (Kroatien, Bosnien und Kosovo) nach und nach abzuhandeln. Auch diese Einwände wurden jedoch von den Richtern abgeschmettert. Um Clinton, Schröder und andere, wie es Milosevic nennt "feindliche Zeugen" gerichtlich zum Erscheinen zu zwingen, wurde Milosevic auferlegt, schriftliche Anträge zu stellen, was von ihm direkt abgelehnt wurde, da er das Gericht nicht anerkenne. Das ICTY sei ein Mittel der Kriegführung gegen sein Land. Auffällig war das Verhalten von Robertson, der den Vorsitz von Richard May nach dessen Rücktritt übernahm. Ganz wie May verfolgte Robertson gestern eine harte Linie gegenüber Milosevic und entzog ihm mehrfach das Wort.

Schon einen Tag zuvor hatten die Richter ihrem Ruf als parteiische NATO-Vassallen alle Ehre gemacht. Kritiker des rechtlich fragwürdigen ICTY wurden einmal mehr bestätigt, als die Antwort der Richter auf den Antrag der Amici Curiae am Mittwoch veröffentlicht wurde. Die Amici ("Freunde des Gerichts"), die dem sich selbst verteidigenden Milosevic vom ICTY gegen

seinen Willen zur Seite gestellt sind und auf einen fairen Prozess achten sollen, hatten den Richtern zum Ende der Anklagezeit im März ein Schriftstück vorgelegt, in dem sie forderten, bestimmte Anklagepunkte zu streichen. Neben maßgeblichen Veränderungen in der Kosovo-Anklage forderten sie die Streichung der Verbrechen in Kroatien, die begangen worden sein sollen, als noch kein internationaler Konflikt vorlag.

Schlagzeilen machte ihre Forderung, den Anklagepunkt des Völkermordes aufzuheben. Chefanklägerin Del Pontes Team hätte nicht bewiesen, dass Milosevic an der Planung oder Durchführung von Völkermord teilgenommen hätte. Die internationale Presse hatte sich damit abgefunden, dass dieser Anklagepunkt gestrichen würde und auch aus ihren Reihen hieß es fast einhellig, es wären keine Beweise für Völkermord vorgelegt worden. Selbst Del Ponte widersprach in diesem Punkt nicht. Nicht die Ablehnung so gut wie aller Einwände der Amici kam daher überraschend, doch mit dem Beibehalten der Völkermordanklage ließen die Richter eine Bombe platzen. Es gebe ausreichende Beweise, dass in sechs bosnischen Orten, darunter Srebrenica, Völkermord begangen wurde. Richter Robinson und Ian Bonomy überstimmten nicht nur die Meinung der Presse und Prozessbeobachter, sondern auch ihres Kollegen O-Gon Kwon, als sie feststellten, dass es Beweise gebe, dass Milosevic gemeinsam mit der bosnisch-serbischen Führung einen kriminellen Plan verfolgte mit dem Ziel, einen Teil der bosnischen Muslime als Gruppe zu zerstören. Besonders verwundern darf, dass Bonomy die Entscheidung von Kwon mit seiner Stimme zum Fallen brachte, obwohl er erst kürzlich als Nachfolger Mays ernannt wurde. Man darf bezweifeln, dass er sich in den zwei Monaten seit seiner Ernennung mit dem Fall, dessen Protokolle und Beweismittel hunderttausende Seiten betragen, schon im Detail vertraut gemacht hat, ja den Fall so gut kennt, um Kwon, der dem Prozess seit Beginn beisitzt, zu überstimmen.

[3]

Quelle: www.free-slobo.de

KANN DIE WAHRHEIT GETÖTET WERDEN?

Erklärung von Professor Velko Valkanov, Gründer und Ko-Präsident des Internationalen Komitees für die Verteidigung von Slobodan Milosevic (ICDSM)

An die Organisationen der Vereinten Nationen
An die internationale Öffentlichkeit

Gestern haben die Richter des so genannten Internationalen Strafgerichtshofs für das ehemalige Jugoslawien unmissverständlich demonstriert, dass für sie ihre politischen Aufgaben und Ziele wichtiger sind als Wahrheit, Gerechtigkeit und Gesetz.

In der Vorverhandlung zu Slobodan Milosevics Verteidigungsphase im Verfahren, die voraussichtlich im Juli diesen Jahres beginnt, haben sie sich hartnäckig geweigert, die ungerecht kurz festgelegte Frist von drei Monaten zur Vorbereitung der Verteidigungsphase zu verlängern, obgleich die Ärzte Präsident Milosevic verboten haben, mehr als die Hälfte der Zeit zu

arbeiten. Die Richter haben wiederum ohne Diskussion den Antrag auf vorübergehende Entlassung von Präsident Milosevic zum Zwecke medizinischer Behandlung, Genesung und angemessener Vorbereitung der verbleibenden Verhandlungen im Prozess abgelehnt. Für die Darlegung der Sicht der Verteidigung haben sie 150 Arbeitstage angesetzt, ungeachtet der Tatsache, dass die Anklage doppelt so viel Zeit hatte. Die Richter behielten sich vor, jeden Zeugen der Verteidigung für irrelevant zu erklären, und dies auch während seiner Zeugenaussage. Sie weigerten sich, über die Anträge von Präsident Milosevic zu diskutieren, die Führer der NATO-Aggression gegen Jugoslawien als Zeugen vorzuladen und die Nachrichtendienste der führenden NATO-Länder und von Serbien-Montenegro anzuweisen, einschlägige Dokumente freizugeben, wobei sie ihre Ablehnung mit inakzeptablen Verfahrensgründen rechtfertigten. Ohne jede Rücksicht auf die Tatsache, dass Slobodan Milosevic bei ernstlich angeschlagener Gesundheit seine eigene Verteidigung übernimmt, während er sich in illegaler Haft befindet und über keinerlei angemessene materielle, finanzielle oder zeitliche Möglichkeiten verfügt, haben die Richter eine ganze Reihe von verfahrensmäßigen Beschränkungen oder Hindernisse im Bezug auf die Reihenfolge der Zeugen, die zu den Zeugen einzureichenden Informationen und den Inhalt ihrer Zeugenaussage angeordnet oder versucht anzuordnen. Besonders irritierend war die Art und Weise, in der die gestrige Verhandlung von dem Vorsitzenden Richter Patrick Robinson geführt wurde, der in derselben Art wie sein Vorgänger Richard May Präsident Milosevic das Mikrophon abdrehte und versuchte, die Befassung mit der Darlegung der Verteidigung in eine Diskussion zwischen Richterbank, Anklagevertretung und den "Freunden des Gerichts" zu verwandeln, ohne den Ausführungen von Slobodan Milosevic zu den für ihn wichtigsten und vordringlichsten Sachverhalten Gehör zu schenken.

Nur einen Tag zuvor, gab das neu gewählte Mitglied der Kammer, Richter Ian Bonomy aus Großbritannien mit seiner Stimme den Ausschlag zu Ungunsten von Slobodan Milosevic in einer Situation, wo die Ansichten der beiden anderen Richter im Widerspruch zu einander standen hinsichtlich Freispruchs in punkto Völkermord. Damit bestätigte Ian Bonomy, dass er es in nur zwei Monaten geschafft hatte, sich mit einer Million Seiten relevantem Prozessmaterial vertraut zu machen - ein unglaublich schändliches Beispiel von richterlicher Willkür.

Das Haager Tribunal unternimmt den Versuch, die Wahrheit zu töten. Niemand auf der Welt braucht ein solches falsches Gericht, ausgenommen jene in der NATO, die für die schwersten Verbrechen gegen den Frieden, gegen Jugoslawien und gegen das serbische Volk verantwortlich sind.

In diesem Augenblick, wo die ganze Welt sich gegen Aggression und Terror aber auch gegen die damit verbundenen Manipulationen des Rechts erhebt, und wo das Volk von Serbien mit immer mehr Mut in den Kampf für die Wahrheit eintritt, der von Slobodan Milosevic geführt wird, müssen die Verbrechen gegen die Wahrheit, das Recht und elementare Menschenrechte, die in Den Haag begangen werden, unverzüglich gestoppt werden.

Das ICDSM und seine nationalen Sektionen werden nunmehr in ihren Erklärungen und Aktivitäten den Kampf gegen die Verbrechen in Den Haag intensivieren.

Die Kämpfer für die Wahrheit und die Freiheit von Slobodan Milosevic werden zahlreicher. Kürzlich haben die Parlamente der Russischen Föderation und der Republik Belarus eindrucksvolle Erklärungen abgegeben. Gleiches geschah

durch den Weltfriedensrat. Auf Initiative des kanadischen Dichters Robert Dickson haben international bekannte Künstler wie Harold Pinter, Peter Handke, Alexander Zinoviev, Rolf Becker, Valentin Rasputin, Dimitri Analis, Nikolai Petev und viele andere die Petition unterzeichnet, die fordert, dass dieses Verbrechen, die letzte verzweifelte Phase des NATO-Krieges gegen Jugoslawien, gestoppt wird - im Interesse der Menschheit und im Interesse des Friedens.

Die Wahrheit kann nicht getötet werden.
Freiheit für Slobodan Milosevic!
Freiheit für Serbien!

Sofia, den 18 Junl 2004

E N D E

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Sagittarius

Van: "Vladimir Krsljanin"
 Aan: <Undisclosed-Recipient:>
 Verzonden: dinsdag 22 juni 2004 19:50
 Onderwerp: European Peace Forum on Milosevic

DECLARATION OF THE EUROPEAN PEACE FORUM

The Presidium of the European Peace Forum, convened on 20 June 2004 in Berlin at its regular session, after considering the activity of the illegally founded International Criminal Tribunal for the former Yugoslavia, holding as its principal accused ex-President of Yugoslavia Slobodan Milosevic, adopted the following Declaration:

1. The Hague Tribunal continues to act in violation of the generally accepted norms and principles of the International Law, such as presumption of innocence, principle of carrying the criminal proceedings in reasonable time limits, principle of unacceptability of the groundless limitations of rights of detainees, principle of unobstructed and complete presentation of defense, principle of conducting the criminal proceedings by a competent and impartial (independent) court.

2. The Presidium of the European Peace Forum expresses a serious concern about the serious worsening of the health of Slobodan Milosevic, caused by the ill treatment. Slobodan Milosevic suffers also from the unjustified prevention of contacts with his family, friends and associates. He is kept under unprecedented moral and psychological pressure aiming to break his will to resist the false accusations presented.

The Presidium of the European Peace Forum expresses its solidarity with Slobodan Milosevic - the leading statesman and public figure, who is a victim of the conspiracy of the imperialist forces against the integrity and independence of his country.

We demand an end of the mistreatment of Slobodan Milosevic and his immediate release from detention.

Berlin, 20 June 2004 Presiding the European Peace Forum,
 Vice-President, Professor Ivan

Yatsenko

FIGHT BACK NATO AND ITS CRIMES AGAINST PEACE, YUGOSLAVIA AND THE SERBIAN PEOPLE!

"President of Serbia and Montenegro" Svetozar Marovic will attend the NATO summit in Istanbul, which will take place exactly on Vidovdan!

Vidovdan is now at the same time a day of greatest glory and a day of biggest shame of the Serbian people.

On this Vidovdan, the glory will prevail!

NATO and its lackeys will gather in Istanbul, but the Serbian people will gather in Belgrade. Criminals and their servants will face many thousands angry protesters in Istanbul. In Belgrade many thousands will salute the courageous struggle of Slobodan Milosevic against the NATO inquisitors and demand his release and restoration of freedom in Serbia. In The Hague the freedom-loving people of Serbian Diaspora and Europe will protest NATO trying its victims under UN auspices.

JOIN THE VIDOVDAN PROTESTS:

26 June The Hague

27 June Istanbul

28 June Belgrade

TRUTH

OR SLAVERY, HUMILIATION AND DESTRUCTION OF SERBIAN NATION

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

THE DECISIVE BATTLE FOR TRUTH NEEDS YOUR HELP NOW!

SLOBODA urgently needs your donation.

Please find the detailed instructions at:

<http://www.sloboda.org.yu/pomoc.htm>

To join or help this struggle, visit:

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

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

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

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

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

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

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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: woensdag 23 juni 2004 19:06
Onderwerp: CDSM: ICDSM-US meeting and video viewing this Saturday night at 7

Subject: ICDSM-US meeting and video viewing this Saturday night at 7 PM

>
>
> The International Committee to Defend Slobodan Milosevic - US
> and
> The People's Video Network
> Present
>
> THE CASE MILOSEVIC
>
> A FEATURE DOCUMENTARY FILM
> ABOUT THE PRESIDENT
> OF YUGOSLAVIA
> AND HIS TRIAL AND DEFENSE AT
> THE NATO'S COURT IN THE HAGUE
>
> A FILM BY
> GERMINAL CIVIKOV
>
>
> Introductory remarks:
> Barry Lituchy, CUNY
> Member of the US branch of
> The International Committee to Defend Slobodan Milosevic
>
> OPEN FLOOR DISCUSSION WITH
> Sara Flounders and John Catalinotto, co-editors of
> Hidden Agenda: US/NATO Takeover of Yugoslavia
> Milos Raickovich, antiwar activist
> Barry Lituchy, contributing author to
> NATO in the Balkans
>
> Discussion Mediator: Judi Cheng, PVN
>
>
> On the three-year anniversary of kidnapping of President Milosevic
>
> Saturday, June 26, 2004
> 7 PM
>
> People's Video Network
> at the
> INTERNATIONAL ACTION CENTER
> 39 West 14th Street, Room 206
> New York, NY 10011
> (212) 633-6646

29-6-04

Sagittarius

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

Aan: <Undisclosed-Recipient:;>

Verzonden: dinsdag 22 juni 2004 1:47

Onderwerp: Dr A. Mezyaev (Russia) on the "Milosevic

Defence Case in the so-called "Milosevic trial" will start on July, 5

Alexander Mezyaev,
 Doctor of International Law,
 Deputy Head of the Department of
 Constitutional and International Law,
 Academy of Business, Kazan, Russia.

The so-called "Milosevic trial" in the Hague Tribunal is continuing already more than two years, but still passed its only first phase. In the end of February the prosecution have closed its case - Prosecution case. Now is a time for Defence case. During this phase of the trial Slobodan Milosevic will present his witnesses.

Officially the first day of the Defence case scheduled for July,5. But it is important to note that last Thursday, June, 17 was held the Pre-Defence conference. On this conference the trial chamber considered the state of preparation of the case.

S. Milosevic have presented to the court a list of witnesses which contains more than 1630 names. Amongst them are the names of Bill Clinton, Tony Blair, Gerhard Schroeder, Hans-Dietrich Genscher and many others. S. Milosevic also demanded that the court issues an obligatory order to some western governments to present some relevant intelligence documents. The court asked Mr. Milosevic to consider how to reduce the list, but he answered that there are dozen of thousands people who want to testify for his defence and it will be very difficult to make the list shorter. Formally court did not asked to reduce the length of the list, but have imposed several unfair restrictions, which will lead to this result. For example, the trial chamber restricted defence case only to 150 days. This is exactly two times less than the prosecution had. This obviously unjust decision was explained by an argument that the most of the time was given to Mr. Milosevic for his cross-examination. The only thing that the judges have forgotten, is that Mr. Milosevic had to cross-examine prosecution witnesses! They were witnesses who testified against him! So, the Hague tribunal once again demonstrated that it is not in a position to ensure the elementary norms of fair trial, first and foremost - the equality of parties. Slobodan Milosevic protested against this decision. He said: "I am here to defend the truth". And of course it is impossible to impose time limits (more over unjust time limits!) for the determination of truth. In the same time it is quite logical why the court, nevertheless have imposed this time limits. The full truth, if determined, will be a great damage for this tribunal.

It is interesting to note that during the Pre-defence conference the prosecution demanded that S. Milosevic should present in advance a detailed summary of the future testimony of defence witnesses. This demand was shocking even for amicus curiae, when Mr. Kay said that such a demand means the disclosure of the whole Defence case. Nevertheless, trial chamber ruled, though with some reservations, in favour of the prosecution.

Mr. Milosevic still don't include his name in the list of witnesses. Probably he will do it at a later stage in order to appear before the court as a witness. The rules of procedure prescribe that in fact the evidence is only the witness testimony. All other statements by the accused may be considered by trial chamber, but in any way they are not an evidence. That means that all statements made by Mr. Milosevic during the Prosecution case, including his famous Opening Statements in February and September, 2002 are only the matter for the trial chamber what probative value "if any" it will have. This also means that all that was said by Mr. Milosevic in order to disprove some statements of witnesses, also do not consider as evidence. Contrary, all statements of witnesses are considered as evidence.

In this respect it is very important to mention the long time awaited decision of the trial chamber on the acquittal, delivered on June, 16 - one day before the Pre-defence conference. Tribunal's rules prescribed that after the termination of the Prosecution case the accused may ask the for the judgment of acquittal, if prosecution have not presented or have presented insufficient evidence to sustain a conviction on one ore more charges. In the "Milosevic case", it was more than obvious that the prosecution did not present sufficient evidence in greatest number of charges. In respect of several charges, prosecution did not present evidence at all. First of all it concerns the charges in genocide and some charges related to Kosovo indictment. Even the "friends of court" - amicus curiae - asked the court to acquit Mr. Milosevic at least on these absolutely not proven charges!

Everybody who follows the trial proceedings and who is familiar with the work of the Hague tribunal may guess the general mean of the decision of the court in advance. However, even those were surprised! Judges ruled that the prosecution presented sufficient evidence to all 66 (!) charges, including genocide or (!!!) complicity in genocide. The real mean of such a decision may be understood only if you are familiar with the details of the Prosecution case. In fact, the prosecution not only presented insufficient evidence, but have not presented a case at all. Even some western lawyers recognised that such a case could never be accepted in any national court in Europe. And it is too polite definition. During the prosecution case Mr. Milosevic presented enough evidence that the prosecution used false witnesses and even fabricated evidence! If one calls things by their proper names, such a trial would not only fail in any European court, but would be a reason to put on trial the members of the prosecution! If after such kind of a trial the judges ruled that the prosecution have presented sufficient evidence to all counts and accused could not be acquitted in relation to any of the charges, it may mean only one thing. It means that the decision of the court is already adopted and it has nothing to do with any evidence, which will be or will not be presented.

Nevertheless, Slobodan Milosevic is not defeated. Officially, "his" case is called Prosecutor against Milosevic, but even during the Prosecution case it became in fact Milosevic against the Tribunal. I am sure that the defence case will be even more successful and the lie will be definitely defeated. It is important to say some words about new judge of the trial chamber. As it is well known, just after the termination of the Prosecution case the presiding judge Richard May have resigned. On Thursday, June 17, the international public was able to see the new judge lord Bonomy. He is 58 years old, worked as a solicitor, prosecutor and during last 7 years - as a judge of the Supreme Court of Scotland. To understand the real place and role of new judge Bonomy as well as of judge Robinson, as a new presiding judge of the trial chamber, it is important to understand the real reasons

of the resignation of judge May.

No doubts, Richard May made a great damage to the image of the tribunal. One of the main purposes of the Hague tribunal is to make a nice impression on the international public. Yes, to proclaim as guilty only one side of a civil war. Yes, to punish only Serbs. Yes, no doubts, to punish Mr. Milosevic. These are the aims of the tribunal too. But! All this should be done in a "nice" way. Make a nice impression. Formal attributes of fair trial should be shown. Not to be implemented, but shown only! Once again returning in my reflections about that strange resignation of judge May, once again I make a conclusion that the bad health was not a real reason for it. R. May was just not ready to implement the task that was put to him. He became a problem. Of course, it does not mean that he is stupid. Not at all. But there was a great difference between the confronted personalities. In the battle Milosevic - May, the last one was defeated. And it could not be otherwise. Any judge of the tribunal would be defeated. And it does not matter would it be a judge of the Hague tribunal or of any other tribunal. The difference between personalities is too great. Judge May was a simple judge in criminal cases, who has an experience just with simple criminals. He was not ready, not intellectually nor psychologically, to handle the high level of battle presented by S. Milosevic! But May was not personally guilty for his defeat. Probably it is more correct to say that it was a "guilt" of the former president of the tribunal, French Claude Jorda. According to the law he was entitled to appoint judges to the trial and in doing this he followed the classical rule: "no risk". Understanding his responsibility for the main trial of the tribunal he had appointed a Briton R. May. Obviously not Jorda, nor May, nor anybody else realised how big problems they will meet. They believed that S. Milosevic will be defeated before the trial, that he will be broken. That counts did not and will not be realised. But it is important to stress again the psychological unprepairness of judge May to be a presiding judge in the "Milosevic trial". May was nervous. He simply demonstrated unacceptable behaviour. If one day I'll believe in a bad health as a reason for his resignation, it may be illness of his nerves only. By his behaviour, R. May discredited the whole tribunal. I mean of course, not the tribunal itself, but its policy to abuse justice in a nice way. Very polite. I had a chance to attend different trials by different judges of the Hague tribunal. None of them were so unprofessional as R. May. It does not mean, of course, that all these judges do not execute all orders they get. But they do it not in a so abusive manner as judge May did. To make a conclusion, I am sure that R. May was just taken away from the scene exactly because he was not enough professional. Probably it was even quite unfair when during the special meeting in honour of May everybody was talking about his professionalism! May was pushed to resign because he openly demonstrated his attitudes, openly worked for prosecution. The Hague tribunal understands that the judgment and punishment of Mr. Milosevic will not be recognised by the international community if it will be a result of this kind of trial. Therefore, May just had to be resigned. It does not mean that the judgment and sentence will be different. Judge May simply became a danger to the image of the trial. Not to the fairness of the trial - but to its international image. In fact, not lord Bonomy, but Patrick Robinson have replaced R. May as presiding judge. As for the new judge Bonomy, he is just a judge of criminal cases, and in that sense he is not better than May. Having experience in trying simple criminals does not mean that one is ready to try a former head of state, a recognised leader of a nation. Moreover to try a

person like Slobodan Milosevic who is much more bright than all the Hague judges taken together. The intellectual level and personalities just can't be compared. That was the problem of R. May. There is no indication that new judge Bonomy will be able to resolve this problem.

Therefore, the resignation of judge May will not change the things at all. The last decision of the "new" trial chamber is a great proof of that.

* * * * *

In addition to the "Milosevic trial" it is very important to follow the other trials of the Tribunal. It is not overestimation to say that in other trials the preparation of justification of the future judgment in "Milosevic case" is going on.

Thus, for example several weeks ago the Appeals Chamber delivered its judgment in Krstic case. The Chamber ruled that there was genocide in Srebrenica in July, 1995. It means that this became a historical and judicial fact! Taking into account that Srebrenica is one of the counts in the indictment against S. Milosevic and the fact that the prosecution failed to present any sufficient proofs of this count, the real meaning of this Appeals Chamber ruling becomes clear. Now it is not necessary to prove that Milosevic committed genocide, simply a link should be established between him and others, for example with Krstic or his superiors. Moreover, the trial chamber should follow the decision of the highest (Appeals) chamber. It is not so simple of course, but this is the general scheme.

A little bit earlier, the same Appeals Chamber delivered its judgment in Brdjanin case. In its decision, the Appeals Chamber reversed the previous decision of the trial chamber concerning the acquittal of the accused on the count of genocide. The court ruled that the special intent is not required in the circumstances of the case. But all lawyers in the world know that this is an obligatory requirement. The court reached its findings using again not only defective theory of so-called joint criminal enterprise (which exists only in ICTY and was produced specially to simplify proving the guilt), but also the "developed" kind of this theory - "the third level of joint criminal enterprise". The defectiveness of that theory is recognised not only by the majority of world lawyers but even by some judges of the Hague tribunal! The last decision of the trial chamber in "Milosevic case" must be considered in the light of this decision. Two old judges of the chamber were divided in relation to the question whether S. Milosevic was a member of joint criminal enterprise, and only the vote of new judge Bonomy decided the matter in favour of the prosecution.

It is quite obvious that the Appeals Chamber delivered its decision in the "Brdjanin case" in order to save the main charge in the "Milosevic case". One should also point out the long time awaited trial of the former president of the Assembly of Republika Srpska and member of Bosnia and Herzegovina presidency Momcilo Krajisnik. Using the secret witnesses became so usual thing in the Hague tribunal that it can't surprise anybody. But the secret trial as a whole is something new even for this tribunal. Practically around 30 per cent of hearings up to now were held in the so-called closed sessions. It means that public can get no information on the proceedings. Moreover, the hearings are being postponed all the time without any explanation.

Similar strange things happened in the Babic case. As it is well known, in December 2003, the former president of Republika Srpska Krajina Milan Babic had signed a special agreement with the prosecution. According to this agreement Babic accepted his guilt on one count and took an obligation to testify against all the people the prosecution would find necessary. Such a

"cooperation" with the prosecution usually leads to a short sentence. (Like in Erdemovic case, where the accused who killed more than 100 people was sentenced to 5 years of imprisonment). M. Babic (as well as Erdemovic) already testified against S. Milosevic. It is worth to remember: the prosecution gave up from 14 other witnesses in exchange for the prolongation of Babic's testimony! By the way, during that testimony S. Milosevic showed that the evidence was false and fabricated.

Some days ago the pronouncement of sentencing judgment for Milan Babic was announced. But suddenly, without any explanation it was postponed.

There was also a status conference in the Seselj case on June 14. Already more than one year passed, since Mr. Seselj is in ICTY detention, but his case still is not prepared for a trial. The prosecution is in a real trouble. The trial has not yet started but Seselj already won one point. The trial chamber excludes from the indictment against Seselj the accusations concerning events in Vojvodina. The tribunal has the jurisdiction only for the crimes which were committed during the armed conflict. It is a well-known fact that there was no armed conflict in Vojvodina. It is interesting to note that the prosecution expresses its will to appeal this decision of the trial chamber!

In the same time the registry of the tribunal prolonged the prohibition for Mr. Seselj of any communication with the outside world except with the defence counsel, whom Mr. Seselj doesn't have - he defends himself in person; and with the inner family (monitored by prison officers). In fact, this is a complete isolation. This decision was adopted last December and is routinely being prolonged all these months. The main reason for this isolation were the parliamentary and presidential elections. Last December, in the parliamentary elections, the party of Seselj won the majority of votes. In the first round of the presidential elections on June 13, the candidate of Seselj's party Tomislav Nikolic won again - he got the majority of votes. The second round of elections is scheduled for June 27. So, the registrar of the tribunal again prolonged the regime of isolation for Mr. Seselj. It is interesting to note how the "free" West and the Hague tribunal are afraid of Seselj and his influence on the population of Serbia.

The future the "Seselj trial" may become for the Hague tribunal not the smaller problem than the "Milosevic trial". Last autumn I had a chance to attend a status-conference of Mr. Seselj in the tribunal. Mr. Seselj looked very fatigue and obviously had some health problems. But on the question of a judge does he have some health problems he answered: "Yes, I do. I have a mental suffering looking at you. Your robes remind me Roman Catholic inquisition." Even if Mr. Seselj really has health problems, he is ready for the battle in the court. Whether the court itself is ready for this?

* * * * *

July 5 will be the first day of the Defence case of Slobodan Milosevic. Let us wish all the best to this outstanding Man, to this recognised leader of the Serbian people and of all other freedom-loving peoples. From the ancient and the modern history we know very well that the Serbian people never gave up! We believe in you, Comrade President!

FIGHT BACK NATO AND ITS CRIMES AGAINST PEACE, YUGOSLAVIA AND THE SERBIAN PEOPLE!

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summit in Istanbul, which will take place exactly on Vidovdan!
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28 June Belgrade

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Verdedig met Milošević de historische waarheid!

Toespraak van Klaus Hartmann op 26 juni 2004 te Den Haag
Medeburgers, Vrienden en Kameraden,

Op 1 juni 2004 heb ik Slobodan Milošević hier in de gevangenis opgezocht. Hij doet ons de hartelijke groeten. Ik kan u verzekeren dat zijn strijdvaardigheid en vastberadenheid om het valse 'tribunaal' te bestrijden ongebroken zijn.

Vandaag en aanstaande zondag en maandag vinden er ter gelegenheid van Vidovdan (het feest van St Vitus) in Den Haag, Istanboel en Belgrado demonstraties plaats ter herinnering aan de verwoesting van Joegoslavië en om de strijd van Slobodan Milošević tegen de voortzetting van de agressie door middel van dit ad hoc 'tribunaal' onder de aandacht te brengen. Wij bundelen onze krachten opdat de positieve strijdtradities zullen triomferen over de traditie van het verraad.

Den Haag is een van de grote theaters waar deze strijd plaatsvindt, omdat hier de verwoesters van Joegoslavië hun slachtoffers en de geschiedenis voor een rechtbank willen slepen. Daarom maakt de strijd tegen dit zogenaamde 'Joegoslavië Tribunaal' onderdeel uit van de strijd tegen agressie en verraad.

Het zogenaamde 'tribunaal' is geen echte rechtbank, maar een valse, en dat niet alleen vanwege de onherstelbare geboortetrauma's en de onwettige conceptie. Dit zogenaamde 'tribunaal' is een onecht kind van de VN, omdat het de vrucht is van de verkrachting van het volkenrecht. Dat is niet zomaar een bewering, het zogenaamde 'tribunaal' toont ons zelf dat het een bastaard is, dat het vals van aard is, dat het uit onrecht geboren is en voortdurend nieuw onrecht voortbrengt.

Alleen al het feit, dat het een 'ad-hoc'-tribunaal is, toont aan dat het een 'speciale rechtbank' is. De oude fascist, de Duitse nazi's, spraken cynisch van een 'speciale behandeling', wanneer ze het hadden over hun terreur tegen communisten en joden, en andere dissidenten. Een 'speciale behandeling' betekent de onthouding van recht, van een rechtmatige behandeling, van gelijk recht voor iedereen, verkrachting van het recht, willekeur, standrechtelijke executies, terreur, en dat geldt in gelijke mate voor 'speciale rechtbanken'. Zoiets leidt regelrecht naar Guantanamo en het folteren in de Abu-Graib gevangenis in Bagdad.

Dit zijn geen boude beweringen, want het zogenaamde 'tribunaal' in Den Haag verraadt zijn valse aard door eigen doen:

Elke rechtbank moet aan bepaalde juridische eisen voldoen, zoals:

- ¥ uitgaan van onschuld tenzij rechtsgeldig veroordeeld;
- ¥ geen straf zonder wet;
- ¥ staking van vervolging bij onbewezen aanklacht;
- ¥ passende mogelijkheden ter verdediging;
- ¥ gezondheidszorg en adequate medische behandeling van gevangenen;
- ¥ gelijkheid van wapens voor de aanklager en de beschuldigde.

En hoe is het op al deze terreinen gesteld met dit zuiver 'tribunaal'?
Valse beschuldigingen! Nema niäta!

Een paar dagen geleden vond in het 'tribunaal' een voorbehandeling plaats, waarin de gang van zaken in de 'halftijd' van Slobodan, de 'halftijd' van de verdediging, vastgesteld moest worden. Daarmee werd meteen duidelijk dat ondanks onbewezen aanklachten, staking van vervolging niet plaatsvindt. De 'vrienden van het hof', aangesteld om naar buiten toe een objectief imago te produceren, stelden toen voor, om in ieder geval de aanklacht van volkerenmoord te laten vallen. Zelfs de 'hoofdaanklager', Carla del Ponte, had in een interview al twijfel geuit of bewijs daarvoor te leveren is. Maar tegen een van de rechters in besloten de beide anderen, waaronder de Lord rechter die de pas overleden Mister May moet

vervangen en zeker niet het hele dossier kan overzien, de beschuldiging van genocide te handhaven. Wilskracht telt hier echter meer dan dossierkennis en de wil om te veroordelen is absoluut en staat los van alle feiten.

Dit 'tribunaal' gelastte de isolatie van Slobodan Milošević van zijn naaste familieleden, van zijn medewerkers en vrienden met als enig doel: zijn wil te breken om aan de valse aanklachten het hoofd te bieden. Met het ontzeggen van adequate medische zorg bedreigt het zijn gezondheid en leven.

Ondanks dat de 'aanklager' sedert 1999 bezig is geweest met de formulering van de beschuldigingen en daarbij deels teruggreep op materiaal dat sedert 1993 bijeen geraapt is, was het antwoord op de eis van Slobodan Milošević om minstens twee jaar tijd te krijgen voor zijn verdediging: drie maanden moet genoeg zijn. En dan nog het toppunt van mensenverachting: de door ziekte uitgevallen werkdagen komen voor zijn rekening en niet geteld bij de voorbereidingstijd. Deze daden van willekeur tonen duidelijk aan dat hier het tegendeel van Recht geschiedt. Al het 'juridische' aan deze instelling ontrafelt zich als een slechte vermomming, de maskerade van een weerzinwekkende politieke onderneming. De valse aanklacht van het 'tribunaal' tegen de politieke en militaire leiding van een overvallen land luidt: 'Joint Criminal Enterprise' Ñ een 'gemeenzaam begane criminele onderneming'. Een dergelijke 'gemeenzame criminele onderneming' was er wel degelijk. De verwoesting van Joegoslavië was een gemeenzame criminele onderneming: van Duitsland, Oostenrijk, het Vaticaan, de VS en van de NAVO.

Dat is bevestigd door uitingen als:

"Duitsland is met zijn geschiedenis in het reine gekomen en kan zich voortaan op zijn betekenis van wereldmacht beroepen en die vergroten."

Helmut Kohl, Bondskanselier, Regeringsverklaring, 30 januari 1991

"Wij geloven dat wij de grootste gevolgen van de Tweede Wereldoorlog overwonnen hebben en te boven gekomen zijn. Maar op andere terreinen hebben we nog steeds te maken met de gevolgen van de Eerste Wereldoorlog. Joegoslavië is een gevolg van de Eerste Wereldoorlog en een zeer kunstmatige en met het zelfbeschikkingsrecht nooit in overeenstemming geweest zijnde constructie. (E) Er mogen geen afzonderlijke naties in ongewilde, tegennatuurlijke of opgelegde staatkundige organisaties vastgehouden worden."

Rupert Scholz, Minister van Defensie van de Bondsrepubliek 1988/89, in september 1991 op het 'Förstfeldbrucker Symposium für Führungskräfte aus Bundeswehr und Wirtschaft', georganiseerd door de Bundesvereinigung der Deutschen Arbeitgeberverbände und der Bundeswehr (Die Welt, 12.12.1991)

"We moeten Servië op de knieën brengen"

Klaus Kinkel, Minister van Buitenlandse Zaken van de Bondsrepubliek, 24 mei 1992

ãKohl maakt af, wat Kaiser Wilhelm en Hitler niet bereikt hebben.

Edmund Stoiber, Minister-president van Beieren, Förstfeldbrucker Neueste Nachrichten, 5. August 1992

"Er gelden in de wereld maar twee dingen: economische macht en de militaire middelen om die te doen gelden."

Klaus Naumann, Generalinspekteur der Bundeswehr, Der Spiegel, 18. Januar 1993

Ook anderen zagen de actieve rol van Duitsland bij de vernietiging van Joegoslavië, zo schreef het leidende tijdschrift voor defensie en buitenlandse politiek van de VS *Defense & Foreign Affairs Strategic Policy*, van 31 december 1992:

"De oorlog in de vroegere Joegoslavische Republiek is aangestoken door een massief en ingewikkeld systeem van wapenleveringen over zee naar Kroatië en Bosnië-Herzegovina dat door Duitsland georganiseerd en gefinancierd werd."

Een laatste citaat dat de actieve betrokkenheid van de Duitse Bondsregering bij de

ontketening van het geweld in Kosovo beschrijft:

"Het Kosovovraagstuk kan niet opgelost worden wanneer ik troepen naar Albanië stuur, daar de grens met Kosovo sluit en zo het werk van de heer Milosevic ga doen."

Volker Rÿhe, Minister van Defensie van de Bondsrepubliek, FAZ, 9 juni 1998

Deze citaten tonen de echte geschiedenis en zij laten zien wie de ware criminelen zijn. De echte criminelen staan niet voor een rechtbank. Zij hebben er opgericht om de geschiedenis te vervalsen en het motto 'de Serven op de knieën te krijgen' geldt nog steeds.

Als dat zogenaamde 'tribunaal' een echt VN-tribunaal zou zijn dan zou het gefinancierd worden door de VN zelf. Maar omdat het geen echt gerechtshof is, wordt het betaald door de VS, Saoedi-Arabië, door 'democraten' als Rockefeller en Soros en door waarheidszoekers als Time Warner en CNN.

De oorlogsstokers hebben dus een 'tribunaal' opgericht dat hun jarenlange racistische campagne, hun demonisering van de Serven, hun hersenspoelerij en hun huichelachtige agressie geloofwaardig moet maken, hun misdaden legitimeren en hun oorlogsmisdaden in schijnheiligheid te hullen.

Maar daaraan doen wij niet mee!

Daarom strijden wij tot deze opgeblazen goedpratens, geschiedvervalsers en doofpotters in rook opgaan. Daarom eisen wij: De vrijlating van alle gevangenen van deze illegale hotemetoten!

En in dezelfde adem betonen wij onze solidariteit met Slobodan Miloäevi□!

Onze inzet voor de verdediging van Slobodan Miloäevi□ heeft niets te maken met persoonlijke sympathie en partijpolitieke voorkeuren. Slobodan Miloäevi□ is de hoogste vertegenwoordiger van het gecriminaliseerde volk van een aangevallen staat. De op oorlog beluste media hebben hem in een jarenlange campagne tot de grootste vijand gemaakt. Zijn bestraffing Ñ als belangrijkste organisator van het verzet tegen de agressie Ñ is van het hoogste belang als afschrikkingsmiddel tegen anderen. Daarom proberen ze hem fysiek en moreel kapot te maken, zijn verdediging in alle opzichten te dwarsbomen en niet in de laatste plaats met behulp van geheime diensten de inzameling van geld voor zijn verdediging onmogelijk te maken.

Wij zijn niet ingegaan op de voorwaarde "Wie kritiek wil leveren op de NAVO, moet zich eerst distantiëren van Joegoslavië". En we laten ons ook vandaag niet uit elkaar drijven: De strijd tegen het valse 'tribunaal', voor de waarheid van de geschiedenis en voor de verdediging van Slobodan Miloäevi□ is voor ons hetzelfde.

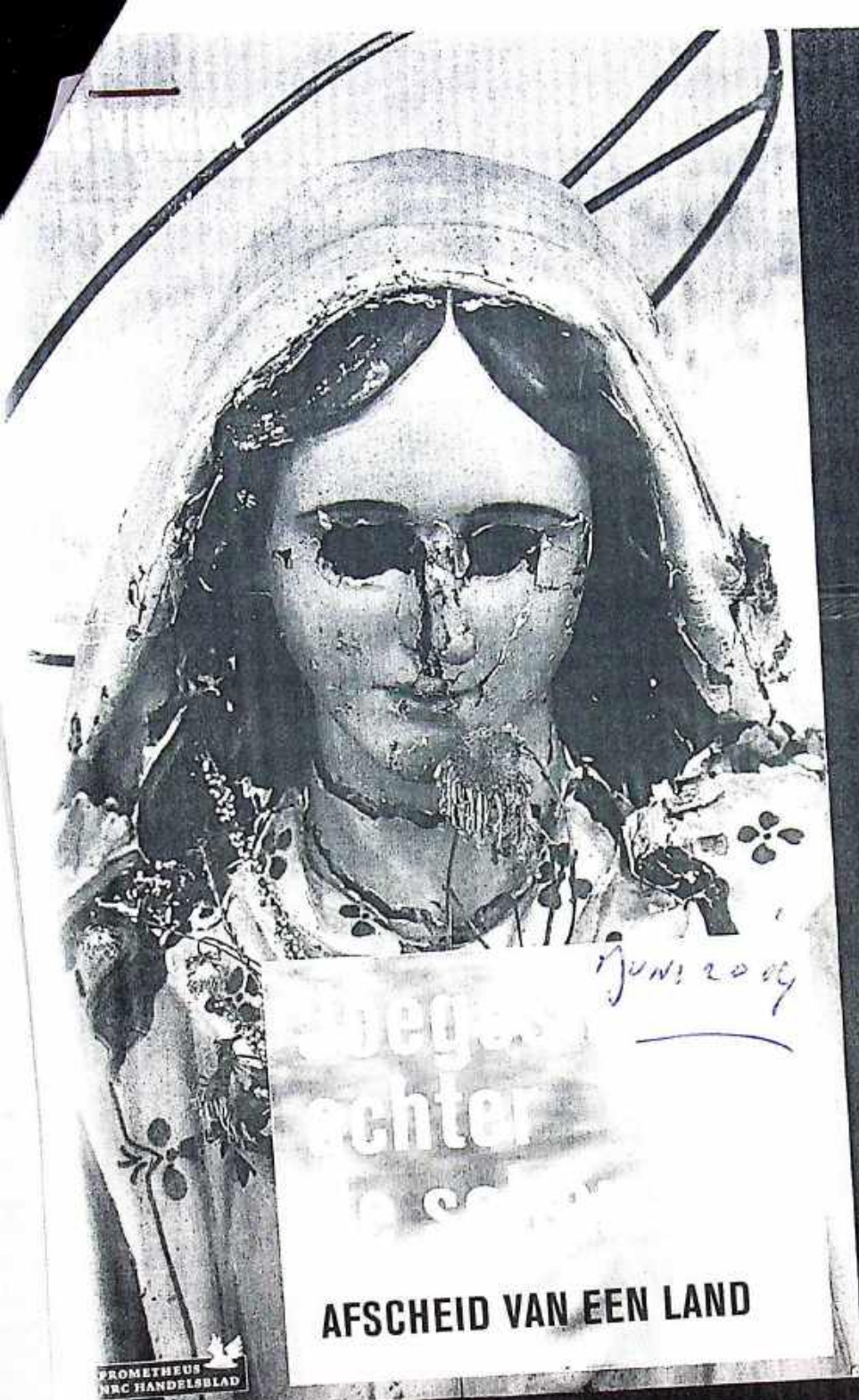
Omdat wij ons onze geschiedenis niet laten afnemen, geven wij ook Vidovdan niet in handen van de traditie van het verraad, de vazallen van de NAVO.

Omdat wij ons onze geschiedenis niet laten afnemen, zijn we solidair met Slobodan Miloäevi□ en allen, die in de beste, in de heroïsche traditie van Vidovdan strijden.

Daarom bevestigen wij op St Vitusdag 2004:

Lang leve Joegoslavië!

Lang leve Slobodan Miloäevi□!



June 2004

Boegast
echter
de so...

AFSCHEID VAN EEN LAND

PROMETHEUS
NRC HANDELSBLAD

Ondertussen, in Den Haag, was Milošević in de beklaagdenbank verschenen. Hij snauwde getuigen af, legde aanklagers het vuur aan de schenen en beledigde rechters. Tot groot plezier van vele Serviërs, die genoten van deze voorstelling. Al in zijn openings-speech had Milošević zijn tegenstanders getart door het tribunaal niet te erkennen. Ook streed hij alleen, zonder advocaat, tegen een machtige machine. De Serviërs zagen er een lijdendaagse versie van David en Goliath in. Het ging erin als kook.

Vier dagen na aanvang van het proces vierde Servië de dag van de constitutie, een vrije dag in het hele land. Ruim 63 procent van de mensen zat die dag aan de buis gekluisterd, ze keken gemiddeld negentig minuten naar het proces dat werd uitgezonden. En ze waren enthousiast over Milošević' handelen. Op een schaal van één tot vijf scoorde zijn optreden een 3,8.

Door het proces herwon Milošević een deel van zijn populariteit. Steeds vaker keken de mensen naar de televisie-uitzendingen. Niet dat ze hem terug wilden. Eerder verlangden ze naar Tito, Joegoslavië's enige leider. Maar ze verknoekelden zich over de manier waarop hun president de eetzuchtige aanklagers te kijk zette.

Door verklaringen over de 'misdaden' van de Navo af te leggen, verdedigde hij bovendien de eer van de Servische politie en het Joegoslavische leger. Meer dan 40 procent van de bevolking vond dat hij in Den Haag niet alleen zichzelf verdedigde – hij verdedigde de natie! Bovendien vielen zijn vechtlust, onverzettelijkheid en harde aanpak van getuigen in goede aarde.

Hoewel de voormalig student rechten nooit advocaat is geweest, bleek Milošević de Angelsaksische traditie van omhoog lijn goed onder de knie te hebben. Daarnaast had hij voor zijn vertrek uit Servië les genomen in het afnemen van kruisverhooren. Ook was hij goed op de hoogte. Een deel van zijn informatie haalde hij uit Belgrado, waar een netwerk van aanhangers hem van alle inlichtingen voorzag die hij nodig had.

In een krappe kamer, verstopt in de achterste gangen van een groot kantoorpand, huurde de vereniging Sloboda, wat 'vrijheid' betekent. De vereniging was het epicentrum van Milošević' ver-

dediging. Wilde hij iets weten, dan belde hij met de leden van Sloboda. En hielen deed hij vaak voor de zitting, tijdens de schorsingen en na de zitting. Het is zijn enige manier om zich voor te bereiden op valse beschuldigingen, zelden zo bij de ver-zitting.

Officieel telde Sloboda twintig leden. Maar dat was kinderlijk het beeld, in werkelijkheid waren honderden mannen bezig met de verdediging van hun heid. De twintig leden vormden slechts de kern. Ze legden de beschuldigingen, verklaringen van getuigen en informatie uit documenten aan tientallen mensen voor, onder anderen aan politie, leger, ambtenarij en vluchtelingen. Het tribunaal klaagde dat de verdachte een betere toegang tot de staatsarchieven had dan de aanklagers.

In het begin had Milošević geen enkel document van het tribunaal willen aannemen. Zelfs zijn dagvaarding, die hij had ontvangen in de gevangenis van Belgrado, heeft hij nooit met een vinger aangeraakt. Tot aan zijn uitlevering stak het document tussen de tralies van zijn cel door, onaangeroerd. Eindelijk in Den Haag veranderde hij van gedachten. Daar documenten aan te nemen wist hij bijvoorbeeld de identiteit van een aantal getuigen. Dat belde hij door naar Sloboda, die direct op zoek ging naar belastende informatie.

Al snel bleek de aangeklaagde goed op de hoogte te zijn. Een Albanese getuige rept over zestig huizen in het Kosovaarse dorp Izbica. Milošević wist dat er slechts twaalf huizen stonden; een andere Albanese getuige beschreef een bloedbad dat tot vanuit zijn huis had gezien. Onmogelijk, snorde Milošević, want tussen dat huizen de beschreven misdaad lag een bevel.

Milošević' toenemende populariteit bracht de oppositie in een lastig parket. Zo lastig dat premier Djindjić zich tegenover het Duitse blad *Der Spiegel* beklagde: 'Het tribunaal bucht Milošević' de mogelijkheid om zijn demagogie naar voren te brengen. Ik ben sprakebos. Dit hele circus stelt mij en mijn hervormingsgezinde regering voor een dilemma.'

Zelfs vanuit een Haagse cel zat hij zijn tegenstanders nog dwars.

Ook we kwamen in de problemen. Het station besloot met de
pers uit te zenden omdat het de mensen wilde contrasteren met
de begane oorlogsmisdaden. Dat het niet die richting-af-zeg-
gaten, is niet onze schuld, zenden ze. De inzendingen, maar ook
het station zelf, werden aanleiding tot een stevige confrontatie
tussen vooraanstaande mensenrechtenactivisten. Nadat ook al
versie documentaires over de kwalijke rol van Servië in de jaren
negentig had uitgezonden, besloot het ook de andere kant van
het verhaal te laten zien. Het verhaal bijvoorbeeld van Serviërs
die waren verjaagd door Kroaten.

Dat werd het station niet in dank afgenomen. Bij 2 werd er van
besluit genomen de rol van slachtoffer te veel te benadrukken. Het
werd een onfrisse rel; de activisten die voorheen waren verblijd
in hun strijd tegen Milošević, rolden vechtend over straat. Nerisa
Kandić, de bekendste activist van het land, viel in één ongekend
telle publicatie het station aan. 'Waar waren jullie toen Kroaten
werden gedwongen Servië te verlaten? Hebben jullie ooit gepro-
beerd een moslim naar zijn [Bosnische] huis te brengen?' heeft
iemand zich ooit afgevraagd wat ik in Kosovo deed tijdens de
bombardementen? Ik schreef diverse rapporten, maar niemand
wilde die publiceren.'

De affaire eindigde in een ordinaar moddergevecht. Het was
zoals lord Owen al had geconstateerd: 'Niemand kan beter bij de
Serviërs verdeeldheid bewerkstelligen dan zijzelf.' De insinuaties
waren niet van de lucht, de een was een fascist, de ander was een
verrader en de derde was een lafaard.

'Waar was je tijdens de bombardementen?' kreeg Sonja Bi-
serko, een bekende activist, te horen.

'In Washington. Mag ik daarom geen kritiek leveren?' an-
woordde zij.

Met Joegoslavië ging het intussen bergafwaarts. Milošević 'val had
Servië en Montenegro niet dichterbij elkaar gebracht, het Monte-
negrijnse volk volhardde in zijn streven naar onafhankelijkheid.

Mij hier laten komen is klassieke mishandeling'

Reportage | Joegoslavië-Tribunaal worstelt met gezondheid van oud-president Milosevic op eerste dag van diens verdediging

Milosevic' gezondheid vormt een steeds grotere bedreiging voor de voortgang van zijn proces. Het hof pleit daarom voor een radicale herziening.

Van onze verslaggeefster Annieke Kranenberg DEN HAAG

Veerbarstig zit Slobodan Milosevic maandagochtend in de bejaagdenbank van het Joegoslavië-Tribunaal. Zijn bloeddruk is te hoog, zo concludeerde een arts

vanochtend voordat de ex-president van Joegoslavië uit het VN-cellencomplex in Scheveningen vertrok. 'De dokter heeft ten strengste verboden dat ik hier verschijn', zegt Milosevic tegen de rechters. 'Niettemin heeft u bevelen mij hierheen te halen.'

Milosevic mag kampen met een 'extrem hoge bloeddruk' en hartproblemen, zijn strijd lust lijdt er schijnbaar niet onder. Als vanouds gaat hij tekeer tegen het hof. 'Dit is een klassiek voorbeeld van het mishandelen van gevangenen', zegt de oud-president, die sinds februari 2002 terechtstaat wegens oorlogsmisdaden, misdrij-

ven tegen de menselijkheid en genocide in het voormalige Joegoslavië.

Eigenlijk zou Milosevic (62) - die geen advocaat wil omdat hij het hof niet erkent - op 5 juli beginnen met zijn verdediging. Aanvankelijk waren er vier uren ingeroosterd voor zijn openingspleidooi. In plaats daarvan werd gisteren zijn gezondheid besproken. Die holt achteruit, zo blijkt uit recente medische onderzoeken.

Bij stress stijgt zijn bloeddruk, maar zelfs wanneer Milosevic zich ontspant, is die hoger dan normaal. Hij moet sowieso deze week nog rust houden, conclude-

ren medici. Het is de zoveelste keer dat het proces kort wordt onderbroken op doktersadvies.

De lichamelijke gesteldheid van de ex-president vormt een steeds grotere bedreiging voor de voortgang van het meest opzienbarende proces sinds het Neurenberg-roosterd voor zijn openingspleidooi. In plaats daarvan werd gisteren zijn gezondheid besproken. Die holt achteruit, zo blijkt uit recente medische onderzoeken.

Waar waarschijnlijk maakt het hof vandaag bekend hoe die 'herziening' vorm moet krijgen.

Niet eerder is nadrukkelijk aan de orde gesteld of Milosevic wel fit genoeg is om aan zijn verdediging

te beginnen. Crucialer: laat zijn gezondheid het überhaupt nog toe dat hij berecht wordt? Het hof moet deze vragen in overweging nemen, vindt *amicus curiae* Steven Kay, die in opdracht van het tribunaal toeziet op een eerlijk proces. Iedereen kan zien hoe Milosevic' conditie verslechtert, zegt Kay.

De zaak moet doorgaan, stelt aanklager Geoffrey Nice. Hij heeft alternatieven die Milosevic kunnen ontlasten opdat het proces binnen 'redelijke termijn' kan worden afgerond. Voor de zoveelste keer vraagt de aanklager het hof de ex-president een advocaat

toe te wijzen. Ook pleit Nice voor een videoverbinding tussen het cellencomplex en het tribunaal.

'Ik zal nooit akkoord gaan met een advocaat', reageert Milosevic. En wat betreft de videoverbinding: 'Geen sprake van.' Hij wil zelf alle 1400 getuigen die hij wil oproepen, onder wie oud-president Clinton en de Britse premier Blair, ondervragen.

Milosevic vindt dat hij recht heeft op extra tijd om zich voor te bereiden en om te rusten. Want het hof, dat telkens 'deadlines' oplegt, is volgens hem schuldig aan zijn hoge bloeddruk. 'U heeft mijn situatie systematisch verergerd.'

rechter Robinson zelf bepalen welke getuigen hij wil oproepen. Milosevic wil voor zijn verdediging bijna 1.400 getuigen oproepen, onder wie oud-president Bill Clinton van de Verenigde Staten, de Britse premier Tony Blair en de Duitse Bondskanselier Gerhard Schröder. Robinson zei geen maximum te stellen aan het aantal getuigen, als Milosevic zich houdt aan de honderdvijftig zittingdagen. In de rechtszaal maakte Milosevic, die lijdt aan hoge bloeddruk en vermoeidheidsverschijnselen, gisteren een strijdlustige indruk. Hij stelde dat het strakke tijdschema hem van zijn kansen op "een eerlijke verdediging" berooft. (NRC, 18-6-2004)

NAVO-tribunaal: Verzoek om uitstel van proces Milosevic afgewezen

Het verzoek van Slobodan Milosevic om uitstel van zijn proces in verband met zijn slechte gezondheid is gisteren door de rechters van het Joegoslavië-tribunaal niet gehonoreerd. De Joegoslavische ex-president had meer tijd gevraagd om zijn verdediging - "tegen de meest flagrante leugens" zoals hij het gisteren omschreef - voor te bereiden. Milosevic erkent het hof niet en voert zijn eigen verdediging, die op 5 juli moet beginnen. De aanklagers hadden van februari 2002 tot februari 2004 de tijd om hun zaak uiteen te zetten. Milosevic krijgt honderdvijftig zittingdagen om zijn



De gezondheid van de Joegoslavische ex-president Slobodan Milosevic noopt tot een 'radicale verandering' van zijn proces bij het Joegoslavië-tribunaal. De woede van de verdachte in zaak IT-02-54.

het nu verder? Sinds februari 2002 staat Milosevic terecht voor oorlogsmisdaden, misdaden tegen de menselijkheid en volkerenmoord. De aanklagers zijn klaar met hun deel van het proces, zij hebben hun bewijsmateriaal gepresenteerd en nu zou Milosevic beginnen aan zijn verdediging. Eindelijk zou hij een lange roesprake kunnen houden, zijn openingspleidooi, en geen rechter zou zijn microfoon uitzetten. Vooral in de eerste maanden van het proces gebeurde dat vaak. Nu was zijn

Maar de zitting van gisteren werd al na een uur geschorst en de rechters kondigden ook al had de arts van de gevangenis in Scheveningen, waar Milosevic geïnterneerd is, voor de zitting gezegd dat hij daar te zwak was. Zijn bloeddruk was te hoog. Maar de rechters wisten van niets. Zij kenden, zelden ze, alleen de medische rapportage van vorige week vrijdag waarin stond dat de verdachte was te vaak ziek.

Milosevic was gisterochtend woedend omdat hij naar het tribunaal was gebracht ook al had de arts van de gevangenis in Scheveningen, waar Milosevic geïnterneerd is, voor de zitting gezegd dat hij daar te zwak was. Zijn bloeddruk was te hoog. Maar de rechters wisten van niets. Zij kenden, zelden ze, alleen de medische rapportage van vorige week vrijdag waarin stond dat de verdachte was te vaak ziek.

Milosevic voelt zich mishandeld

Slechte gezondheid verdachte noopt tot heroverweging proces

Vandaag neemt Milosevic zijn proces over

Achtergrond | Oud-president begint zijn verdediging voor het tribunaal dat hij niet erkent

Slobodan Milosevic mag zich vanaf vandaag verdedigen voor het Joegoslavië-Tribunaal. Hij begint met een redevoering die waarschijnlijk vooral een politieke aanklacht zal zijn.

Van onze buitenlandredacteur Rob Vreeken AMSTERDAM

Maximaal vier uur heeft Slobodan Milosevic gekregen van de rechters van het Joegoslavië-Tribunaal. In die tijdspanne, beginnend even na 11 uur vanochtend, mag hij een redevoering houden waarmee hij zijn heft van het naar hem genoemde proces begint: de verdediging. In februari sloten de aanklagers hun aandeel in het proces, de bewijsvoering, af.

Wie de oud-president van Joegoslavië bezig heeft gezien in de Haagse rechtszaal, sinds februari

2002, kan vermoeden dat hij de volle vier uur zal gebruiken, en dat zijn redevoering voor een fors deel een politieke aanklacht zal zijn. Een aanklacht tegen de landen, krachten en personen die tot tweemaal toe een oorlog ontke- tend tegen Servië, zoals hij dat ziet, en die het tribunaal instelden om de Serviërs en hun leiders nog- maals te vernederen.

'Ik wil hier voor het publiek bewijzen dat dit allemaal valse aanklachten zijn', zei Milosevic op 17 juni voor het hof, tijdens een procedurele voor-zitting. 'Valse beschuldigingen tegen Servië, tegen de republiek Joegoslavië en tegen mijzelf persoonlijk.' Al bij het begin van het proces had hij gezegd: 'Ik beschouw dit tribunaal als een vals tribunaal.'

De Amerikaanse oud-president Clinton is een van de personen in het door Milosevic waargenomen complot, diens minister van Buitenlandse Zaken Albright, de Britse premier Blair, de Duitse kanselier Schröder. Milosevic heeft

aangekondigd dat hij deze politici als getuige wil laten verschijnen. Immers, zei hij op 17 juni: 'Ik sta hier terecht als staatshoofd.'

Waarschijnlijk staan ze op de lijst van bijna 1400 getuigen die de verdachte drie weken geleden bij het hof indiende. Vorige week moest hij de lijst overhandigen van de eerste vijftig getuigen die

Verdachte geeft hof lijst met 1400 getuigen

hij wil ondervragen. In totaal wil hij er 1631 oproepen.

Het is moeilijk voor te stellen hoe hij dat wil klaarspelen. De rechters hebben laten weten dat zij geen maximum stellen aan het aantal getuigen. Maar er is wel een maximum van 150 zittingdagen. Daarbinnen moet Milosevic het

doen. Bovendien moet hij telkens aangeven waarom hij een bepaalde getuige wil horen. De rechters zullen waken tegen overlap.

Waar de donderdag overleden rechter Richard May vaak al de nodige moeite had de verdachte in te tomen en te dwingen zich aan de regels van het huis te houden, staat Mays opvolger als voorzitter van het hof, rechter Patrick Robinson, voor een nog grotere uitdaging. Wat nu begint is immers de fase van Milosevic. Hij bepaalt in grote lijnen de voorstelling, met zijn keuze van getuigen en zijn wijze van verhoren.

De 62-jarige oud-president, opgeleed als jurist, voert zijn eigen verdediging. Wel wordt hij achter de schermen bijgestaan door een team juristen, voor het merendeel landgenoten. Ook heeft het hof hem een aantal *amici curiae* toegewezen, raadslieden die erop toezien dat de rechten van de verdachte niet worden geschonden.

De amici hebben er vaak bij het hof op aangedrongen de beklag-

de meer tijd te gunnen voor zijn voorbereiding. Ook zien zij erop toe dat rekening wordt gehouden met Milosevic' gezondheid. Hij is hartpatiënt en vaak worden zittingen verdaagd omdat hij te zwak is.

Welke aanpak Milosevic gaat kiezen valt niet te voorspellen. Mogelijk zal hij proberen aan te tonen dat de Servische strijders in Kroatië en Bosnië niet onder het gezag van Belgrado stonden, en dat zijn eigen aandeel er vooral uit bestond vrede te stichten (zoals uiteindelijk gebeurde in Dayton).

Milosevic is in drie samengevoegde zaken (Bosnië, Kroatië en Kosovo) aangeklaagd wegens oorlogsmisdrijven en misdrijven tegen de menselijkheid. Voor Bosnië komt daar genocide bij.

Veel juridische deskundigen menen dat de aanklagers volkenmoord niet overtuigend hebben kunnen bewijzen. Maar dat hij uiteindelijk zal worden veroordeeld voor de andere misdrijven, in ieder geval die in Kosovo, daaraan twijfelen maar weinigen.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
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Belgrade, July 05, 2004

M O S T U R G E N T

Mr. Theodor Meron, President

Mr. Patrick Robinson, President

of the Trial Chamber III

Mr. Hans Holthuis, Registrar

ICTY

The Hague

The Netherlands

Cc: H.E. Kofi Annan, Secretary

General of UN and members

of the UN Security Council

New York, USA

As we have in several occasions before, been warning your predecessors, the actual deterioration of the health of Mr. Slobodan Milosevic, long time President of the Republic of Serbia and of the Federal Republic of Yugoslavia is a direct and dramatic consequence of the way the process has been conducted and of

9-7-04

the fact that you have neglected the recommendations of the physicians appointed by ICTY in order to determine the state of Mr. President's health.

Even after numerous warnings that, considering the state of health of President Milosevic, detention conditions, rhythm and conduct of the process can cause his death, you still continue to conduct your political process in the same way. We remind you and warn you once again that eminent Yugoslav and international cardiologists have concluded in their objective and impartial expertises, which got consent of the physicians appointed by you, that the way this political process has been conducted represent a threat to the life of President Milosevic.

In spite the claim that ICTY is an international court of UN, you in severest way violate the Resolutions and documents of the UN General Assembly, related to health of persons in custody.

The first principle of the *Resolution 3794 on the principles of medical ethics*, adopted by the UN General Assembly on December 18, 1982, establishes an obligation to protect prisoners or detainees from torture and other cruel, inhumane or humiliating sanctions or behavior. The same Resolution obliges you to secure the medical treatment of the same quality and based on same standards as for the persons who are not in prison or in detention. But in violation to that, you have not provided President Milosevic with medical therapy nor even with medical care of the same quality and based on same standards as for persons who are not in detention. This way you also violate the Article 6 of the *Codex of behavior of persons responsible for application of the Law*, adopted by UN General Assembly on December 17, 1979.

In addition to violation of the mentioned Resolutions, you also violate your own Statute, namely its Article 21, point 4b, which obliges you to provide every defendant with appropriate time and facilities for preparation of his defense.

The astonishing rhythm of this political process, purpose of which is not determination of the truth, but total endangering of the health of President Milosevic, leads us to a conclusion that the fatal outcome is your intention, in order to silence the truth. President Milosevic and his witnesses are prepared to present.

Experience with other persons in detention who faced dramatic deterioration of health or even loss of life, is also obliging you to decide to allow Slobodan Milosevic to obtain medical therapy and recovery in Belgrade by medical specialists who followed his health condition for years, due to existence of special

circumstances and to resume the process after the improvement of his health, as it was done already more than once in other cases before ICTY.

In the light of the above mentioned, we are particularly worried by the intentions shown up in the today's "administrative session" of the Trial Chamber III, to use the alarming state of health of President Milosevic as a pretext for further narrowing of his rights. Eventual realization of such intentions would be an appalling example of criminal misconduct.

We warn you once again that it is your obligation to harmonize your Rules and practices with all UN documents on human rights protection, as well as with the *International Covenant on Civil and Political Rights*.

President of the Managing Board of the Freedom Association -

Yugoslav Committee for the Defense of Slobodan Milosevic

Bogoljub Bjelica /signed/

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De zaak-Milošević

MILOŠEVIĆ IS FIT genoeg om zijn berechting door het VN-tribunaal voor het voormalige Joegoslavië bij te wonen. Maar er is twijfel of hij medisch gezien in staat is geheel alleen zijn eigen verdediging te voeren. Na een onderbreking van vier maanden nadat de aanklagers hun presentatie hadden afgesloten, zou de verdachte daarmee juist deze week een begin maken. De rechters hebben hem nu tot volgende week woensdag respijt gegeven. Milošević had drie maanden gevraagd. De vraag blijft waar het heen moet. De berechting van de voormalige sterke man van Servië is wel heel lang gaan duren. Het „niet minder dan twee jaar” van hoofdaanklager Del Ponte bij de aanvang van het proces begin 2002 wordt zeker het dubbele. De aanklagers hebben duidelijk moeite gehad met deze zaak. Dat is inherent aan een tenlastelegging van 166 pagina's met 66 aanklachten van genocide, misdrijven tegen de menselijkheid, schendingen van de Geneefse Conventies over het humanitaire oorlogsrecht en andere oorlogsmisdaden. En anders dan in het ordelijke Duitsland in de Tweede Wereldoorlog plegen in de Balkan geen papieren sporen te worden achtergelaten. Milošević wordt niet verweten dat hij zelf de handen vuil heeft gemaakt, maar dat hij aan de touwtjes trok. Deze *command responsibility* ligt juridisch niet eenvoudig. Om maar te zwijgen van de aanklacht van genocide.

MILOŠEVIĆ' TACTIEK heeft de procesvoering er niet makkelijker op gemaakt. Hij erkent het tribunaal niet, al zou men dat niet zeggen gezien zijn optreden in de rechtszaal. Het afwijzen van een verdediger is zijn goed recht, maar dat is ook bij een VN-tribunaal niet absoluut. Door zijn handtekening onder het Akkoord van Dayton te zetten heeft Milošević het tribunaal trouwens zelf erkend. Dient hij niet stevig te worden geconfronteerd met de consequenties van zijn keuzes? Niet voor niets luidt een oud gezegde: wie zichzelf verdedigt heeft een dwaas als klant. Enig ongeduld is begrijpelijk, maar herinnert er vooral aan dat Nederlanders anders aankijken tegen procesvoering dan de Angelsaksische traditie die kenmerkend is voor het VN-tribunaal. Dit kent in principe geen berechting bij verstek – anders waren Karadžić en Mladić waarschijnlijk al veroordeeld – en hecht grote waarde aan de zogeheten 'onmiddellijkheid': een uitputtende presentatie van bewijsmateriaal op de zitting zelf, en niet het nalopen van het dossier van het vooronderzoek, waardoor zelfs Nederlandse megazaken toch altijd nog worden gekenmerkt.

Het zich voortslepende proces heeft gediend als podium voor Milošević om politieke invloed in Servië te blijven uitoefenen. Maar deze invloed is sterk getaand. Hij heeft in de rechtszaal allerlei publicitaire punten gescoord. Maar dat zegt weinig over hun juridische waarde. De feitenkennis die de oud-president tentoonspreidt, zou hem wel eens de das mede kunnen omdoen: hij was kennelijk goed op de hoogte. En dat is een belangrijk vereiste voor *command responsibility*. Het is van belang de lange procedure in perspectief te blijven zien. Het gaat hier om een historische onderneming: de berechting van een zittend staatshoofd – want dat was Milošević toen de aanklacht werd uitgebracht. Zie hem nu eens zitten. We zijn al verder gekomen dan ooit voor mogelijk werd gehouden.

Proces-Milošević over week hervat

Door een onzer redacteurs
DEN HAAG, 7 JULI. Het proces tegen Slobodan Milošević voor het Joegoslavië-tribunaal wordt op 14 juli voortgezet. Dat hebben de rechters van het VN-hof in Den Haag gisteren bepaald nadat het proces afgelopen maandag werd afgebroken wegens de slechte gezondheidstoestand van de verdachte. Milošević lijdt aan hoge bloeddruk.

De griffier van het tribunaal, de Nederlander Hans Holthuis, heeft van de rechters opdracht gekregen om zoek te gaan naar een advocaat die Milošević kan worden toegewezen als hij fysiek niet in staat blijkt om zijn eigen verdediging te voeren. Milošević verzet zich daar fel tegen.

Het proces tegen de Joegoslavische ex-president zal op 21 juli opnieuw worden geschorst en dan pas weer op 31 augustus worden voortgezet. Op die manier krijgt de verdachte van de rechters extra tijd om zich voor te bereiden op zijn zaak. Milošević had daar in de rechtszaal zelf om gevraagd.

Milošević, die sinds februari 2002 terecht staat, zou afgelopen maandag met zijn verdediging be-

ginnen. De ex-president van Servië en Joegoslavië is aangeklaagd voor volkerenmoord, oorlogsmisdaden en misdaden tegen de menselijkheid. Maandag werd de zitting al na een uur geschorst omdat Milošević te ziek was. Rechter kondigde vervolgens een „radicale verandering” aan in het proces.

De 62-jarige Milošević heeft al heel lang last van hoge bloeddruk en vertoont verschijnselen van uitputting. Zijn proces voor het VN-hof is vijftien keer onderbroken of uitgesteld door gezondheidsproblemen.

Het toewijzen van een advocaat zou een vergaande stap zijn en daarom willen de rechters eerst een nieuw onderzoek naar de gezondheidstoestand van Milošević door een 'onafhankelijke' cardioloog. Deze hartspecialist moet de vraag beantwoorden of Milošević zichzelf kan blijven verdedigen of niet.

Het toewijzen van een advocaat tegen de wil van de verdachte is omstreven. Bij het Joegoslavië-tribunaal is het bijvoorbeeld gebeurd in de rechtszaak tegen Vojislav Šešelj, de leider van de Servische Radicale Partij.

ONDERKRANT | Hoe gevaarlijk is hoge bloeddruk?

Volgens zijn medisch rapport, voorgelezen in de rechtbank, heeft Slobodan Milošević in rust een bloeddruk van 140/80. Onder de spanning van een rechtszitting stijgt die bloeddruk naar 200/130. Is dit, gecombineerd met het feit dat zijn hartspier aan de linkerkant verdikt is, ernstig genoeg om het proces te staken?

„Die vraag kun je moeilijk beantwoorden als je niet het hele medische dossier kent”, reageert dr. G. A. van Montfrans, internist in het Academisch Medisch Centrum. Maar in zijn algemeenheid vindt hij de geschetste toestand niet echt alarmerend.

Met medicijnen zijn deze risico's vrijwel bij iedereen drastisch te beperken. Van Montfrans: „We streven er altijd naar om de bloeddruk te verlagen tot ten minste 140/90 mmHg. Als je die uitgangsdruk bereikt, is het acute gevaar

„Een onbehandelde hoge bloeddruk is gevaarlijk omdat je er op lange termijn een hartinfarct of beroerte door kunt krijgen”, legt de arts uit. Ook op korte termijn, bij acute stress, kunnen zich problemen voordoen, zoals hartfalen of een hartritmeestoornis. In het eerste geval pompt het hart niet meer efficiënt, in het tweede stopt het met kloppen.

geweken. Het geeft dan niet dat de bloeddruk bij stress tijdelijk stijgt, zelfs niet wanneer de hartspier verdikt is.”

Zolang de bloeddruk te hoog is, ontraadt Van Montfrans zijn patiënten om naar de sauna te gaan of zware stress te verduren. Maar komt de 140/90 in zicht, dan hoeven ze zichzelf niet meer te ontzien.

Overigens bereikt slechts één op de tien patiënten die gunstige bloeddruk. Van Montfrans: „Als je dat haalt, is dat best een felicitatie waard.”

redactie wetenschap

Rechtszaak tegen Milosevic tot 14 juli geschorst

ANP
DEN HAAG

Het Milosevic-proces is geschorst tot 14 juli. Het wordt op die dag hervat, afhankelijk van de medische toestand van de verdachte. Dit blijkt uit een rechterlijk bevel dat de griffie van het Joegoslavië-Tribunaal dinsdag heeft bekendgemaakt. Het geeft nog geen uitsluitel over de vraag of de voormalige president van Joegoslavië tegen zijn wil een advocaat krijgt toegewezen.

Maandag had Milosevic, die zich zelf verdedigt en is aangeklaagd wegens genocide, misdaden tegen de menselijkheid en oorlogsmisdaden, moeten beginnen met zijn openingspleidooi. Zijn gezondheid liet dat echter niet toe. VN-aanklager Nice pleitte er daarom opnieuw voor Milosevic een advocaat op te dringen.

Maar zo ver wilden de drie rechters, de Jamaicaan Robinson, de Zuid-Koreaan Kwon en de Schot Lord Bony, in hun dinsdag genomen besluit nog niet gaan. Gelet op de 'draagwijdte' van een gedwongen toevoeging gelasten zij eerst een onderzoek door een nieuwe, 'onafhankelijke' cardioloog. Wel hebben ze de griffier van het tribunaal, Hans Holthuis, gevraagd al op zoek te gaan naar een geschikte advocaat.

Dat zou een van de juridische adviseurs van Milosevic kunnen zijn, Zdenko Tomanovic of Dragoslav Ognjanovic, of een van de *amici curiae* (vrienden van het hof), zoals Steven Kay of Brislav Tapuskovic. Tomanovic gaf dinsdag al aan niet beschikbaar te zijn.

Ook als de zaak op 14 juli kan worden hervat, wordt zij op 21 juli weer geschorst, tot 31 augustus. Op die manier moet de ex-president van Joegoslavië extra tijd krijgen voor de voorbereiding van de presentatie van zijn zaak. De 62-jarige Milosevic heeft geregeld last van hoge bloeddruk en uitputtingsverschijnselen.

Sagittarius

Van: "Ian Johnson" <i-
 Aan: <Undisclosed-Recipient:>
 Verzonden: donderdag 8 juli 2004 22:42
 Onderwerp: CDSM: Spectator article
 Thanks to CK for forwarding this. IJ

(from The Spectator: July 10, 2004)

Let Slobbo speak for himself

John Laughland says that the case against Milosevic has all but collapsed for lack of evidence

For a few hours on Monday, the world's human rights establishment was seized by terror. Slobodan Milosevic had been due to begin his defence at the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, but instead discussion focused on the former president's fragile health, which has been made worse by the rigours of the trial. When the presiding judge, Patrick Robinson, said that a 'radical review' of the proceedings would now be necessary, many do-gooders feared that their worst nightmare was about to be realised — that the international community's main trophy in its crusade for morality might, if only on medical grounds, be allowed to walk free.

Few human rights activists had ever contemplated such an outcome, still less an acquittal. The presumption of innocence has never counted for much in the highly politicised world of international humanitarian law. One war crimes expert, James Gow, said on Channel 4 on Monday that it would be better if Milosevic died in the dock, because if the trial ran its course he might be sentenced for only relatively minor charges. That ought to be awfully embarrassing for those like Gow who have assured us that he is as guilty as hell. Fortunately for them, the ICTY is not really in the business of acquittal. As one academic specialist on the ICTY, Professor Michael Scharf, has noted approvingly, the ICTY's rules were designed 'to minimise the possibility of a charge being dismissed for lack of evidence', a sentiment of which the Queen of Hearts would have been proud.

As it stands, the judges seem poised to impose a defence counsel on Milosevic. Far from helping him, of course, the intention here is to weaken his defence by requiring him to be represented by a lawyer who knows the issues far less well than he does. Such a move would fly in the face of the judges' earlier rulings against this idea — and the new presiding judge himself was, in the past, especially firm that this would be contrary to the defendant's rights. It would at least provide comfort to the beleaguered prosecution. When he is not trying to get the court to force Milosevic to give up smoking — a certain death sentence for any Serb — Geoffrey Nice QC, the lead prosecutor, has repeatedly sought to accomplish this switch, not least because the two-year prosecution case has been a nearly unmitigated disaster.

Since the trial started in February 2002, the prosecution has wheeled out more than 100 witnesses, and it has produced 600,000 pages of evidence. Not a single person has testified that Milosevic ordered war crimes. Whole swaths of the indictment on Kosovo have been left unsubstantiated, even though Milosevic's command responsibility here is clearest. And when the prosecution did try to substantiate its charges, the result was often farce. Highlights include the Serbian 'insider' who claimed to have worked in the presidential administration but who did not know what floor Milosevic's office was on; 'Arkan's secretary', who turned out to have worked only as a temp for a few months in the same building as the notorious paramilitary; the testimony of the former federal prime minister, Ante Markovic, dramatically rumbled by Milosevic, who produced Markovic's own diary for the days when he claimed to have had meetings with him; the Kosovo Albanian peasant who said he had never heard of the KLA even though there is a monument to that terrorist organisation in his own village; and the former head of the Yugoslav secret services, Radomir Markovic, who not only claimed that he had been tortured by the new democratic government in

Belgrade to testify against his former boss, but who also agreed, under cross-examination by Milosevic, that no orders had been given to expel the Kosovo Albanians and that, on the contrary, Milosevic had instructed the police and army to protect civilians. And these, note, were the prosecution witnesses.

Serious doubt has also been cast on some of the most famous atrocity stories. Remember the refrigerator truck whose discovery in the Danube in 1999, full of bodies, was gleefully reported as Milosevic was transferred to The Hague in June 2001? The truck had allegedly been retrieved from the river and then driven to the outskirts of Belgrade, where its contents were interred in a mass grave. But cross-examination showed that there is no proof that the bodies exhumed were the ones in the truck, nor that any of them came from Kosovo. Instead, it is quite possible that the Batajnica mass grave dated from the second world war, while the refrigerator truck may have contained Kurds being smuggled to Western Europe, the victims of a grisly traffic accident. The realisation is now dawning that lies were peddled to justify the Kosovo war just as earnestly as they were to justify the attack on Iraq.

The weakness of the prosecution case was underlined by the fact that its triumphant conclusion in February was to broadcast a TV documentary made several years ago. This suggests that its two-year marathon has not served to advance knowledge of the truth beyond the tall stories peddled by telly hacks at the time. Even professional supporters of the ICTY now admit that the only 'proof' of Milosevic's guilt has been General Sir Rupert Smith's stated 'impression' that Milosevic controlled the Bosnian Serbs, and Paddy Ashdown's statement that he 'warned' the former Yugoslav head of state that war crimes were being committed in Kosovo. In February, the chief prosecutor herself, Carla del Ponte, admitted that she did not have enough evidence to convict Milosevic on the most serious charges.

The supposedly impartial judges have been deeply complicit in this prosecution bungling. The ICTY has long been characterised by an unhealthy community of interests between the judges and the prosecutors; I have myself heard the first president of the ICTY, Judge Antonio Cassese, boast that he encouraged the prosecutor to issue indictments against the Bosnian Serb leaders, a statement which should disqualify him from serving as a judge ever again. In the Milosevic trial, the judges have admitted a tawdry parade of 'expert witnesses' who are not, in fact, witnesses to anything. In Britain, the role of experts is rightly under the spotlight after the convictions of some 250 parents found guilty of killing their babies have been thrown into doubt precisely because they relied on this kind of testimony; but in the ICTY you can be a 'witness' without ever having set foot in Yugoslavia.

Numerous other judicial abuses have been legitimised by the ICTY. The use of hearsay evidence is now so out of control that people are often allowed to testify that they heard someone say something about someone else. It is common for the ICTY to offer reduced sentences (five years in one case) to men convicted of hideous crimes, mass murder for instance, if they agree to testify against Milosevic. The use of anonymous witnesses is now very widespread, as is the frequency of the 'closed sessions': a glance at the ICTY transcripts shows pages and pages blanked out because sensitive issues have been discussed in court — sensitive, that is, to the security interests of the Great Powers which control it, the USA in first place. The ICTY's nadir came last December, when the former supreme commander of Nato, Wesley Clark, testified in the Milosevic trial; the court agreed to let the Pentagon censor its proceedings, and the transcripts were not released until Washington had given the green light. So much for the ICTY's transparency and independence.

Ironically, Slobbo has one objective ally: the British prime minister. The possibility is now real that a conviction of Milosevic can be secured only on the widest possible interpretation of the doctrine of command responsibility: for instance, that he knew about atrocities committed by the Bosnian Serbs and did nothing to stop them. But if Milosevic can be convicted for complicity in crimes committed by people in a foreign country, over whom he had no formal control, how much greater is the complicity of the British government in crimes committed by the US in Iraq, a country with which

the UK is in an official coalition? This is not just a cheap political jibe but a serious judicial conundrum: the UK is a signatory to the new International Criminal Court, and so Tony Blair is subject to the jurisdiction of the new Hague-based body whose jurisprudence will be modelled on that of the ICTY. So if Slobbo goes down for ten years in Scheveningen jail because of abuses committed by his policemen, then by rights his cell-mate should, in time, be Tony.

John Laughland's latest book is Le Tribunal pénal international: gardien du nouvel ordre mondial, published by François-Xavier de Guibert, Paris, 2003.

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Sagittarius

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Verzonden: vrijdag 9 juli 2004 1:43
Onderwerp: Milosevic trial

ABC Online**The World Today - Grant Niemann discusses Milosevic trial**

[This is the print version of story <http://www.abc.net.au/worldtoday/content/2004/s1147815.htm>]

The World Today - Tuesday, 6 July , 2004 12:46:00

Reporter: Eleanor Hall

ELEANOR HALL: Joining us now to talk about the future of the Milosevic trial is Grant Niemann, who was part of the team which prosecuted the first war crimes trials, held at the International Tribunal for Yugoslavia in the Hague.

Mr Niemann is now at Flinders University Law School, and he joins us from Adelaide.

Grant Niemann, what are the chances that Slobodan Milosevic's trial may now be shut down permanently because of his ill health?

GRANT NIEMANN: Eleanor, I think it'll be while before that sort of a decision is made. Characteristically in a case such as this, which has gone on for so long and been so expensive, the prosecution will be urging the court to wait and see, and see whether or not his health can improve to the point where he can continue with the trial.

This, I think, would be the course that they will take. I just can't imagine the prosecution being agreeable to the case not continuing at this stage.

ELEANOR HALL: Milosevic has made it clear he does not want to have counsel appointed for him, but can the Court impose a lawyer on him to try to reduce the stress on his health?

GRANT NIEMANN: That's rather difficult. I mean, the Court's gone some distance already to address that sort of issue.

He does have, actually, I think there are lawyers that are working in the background. The situation is that he just doesn't have lawyers that appear in Court on his behalf, but there are (inaudible) lawyers that are there assisting the Court in any event.

So, they may not be able to go much further, and it's not possible for the Court to simply say, "well, you're going to have a defence lawyer and that's it." It's a recognized principle of procedure that you are entitled to defend yourself if you wish to.

ELEANOR HALL: Is there an impasse, though, if he refuses to accept a lawyer but he's not well enough to conduct the trial himself, and yet the Court is not going to shut the case down?

GRANT NIEMANN: Well it could be an impasse, but it really depends a bit... I mean, even if he had a lawyer he may not be well enough to instruct a lawyer in any event. There would certainly be a great deal of problems associated with him not being present in any event.

So, the fact that a lawyer is appointed to represent him wouldn't overcome all the problems in any case. I suspect that he would still say, "well, I'm just not well enough to be present, and I want to present and that's my right, I'm entitled to that."

So, I'm not sure that all issues would be resolved simply by appointing a lawyer to represent him.

Sagittarius

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Verzonden: vrijdag 9 juli 2004 1:43
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So, they may not be able to go much further, and it's not possible for the Court to simply say, "well, you're going to have a defence lawyer and that's it." It's a recognized principle of procedure that you are supposed to defend yourself if you wish to.

ELEANOR HALL: Is there an impasse, then, where he has a lawyer but he's not well enough to conduct the trial himself, and yet the Court can't shut it down?

GRANT NIEMANN: Well it could be that way. If he had a lawyer, it would be a deal of problems associated with him not being able to conduct the trial himself.

So, the fact that a lawyer is present doesn't mean that I suspect that he will be able to conduct the trial in my right, I'm entitled to my own opinion.

So, I'm not sure that the Court is going to be appointing a lawyer to represent him.

9-7-04

ELEANOR HALL: Did you encounter anything similar to this when you were a prosecutor at the Hague?

GRANT NIEMANN: Not when I was in the Hague. We had a similar situation at a trial I did in Adelaide of Polyukovich, which was a war crimes trial here. And Mr Polyukovich was ill throughout the hearing and it was, in a sense, he was a (inaudible) man as well.

And it was really a case of both sides having an opportunity for him to be medically examined and the case proceeding on a sort of day by day basis with medical practitioners saying, yes, he is ready to go, or not. But the difference, of course, in the Polyukovich case is that he was represented with counsel. It is harder when there isn't counsel.

ELEANOR HALL: Slobodan Milosevic has been charged with the most serious crimes known to humanity. How damaging do you think it would be for international justice if he were not to face trial?

GRANT NIEMANN: It would be very, very unfortunate. It is in fact the first time that a head of state has been prosecuted for crimes against humanity, and it would be a great shame in the sense of the opportunity to bring these people to justice if the trial doesn't continue and in effect, it sort of comes to an end because of his illness.

This is not the first time. It's, in a sense, happened with Pinoche. He was sort of sent home to Chile to be tried but his state of health prevented the trial from taking place.

ELEANOR HALL: Grant Niemann, the former prosecutor in the Hague and now at Flinders University Law School. Thanks very much for joining us.

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Sagittarius

Van: "Klaus von Raussendorff" <redaktion@aikor.de>
Aan: "Klaus von Raussendorff" <raussendorff@web.de>
Verzonden: zaterdag 10 juli 2004 20:51
Onderwerp: Mit Slobodan Milosevic die geschichtliche Wahrheit
Liebe Leute,

zum Stand des Milosevic-Prozesses dokumentiere ich:

SLOBODAN MILOSEVIC ZWANGSVORGEFÜHRT
Schuldig bei Verdacht, gesund auf Anweisung: Wie das Haager Tribunal die Rechte des Angeklagten beschneidet. Fortsetzung des Prozesses in Frage gestellt

Von Jürgen Elsässer

Aus "junge Welt" vom 6. Juli 2004

<http://www.jungewelt.de/2004/07-06/005.php>

[1]

LASST DOCH SLOBO FÜR SICH SELBST SPRECHEN

Das Verfahren gegen Milosevic ist wegen Mangels an Beweisen so gut wie zusammengebrochen

Von John Laughland*

[2]

VIDOVDAN IN BELGRAD

<http://www.free-slobo.de>

[3]

MIT SLOBODAN MILOSEVI? DIE GESCHICHTLICHE WAHRHEIT VERTEIDIGEN!

Ansprache von Klaus Hartmann bei der Demo am 26. Juni 2004 in Den Haag

<http://www.free-slobo.de>

[4]

DIE VERTEIDIGUNG VON SLOBODAN MILOSEVI?

BRAUCHT DRINGEND SPENDEN!

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Internationales Komitee für die Verteidigung von Slobodan Milosevi? -

ICDSM -

[5]

Mit internationalistischen Grüßen

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SLOBODAN MILOSEVIC ZWANGSVORGEFÜHRT

Schuldig bei Verdacht, gesund auf Anweisung: Wie das Haager Tribunal die Rechte des Angeklagten beschneidet. Fortsetzung des Prozesses in Frage gestellt

Von Jürgen Elsässer

Über hundert Presse- und Medienvertreter, endlich wieder eine Liveübertragung im TV-Sender Phoenix: Am gestrigen Montag waren die elektronischen Augen der Weltöffentlichkeit nach mehr als zwei Jahren erneut auf Den Haag gerichtet. Dort sollte im Prozeß gegen den ehemaligen jugoslawischen Präsidenten Slobodan Milosevic eigentlich die Phase beginnen, in der der Angeklagte seine Zeugen und Dokumente dem Tribunal präsentieren kann. Dafür waren der Verteidigung 150 Verhandlungstage eingeräumt worden - die Anklage hatte fast doppelt so lange Zeit gehabt, um ihre Beweisführung zu erhärten.

Doch die hochgespannten Erwartungen wurden nicht erfüllt und konnten nicht erfüllt werden. Milosevic war nämlich nicht verhandlungsfähig, hatte aber gegen eindeutige Empfehlungen der Gerichtsärzte trotzdem im Gerichtssaal erscheinen müssen. Dort lieferte er sich ein Wortgefecht mit dem Vorsitzenden Richter Patrick Robinson um seinen Gesundheitszustand. Auch Robinson mußte einräumen, daß in zwei ärztlichen Gutachten von letzter Woche Milosevic ein »extrem hoher Blutdruck« attestiert wurde, der bereits zu einer »Schädigung der linken Arterie« geführt habe. Der Prozeß könne erst wieder beginnen, wenn der Blutdruck sich gesenkt habe. Daß Milosevic trotzdem gestern auf der Anklagebank Platz nehmen mußte, obwohl sich die Werte nicht verbessert hatten, begründete Robinson mit einem weiteren Satz des Attestes: Es bestünden »keine Einwände«, Milosevic »zu administrativen Fragen« anzuhören. Genau dies geschah dann gestern: Statt ein ärztlich verbotenes Plädoyer in eigener Sache zu halten, mußte sich der Angeklagte mit der administrativen Frage beschäftigen, ab wann Herzerkrankungen zur Verhandlungsunfähigkeit führen. Ob das seinem Blutdruck förderlich war? Milosevic bezeichnete das Prozedere als »klassisches Beispiel für die physische Mißhandlung von Gefangenen.«

Mangelnde Objektivität

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Gegen die Unvoreingenommenheit des Tribunals sprach von Anfang an, daß dort mehr Serben als Angehörige anderer Nationalitäten angeklagt sind. So sitzen neben Milosevic noch zwei andere serbische Staatsführer in der Zelle - die ehemalige Präsidentin der Republika Srpska in Bosnien, Biljana Plavsic, sowie der serbische Präsident Milan Milutinovic. Nach einem weiteren ehemaligen Präsidenten der bosnischen Serben, Radovan Karadzic, wird ebenso gefahndet wie nach dessen Oberbefehlshaber Ratko Mladic. Auch der jugoslawische Oberbefehlshaber des Kosovo-Korps, Nebojsa Pavkovic, und drei weitere Generäle sollen ausgeliefert werden, forderte Den Haag im Herbst 2003. Gegen Präsidenten und Oberbefehlshaber der Kroaten, Muslime oder Albaner gibt es dagegen bis dato keine Haager Steckbriefe. Der höchste nicht-serbische Angeklagte war der kroatische Generalstabschef Bobetko, er starb als freier Mann Ende April 2003. Sein General Ante Gotovina entzieht sich bis dato erfolgreich der Festnahme, die Regierung in Zagreb bestreitet jede Kenntnis über seinen Aufenthaltsort, muß deswegen aber noch lange nicht - wie die Regierung in Belgrad - mit Sanktionen rechnen. Die Spitzen der albanischen Untergrundarmee UCK, Hashim Thaci und Agim Ceku, üben sogar heute noch höchste politische Funktionen im Kosovo aus, obwohl ihre Verantwortung für schwerste Kriegsverbrechen vielfach dokumentiert ist.

Die Objektivität des Haager Tribunals geriet nicht zuletzt durch einen Ausspruch des seinerzeitigen NATO-Pressesprechers Jamie Shea während des Krieges 1999 ins Zwielficht: »Die NATO-Länder haben die Mittel bereitgestellt, um das Tribunal einzurichten, wir sind die größten Geldgeber. Wenn (die damalige Chefanklägerin) Frau Arbour Ermittlungen führt, dann macht sie das, weil wir es ihr erlauben.« Gabriella Kirk McDonald, die erste Präsidentin des Tribunals, sagte: »Wir profitieren von der starken Unterstützung durch die beteiligten Regierungen und uns zugeneigter Einzelpersonen wie Ministerin Albright. Als ständige Vertreterin bei den Vereinten Nationen war sie fest entschlossen, das Tribunal einzurichten. Wenn wir von ihr sprechen, nennen wir sie oft die >Mutter des Tribunals<.«

Fehlende Beweise

Abseits der Stärken und Schwächen einzelner Belastungszeugen hat die Anklageschrift selbst einen gravierenden Konstruktionsfehler: Milosevic ist nämlich nicht wegen Völkermordes im Kosovo angeklagt, »obwohl das der wesentliche Grund für den NATO-Luftkrieg war« (Frankfurter Allgemeine). Als Chefanklägerin Carla del Ponte von Le Monde gefragt wurde, warum dieser Anklagepunkt fehle, mußte sie zugeben: »Weil es keine Beweise dafür gibt.«

Ersatzweise wurde versucht, Milosevic auch ohne Vorliegen eines schriftlichen Dokuments für alle Scheußlichkeiten verantwortlich zu machen. Das las sich dann beispielsweise in der Anklageschrift so: »Die Terror- und Gewaltkampagne gegen die kosovoalbanische Bevölkerung wurde von den Streitkräften der FRJ und Serbien ausgeführt, die von Slobodan Milosevic ... Anweisungen, Ermutigungen und Unterstützung bekamen.« Es war ein schwerer Schlag für dieses vage Konstrukt, daß zwei jugoslawische Generäle im Jahr 2001 in Armeearchiven gesucht und nichts gefunden haben, was nach »Anweisungen, Ermutigungen und Unterstützung« aussah. In ihrem Buch »Zasto su optuzeni« (Verlag Grafomark, Belgrad 2001) schreiben Dusan Vilic und Bosko Todorovic, es gebe »im gesamten Archiv des Pristina-Korps

und der Dritten Armee kein einziges Dokument ..., das nicht auf dem Schutz der Zivilisten besteht«.

Vilic und Todorovic zitieren einige »streng vertrauliche« Armee-Verschlusssachen ausführlich und im Wortlaut. So fordert der Befehl 873-367 vom 4. Mai 1998, die »Rückkehr der Flüchtlinge ... zu gewährleisten«, alle Dorfbewohner »mit jeder möglichen Höflichkeit ... zu behandeln«, verboten werden »ausdrücklich alle Belästigungen, Sachbeschädigung und Beschlagnahme von Eigentum«. Der Befehl 873-458/1 vom 17. Juni 1998 gibt strenge Anweisungen zur Behandlung von Gefangenen und verbietet Mißhandlungen, Folter und Verurteilungen ohne Kriegsgericht. Am 27. März 1999, drei Tage nach Beginn der NATO-Angriffe, werden die Militärgerichte auf ihre »Pflicht« aufmerksam gemacht, gegen brandschatzende und plündernde Soldaten und Einheiten »die Höchststrafen des Gesetzes« zu verhängen und diese Strafen zur Abschreckung öffentlich bekanntzugeben (Befehl 250-152/7). Wenig später heißt es im Befehl 455-101, alle Flüchtlinge müßten »freies Geleit« bekommen und gegen »unkorrektes Verhalten von Individuen und Gruppen« - eine Anspielung auf die Aktivitäten von serbischen Freischärlern - »geschützt werden«. Im Befehl 872-92/1 vom 19. April 1999 wird die Armee aufgefordert, den Flüchtlingen Nahrung und Unterkünfte zur Verfügung stellen, sie selbst und ihr zurückgelassenes Eigentum zu schützen und »die Inbrandsetzung von Häusern und anderer Objekte, deren Besitzer albanischer Nationalität sind, zu verhindern«. Zum häufigen Vorwurf, die Armee habe Leichen ermordeter Zivilisten beseitigt, um ihre Verbrechen zu vertuschen, wird der Befehl 28-141 vom 31. März 1999 zitiert, der - gemäß international üblicher Regularien - eine Säuberung von Schlachtfeldern und Gefechtsorten zum Schutz vor Seuchen vorsieht, »jedes Detail« müsse »von den örtlichen Zivilbehörden« protokolliert werden.

Die Generäle räumen ein, daß sich Armeeinghörige Verstößen gegen diese Befehle - mit anderen Worten: Verbrechen gegen die albanische Zivilbevölkerung - haben zuschulden kommen lassen. So ist in der Verschlusssache 12-378 vom 20. Mai 1999 von einer »großen Anzahl krimineller Aktivitäten in verschiedenen Formen« die Rede, »sowohl von Einheiten, die direkt in Kampfhandlungen verwickelt waren, als auch von Einheiten, die zur Kontrolle des Territoriums und Sicherung lebensnotwendiger Infrastruktur« verlegt worden waren. In diesem Zusammenhang werden die Kommandeure noch einmal zum Durchgreifen aufgefordert. Insgesamt seien nach einer späteren Armeeaufstellung 172 Personen wegen solcher Vergehen verurteilt worden. Auffällig ist, daß zwei Drittel der Delinquenten Kosovo-Serben waren. »Das ist ein Indiz dafür, daß Armeeinghörige aus dieser Provinz oft zu Vergeltungsmaßnahmen griffen, weil Familienangehörige von albanischen Terroristen ermordet oder auf andere Weise drangsaliert worden sind«, schlußfolgern Vilic und Todorovic. Auch der frühere Geheimpolizeichef Rade Markovic gab als Zeuge in Den Haag an, daß es im Krieg etwa 200 Strafmaßnahmen gegen Polizeiangehörige und 200 weitere gegen Armeeinghörige gegeben habe.

Kriminelle Handlungen einzelner Soldaten oder ganzer Einheiten sind schändlich, aber keineswegs »typisch serbisch«, sondern eher typisch für den Krieg als Verfallsform von Sozietät und Humanität im allgemeinen. In jedem Fall bleibt festzuhalten, daß Straftaten und Kriegsverbrechen nicht nur gegen mehrfachen und ausdrücklichen Befehl der jugoslawischen Militärspitze begangen, sondern auch entsprechend geahndet wurden. Zwar darf man bezweifeln, daß die Kommandeure die Truppendisziplin während der

Bombardierung mit der erforderlichen Konsequenz durchsetzen. Doch auszuschließen ist nach dieser Aktenlage der Umkehrschluß, daß die Delikte im Auftrag der Armeeführung erfolgten.

Del Pontes Dilemma

Bleibe nur noch die theoretische Möglichkeit, daß Milosevic an der Armeeführung vorbei die großangelegte ethnische Säuberung des Kosovo angeordnet hat - über eine »parallele Kommandostruktur, die direkt von Belgrad über Telefon ins Kosovo verlief«, wie FAZ-Spezialist Matthias Rüb vor Verhandlungsbeginn glauben machen wollte. Auch er mußte zugeben: »Schriftliche Dokumente ... gibt es nämlich so gut wie nicht.« Das war del Pontes Dilemma: Ihre Anklageschrift behauptete allen Ernstes, die serbischen und jugoslawischen Sicherheitskräfte hätten auf Anordnung Milosevics »bis 20. Mai 1999 über 740 000 Kosovo-Albaner ... vertrieben« - präsentierte dafür aber keinen einzigen schriftlichen Befehl. Hatte Milosevic also nur per Flüsterpropaganda und SMS über Telefonketten diese Großaktion orchestriert, als wenn Autonome klandestin zur Hausbesetzung mobilisieren? Der Prozeßverlauf sollte zeigen, ob del Ponte dieses Dilemma lösen konnte.

Um das Fehlen schriftlicher Dokumente zu überspielen, bot die Anklage eine Vielzahl von Zeugen auf, die Milosevics Verantwortung für die Verbrechen nachweisen sollten - von 19. Februar bis 11. September 2002, dem Ende der Beweisaufnahme im Punkt Kosovo, allein 124.

Doch deren Performance war über weite Strecken so schwach, daß sich sogar der pro-westliche serbische Premier Zoran Djindjic darüber entrüstete, »wieviel Geld verpulvert wurde, damit dieses Gericht nach fünf Jahren mit solch belanglosen Zeugen aufwartet«. Umgekehrt waren die Auftritte des Angeklagten oft so überzeugend, daß sogar das Springerblatt Welt am Sonntag konstatieren mußte: »In Belgrad ist Milosevic ein Held.« Kein Wunder, daß das regierungstreue serbische Staatsfernsehen RTS - der einzige Sender, der im ganzen Land zu empfangen ist - die Übertragung der Haager Verhandlungen nach kurzer Zeit einstellte und auch das Interesse der westlichen Medien am anfänglich so genannten »Jahrhundertprozeß« erlosch.

Umso größer war der Auftrieb von Zeugen-Prominenz aus den NATO-Staaten. So erschienen der deutsche General Klaus Naumann, während des Krieges Vorsitzender des NATO-Militärausschusses, der Brite Paddy Ashdown, langjähriger Hochkommissar für Bosnien-Herzegowina, sowie dessen Nachfolger, der Österreicher Wolfgang Petritsch, und der Norweger Knut Vollebaeck, ein ehemaliger Vorsitzender der OSZE, und als Nachzügler (im Dezember 2003) auch der seinerzeitige NATO-Oberbefehlshaber Wesley Clark vor Gericht. Da sie jedoch nicht die mutmaßlichen Tatorte und Opfer, sondern nur den mutmaßlichen Täter bzw. Auftraggeber persönlich in Augenschein genommen hatten, und zwar vor Kriegsbeginn, kamen ihre Aussagen über den Versuch eines laienpsychologischen Täterprofils nicht hinaus.

In dubio contra reum

Einmal lehnte das Gericht den Auftritt eines zweifelhaften Zeugen ab: Mit Kevin Curtis hatte die Anklage für den 21. Februar 2002 als Zeugen einen ihrer Mitarbeiter nominiert. Daß Staatsanwälte sich gegenseitig als Zeugen

aufrufen, war Richter Richard May wenigstens in diesem einen Fall zuviel. Bei ähnlich umstrittenen Zeugen hatte das Gericht allerdings keine Einwände: Am 3. Juni 2002 sagte Fred Abrahams von der Organisation Human Rights Watch aus. Er hatte nicht nur an der Abfassung der Anklage gegen Milosevic mitgearbeitet, sondern bereits im August 1998 in einem Beitrag für die International Herald Tribune gefordert, der jugoslawische Präsident müsse in Den Haag angeklagt werden. Am 30. Oktober 2003 trat sogar noch Graham Blewitt als Zeuge auf, der Stellvertreter der Chefanklägerin del Ponte.

Vor diesem Hintergrund ist umso bemerkenswerter, daß das Tribunal dem Angeklagten Steine in den Weg legt, wenn es um die Benennung seiner Zeugen geht. Milosevics Liste mit 1 600 Namen wird von dem Gericht nur dann akzeptiert, wenn jeweils die Relevanz des Zeugen für den Prozeß nachgewiesen wird. Die westliche Presse kolportiert bereits, daß dies bei einigen der gewünschten - etwa dem britischen Premier Tony Blair, dem ehemaligen US-Präsidenten William Clinton oder dem deutschen Kanzler Gerhard Schröder - schwer werden könnten. Schwerer als bei den oben angeführten Starzeugen der Anklage?

Man muß überdies befürchten, daß das Urteil schon gesprochen ist, bevor der Angeklagte auch nur die Möglichkeit hatte, mit seiner Verteidigung zu beginnen. Am 16. Juni 2004 verkündeten die drei Richter die Zurückweisung eines Einspruches, wonach wichtige Anklagepunkte aufgrund ungenügender Beweislage fallenzulassen seien. Vielmehr, so klopfen in diesem Bescheid die Richter den Anklägern auf die Schulter, seien die vorgelegten Beweise ausreichend. Lediglich beim Vorwurf des Völkermordes in Bosnien brachte Richter O-Gon Kwon Vorbehalte zu Papier und teilte mit, die »genozidale Intention« des Angeklagten sei nicht hinreichend bewiesen worden. Aber dieser Einwand wurde überstimmt. »Bar jeden Zweifels«, hieß es in der richterlichen Entschließung, sei auch bewiesen worden, daß der Angeklagte am »genozidalen Plan« eines joint criminal enterprise (»verbrecherischen Unternehmens«) zur Vernichtung der bosnischen Muslime beteiligt war. Dafür führten die Richter ein schwer durchdringbares Argumentationsdickicht aus Aussagen diverser Zeugen und vorliegender Geständnisse aus anderen Prozessen an.

Letzte Meldung

Wie der Vorsitzende Richter Robinson am Montag in Den Haag bekannt gab, entscheidet das Gericht bis spätestens Dienstag abend über das weitere Vorgehen. Die Kammer werde eine »radikale Überprüfung des Verfahrens« mit Blick auf die Gesundheitsprobleme des Angeklagten in die Wege leiten. Dabei gehe es auch »um die Fortführung des Prozesses«.

[2]

Aus: "Spectator" vom 10. Juli 2004

<http://www.spectator.co.uk/article.php?table=old§ion=current&issue=2004-07-10&id=4796>

LASST DOCH SLOBO FÜR SICH SELBST SPRECHEN
Das Verfahren gegen Milosevic ist wegen Mangels an Beweisen so gut wie

12-7-04

zusammengebrochen

Von John Laughland*

Am Montag (5. Juli) wurde das Menschenrechtsestablishment für wenige Stunden von Schrecken heimgesucht. Vor dem Internationalen Straftribunal für das ehemalige Jugoslawien (ICTY) in Den Haag war im Prozess gegen Slobodan Milosevic der Beginn der Verteidigungsphase anberaumt. Doch stattdessen konzentrierte sich die Verhandlung ganz auf den durch die Strapazen des Verfahrens zerrütteten Gesundheitszustand des ehemaligen Präsidenten. Als der vorsitzende Richter, Patrick Robinson, erklärte, dass eine "radikale Überprüfung" des Verfahrens notwendig sei, fürchteten viele Gutmenschen, ihr schlimmster Alptraum könnte wahr werden - und das wichtigste Beutetier der internationalen Gemeinschaft im Kreuzzug für die Moral könnte, und wenn auch nur aus medizinischen Gründen, freikommen.

Kaum ein Menschenrechtsaktivist dachte je an einen solchen Ausgang, geschweige denn an einen Freispruch. In jener hoch politisierten Welt des internationalen humanitären Rechts hat der Grundsatz der Unschuldsvermutung niemals viel gegolten. Ein Experte für Kriegsverbrechen, James Gow, sagte am Montag auf Channel 4, dass es besser wäre, wenn Milosevic auf der Anklagebank stürbe, denn wenn das Verfahren weiter seinen Lauf nehme, könnte er wegen relativ geringfügiger Anklagepunkte verurteilt werden. Das wäre schrecklich peinlich für jene, die uns wie Gow versichert haben, dass er so schuldig ist wie die Hölle. Zum Glück für sie ist das ICTY tatsächlich nicht auf einen Freispruch aus. Wie ein akademischer Experte für das ICTY, Professor Michael Scharf, zustimmend vermerkt hat, sind die Regeln des ICTY darauf angelegt, "die Möglichkeit zu minimieren, dass eine Anklage wegen Mangels an Beweisen fallen gelassen wird", eine Gefühlsregung, auf welche die Herz-Königin stolz gewesen wäre.

So wie die Dinge nun stehen, halten sich die Richter bereit, Milosevic einen Zwangsverteidiger zu verpassen. Weit davon entfernt, ihm zu helfen, geht es um die Absicht, seine Verteidigung zu schwächen, wenn von ihm verlangt wird, sich von einem Anwalt vertreten zu lassen, der die Sachverhalte weit weniger kennt als er selbst. Ein solches Manöver würde einer früheren Entscheidung der Richter gegen dieses Ansinnen ins Gesicht schlagen - und der neue vorsitzende Richter selbst war in der Vergangenheit besonders entschieden der Meinung, dass dies gegen die Rechte des Angeklagten verstoßen würde. Allein der bedrängten Anklagevertretung würde dies zum Trost gereichen. Wenn Geoffrey Nice QC nicht gerade mit dem Versuch beschäftigt war, das Gericht dazu zu bewegen, Milosevic zur Aufgabe des Rauchens zu zwingen - ein sicheres Todesurteil für jeden Serben - versuchte er mehrfach, diese Wendung zu erreichen, nicht zuletzt deshalb, weil die zweijährige Verhandlungsphase der Anklage ein nahezu unabgefedertes Desaster war.

Seit Beginn des Verfahrens im Februar 2002 hat die Anklage mehr als 100 Zeugen aufgeföhrt und 600.000 Seiten Beweismaterial produziert. Nicht eine einzige Person hat ausgesagt, dass Milosevic Kriegsverbrechen befohlen hat. Ganze Passagen der Anklageschrift zu Kosovo blieben unbegründet, obgleich hier die Befehlsverantwortung von Milosevic am eindeutigsten ist. Und wenn die Anklage versuchte ihre Tatvorwürfe zu begründen, war das Ergebnis oft eine Farce. Zu den Höhepunkten zählten der serbische "Insider", der behauptete, im Amt des Präsidenten gearbeitet zu haben, aber nicht wusste, auf welchem Stockwerk sich Milosevics Büro befand. 'Arkan's Sekretär', bei

dem sich herausstellte, dass er nur wenige Monate als Aushilfe in demselben Gebäude gearbeitet hatte wie der berüchtigte Milizenführer; die Aussage des früheren Bundespremierministers Ante Markovic, dem Milosevic auf die Schliche kam, indem er Markovics eigenes Tagebuch für die Tage anführte, an denen dieser mit ihm angeblich Treffen gehabt hatte; der kosovo-albanische Bauer, der aussagte, er habe von der UCK noch nie etwas gehört, obgleich in seinem Dorf ein Denkmal für diese Terrororganisation steht; und der frühere Leiter des jugoslawischen Geheimdienstes, Radomir Markovic, der nicht nur feststellte, dass er von der neuen demokratischen Regierung in Belgrad gefoltert worden war, um gegen seinen ehemaligen Chef auszusagen, sonder der unter Kreuzverhör durch Milosevic auch bestätigte, dass keine Befehle zur Vertreibung von Kosovo-Albanern gegeben wurden, und dass im Gegenteil Milosevic die Polizei und die Armee angewiesen hatte, die Zivilbevölkerung zu schützen. Und dies alles waren, wohl gemerkt, Zeugen der Anklage.

Ernste Zweifel sind auch auf die berühmtesten Gräueltaten gefallen. Man erinnere sich an den Kühllastwagen- voll beladen mit Leichen -, über dessen Entdeckung 1999 in der Donau fröhlich im Juni 2001 berichtet wurde, just als Milosevic nach Den Haag überstellt wurde. Der Lastwagen sei angeblich aus dem Fluss geborgen und dann in die Umgebung von Belgrad gefahren worden, wo sein Inhalt in einem Massengrab beerdigt worden sei. Aber das Kreuzverhör zeigte, dass es keinen Beweis dafür gibt, dass die exhumierten Leichen aus dem Kühllastwagen stammten oder dass irgendeine davon aus dem Kosovo kam. Vielmehr ist es durchaus möglich, dass das Massengrab von Batajnica aus dem zweiten Weltkrieg stammt, während der Kühllastwagen auch Kurden hätte enthalten können, die das Opfer eines grausigen Verkehrsunfalls geworden waren. Es dämmert allmählich die Erkenntnis, dass die Lügen zur Rechtfertigung des Kosovo-Krieges ebenso geflissentlich in Umlauf gebracht wurden wie die zur Rechtfertigung des Angriffs auf den Irak.

Die schwache Position der Anklagevertretung zeigte sich auch an der Tatsache, dass sie im Februar zu der triumphierenden Schlussfolgerung kam, einen Fernsehdokumentarfilm zu zeigen, der mehrere Jahre vorher gedreht worden war. Dies legt die Vermutung nahe, dass ihr zweijähriger Marathon nicht dazu gedient hat, die Erkenntnis der Wahrheit zu befördern, soweit diese über die wichtigstuerischen Geschichten hinausgeht, die seinerzeit vom TV-Schmierjournalismus in Umlauf gebracht wurde. Selbst jene, die von Beruf Anhänger des ICTY sind, geben jetzt zu, dass der einzige "Beweis" für die Schuld von Milosevic der von General Sir Rupert Smith festgestellte "Eindruck" ist, dass Milosevic die bosnisch-serbische Armee kontrolliert habe, und Paddy Ashdowns Erklärung, dass er das ehemalige jugoslawische Staatsoberhaupt "gewarnt" habe, dass im Kosovo Kriegsverbrechen begangen würden. Im Februar räumt selbst die Chefanklägerin, Carla del Ponte, ein, dass sie nicht genug Beweise habe, um Milosevic wegen der schwersten Anklagepunkte zu verurteilen.

Die angeblich unparteiischen Richter waren tief in die Stümperei der Anklage Komplizenhaft verwickelt. Das ICTY ist seit langem durch eine ungesunde Interessengemeinschaft von Richtern und Staatsanwälten gekennzeichnet; ich habe selbst den ersten Präsidenten des ICTY, Richter Antonio Cassese sich rühmen hören, dass er die Ankläger ermutigt habe, Anklage gegen die bosnisch-serbischen Führer zu erheben, eine Äußerung, die ihn eigentlich disqualifiziert, jemals wieder ein Richteramt auszuüben. Im Milosevic-Prozess haben die Richter eine glitzernde Parade von

"Sachverständigen Zeugen" zugelassen, die in Wirklich Zeugen von gar nichts sind. In Großbritannien steht die Rolle von Sachverständigen zu Recht im Scheinwerferlicht, nachdem die Urteile gegen etwa 250 Eltern, die wegen Tötung ihrer Babies für schuldig befunden wurden, in Zweifel gezogen worden sind, weil sie auf genau dieser Art von Zeugenaussage beruhten; aber vor dem ICTY kann man "Zeuge" sein, ohne je den Fuß auf jugoslawischen Boden gesetzt zu haben.

Zahlreiche andere Formen richterlicher Willkür sind vom ICTY legitimiert worden. Die Zulassung von Hörensagen-Beweisen ist inzwischen so außer Kontrolle geraten, dass oft Leuten gestattet wird, zu bezeugen, dass sie jemanden etwas über jemanden anders haben sagen hören. Es ist üblich beim ICTY Männern ein minderes Strafmaß (in einem Falle fünf Jahre) anzubieten, die für scheußliche Verbrechen, z.B. Massenmord, verurteilt sind, falls sie sich bereit finden, gegen Milosevic auszusagen. Die Verwendung anonymer Zeugen ist inzwischen Gang und Gäbe ebenso wie die Häufigkeit von "geschlossenen Sitzungen": Ein Blick auf die Protokolle des ICTY zeigt Seiten um Seiten leer gelassen, weil sensible Dinge im Gericht behandelt worden sind - sensibel heißt: für die Sicherheitsinteressen der Großmächte, die es kontrollieren, an erster Stelle die USA. Der Tiefpunkt des ICTY war im letzten Dezember erreicht, als der ehemalige Oberkommandierende der NATO, Wesley Clark, im Milosevic-Prozess aussagte; das Gericht war damit einverstanden, sein Verfahren durch das Pentagon zensieren zu lassen, und die Protokolle wurden nicht freigegeben, bevor nicht Washington grünes Licht gegeben hatte. So viel zur Transparenz und Unabhängigkeit des ICTY.

Ironischer Weise hat Sloba einen objektiven Verbündeten: den britischen Premierminister. Es ist jetzt durchaus möglich, dass die Verurteilung von Milosevic nur sichergestellt ist, wenn die Doktrin der Befehlsverantwortlichkeit die weitest mögliche Auslegung erfährt, z. B. dass er von den Gräueltaten bosnischer Serben wusste und nichts tat, um sie zu unterbinden. Aber wenn Milosevic wegen Mittäterschaft bei Verbrechen, die von Menschen in einem anderen Land begangen wurden, über die er keine formelle Kontrolle hatte, verurteilt werden kann, um wie viel größer ist dann die Mittäterschaft der britischen Regierung an im Irak begangenen Verbrechen der USA, eines Landes, mit dem Großbritannien in einer offiziellen Koalition steht? Dies ist nicht einfach ein billiger politischer Kalauer sondern eine ernste juristische Fragestellung: Großbritannien ist Unterzeichnerstaat des neuen Internationalen Strafgerichtshofs, und damit unterliegt Tony Blair der Gerichtsbarkeit des neuen in Haag ansässigen Gremiums, dessen Rechtsprechung nach der des ICTY gestaltet werden wird. Wenn daher Sloba wegen Untaten seiner Polizisten für zehn Jahre im Gefängnis von Scheveningen einfährt, dann sollte von Rechts wegen demnächst Tony sein Zellengenosse werden.

Aus dem Englischen von Klaus von Raussendorff

*John Laughlands jüngstes Buch hat den Titel: Le Tribunal pénal international: gardien du nouvel ordre mondial, erschienen bei François-Xavier de Guibert, Paris, 2003.

[3]

VIDOVDAN IN BELGRAD

Mehr als 5000 Menschen versammelten sich auf Einladung von Sloboda/Freedom Association am Montag, dem 28. Juni 2004, auf dem Platz der Republik in Belgrad und bekundeten ihren unbezwungenen Kampfgeist für eine Freies Serbien. Sie forderten Freiheit für Slobodan Milosevic, den Führer des nationalen Widerstands gegen die westliche Aggression.

Auf der Kundgebung sprachen die Führer der serbisch-patriotischen und linken Opposition sowie internationale Gäste. Die Redner waren Professor Velko Valkanov (Bulgarien), Gründer und Ko-Präsident (mit Ramsey Clark and Alexander Zinoviev) des Internationalen Komitees für die Verteidigung von Slobodan Milosevic (ICDSM), Klaus Hartmann (Deutschland), Vize-Präsident der Weltunion der Freidenker und Vize-Präsident des ICDSM, Nadja Tesic (USA), Schriftstellerin und Universitätsprofessorin, Aleksandar Vucic, Parlamentsabgeordneter, Generalsekretär der Serbischen Radikalen Partei, Milorad Vucelic, Parlamentsabgeordneter, Vize-Präsident der Sozialistischen Partei Serbiens, Branko Kitanovic, Generalsekretär der Neuen Kommunistischen Partei Jugoslawiens, Vladimir Krsljanin, Mitarbeiter von Präsident Milosevic and Bogoljub Bjelica, Vorstandsvorsitzender von Sloboda/Freedom Association.

Die Kundgebung begann mit der Nationalhymne Jugoslawiens und der Rundfunkaufzeichnung der berühmten Rede, die Präsident Slobodan Milosevic am Vidovdan-Tag 1989 vor zwei Millionen Menschen gehalten hat. Die Teilnehmer der Kundgebung vernahmen auch die kürzlich beschlossene Botschaft der Parlamentarischen Versammlung der Union von Russland und Belarus an die Parlamente der NATO- und EU-Länder, internationale Organisationen und die Richter des Hager Tribunals, in der die Freilassung von Slobodan Milosevic und Vojislav Seselj gefordert wird, ferner die Segenswünsche des Bischofs Filaret von Mileseva, Solidaritätsbotschaften des Generalsekretärs des Weltfriedensrates, Thanasis Pafilis, sowie des Generalsekretärs der KPRF, Gennadi Zyuganov. Die Protestveranstaltung in Belgrad am dritten Jahrestages der Entführung von Präsident Slobodan Milosevic wurde in vielen Grußbotschaften aus dem In- und Ausland unterstützt und begrüßte ihrerseits die Protestdemonstrationen gegen die NATO in Istanbul und die Protestdemonstrationen für die Freilassung von Präsident Milosevic und gegen die NATO-Verbrechen auf dem Balkan, die in Moskau, Den Haag, New York und verschiedenen griechischen Städten stattgefunden hatten.

Die Kundgebung auf dem Platz der Republik endete mit der Verlesung der zehn Forderungen an alle serbischen und bundesstaatlichen Organe und Institutionen, die aufgefordert werden, sich konkret für das Ziel der Freilassung von Präsident Milosevic, die Abschaffung des Hager Tribunals und die Fortsetzung des strafrechtlichen Vorgehens gegen die NATO und ihre Führer einzusetzen.

Nach der Kundgebung marschierten die Demonstranten mit zahllosen rot-weiß-blauen Sloboda-Fahnen und Bildern von Präsident Milosevic durch die Hauptstraßen von Belgrad, sie hielten vor dem serbischen Parlament und dem Bundesparlament sowie vor dem Sitz der Regierung, wo Vladimir Krsljanin, Vertreter von Sloboda/Freedom Association, das Wort ergriff, und eine Delegation der Demonstranten folgende Forderungen übergab:

DIE SLOBODA/FREEDOM ASSOCIATION UND DIE TEILNEHMER DER BELGRADER
KUNDGEBUNG
AM VIDOVDAN-TAG 2004

richten an die Organe der Republik Serbien und des
Staatenbunds Serbien und Montenegro folgende

F O R D E R U N G E N

1. Sofortige Absendung eines Antrags an den UN-Sicherheitsrat, dem illegalen Haager Tribunal die unverzügliche Freilassung von Präsident Slobodan Milosevic wegen medizinischer Behandlung, Genesung und angemessener Vorbereitung der zweiten Phase des Kampfes für die Wahrheit über unser Volk zu befehlen; Abgabe von diesem Zweck entsprechenden staatlichen Garantien;
2. Angesichts der Verfassungswidrigkeit und Illegalität der Verhaftung, Entführung, Überstellung und Inhaftierung von Präsident Milosevic, woraus sich zwingend ergibt, dass das Verfahren gegen ihn eingestellt werden muss: Einreichung eines entsprechenden Antrags an den UN-Sicherheitsrat und das Haager Tribunal;
3. Sofortige Einstellung der Verfolgung von Präsident Milosevic, seiner Familie, seiner Kampfgefährten und aller Kämpfer für Freiheit, gegen Terrorismus und NATO-Aggression;
4. Verbot der Auslieferung unserer Staatsbürger an das Haager Tribunal;
5. Vorlage eines umfassenden und gut dokumentierten Antrags an den UN-Sicherheitsrat, in dem die unerträgliche Voreingenommenheit sowie die offenkundigen Verstöße des Haager Tribunals gegen die Menschenrechte und die Prinzipien eines ordentlichen Strafverfahrens dargestellt werden; Forderung nach Abschaffung des Tribunals, Freilassung aller Gefangenen und Übertragung ihrer Verfahren an nationale Gerichte.
6. Abschaffung des verfassungswidrigen Gesetzes über die Zusammenarbeit mit dem Haager Tribunal.
7. Gewährleistung aller rechtlichen, finanziellen und sonstigen Hilfe des Staates für seine Bürger, so lange diese den Regeln des illegalen Haager Tribunals unterworfen sind unter Berücksichtigung der Bedeutung ihrer Fälle für die Zukunft der Nation.
8. Einleitung strafrechtlicher Maßnahmen gegen alle, die für das Kidnapping von Präsident Milosevic verantwortlich sind.
9. Gewährleistung der direkten Fernsehübertragung des Haager Verfahrens gegen Präsident Milosevic durch das serbische Staatsfernsehen für die ganze Dauer des Verfahrens.
10. Fortsetzung aller juristischen Verfahren gegen die NATO und ihre Führer, die für die schwerste Verbrechen bei der Aggression gegen Jugoslawien verantwortlich sind.

Übersetzung aus dem Englischen: Klaus von Raussendorff

12-7-04

Sagittarius

Van: "R. Despotovic" <despot@fiscali.nl>
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Verzonden: zondag 11 juli 2004 2:33
Onderwerp: Judges call for "radical review" of Milosevic trial

Judges call for "radical review" of Milosevic trial

By Paul Mitchell
 10 July 2004

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Judges trying former Yugoslav President Slobodan Milosevic are calling for a "radical review" of the proceedings.

Milosevic is appearing at the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, accused of genocide and war crimes in Croatia (1991-1995), Bosnia (1992-1995) and Kosovo (1998-1999).

The three judges in the Milosevic trial called for a "radical review of the trial process and the continuation of the trial in the light of the health problems of the accused." It appears they will accept the prosecution's demand that defence counsel be imposed on Milosevic, who has defended himself so far.

The judges have asked for a cardiologist to determine Milosevic's ability "to continue to represent himself" and for tribunal officials to identify "counsel who might be assigned to the case should the Trial Chamber order such assignment."

Considering abrogating Milosevic's legal right to defend himself is an indication of how badly wrong things have gone for the prosecution. The Western powers believed the trial would be a straightforward case of confirming the former head of state's guilt, under conditions in which the verdict had already been decided. Instead, in front of a world audience, Milosevic has challenged claims that he was solely responsible for genocide and ethnic cleansing.

Milosevic is a former Stalinist turned Serb nationalist and free marketeer. Without in any way denying that he shares political responsibility for the tragic events of the 1990s, he has argued with some success that the main responsibility for the eruption of ethnic conflict in the Balkans rests with the United States, Germany and the other NATO powers, and that it is they who should be charged with war crimes.

The court has also had great legal difficulty in making a case for a charge of genocide against Milosevic. The prosecution has been unable to produce any "smoking gun" insider who has testified to a plan or orders for genocide and has been forced to rely on unproved assertions of a chain of command existing between Milosevic and various Serbian nationalist irregular forces.

Even when limited to responding to the prosecution's case and counter-questioning its witnesses, Milosevic has had no such difficulty in establishing the role played by the Western powers and agencies such as NATO and the United Nations in creating the conditions for the breakup of Yugoslavia and the ensuing ethnic conflict.

The live broadcasts from the courtroom have allowed Milosevic to speak directly to an international audience. And his fate has been watched most carefully in Serbia, where there is substantial and growing disillusionment with the results of the supposed democratic transformation of the country since the bringing down of his regime by the Western powers and their puppets.

Polls report that 40 percent of the population say their living standard is unbearable and that Serbian society worse off than any time previously. The social crisis has led to a resurgence of the extreme nationalist Serbian Radical Party, whose leader Vojislav Seselj is also detained at The Hague and which supports Milosevic.

Once marginalised, the party's candidate Tomislav Nikolic almost won the recent presidential elections with percent of the vote.

Things look set to become far worse for the NATO powers if Milosevic is allowed to conduct his own defence. He has demanded to call 1,600 witnesses in his defence—including former US President Bill Clinton, British Prime Minister Tony Blair and heads of various secret services. And he has asked the court to issue binding orders for the release of intelligence documents of several Western countries.

In and of itself, this would prove acutely embarrassing, as such requests would almost inevitably be rejected by Washington, London, Berlin and all concerned. But what makes things worse is that Milosevic's trial now impinges directly on US efforts to stage a show trial of a much bigger fish—Saddam Hussein.

The problems of the Milosevic trial and the need for the ICTY to meet international legal standards have not been lost on the Bush administration. It has refused to bring Saddam Hussein before an international tribunal, preferring one in Iraq under the control of its stooge regime, with a few carefully chosen charges, a short timescale, untelevised proceedings and censored transcripts. But Milosevic's trial still threatens to undermine and discredit the prosecution of Saddam Hussein. Specifically, it raises the question of why Saddam should not be given the same legal rights as Milosevic; and it draws attention to uncomfortable parallels between the Western powers' initial support of both Milosevic and Saddam and how the two were then turned into pariahs in order to legitimise military interventions aimed at seizing control of geo-strategic areas of the world.

Therefore, there has been intense pressure to ensure that the Milosevic trial is concluded as quickly as possible.

Doctors appointed by the court say that Milosevic's very high blood pressure has damaged the left ventricle of his heart, putting him at risk of a heart attack, especially during periods of stress. Because of Milosevic's ill health and on the advice of doctors, the trial was stopped more than a dozen times between its start in February 2002 and two years later, on February 25, 2004, when the prosecution finished presenting its case.

At the end of February 2004, Milosevic was given three months to prepare his defence case, but he was again taken ill. Doctors ordered him not to work between April 14 and May 25, losing 41 days of the three months of court preparation time allotted. Milosevic was supposed to start his defence case in June and has been brought before the court three times to start it, only to have it postponed because of his illness.

Milosevic told the court, "Such a deterioration [in health] is the result of your decision not to give me enough time for my preparation.... That is quite clear. Therefore, it is my opinion that you are duty-bound to give me adequate time."

The trial is now due to start on July 14, with a break one week later for six weeks to compensate Milosevic for the 41 days lost.

One of Milosevic's lawyers, Zdenko Tomanovic, has explained that in preparing his defence the defendant must go through some 630,000 pages of written documents, 1,000 video cassettes, 100 CDs and 100 DVDs that he was given to examine in his cell.

As the situation has dragged on, the court has even been forced to consider what has been described as a "nuclear option." British barrister Steven Kay is one of the "amicus curiae"—literally a "friend of the court"—appointed by the court supposedly to observe proceedings on the defendant's behalf.

When Milosevic was ordered to appear in court on Monday, July 5, against medical advice, Kay warned the court, "It may well be that the court is at the stage now of having to consider his very fitness to stand trial at all."

This was rejected immediately by the prosecution, with prosecutor Geoffrey Nice insisting, "This is a case which must be tried. The accused wishes it to be tried."

For his part, Milosevic had already dismissed the idea.

The next day, the judges announced that the trial would resume on July 14, subject to Milosevic's state of health. They ruled out cancelling the trial, declaring, "There is no evidence that the accused is not fit to stand trial at all."

Instead they seized on Milosevic's ill health as a possible excuse for appointing defence counsel for him, adding that "there is evidence that the health of the accused is such that he may not be fit to continue to represent himself, and that his continuing to represent himself could adversely affect the fair and expeditious conduct of the trial."

The judges asked for a cardiologist to examine Milosevic and said they would then consider whether to compel him to accept a court-appointed lawyer, despite his repeated objections.

This would severely curtail Milosevic's ability to use the trial as a platform from which to attack his accusers. But it is far from clear whether it will make it possible to continue with the trial. Legal observers have noted that any appointed defence lawyer would have to question whether Milosevic was fit to stand trial and that the court would have to free him if doctors found that he was unfit to continue.

There are those within ruling circles who oppose such an option and still want Milosevic to be made an example of. But events have shown that there are also those who feel that a humiliation that can be explained away as the result of Milosevic's ill health is less damaging than prolonging a trial that has seen the spotlight so effectively turned on the criminal machinations of US and its NATO allies in the Balkans.

See Also:

[Behind the Milosevic trial: the US, Europe and the Balkan catastrophe](#)
[4 July 2001]

[Milosevic trial sets precedent: US granted right to censor evidence](#)
[31 December 2003]

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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: zondag 11 juli 2004 19:25
Onderwerp: CDSM: Psychological Warfare & Western Propaganda - Ian
Psychological Warfare & Western Propaganda.

By Ian Johnson.

I recently came across some samples of the propaganda leaflets dropped by Nato on Yugoslavia during the 1999 bombing campaign.

Of course the crude propaganda written on Nato's leaflets can easily be discredited. For instance one leaflet claims that Nato tried everything to achieve a peaceful solution in Yugoslavia, whereas anyone conversant with the Rambouillet document will know that what Nato wanted was not a just and peaceful resolution but a complete capitulation by the FRY. Nevertheless the leaflets not only serve as historical documents but also reveal the thinking and aims of the aggressors.

The warning to 'get out of Kosovo', contained in several of the leaflets, is stated as if Kosovo was not an integral part of Serbia and Yugoslavia itself and that the Yugoslavs were the actual invaders rather than the inhabitants.

Also the demonisation of Slobodan Milosevic prevalent in many such leaflets highlights the fact that Nato were using the name Milosevic as a substitute for the name Yugoslavia.

In Poland, the former Gdansk Shipyard, point of origin of the Solidarity Trade Union, is closed and now a museum piece. Over 20% of the labor force is officially unemployed (Financial Times, Feb. 21/22, 2004) and has been for the better part of the decade. Another 30% is "employed" in marginal, low paid jobs (prostitution, contraband, drugs, flea markets, street vendors and the underground economy). In Bulgaria, Rumania, Latvia, and East Germany similar or worse conditions prevail: The average real per capita growth over the past 15 years is far below the preceding 15 years under communism (especially if we include the benefits of health care, education, subsidized housing and pensions). Moreover economic inequalities have grown geometrically with 1% of the top income bracket controlling 80% of private assets and more than 50% of income while poverty levels exceed 50% or even higher. In the former USSR, especially south-central Asian republics like Armenia, Georgia, and Uzbekistan, living standards have fallen by 80%, almost one fourth of the population has out-migrated or become destitute and industries, public treasuries and energy sources have been pillaged. The scientific, health and educational systems have been all but destroyed. In Armenia, the number of scientific researchers declined from 20,000 in 1990 to 5,000 in 1995, and continues on a downward slide (National Geographic, March 2004). From being a center of Soviet high technology, Armenia today is a country run by criminal gangs in which most people live without central heat and electricity.

Highlighting how the privatisation process has undermined the public health system in these

12-7-04

Few people have been as vilified in the western press as Mr Milosevic, yet even fewer people have shown such courage in the face of adversity. For the last two years from The Hague he has consistently defended his country and its people against all attempts by the aggressors to rewrite the history of Yugoslavia. When you compare his heroic stance to that of the government currently in power in Belgrade and to that of the powers behind the illegal Hague tribunal, you cannot fail to reach the conclusion that we are witnessing the contrast between a political giant as opposed to a gang of political pygmies.

In this crucial period in history we are proud to support him.

12-7-04

countries Petras goes on to observe:

A big contributor to the AIDS epidemic are the criminal gangs of Russia, Eastern Europe, the Balkans and Baltic countries, who trade in heroin and each year deliver over 200,000 'sex-slaves' to brothels throughout the world. The violent Albanian mafia operating out of the newly "liberated" Kosova (sic) controls a significant part of the heroin trade and trafficking in sex-slaves throughout Western Europe and North America. Huge amounts of heroin produced by the US allied war lords of "liberated" Afghanistan pass through the mini-states of former Yugoslavia flooding Western European countries.

Opposition.

That membership of the European Union will bring prosperity and end the perceived isolation of a country is a myth. The EU exists as a vehicle for the free movement of capital in its search for ever greater profits. What membership of this organisation does is to open up a country to full foreign penetration of its economy. Much of the privatisation process continuing in Britain emanates from EU directives, most recently for instance the post office and railways. Moreover the convergence criteria demanded by the EU means that a maximum of only 3% of a country's GDP can be used on public spending. In Britain this signals the phasing out of the NHS, council housing, state education, pensions and general welfare provisions. All will go private with devastating social consequences.

Britain apparently has the fourth strongest economy in the world. What benefits therefore does this 'strong' economy bring to the vast majority of the population of Britain? As well as the problems outlined above it is a sobering thought that the personal debt of Britain's 58 million people is greater than the external debts of Latin America, Asia and Africa combined.

The main beneficiaries of this situation are the banks and financial institutions whose profits over the last year alone have rocketed by over 30%. And it is these same financial institutions, through the current propaganda, that are promising states such as Serbia a future of milk and honey!

Therefore the struggle being conducted in Serbia today, whether consciously or not, is part of a much larger movement worldwide, which is opposing the imposition of the New World Order, and all the misery and poverty that entails for the majority of the world's population. Moreover the fight for truth and justice that Slobodan Milosevic is engaged in at The Hague is central to that struggle.

Objective and independent reporting of Milosevic and The Hague tribunal is virtually impossible in today's mainstream media. A small but revealing example of this is the instance when a freelance journalist wrote about the Djindjic assassination for a leading UK newspaper. His article contained several references to Mr Milosevic. He was told that if he wanted his piece to be published he would have to preface the name Slobodan Milosevic with the words 'the dictator'. The journalist, an honest man, argued that Milosevic had been elected democratically on no less than three occasions so it would be misleading to call him a 'dictator'. Nevertheless the final published article made reference to 'the dictator Slobodan Milosevic'. This, I hasten to add, was a so-called 'liberal' newspaper, yet it reflected the rules by which any reporting on Yugoslavia is subjected to.

Few people have been as vilified in the western press as Mr Milosevic, yet even fewer people have shown such courage in the face of adversity. For the last two years from The Hague he has consistently defended his country and its people against all attempts by the aggressors to rewrite the history of Yugoslavia. When you compare his heroic stance to that of the government currently in power in Belgrade and to that of the powers behind the illegal Hague tribunal, you cannot fail to reach the conclusion that we are witnessing the contrast between a political giant as opposed to a gang of political pygmies.

In this crucial period in history we are proud to support him.

Ian Johnson. (CDSM-UK)

July 2004.

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Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: woensdag 14 juli 2004 19:54
Onderwerp: Urgent and important: Don't let the truth be

INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC
www.icdsm.org
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=====Newsletter=====Special Issue=====

In the struggle US/NATO vs. People which is going on at The Hague, US/NATO is represented by 1300 employees fed every year with 100.000 \$ per person. People is represented by Slobodan Milosevic alone, armed only with truth and with your support! People's opponents decided only now to discover to main-stream media that the life of President Milosevic is at stake. Not in order to help him to get out of the murderous illegal process, but in order to manipulate with his health in order to silence the truth. They are threatening to prevent the truth by imposing him a lawyer of their choice and against his will, and by that, to impose total control over their "show": their judges, their prosecution, their 'friends of the court' and now - their defense! NOW is the last moment for full mobilization of all our political, intellectual and financial potentials to prevent the worse and to decisively help People and Slobodan Milosevic to win the battle for truth. ICDSM has to set up an effective information center at The Hague to prevent criminal injustices and to promote, in closest interaction with President Milosevic and with the small team of his assistants, his struggle for truth, to bring his numerous important witnesses before the press and to show the mass people's support. Why were Albright of previous and Prosper of present US administration at The Hague on 5th and 6th July, while the "judges" were "thinking" about their latest decision? Why nobody dared to mention Kosovo and Al Qaeda - KLA links in the congressional investigation about 9/11? Because the truth is the mightiest weapon of the People.
SO - ACT NOW - DON'T LET THE TRUTH BE SILENCED!

Krsljanin,

Nico Steijnen

Pagina 3 van 4

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

From: Jonathan Widell
To: Sagittarius
Sent: Thursday, July 15, 2004 11:35 PM
Subject: Yugoslav membership in the UN

Dear Mr Steijnen,

At long last, I have finished the first draft of the article on the Yugoslav break-up, which I hope to publish. I have chosen the premature recognition of the ex-Yugoslav republics as my perspective to keep it in manageable proportions (15 pages).

While writing it, I realized that if Yugoslavia had applied for the UN membership when Milosevic was President (which would have turned Yugoslavia into a full member ICJ as well), the UN would have required it to cooperate fully with the ICTY.

Actually, the idea is not mine. It was stated in so many words by the BBC on November 1, 2000, when Yugoslavia was admitted to the UN.

After Milosevic was turned over to The Hague, the full cooperation with the ICTY was assumed and the Yugoslav membership in the UN was accepted unanimously and at a very high speed by the General Assembly.

Of course, one could ask why the UN thought that one its organs, the ICTY, could exercise jurisdiction over a state that ex post turned out not to have been a UN member state at all. However, that sort of considerations seem to escape the "international community".

I appreciate all the feedback and ideas you have given me, and I hope to reciprocate.

Best regards,
Jonathan Widell

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'Tribunaal' legt Milosevic het zwijgen op

15-7-2004

Terwijl 'het proces' in Den Haag nu toe is aan een gedegen verdediging, poogt het 'tribunaal' Milosevic te belemmeren zichzelf te verdedigen in zijn rechtszaak.

Ondanks bezwaren van de voormalige president van Joegoslavië heeft het (door de NAVO opgezette) Internationale Joegoslavië Tribunaal (ICTY) Milosevic op 5 juli, vanwege zijn gezondheidsproblemen, belet de verdediging als tweede helft van zijn proces te presenteren. Zijn medestanders noemen dit een poging om zijn gezondheidstoestand te misbruiken om 'de waarheid tot zwijgen te brengen'.

Eigen verdediging grondrecht

Tiphaine Dickson, een Canadese openbare aanklaagster die haar juridische medestanders adviseert, zegt: "De aanklager probeert alweer president Milosevic te dwingen om een advocaat te accepteren die hem vertegenwoordigt en gebruikt zijn slechte gezondheid als excuus. President Milosevic heeft er vanaf het begin op gestaan om zichzelf te verdedigen. In de VS heeft het hooggerechtshof dit als een recht erkend volgens de zesde bepaling van de grondwet. Hem dit recht ontzeggen zou de toch al illegale rechtszittingen maken tot een schertsvertoning."

Lees verder op pagina 5

David Owen: Milosevic had bloedbad kunnen voorkomen

Auters, AFP, AP
EN HAAG

4-14-2003

Slobodan Milosevic had in 1993 moeg invloed op de Serviërs in Bosnië en Kroatië om doorlog te kunnen beëindigen en verder bloedvergieten te voorkomen. De toenmalige gezant van de EU in voormalig Joegoslavië, David Owen, heeft dat maandag gezegd voor het Joegoslavië-Tribunaal, in het proces tegen Milosevic.

Milosevic probeerde de wereld te doen geloven dat de Bosnische Serviërs buiten de greep van Belgrado waren, maar hij is maar al te goed dat dat niet waar was', zei Owen. 'Indien hij zou worden afgesneden, zou er een vredesakkoord zijn getekend.'

Tijdens zijn verhoor gaf Owen wel toe dat hij niet precies wist hoeveel invloed Milosevic had op de Bosnisch-Servische leiders Karadzic en Mladic. In ieder geval was die invloed in de loop van de oorlog, vanaf 1993, afgenomen. Die laatste mededeling kan bruikbaar zijn voor de verdediging van Milosevic, die steeds heeft gezegd dat hij geen greep had op de Serviërs in Bosnië.

Owen zei verder dat Milosevic in zijn ogen geen racist is, maar een nationalist, en zelfs dat slechts in lichte mate. 'Hij is een pragmatist.'

Volgens Owen zag de Servische leider al in 1993 het bloedbad in Srebrenica (in 1995) aankomen, maar deed hij niets om het te voorkomen.

Milosevic kon de oorlog beëindigen'

2003
Tijdens zijn kruisverhoor zei

HAAG, 4 NOV. Slobodan Milosevic had begin jaren negentig moeg invloed op de Serviërs in Bosnië en Kroatië om de burgeroorlog in het voormalige Joegoslavië te voorkomen. „Milosevic probeerde de wereld te doen geloven dat de Bosnische Serviërs buiten de greep van Belgrado waren, maar hij is maar al te goed dat dat niet waar was.“ Dat getuigde Lord David Owen gisteren voor het Joegoslavië-Tribunaal in het proces tegen Milosevic.

Brit David Owen was begin jaren negentig onderhandelaar namens de EU voor het voormalige Joegoslavië. Hij was in 1993 samen met de VN-onderhandelaar Cyrus Vance opsteller van een mislukt vredesplan.

Het Bosnisch-Servische leger had niet kunnen overleven zonder de hulp van Milosevic, meent Owen. Het regime in Belgrado bood de mogelijkheid om sancties van de Verenigde Naties te omzeilen. Embargo's op de levering van wapens, munitie en brandstof aan de Bosnische Serviërs „werden door het regime van Milosevic wilens en wetens overtreden“, zei Owen. „Indien hij hun had gezegd dat ze van elke hulp zouden worden afgesneden, zou er een vredesakkoord zijn getekend.“ Nu een akkoord uitbleef, duurden de oorlogen in Kroatië (begonnen in 1991) en Bosnië (1992) nog tot 1995.

Tijdens zijn kruisverhoor zei Milosevic vanmorgen – en hij werd daarin bijgevalen door Owen – dat het juist de Amerikaanse regering is geweest die het plan heeft geteerd. Het vredesplan van Vance-Owen werd tweeënhalf week vóór het aantreden van een nieuwe Amerikaanse president gepresenteerd. Bill Clinton zag in het plan een acceptatie van Servische veroveringen en etnische zuivering.

Owen uitte scherpe kritiek op het concept van de zogenaemde veilige enclaves (*safe areas*). „De VN waren niet bereid om de bijbehorende militaire steun te garanderen“, zei Owen vanmorgen. „En daarom waren de *safe areas* een misleidende aanpak van de internationale gemeenschap.“ In de zomer van 1995 werd de *safe area* Srebrenica door de Serviërs veroverd, na inname werden ruim zeventuizend moslims vermoord.

Owen zei ook dat Milosevic twee jaar vóór de verovering van Srebrenica zei voor een bloedbad te vreesen als de Bosnische Serviërs de enclave zouden innemen. Die vrees was ingegeven door het 'kwade bloed' tussen de legers van de Serviërs en de moslims. Milosevic, aldus Owen, voorkwam in 1993 dat de legerleider van de Bosnische Serviërs, Ratko Mladic, Srebrenica aanviel. Volgens Owen was Mladic tijdens de oorlog niet zo zeer afhankelijk van Milosevic als wel van het Joegoslavische Volksleger.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: donderdag 15 juli 2004 21:59
Onderwerp: CDSM: ICDSM Newsletter. Special Issue from Mr Vladimir
 =====Newsletter=====Special Issue=====

 In the struggle US/NATO vs. People which is going on at The Hague, US/NATO
 is represented by 1300 employees fed every year with 100.000 \$ per person.
 People is represented by Slobodan Milosevic alone, armed only with truth and with
 your support!

People's opponents decided only now to discover to main-stream media that
 the life of President Milosevic is at stake. Not in order to help him to get out of
 the murderous illegal process, but in order to manipulate with his health in order to
 silence the truth.

They are threatening to prevent the truth by imposing him a lawyer of their
 choice and against his will, and by that, to impose total control over their "show":
 their judges, their prosecution, their 'friends of the court' and now - their defense!

NOW is the last moment for full mobilization of all our political,
 intellectual and financial potentials to prevent the worse and to decisively help People and Slobodan Milosevic to win the battle for truth.

**ICDSM has to set up an effective information center at The Hague to prevent
 criminal injustices and to promote, in closest interaction with President Milosevic
 and with the small team of his assistants, his struggle for truth, to bring his numerous important witnesses before the press and to show the mass people's support.**

Why were Albright of previous and Prosper of present US administration at
 The Hague on 5th and 6th July, while the "judges" were "thinking" about their latest decision? Why nobody dared to mention Kosovo and Al Qaeda - KLA links in the congressional
 investigation about 9/11?

Because the truth is the mightiest weapon of the People.
 SO - ACT NOW - DON'T LET THE TRUTH BE SILENCED!

Vladimir Krsljanin,
 Secretary of ICDSM,
 Foreign Relations Assistant to President Milosevic
