

Milosevic & Aanklachten

Map 5D



Mr. Triphaine Dickson

Begin februari dienden de toegevozen advocaten een verzoek in dat werd afgewezen door president Meron; ze wilden zich terugtrekken uit het proces. Als reden voerden zij de ethische onmogelijkheid aan om hun werkzaamheden voort te zetten zonder de medewerking van hun 'client' en beklaagden zich over zijn publiekelijke kritiek op hun werk. De Britse advocaten gaven president Milosevic - dezelfde persoon wiens rechten zijn geschonden door de gedwongen toewijzing - de schuld van hun hachelijke ethische situatie: "De gedaagde heeft een relatie gebaseerd op eerlijke uitwisseling en vertrouwen onmogelijk gemaakt". Meron nam vervolgens de woorden van Kay en Higgins over en legde de verantwoordelijkheid voor de onmogelijkheid om te werken voor een onwillige verdachte volledig bij, nota bene, het slachtoffer van de maatregel: "een verdachte heeft niet het recht om eenzijdig het vertrouwen tussen hem en zijn raadslieden teniet te doen". (Milosevic had tijdens een eerdere hoorzitting al naar voren gebracht dat het onmogelijk is om iets teniet

Achter de 'Star Chamber' Beëindiging verdediging Milosevic in Den Haag

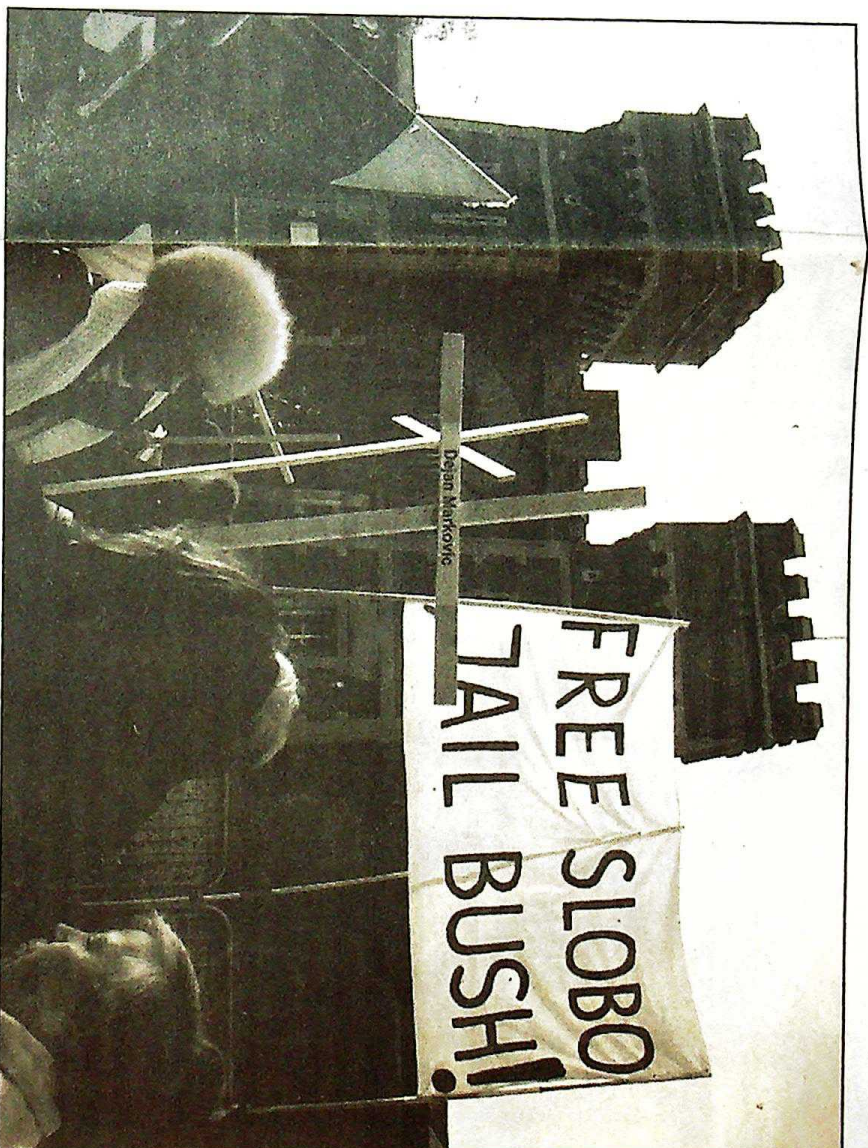
Op 14 februari 2004 werd, na een week uitstel, de hoorzitting van het Joegoslavië 'Tribunaal' (International Criminal Tribunal for the Former Yugoslavia - ICTY) in de zaak tegen Milosevic hervat. Aanleiding voor het uitstel in het proces was het medisch advies van een VN-arts, die van mening was dat Slobodan Milosevic enige dagen moest herstellen, nadat hij begin februari griep had. (deel 2 van 2)

te doen, al of niet eenzijdig, dat nooit bestaan heeft.)

Op deze manier, terugrijpend op een eerdere uitspraak van de 'Kamer van Beroep' in de eveneens verbijsterende zaak tegen generaal Vidoje Blagojevic, loste Meron alle ethische kwesties op, inclusief vragen die voor advocaten overall ter wereld van belang zijn, zoals: hoe verdedig je een client die jouw diensten weigert, die niet met je wil praten, wiens getuigen jou niet vertrouwen, die jou niet van de feiten op de hoogte wil brengen (feiten relevant voor de verdediging, inclusief een alibi) en hoe verdedig je een onwillige verdachte als je in dezelfde rechtszaak al een andere partij hebt vertegenwoordigd? Meron 'beantwoordde' deze vragen door de verplichtingen van de advocaten aan het 'Tribunaal' te benadrukken, een instituut dat door Milosevic niet erkend wordt als een *legitiem rechtsorgaan*. President Meron hield vast aan de uitspraak dat: "Onder zulke omstandigheden, waarbij de verdachte zich ongerechvaardigd verzet tegen vertegenwoordiging door aan hem toegekende advocaten, de professionele verplichting van de advocaten om de verdachte te verdedigen blijft bestaan".

Het is spijtig dat de beslissing van Meron niet onthult of de 'British Bar Council' een mening heeft gegeven over de ethische kwestie die naar voren is gebracht, of dat de toegewezen advocaten zich daadwerkelijk tot het instituut gericht hebben. Wat de positie van de 'British Bar Council' ook moge zijn (een eerbetoonwaardig instituut, waarvan de mening wellicht een belangrijke bijdrage aan het debat is geweest), voor wat betreft het 'Tribunaal' moeten Kay en Higgins gewoon doorgaan met hun werk, omdat Meron overleind houdt dat Milosevic niet de ruimte moet krijgen om een reden te "fabriceren" voor de terugtrekking van de advocaten, door elke medewerking te weigeren. Hem die mogelijkheid wel "toestaan", schreef Theodor Meron, zou betekenen dat het besluit van de 'Kamer van Beroep' om toegevozen advocaten goed te keuren "zinloos uit handen geven" zou worden! Men kan slechts bewondering hebben voor de perfectie van deze cirkelredenering.

Een laatste indicatie dat het proces tegen Milosevic mogelijk



(snel) zal ontspreken is dat de 'Trial Chamber' onlangs een vreemde urenberekening openbaar maakte van de tijd die beide kanten, de openbare aanklager en Milosevic, hebben besteed aan de presentatie van hun respectievelijke argumentatie en pleidooien. Daarbij ging het met name om het optellen van het aantal minuten waar het 'Tribunaal' zich bijvoorbeeld doorheen heeft moeten worstelen, in dit proces dat ooit bestempeld werd als 'Het Proces van de Eeuw'. Deze bizarre berekening van de tijd, die bij gewone processen niet voorkomt en opvallend afwijkt van de normale praktijk van rechtspraak waarbij sprake is van een conflictmodel, is bedoeld om de suggestie te wekken dat het proces tergend lang voortduurt en dat het 'Tribunaal', door "zich in alle bochten te wringen", nu het risico loopt de "integriteit" van het internationale recht geweld aan te doen, als het instituut doorgaat met de verdachte te oversteepen met zoveel overwelldigende 'rechtvaardigheid'.

Deze suggestie staat in schril contrast met de werkelijkheid van een onevenwichtig proces, dat vanaf het moment dat de verdachte werd aangeklaagd niet gekenmerkt werd door rechtvaardigheid maar door de voortdurende schending van de rechten van Milosevic en van het internationale recht. Hij werd aangeklaagd op het hoogtepunt van illegale bombardementen, tijdens een agressieoorlog tegen het land waarvan de verdachte de legitieme president was, door

een openbare aanklager die de media ijverig vertelde dat door zijn nieuwe status president Milosevic zou worden uitgesloten van vredesonderhandelingen in Kosovo.

Het proces verliep soms inderdaad tergend langzaam. Maar het grootste slachtoffer daarvan was president Milosevic, die werd 'overgebracht' naar Den Haag - dat wil zeggen: hij werd gekaapt uit een gevangenis in Belgrado zonder tussenkomst van het gewone gerechtshof en, volgens het toenmalige Joegoslavische gerechtshof, in strijd met de grondwet van Joegoslavië - en sinds 28 juni 2001 gevangengehouden onder toezicht van de Verenigde Naties. Het is verbaazingwekkend om te merken dat de internationale rechtspraak, of datgene dat zichzelf als zodanig portretteert, reeds vier en een half jaar durende gevangenisstraf toereert voor een man die leidt aan een schadelijk hoge bloeddruk. Het is zelfs nog erger: zijn ziekte wordt uitgebuut als een rechtvaardiging voor het - nadat hij zijn verdediging was gestart - gedwongen toewijzen van advocaten, daarbij medische bezorgdheid veinzend. Van die medische bezorgdheid was weinig te merken tijdens mevrouw Del Ponte's onbegrijpelijke historisch/politieke marathonpresentatie van de bewijslast, waarvan op zijn zachtst gezegd weinig relevant was in relatie tot de aanklacht. Dat het 'Tribunaal' probeert om Slobodan Milosevic de schuld te geven van het eindelijk voortduren van dit pro-

ces is absurd. Het was juist het pleidooi van de openbare aanklager, gepresenteerd terwijl de onderzoeken nog liepen, die voor veel waarnemers onbegrijpelijk en omslachtig was.

De verrassend weinig openbaar gemaakte verdediging van Milosevic dreigt echter enig licht te werpen op wat hij, en ook in toenemende mate zijn getuigen, beschrijven als niet de 'Balkanoorlogen', maar als één en dezelfde oorlog tegen Joegoslavië. Een staat die niet meer bestaat, waarvan de laatste dagen werden gekenmerkt door bombardementen die in Belgrado ongekend waren sinds de bombardementen van de Geallieerden en van Nazi-Duitsland tijdens de Tweede Wereldoorlog in 1941. Die oorlog tegen Joegoslavië, dat is de oorlog die president Milosevic tijdens zijn verdediging onderzoekt en naar voren brengt. En dat kan wel eens de reden zijn waarom men nu plotseling spreekt van "tijdverspilling", dat "het proces lang genoeg heeft voortgesleept" en dat de "integriteit" van de rechtsgang in het geding is. De verdediging van Milosevic zou wel eens de echte "duidelijke verstoring" kunnen zijn die nodig is om het proces tegen hem - en misschien wel het hele instituut - vroegtijdig tot een einde te brengen.

Speech ter gelegenheid van de internationale conferentie over het ICTY op 26 februari j.l. in Den Haag.

Vertaling J. Bernaven.

HYPOCHONDRIACS OR ACTORS?

www.slobodan-milosevic.org – February 28, 2005

Written by: Andy Wilcoxson

Dr. Vukasin Andric concluded his testimony at the trial of Slobodan Milosevic on Monday. He was cross-examined by Mr. Nice and subsequently re-examined by President Milosevic.

During his examination-in-chief, Dr. Andric testified that thousands of ethnic Albanian teenagers feigned poisoning during 1990 in order to blame the Serbs and provide justification for the Albanian separatist movement in Kosovo and Metohija.

Mr. Nice did not try to claim that those Albanian youths actually had been poisoned, but he did try to claim that they were not maliciously faking illness. Mr. Nice produced a document from the UN stating that the Albanian teenagers, who were complaining of illness due to the alleged poison gas, were suffering from "mass hysteria." In other words, Mr. Nice's case was that these teenagers weren't malicious, they were simply hypochondriacs.

Dr. Andric disagreed. He testified that those Albanian teenagers hammed it up for the TV cameras. He said that when cameras weren't present the teens would be up walking the hospital corridors and playing music, but when TV cameras would come they would suddenly act as if they were bed-ridden. If they were really hypochondriacs, TV cameras would not have effected their condition.

During Dr. Andric's examination-in-chief many videotapes and written statements were exhibited. Those tapes and documents showed the statements that ethnic-Albanian refugees gave during the NATO bombing. According to what they said then, they were fleeing from the NATO bombing.

In preparation for Dr. Andric's testimony, the Office of the Prosecutor (OTP) sent investigators to Kosovo to track down some of the people who gave such statements. The prosecution claimed that it had found a few of the people, and its investigators took statements from them last week.

In some cases, the people that the prosecution found were not the same people who had given the original statements. One example was an Albanian woman whose refugee convoy had been bombed by NATO.

In this woman's case, she gave a statement to an investigating judge to the effect that she was fleeing from the NATO bombing and that while she was fleeing, NATO bombed the convoy of refugees she was traveling with.

The prosecution claimed to have found this same woman, and they said she gave them a statement last week that contradicted the statement given to the investigating judge.

Judge Kwon compared the two statements and he observed that the woman's name was spelled differently on the prosecution statement, her date of birth was different on the prosecution statement, and her signature did not look the same as it did on the statement given to the investigating judge. The obvious conclusion is that the woman the prosecution interviewed last week was not the person who gave the statement to the investigating judge in 1999.

Another person that the prosecution claimed to have tracked down was an Albanian lawyer. Mr. Nice played videotape of his interview given to OTP investigators last week. Interestingly, the man on the OTP video did not look like the man depicted in the original videotape filmed in 1999. Dr. Andric, and even Judge Robinson, expressed doubt as to whether this was the same person.

The man on the tape claimed to be the same person, even though he didn't look like the same person. None the less, this man told a nonsensical story about how he only said what he said in the 1999 interview because Arkan's men, Seselj's men, the Red Berets, and the Yugoslav Army were all hiding behind his tractor, and somebody was sticking a machinegun in his back.

Dr. Andric, who was on the spot when the original interview was filmed in 1999, said that no army or paramilitary formations were present. He also testified that no Serb paramilitary formations even existed in Kosovo.

After Mr. Nice concluded his cross-examination, President Milosevic re-examined the witness.

After Dr. Andric's re-examination, legal argument regarding the admissibility of the statements that the OTP gathered last week in preparation for Dr. Andric's testimony were heard. After the tribunal ruled that the statements were inadmissible, President Milosevic called Dr. Dobre Aleksovski as a defense witness.

Dr. Aleksovski, who is Macedonian, served as the director of emergency medical services in Skopje during the 1999 NATO bombing campaign. He and the staff that worked under him traveled to the Macedonia-Kosovo border to administer medical treatment to ethnic Albanian refugees that had come to Macedonia during the Kosovo war.

Dr. Aleksovski began his testimony late in the day, and things did not get much further than his curriculum vitae. His examination-in-chief will continue on Tuesday.

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KOSOVO-ALBANIAN REFUGEES' MEDICAL CONDITION REFUTES THEIR CLAIMS OF PHYSICAL MISTREATMENT

www.slobodan-milosevic.org - March 1, 2005

Written by: Andy Wilcoxson

On Tuesday Slobodan Milosevic called two Macedonian witnesses to testify regarding the medical condition of Albanian refugees who crossed into Macedonia during the Kosovo war. The first witness was the head of Macedonia's emergency medical services Dr. Dobre Aleksovski, M.D. The next witness was Goran Stojcic, a driver who worked for the emergency services.

Dr. Aleksovski traveled to the refugee camps at least three times everyday throughout the time of the NATO bombing campaign. As director of emergency services, it was his job to ensure that all of the refugees had access to proper medical treatment, and that the medical staff was properly equipped. He was the top person responsible for the medical care of the approximately 350,000 Kosovo refugees who came to Macedonia.

The medical teams kept records of the treatment they administered to the refugees, and Dr. Aleksovski brought all of those records to court with him today. The records showed that only 14 refugees had serious medical conditions that required hospitalization. One woman cut her finger on a tin can, and some other people slipped and fell on the wet ground sustaining injuries such as broken bones and twisted ankles, there were also a couple of pregnant women who were sent to the hospital to give birth.

Only one person required treatment for a gunshot wound. Dr. Aleksovski said that the wound was old, and that this particular man was armed and behaved in an insolent fashion towards the medical staff.

The Albanian refugees told the world that the Serbs beat them with truncheons, hit them with rifle butts, punched them, raped their women, shot at them, stole their money, stole their identification documents, and did every other nasty thing imaginable to them. I'm sure that we can all remember seeing the Albanian refugees saying those sorts of things on television during the NATO attack on Yugoslavia. Similar allegations are also contained in the indictment against Milosevic.

If the Albanian refugees really had been subjected to this type of awful treatment, then they would have required medical treatment. Had they been violently mistreated they would have had broken bones, bruises, lacerations, and all of the other injuries that one sustains if one is beaten-up or raped.

Dr. Aleksovski, who was in-charge of providing medical treatment for all of the refugees that came to Macedonia, did not see, either in person or in the medical records, any indication that the refugees had sustained injuries consistent with their claims of physical mistreatment.

Furthermore, Dr. Aleksovski testified that the refugees had money and identification documents; those things were not stolen from them by the Serbs or anybody else. He said that the refugees had money for cigarettes, and that kiosks were even set up in the refugee camps to sell magazines, cigarettes, snacks, etc... to the refugees.

He said that the refugees had proper clothing and did not look or behave like normal refugees. According to Dr. Aleksovski's testimony, the Albanians refused to eat bread that was baked in Skopje. They would only eat bread from Tetovo. Whereas normal refugees would have been grateful for any food they got.

Dr. Aleksovski said that many of the Albanians were rude to the medical staff, and that some armed refugees even shot at the medical staff at the Macedonia-Kosovo border on one occasion.

The behavior of the Albanian refugees was so violent and hateful that the refugee camps had to be segregated according to ethnicity. Dr. Aleksovsky said that the Albanian refugees violently attacked the Roma refugees, so the Roma had to be taken to separate camps in order to save them from the Albanians. The Roma are still refugees; to this day they can not return to Kosovo for fear of what the Albanians will do to them.

As far as rape was concerned, Dr. Aleksovski said that no women sought treatment because the Serbs had raped them. The only cases of rape that any women sought treatment for, happened in the refugee camps themselves. In one case a female Israeli humanitarian worker was gang-raped by a group of Albanian refugees, and in another case an Albanian woman was raped by an Albanian man who hid in her tent.

Dr. Aleksovski and his staff had the chance to speak with thousands of Albanian refugees. Initially, the Albanians said that they were fleeing from the NATO bombs but later, about two weeks into the war, the refugees changed their story and began to saying that the Serbs had expelled them.

After Milosevic concluded his examination-in-chief, Mr. Nice cross-examined the witness.

Mr. Nice's cross-examination did not damage the witness in the least, and it revealed some interesting information.

Under cross-examination from Mr. Nice, the witness said that he had seen Western journalists staging photos of Albanian refugees. In one case the journalists put a perfectly healthy man on crutches and took his picture so that he would look like he was hurt.

Realizing that his cross-examination was not going well, Mr. Nice resorted to insulting the witness. Mr. Nice read out reports from Western NGOs that accused the Macedonians of mistreating the refugees and refusing them medical care.

Dr. Aleksovski said that the accusations contained in the reports were untrue and that they constituted an insult to the state of Macedonia, and to the Macedonian medical workers who provided treatment for the refugees.

The next witness to testify was Goran Stojcic, a driver who worked for the Macedonian medical service in the refugee camps. He corroborated Dr. Aleksovski's testimony. He also testified that the Albanian's did not show any signs of being beaten, and that they changed their story about why they fled from Kosovo. Initially saying they fled from NATO bombs, but later changing their story to say that the Serbs had chased them away.

Mr. Stojcic confirmed that the Roma had to be separated from the Albanian refugees to protect them. He recalled one incident where the Albanians almost lynched a Roma man just because he asked for some food for his family.

Mr. Stojcic was also an eyewitness to the activities of Western journalists. He witnessed a CNN camera crew coaching refugees on how to act for the cameras. He eye-witnessed a man cross the border with two children. CNN spoke to the man and sent him back to cross the border so that he could cross again in front of the camera, the second time the man crossed over he had his children crying for the cameras.

Mr. Stojcic also witnessed a group of refugees throwing a child in to the mud; a CNN camera crew then filmed the child after it was crying and covered in mud. The witness identified Christiane Amanpour as the CNN reporter who was on the spot in the refugee camps. He said that CNN was the worst media outlet, as it was the most prone to staging scenes for its news broadcasts.

Stojcic corroborated Dr. Aleksovski's testimony that the refugees were ungrateful. He said that they would not accept food that had been prepared in Skopje and that they insisted that their food should come from Tetovo, which is a town with a 90% Albanian majority..

Stojcic, who was in the camps every day, said that the refugees had money, it wasn't stolen by the Serbs. He said that they had money to buy cigarettes, and that some of the refugees even had enough money to leave the camps and get hotel rooms. He said that the refugees had proper clothing, and some even had mobile phones, and walkmans.

The next witness will be Mirko Babic, a medical technician who provided medical treatment directly to the refugees. He will testify on Wednesday.

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KOSOVO'S EUROPEAN UNION MONITORING MISSION CHIEF TESTIFIES IN MILOSEVIC'S DEFENSE

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

Written by: Andy Wilcoxson

The Milosevic trial heard testimony from two defense witnesses on Wednesday. Mirko Babic, a Macedonian medical technician, who provided medical treatment to Albanian refugees during the Kosovo war, and Dietmar Hartwig, the head of the European Monitoring Mission in Kosovo from November 1998 until March 19, 1999.

The first witness of the day was Mirko Babic. Babic provided direct medical treatment to Albanian refugees in the refugee camps in Macedonia. He was in the camps everyday throughout the NATO bombing of Yugoslavia.

As a first-hand eyewitness, Babic did not see a single Albanian who had been beaten or shot by Serbian security forces. According to his testimony the most common medical complaint was respiratory ailments, people would get colds, sore throats, bronchitis, etc... None of the Albanians showed any traces of having been physically mistreated.

Babic said that the Albanians initially said that they were fleeing Kosovo to escape the NATO bombing, but they changed their story later and began to say that the Serbs had chased them out and violently mistreated them. Babic said that one elderly Albanian man even told him that the KLA had chased him out of Kosovo.

Like the previous two Macedonian witnesses, Babic witnessed the activities of the Western media vis-à-vis the refugees.

Babic saw a group of refugees stealing a stretcher from the medical supplies. Then he saw them put a perfectly healthy man on the stretcher and a Western news crew filmed it. After the camera crew had finished, the man jumped up from the stretcher, and all of the people involved in this little production smiled and said their good-byes to each other.

Babic witnessed a CNN camera crew staging a phony exodus of refugees over a hill. A large group of refugees were gathered together and the camera crew filmed them coming over a muddy hill. The camera crew recruited elderly people and small children to be part of this group. The camera crew separated the children from their parents and then paired them up with the old people who the children did not know. The result was that the children would cry. The CNN crew even went so far as to instruct the old people to pull out their handkerchiefs and act like they were crying too.

Babic protested to the police, and they broke-up this particular production. The witness identified CNN and the BBC as being the most responsible for rigging false news footage.

Babic corroborated the testimony of earlier witnesses, and said that the Albanian refugees mistreated the Roma refugees. He said that the Roma had to be taken to separate camps in order to save them from the Albanians.

In cross-examination Mr. Nice tried to paint Macedonians as Albanian-hating racists who mistreated the Albanians. The witness defended his country and pointed out that Macedonia took in all of those Albanian refugees even though it could not financially afford to do so.

Mr. Nice said that the Albanians were not given proper medical care in the Macedonian camps. To prove his point Mr. Nice played a CNN broadcast where CNN claimed that eight Albanians had died in the camps for want of medical treatment in one day alone.

Under re-examination from Milosevic, Babic pointed out that only one refugee died in the camps the whole time, and not due to lack of medical care. CNN had lied when it reported that eight refugees died in one day.

The next witness on the docket was Dietmar Hartwig. Mr. Hartwig was the head of the European Union Monitoring Mission (EUMM) in Kosovo from November 1998 until March 19, 1999, when the mission was evacuated due to the impending the NATO bombing. Mr. Hartwig is an officer in the German army, and has recently returned from a mission in Kabul.

Mr. Hartwig was the top EU monitor in Kosovo. Every EU monitor in Kosovo reported directly to Mr. Hartwig. He was in regular contact with Ibrahim Rugova, and with other leading Kosovo-Albanian personalities, including the KLA and its leadership. He was also in contact with Serbian and Yugoslav officials, international and local journalists, as well as various NGO's.

As the top man in Kosovo, it was Mr. Hartwig's job to compile daily, weekly, and monthly reports for the European Union regarding the authentic situation on the ground in Kosovo. To accomplish this task Mr. Hartwig relied on field reports that his EU monitors submitted to him, as well as his own contacts and personal experiences.

When the EUMM was evacuated ahead of the NATO aggression, Mr. Hartwig returned to Germany. He was shocked

to see the Western media coverage regarding Kosovo. He told the tribunal that there was a massive contradiction between the reality on the ground and the media's reporting.

When he was in Kosovo, he had occasion to see how the media and certain Western NGO's reported inaccurately. Mr. Hartwig personally went to the Pristina Stadium when he heard media reports that the Serbs had a concentration camp there to imprison Albanians. He testified that he did not find any evidence of any camp there.

On another occasion Serbs were accused of massacring Albanians in Srbica and burying the bodies in a mass-grave. Mr. Hartwig went to the spot, and found out that 40 Albanians had indeed been killed, but not by the Serbs. An eyewitness told him that the Albanians had killed each other in a blood feud.

Mr. Hartwig said that the KLA provoked clashes, and that the Yugoslav Army and Serbian Police only responded to provocations. It was Hartwig's opinion that the Serbian response was always carried out in a disciplined fashion.

The witness expressed concern over the fact that reports he sent to European capitals regarding the situation in Kosovo were not reflected in the official publications of those governments. He said that when he took over as head of the mission his colleagues told him that there was an ongoing contradiction between what was reported to EU governments and what those same governments told their people.

On the basis of the information that Hartwig received as chief of the EUMM in Kosovo, more Albanians were killed by other Albanians than by Serbian forces. Mr. Hartwig told the tribunal that there was absolutely no reason for NATO to intervene in Kosovo against the Serbs in 1999.

Hartwig said that stories of Serbian atrocities against Albanians were contrived in order to provide NATO with a reason to attack Yugoslavia. He said that the media demonized the Serbs in order to serve the needs of politicians who were keen on attacking Yugoslavia.

The witness accused the media of failing in its mission to hold politicians accountable. He said that the media acted as servants for the politicians. He also accused them of biased and inaccurate reporting on Kosovo. Mr. Hartwig said that the media reported every nasty thing the Albanians said about the Serbs without question, because they wanted to give NATO a pretext to attack.

In all of Mr. Hartwig's time in Kosovo, up until he evacuated five days before the NATO aggression, he never saw or received any reports of Serbian security forces expelling Albanians from their homes. Nor did he have information about any other mistreatment perpetrated by Serb military or police against Albanians.

Mr. Hartwig, as the EUMM chief in Kosovo, was in regular contact with both Serb and Albanian leaders. Hartwig testified that the Serbs wanted to find a peaceful solution that was equitable for everybody in Kosovo. Whereas the Albanians wanted to establish a mono-ethnic Albanian-dominated Kosovo that would be linked-up with Albania.

He said that Albanians would refer to Western Macedonia as the "Macedonian part of Albania," and that they called southern Montenegro, the "Montenegrin Part of Albania." He said that one Albanian leader told him that the Albanians wanted a Kosovo that was "not with the Serbs" and "not under the Serbs." In other words, the Albanian intention is to get rid of the Serbs and break Kosovo away from Serbia.

Mr. Hartwig described the KLA as an underground army. He said that the KLA's activities were aimed against peace, and against peace negotiations.

Mr. Hartwig testified that the KLA were always the ones who provoked clashes. He said unequivocally that the Yugoslav Army and Serbian police never provoked any fighting.

He went on to testify that the army and the police restrained themselves from carrying out retaliation or revenge attacks against the KLA. He said that Gen. Lukic was very keen to abide by the Milosevic-Holbrooke agreement so that Serbia could not be accused of negotiating in bad faith.

Mr. Hartwig said that the Serbian police did their best to protect the lives of civilians. He testified that he never saw or received any reports of Serb forces attacking civilians in Kosovo. He said that there were cases when civilians would get caught in the cross-fire between the police and the KLA, but that the KLA was always the one who started the fighting, usually by ambushing the police.

The witness testified that the UNHCR exaggerated the number of IDP's in Kosovo. In one case they reported a group of 3,000 IDP's near the Macedonian border, but when EUMM observers arrived to checkout the scene they only found 400 IDP's.

In other cases the UNHCR would say that a certain number of IDP's had fled from a certain village, and the number of IDP's they reported would be two or three times more than the population of the village.

Mr. Hartwig explained that the EUMM was not the same thing as the KVM. The European Union established the EUMM, and it was in Kosovo first. The KVM came on the scene later, it was established by the OSCE and William Walker headed it.

Mr. Hartwig will continue his testimony when the tribunal sits again next week.

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Sagittarius

Van: "Ian Johnson" <i-
Aan: <SAGITAR@HETNET.NL>
Verzonden: zaterdag 5 maart 2005 0:18
Onderwerp: CDSM: Milosevic Takes the Offensive

Dear Friends,
 Please note the contributions to The Hague conference of 26th February 2005 from Ramsey Clark, John Laughland & Chris Black are now posted on our web site www.free-slobo-uk.org under the 'documents' heading.

Below:

1. Article from The Guardian (Australia) 27th February 2005 commenting on the defence presentation by Mr Milosevic.
2. 'Trial' Synopsis from 1st and 2nd March covering the most recent defence witnesses and how they have highlighted and exposed the reality of the 1999 Kosovo refugee crisis and the shameful role of the Western media. No wonder the BBC are silent!
3. CDSM-UK London public meeting reminder.

NATO War Crimes Exposed at The Hague "War Crimes Tribunal"

The URL of this article is: <http://globalresearch.ca/articles/GUA502A.html>

The Guardian (Australia) February 27, 2005

Milosevic takes the offensive

Slobodan Milosevic has taken the offensive against his Hague prosecutors who have him of masterminding atrocities in Croatia, Bosnia and Kosovo in the 1990s. He denounced his trial as political and condemned the 78-day bombing of Yugoslavia by NATO in 1999.

"It was obviously the goal and objective [of NATO] to terrorise and break down the whole Yugoslav nation. The goal in practical terms was the nation as a whole", said Milosevic.

He showed a German documentary critical of NATO's bombing campaign against Yugoslavia and many photographs of severed heads, charred bodies and blasted buildings, which were the consequences of NATO's bombing.

"The bombing of civilian targets was merciless. That was the big characteristic. The more suffering, the more civilians (killed) the better", he said.

Milosevic charged that the targeting of civilians was a deliberate move to create refugees from Kosovo.

"The movement of Albanians from Kosovo was strategically important for the Clinton administration." Their flight provided "confirmation and justification for what they were doing."

NATO bombs hit a column of ethnic Albanian refugees in April 1999 because they sought to return to their village. "A more horrific message could not have been sent to Albanians that were returning to their villages", he said.

"We intercepted communication between the pilot and his command centre. The pilot says that it's not a military column and that he can see peasants and tractors. And the response was 'Carry out your orders.'"

Milosevic described the destruction of villages, named the victims and outlined their ages and the circumstances of their deaths.

Killed by NATO

"This is the corpse of a child, Kaitomi Kostrate from the village of ... born in 19... While he was tending to a field he was killed by NATO bombs", he said.

"They were targeting peasants plowing their fields outside their village", said Milosevic.

"This entire war was pointless and it constitutes a crime. Those who come to kill children who are asleep can hardly sleep peacefully."

Slobodan Milosevic accused the West of spreading an "ocean of lies".

"All the laws of international law and the statutes of NATO were infringed", he told the court.

Facing the judges, Milosevic accused them of "encouraging terrorism" in the Balkans. He said that the NATO-led force in Kosovo (the so-called peacekeeping force (KFOR) helped ethnic Albanians of the fascist Kosovo Liberation Army (KLA) carry out so-called revenge attacks against Serbs and other minorities when they entered the province in June 1999.

Committing crimes

"There is evidence of direct cooperation in committing these crimes between the occupying troops ... and, on the other hand, the KLA that continued to loot, plunder and killed everybody and everything that was not Albanian", he said.

"Under their protection, 3000 Serbs - mostly Serbs -were killed." Milosevic compared the destruction of Serb Orthodox churches in Kosovo to the demolition of giant Buddha statues in Afghanistan by the Taliban regime.

Such "vandalism" also occurred when churches were destroyed in Kosovo "under the protection of the United Nations [and] in the presence of their troops. The gravest kind of crimes committed by Albanian terrorists occurred with the benevolent attitude of KFOR", he said.

In further confirmation of the illegality of the Hague court, John Laughland, journalist of the British "Guardian Weekly", under the headline, "This is not justice", wrote:

"Because its legal basis is so dubious, the international criminal tribunal's [attempt] to present itself as the successor to the international military tribunal which tried the Nazi leaders at Nuremberg in 1946 ... has as little right to set up a court as it does to raise taxes. Its defenders probably think that a quick reference to Hitler can settle the matter. However, The Hague does not embody the legal principles established and consolidated at Nuremberg. It embodies instead their complete destruction."

Written by: Andy Wilcoxson

On Tuesday Slobodan Milosevic called two Macedonian witnesses to testify regarding the medical condition of Albanian refugees who crossed into Macedonia during the Kosovo war. The first witness was the head of Macedonia's emergency medical services Dr. Dobre Aleksovski, M.D. The next witness was Goran Stojcic, a driver who worked for the emergency services.

Dr. Aleksovski traveled to the refugee camps at least three times everyday throughout the time of the NATO bombing campaign. As director of emergency services, it was his job to ensure that all of the refugees had access to proper medical treatment, and that the medical staff was properly equipped. He was the top person responsible for the medical care of the approximately 350,000 Kosovo refugees who came to Macedonia.

The medical teams kept records of the treatment they administered to the refugees, and Dr. Aleksovski brought all of those records to court with him today. The records showed that only 14 refugees had serious medical conditions that required hospitalization. One woman cut her finger on a tin can, and some other people slipped and fell on the wet ground sustaining injuries such as broken bones and twisted ankles, there were also a couple of pregnant women who were sent to the hospital to give birth.

Only one person required treatment for a gunshot wound. Dr. Aleksovski said that the wound was old, and that this particular man was armed and behaved in an insolent fashion towards the medical staff.

The Albanian refugees told the world that the Serbs beat them with truncheons, hit them with rifle butts, punched them, raped their women, shot at them, stole their money, stole their identification documents, and did every other nasty thing imaginable to them. I'm sure that we can all remember seeing the Albanian refugees saying those sorts of things on television during the NATO attack on Yugoslavia. Similar allegations are also contained in the indictment against Milosevic.

If the Albanian refugees really had been subjected to this type of awful treatment, then they would have required medical treatment. Had they been violently mistreated they would have had broken bones, bruises, lacerations, and all of the other injuries that one sustains if one is beaten-up or raped.

Dr. Aleksovski, who was in-charge of providing medical treatment for all of the refugees that came to Macedonia, did not see, either in person or in the medical records, any indication that the refugees had sustained injuries consistent with their claims of physical mistreatment.

Furthermore, Dr. Aleksovski testified that the refugees had money and identification documents; those things were not stolen from them by the Serbs or anybody else. He said that the refugees had money for cigarettes, and that kiosks were even set up in the refugee camps to sell magazines, cigarettes, snacks, etc... to the refugees.

He said that the refugees had proper clothing and did not look or behave like normal refugees. According to Dr. Aleksovski's testimony, the Albanians refused to eat bread that was baked in Skopje. They would only eat bread from Tetovo. Whereas normal refugees would have been grateful for any food they got.

Dr. Aleksovski said that many of the Albanians were rude to the medical staff, and that some armed refugees even shot at the medical staff at the Macedonia-Kosovo border on one occasion.

The behavior of the Albanian refugees was so violent and hateful that the refugee camps had to be segregated according to ethnicity. Dr. Aleksovsky said that the Albanian refugees violently attacked the Roma refugees, so the Roma had to be taken to separate camps in order to save them from the Albanians. The Roma are still refugees; to this day they can not return to Kosovo for fear of what the Albanians will do to them.

As far as rape was concerned, Dr. Aleksovski said that no women sought treatment because the Serbs had raped them. The only cases of rape that any women sought treatment for, happened in the refugee camps themselves. In one case a female Israeli humanitarian worker was gang-raped by a group of Albanian refugees, and in another case an Albanian woman was raped by an Albanian man who hid in her tent.

Dr. Aleksovski and his staff had the chance to speak with thousands of Albanian refugees. Initially, the Albanians said that they were fleeing from the NATO bombs but later, about two weeks into the war, the refugees changed their story and began to say that the Serbs had expelled them.

After Milosevic concluded his examination-in-chief, Mr. Nice cross-examined the witness.

Mr. Nice's cross-examination did not damage the witness in the least, and it revealed some interesting information.

Under cross-examination from Mr. Nice, the witness said that he had seen Western journalists staging photos of Albanian refugees. In one case the journalists put a perfectly healthy man on crutches and took his picture so that he would look like he was hurt.

Realizing that his cross-examination was not going well, Mr. Nice resorted to insulting the witness. Mr. Nice read out reports from Western NGOs that accused the Macedonians of mistreating the refugees and refusing them medical care.

Dr. Aleksovski said that the accusations contained in the reports were untrue and that they constituted an insult to the state of Macedonia, and to the Macedonian medical workers who provided treatment for the refugees.

The next witness to testify was Goran Stojcic, a driver who worked for the Macedonian medical service in the refugee camps. He corroborated Dr. Aleksovski's testimony. He also testified that the Albanians did not show any signs of being beaten, and that they changed their story about why they fled from Kosovo. Initially saying they fled from NATO bombs, but later changing their story to say that the Serbs had chased them away.

Mr. Stojcic confirmed that the Roma had to be separated from the Albanian refugees to protect them. He recalled one incident where the Albanians almost lynched a Roma man just because he asked for some food for his family.

Mr. Stojcic was also an eyewitness to the activities of Western journalists. He witnessed a CNN camera crew coaching refugees on how to act for the cameras. He eye-witnessed a man cross the border with two children. CNN spoke to the man and sent him back to cross the border so that he could cross again in front of the camera, the second time the man crossed over he had his children crying for the cameras.

Mr. Stojcic also witnessed a group of refugees throwing a child in to the mud; a CNN camera crew then filmed the child after it was crying and covered in mud. The witness identified Christiane Amanpour as the CNN reporter who was on the spot in the refugee camps. He said that CNN was the worst media outlet, as it was the most prone to staging scenes for its news broadcasts.

Stojcic corroborated Dr. Aleksovski's testimony that the refugees were

ungrateful. He said that they would not accept food that had been prepared in Skopje and that they insisted that their food should come from Tetovo, which is a town with a 90% Albanian majority..

Stojcic, who was in the camps every day, said that the refugees had money, it wasn't stolen by the Serbs. He said that they had money to buy cigarettes, and that some of the refugees even had enough money to leave the camps and get hotel rooms. He said that the refugees had proper clothing, and some even had mobile phones, and walkmans.

The next witness will be Mirko Babic, a medical technician who provided medical treatment directly to the refugees. He will testify on Wednesday.

'TRIAL' SYNOPSIS - March 2, 2005

Written by: Andy Wilcoxson

The Milosevic trial heard testimony from two defense witnesses on Wednesday. Mirko Babic, a Macedonian medical technician, who provided medical treatment to Albanian refugees during the Kosovo war, and Dietmar Hartwig, the head of the European Monitoring Mission in Kosovo from November 1998 until March 19, 1999.

The first witness of the day was Mirko Babic. Babic provided direct medical treatment to Albanian refugees in the refugee camps in Macedonia. He was in the camps everyday throughout the NATO bombing of Yugoslavia.

As a first-hand eyewitness, Babic did not see a single Albanian who had been beaten or shot by Serbian security forces. According to his testimony the most common medical complaint was respiratory ailments, people would get colds, sore throats, bronchitis, etc... None of the Albanians showed any traces of having been physically mistreated.

Babic said that the Albanians initially said that they were fleeing Kosovo to escape the NATO bombing, but they changed their story later and began to say that the Serbs had chased them out and violently mistreated them. Babic said that one elderly Albanian man even told him that the KLA had chased him out of Kosovo.

Like the previous two Macedonian witnesses, Babic witnessed the activities of the Western media vis-à-vis the refugees.

Babic saw a group of refugees stealing a stretcher from the medical supplies. Then he saw them put a perfectly healthy man on the stretcher and a Western news crew filmed it. After the camera crew had finished, the man jumped up from the stretcher, and all of the people involved in this little production smiled and said their good-byes to each other.

Babic witnessed a CNN camera crew staging a phony exodus of refugees over a hill. A large group of refugees were gathered together and the camera crew filmed them coming over a muddy hill. The camera crew recruited elderly and small children to be part of this group. The camera crew separated the children from their parents and then paired them up with the old people who children did not know. The result was that the children would cry. The CNN crew even went so far as to instruct the old people to pull out their handkerchiefs and act like they were crying too.

Babic protested to the police, and they broke-up this particular production. The witness identified CNN and the BBC as being the most responsible for rigging false news footage.

Babic corroborated the testimony of earlier witnesses, and said that the Albanian refugees mistreated the Roma refugees. He said that the Roma had to be taken to separate camps in order to save them from the Albanians.

In cross-examination Mr. Nice tried to paint Macedonians as Albanian-hating racists who mistreated the Albanians. The witness defended his country and pointed out that Macedonia took in all of those Albanian refugees even though it could not financially afford to do so.

Mr. Nice said that the Albanians were not given proper medical care in the Macedonian camps. To prove his point Mr. Nice played a CNN broadcast where CNN claimed that eight Albanians had died in the camps for want of medical treatment in one day alone.

Under re-examination from Milosevic, Babic pointed out that only one refugee died in the camps the whole time, and not due to lack of medical care. CNN had lied when it reported that eight refugees died in one day.

The next witness on the docket was Dietmar Hartwig. Mr. Hartwig was the head of the European Union Monitoring Mission (EUMM) in Kosovo from November

1998 until March 19, 1999, when the mission was evacuated due to the impending the NATO bombing. Mr. Hartwig is an officer in the German army, and has recently returned from a mission in Kabul.

Mr. Hartwig was the top EU monitor in Kosovo. Every EU monitor in Kosovo reported directly to Mr. Hartwig. He was in regular contact with Ibrahim and with other leading Kosovo-Albanian personalities, including the KLA and its leadership. He was also in contact with Serbian and Yugoslav officials, international and local journalists, as well as various NGO's.

As the top man in Kosovo, it was Mr. Hartwig's job to compile daily, weekly, and monthly reports for the European Union regarding the authentic situation on the ground in Kosovo. To accomplish this task Mr. Hartwig relied on field reports that his EU monitors submitted to him, as well as his own contacts and personal experiences.

When the EUMM was evacuated ahead of the NATO aggression, Mr. Hartwig returned to Germany. He was shocked to see the Western media coverage regarding Kosovo. He told the tribunal that there was a massive contradiction between the reality on the ground and the media's reporting.

When he was in Kosovo, he had occasion to see how the media and certain Western NGO's reported inaccurately. Mr. Hartwig personally went to the Pristina Stadium when he heard media reports that the Serbs had a concentration camp there to imprison Albanians. He testified that he did not find any evidence of any camp there.

On another occasion Serbs were accused of massacring Albanians in Srbica and burying the bodies in a mass-grave. Mr. Hartwig went to the spot, and found out that 40 Albanians had indeed been killed, but not by the Serbs. An eyewitness told him that the Albanians had killed each other in a blood feud.

Mr. Hartwig said that the KLA provoked clashes, and that the Yugoslav Army and Serbian Police only responded to provocations. It was Hartwig's opinion that the Serbian response was always carried out in a disciplined fashion.

The witness expressed concern over the fact that reports he sent to European capitals regarding the situation in Kosovo were not reflected in the official publications of those governments. He said that when he took over as head of the mission his colleagues told him that there was an ongoing contradiction between what was reported to EU governments and what those same governments told their people.

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On the basis of the information that Hartwig received as chief of the EUMM in Kosovo, more Albanians were killed by other Albanians than by Serbian forces. Mr. Hartwig told the tribunal that there was absolutely no reason for NATO to intervene in Kosovo against the Serbs in 1999.

Hartwig said that stories of Serbian atrocities against Albanians were contrived in order to provide NATO with a reason to attack Yugoslavia. He said that the media demonized the Serbs in order to serve the needs of politicians who were keen on attacking Yugoslavia.

The witness accused the media of failing in its mission to hold politicians accountable. He said that the media acted as servants for the politicians. He also accused them of biased and inaccurate reporting on Kosovo. Mr. Hartwig said that the media reported every nasty thing the Albanians said about the Serbs without question, because they wanted to give NATO a pretext to attack.

In all of Mr. Hartwig's time in Kosovo, up until he evacuated five days before the NATO aggression, he never saw or received any reports of Serbian security forces expelling Albanians from their homes. Nor did he have information about any other mistreatment perpetrated by Serb military or police against Albanians.

Mr. Hartwig, as the EUMM chief in Kosovo, was in regular contact with both Serb and Albanian leaders. Hartwig testified that the Serbs wanted to find a peaceful solution that was equitable for everybody in Kosovo. Whereas the Albanians wanted to establish a mono-ethnic Albanian-dominated Kosovo that would be linked-up with Albania.

He said that Albanians would refer to Western Macedonia as the "Macedonian part of Albania," and that they called southern Montenegro, the "Montenegrin Part of Albania." He said that one Albanian leader told him that the Albanians wanted a Kosovo that was "not with the Serbs" and "not under the Serbs." In other words, the Albanian intention is to get rid of the Serbs and break Kosovo away from Serbia.

Mr. Hartwig described the KLA as an underground army. He said that the KLA's activities were aimed against peace, and against peace negotiations.

Mr. Hartwig testified that the KLA were always the ones who provoked clashes. He said unequivocally that the Yugoslav Army and Serbian police never provoked any fighting.

He went on to testify that the army and the police restrained themselves from carrying out retaliation or revenge attacks against the KLA. He said that Gen. Lukic was very keen to abide by the Milosevic-Holbrooke agreement so that Serbia could not be accused of negotiating in bad faith.

Mr. Hartwig said that the Serbian police did their best to protect the lives of civilians. He testified that he never saw or received any reports of Serb forces attacking civilians in Kosovo. He said that there were cases when civilians would get caught in the cross-fire between the police and the KLA, but that the KLA was always the one who started the fighting, usually by ambushing the police.

Mr. Hartwig will continue his testimony when the tribunal sits again next week.

(Extracts from slobodan-milosevic.org).

COMMITTEE TO DEFEND SLOBODAN MILOSEVIC – UK

PUBLIC MEETING

**CONWAY HALL
RED LION SQUARE
HOLBORN
LONDON**

WEDNESDAY 30th MARCH 7.30p.m.

Speakers include:

NEIL CLARK (Broadcaster & Journalist)

MISHA GAVRILOVIC (British/Serbian Alliance)

IAN JOHNSON (CDSM-UK)

"THE AGGRESSORS SHALL NOT WRITE OUR HISTORY"



Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <SAGITAR@HETNET.NL>
Verzonden: donderdag 3 maart 2005 1:16
Onderwerp: CDSM: 1.Hague Conference 26th Feb 2. ICTY Parliamentary debate 23rd

MILOSEVIC'S SPIRIT IS 'HIGHER THAN EVER' says **RAMSEY CLARK**

by CHRISTOPHER JAMES (CDSM UK) at The Hague (posted: March 1, 2005)

SLOBODAN MILOSEVIC "is absolutely undaunted," despite years of illegal imprisonment and separation from friends and family, former US Attorney-General Ramsey Clark declared this weekend.

Mr Clark, who met President Milosevic at his Hague prison on Friday (February 25, 2005), reported that "his fighting spirit is higher than ever," despite poor health and the fact that Milosevic has been denied visits from his wife and children for more than a year.

Speaking to delegates from across Europe at a "Free Milosevic" seminar in The Hague, Mr Clark conveyed the President's best wishes to supporters everywhere who are fighting to expose the truth over the West's destruction of Yugoslavia throughout the 1990s.

The veteran American lawyer and peace campaigner said of Milosevic:

"I've watched the law for a long time and I don't know of a more heroic resistance of an individual, under every form of adversity, who has stood up tall and resisted.

"And, more than those that hurt him can understand, one who has demonstrated that the real criminal acts were by those who were breaking up the Federal Republic of Yugoslavia and not those who were trying to preserve the union."

Clark said of President Milosevic: "His spirit is absolutely undaunted. For almost four years of solitary confinement he has been cut off from family, cut off from friends, cut off from all forms of support and demonised constantly."

Milosevic's real crime was standing up to the US-led New World Order, Clark suggested.

"Those who heroically resist - as President Milosevic did - the aggression and domination of their countries, pay the price."

* A full report of Ramsey Clark's speech and this weekend's entire Free Milosevic seminar will be posted on www.free-slobo-uk.org shortly.

[ENDS]

ICTY PARLIAMENTARY DEBATE 23rd FEBRUARY 2005.

The full text of this debate can be found by following the link under the 'NEWS' heading on our web site www.free-slobo-uk.org

KOSOVO EU MONITORING MISSION CHIEF CONTINUES HIS TESTIMONY

www.slobodan-milosevic.org - March 8, 2005

Written by: Andy Wilcoxson

Dietmar Hartwig continued his testimony at the trial of Slobodan Milosevic on Tuesday. The former head of the European Union Monitoring Mission (EUMM – also known as ECMM and EU KDOM) in Kosovo testified regarding the situation in Kosovo from November 1998 until he left on the eve of the NATO aggression in late March 1999.

Mr. Hartwig's job was to gather information and compile reports for the EU regarding the situation in Kosovo. He testified that the only ones who limited freedom of movement in Kosovo were the KLA. He said that the KLA set-up roadblocks and would not let EU observers pass. He even testified that fire was opened on his observers from areas occupied by the KLA.

Hartwig described the KLA's operational technique as similar to that of the Red Army Faction (RAF), which he pointed out, is characterized as a terrorist organization by Western Governments. He said that the KLA adopted illegal and anti-democratic means to achieve its objectives.

Mr. Hartwig reiterated his testimony that the Yugoslav Army and Serbian Police were responding to KLA provocations. He said that the Army and police never started the fighting, and that they did not behave in an excessive fashion when they did engage in combat with the KLA.

Mr. Hartwig said that some civilians were caught in the crossfire and killed on occasion. Under cross-examination from Mr. Nice, he explained that it is militarily impossible to fight against a guerilla enemy like the KLA without inflicting some civilian casualties. He explained that the KLA mingled itself in among the civilians, making it all but impossible to fight against the KLA without having some inadvertent civilian casualties. The witness described the Serbian forces as being well disciplined.

Hartwig said that the KLA palmed off its casualties as victims of Serbian repression. He gave an example that happened in Mitrovica in January 1999. The KLA opened fire on the police wounding a number of policemen. The perpetrators fled to a house. The police surrounded the house and told the KLA fighters inside to surrender. The KLA responded by opening small arms fire on the police, and trying to escape. The police responded by shooting and killing two of the KLA soldiers.

Mr. Hartwig said that the Albanians were indignant over the shooting, and the two KLA casualties were portrayed as innocent victims of Serbian repression.

Hartwig said that he never saw Serbian security forces expelling Albanians from their homes, and as chief of the EU Monitoring Mission in Kosovo, he never received reports from his observers that would indicate any unlawful actions on the part of the Serbian police or Yugoslav Army forces.

The witness testified that the KLA was aggressive and used violence to elicit loyalty from the Albanian civilian population. He gave an example where an Albanian doctor in Pec was celebrating his birthday and the KLA came and crashed the party. He said that the KLA demanded material support from the people at the party, and when they did not get it they began shooting people.

Mr. Hartwig said that the Albanian population refused to cooperate with the Serbian authorities so that they could accuse them of harassment. He gave an example of a construction project in Pec where a number of Albanians had been hired to build a school. There was a police checkpoint at the construction site and workers had to show their IDs to gain access to the site.

Hartwig said that a number of Albanian workers refused to get IDs so that they could accuse the police of blocking them from their job. He said that ID was freely available to those people and that all they had to do was go to the mayor's office and fill out a form.

The witness reiterated his earlier testimony that the Western media's reporting did not correspond to the real situation in Kosovo.

Mr. Nice's cross-examination drew a lot of attention to the fact that Mr. Hartwig's testimony contradicts the reports the OSCE. Mr. Nice seems to think that this damages the witness's credibility in some way.

However, Hartwig's contradiction of the OSCE's reports makes perfect sense when one considers the testimony of Roland Keith. Mr. Keith was the commander of the Kosovo Polje field office in the OSCE's Kosovo Verification Mission (KVM).

When Mr. Keith testified on September 14, 2004 he said that the leadership of the OSCE had "no real interest in

rebuilding stability in Kosovo," he said that they "had other political agendas of which this [peace] would not play a role whatsoever."

Mr. Keith testified that KVM observers were poorly trained, and that a number of them were biased. Given Keith's testimony, it is hardly surprising that Hartwig found himself in contradiction of the OSCE's reports.

Mr. Nice's cross-examination drew attention to the fact that there was friction between the OSCE KVM, and the EUMM. Hartwig said that the OSCE wanted to exercise control over the EUMM, but that his mission resisted such pressure and acted independently of the OSCE.

In re-examination from Milosevic, Hartwig explained how Racak was a catalyst for political change. He said that in the time leading up to Racak the Serbs were gaining sympathy. He said that such an incident politically benefited the KLA, and that one could see such a thing coming since it was a political necessity for the KLA. He said that he was aware of reports that the KLA had staged the scene, and he said that Serbian authorities investigating the incident behaved properly.

Slobodan Milosevic will finish his re-examination of the witness on Wednesday. The next witness to take the stand will be Barry Lituchy, a college professor from New York.

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BARRY LITUCHY DECIDES TO GIVE PUBLIC EVIDENCE IN CLOSED SESSION

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

Written by: Andy Wilcoxson

Slobodan Milosevic concluded Dietmar Hartwig's re-examination on Wednesday. During cross-examination, Mr. Nice had insinuated that Hartwig's testimony was unreliable since it largely relied on his draft notes that he sent to the EU, and not on the official reports issued by the EU.

Mr. Nice tried to act as if he was unfairly disadvantaged by the fact that the official EU documents were not used by the witness during his examination-in-chief. Mr. Nice acted as if he did not have access to the documents, and insinuated that the documents may have contradicted Hartwig's testimony.

In Re-examination, Slobodan Milosevic noted that all of the EUMM documents were already in the tribunal's possession as Rule 68 exculpatory material provided by the prosecution.

Milosevic engaged in a lengthy re-examination, and he used the official EUMM documents to corroborate the testimony of the witness and refute the prosecutor's point.

The documents included numerous incident reports filed by EU observers, such as the kidnapping of Skender Krasniqi, an ethnic Albanian, by Ramush Haradinaj the former prime minister of Kosovo.

Another EUMM report dated 17 March 1999 made reference to an operational collaboration between NATO and the KLA.

When asked about the collaboration between the KLA and NATO the witness said that the KLA relied on foreign support. He made reference to Madeline Albright's February 21, 1999 statement at Rambouillet when she said, "If the talks crater because the Serbs do not say yes, we will have bombing. If the talks crater because the Albanians have not said yes, we will not be able to support them, and in fact we will have to cut off whatever help they are getting from the outside."

Mr. Hartwig asked a contact in the U.S. Government what Albright meant when she said that the Albanians could be cut off. The contact said that Albright was referring to the so-called "humanitarian aid" that the KLA was getting from the Mother Teresa Society.

The EU reports also contained statements given to EU Observers by Kosovo-Albanians. Some of the Albanians told EU Observers that they were afraid of the KLA because of its involvement in terrorism and kidnapping.

Following the conclusion of Mr. Hartwig's testimony, Barry Lituchy a college professor from New York took the witness stand.

Lituchy provided his CV to the court. He briefly spoke about World War II and the history of Nazism in the Balkans. He mentioned the fact that Alija Izetbegovic was a Nazi collaborator.

The witness spoke briefly about the mass-exodus of Serbs from the Krajina following operations Storm and Flash.

Lituchy was called to give evidence based on interviews that he conducted with Kosovo refugees. The witness said that the refugees fled Kosovo because of NATO bombing and KLA terrorism. He said that refugees fled Kosovo after the NATO bombing because KFOR and UNMIK failed to provide security, and people did not feel safe without the protection of MUP and VJ forces.

The witness came to the tribunal with the tapes of interviews that he conducted with the refugees. Unfortunately, the witness insisted that the tapes of Albanian refugees should be played in only in closed session.

Mr. Lituchy said that open session "would be risky. And we would be putting the lives of Albanians at risk if their identities were known. I don't think it would be wise to do that."

Mr. Nice objected to the closed session on the grounds that the prosecution could not check the persons on the tape to determine the circumstances those persons were under when they gave the interviews. Mr. Nice's objection is nonsense since he knows exactly who the people interviewed on the tape are.

The witness's request for closed session is equally nonsensical. Mr. Lituchy published the text of those interviews over five years ago, the identity of the Albanians who gave the interviews is openly contained in the publication. This material has been freely available in the public domain since 1999. His sudden desire to keep this material a secret is really mystifying.

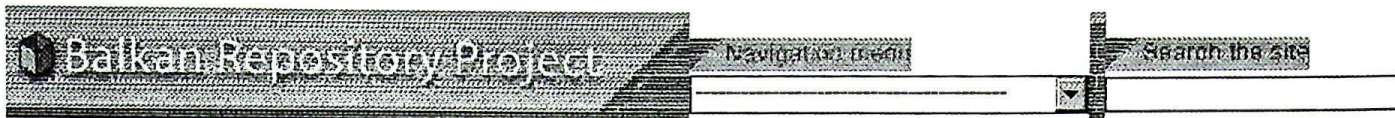
At any rate, the trial went into closed session and stayed there for the rest of the day. This is really unfortunate, those interviews would have shown the people watching the trial or reading the transcript that Albanians were not discriminated against. All of the Albanians that Lituchy interviewed held prominent positions of power and authority in Kosovo while Milosevic was in power.

The interviews would have shown trial watchers that the Serbs were not killing Albanians. The Albanians that Lituchy interviewed fled to central Serbia (while Milosevic was in power) to escape from the KLA and NATO. Unfortunately, the witness does not want these interviews revealed to the public.

As I said before, the interviews have been in the public domain for the last five years. You can read them at:
http://www.balkan-archive.org.yu/kosovo_crisis/Sep_20/3.html

Mr. Lituchy is closing the barn door five years after the cow escaped.

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Pro-Yugoslav Albanians Speak: Refugees from Kosovo tell of U.S.-KLA

collusion

Workers World News Service
September 23

On Aug. 9, members of a North American delegation conducted interviews with refugees from Kosovo who had fled to Belgrade, Yugoslavia. A full transcript of the interviews was prepared by Gregory Elich and is available on the Web site of the International Action Center at www.iacenter.org ("If They Find Me, They Will Kill Me").

Below are excerpts from interviews with Faik Jasari, Corin Ismaili and Fatmir Seholi, members of the Kosovo Democratic Initiative. There are also comments by Biljana Koteska, first secretary of the United Nations Law Projects Center in Belgrade; Bajram Haliti, secretary of the Republic of Serbia Secretariat for Development of Information on the Languages of National Minorities and editor of "Ahimsa"; and Jovan Damjanovic, president of the Roma organization in Yugoslavia.

The interviewers are Barry Lituchy, Joe Friendly, Iman El-Sayed, Ken Freeland, Jeff Goldberg and Gregory Elich, all of the North American Solidarity with Yugoslavia delegation. Koteska acted as the translator. Elich provided additional translation into English when transcribing the transcript.

Kosovo Albanian representative at peace talks in Rambouillet

Lituchy: Please introduce yourself and tell us your position in the government.

Jasari: I am Faik Jasari from Gnjilane. I was a member of the Temporary Executive Board [in Kosovo] and I was a representative in Rambouillet. I am also president of a political party, the Kosovo Democratic Initiative.

Lituchy: Are you afraid for your life?

Jasari: Yes. I am afraid. I've already told you that the KLA [Kosovo Liberation Army] is looking for me, even now.

Lituchy: Is there a death warrant on you?

Jasari: If they find me, they will kill me.

Lituchy: Approximately how many Albanians were forced out of Kosovo by the KLA?

Jasari: About 150,000 Albanians were forced out of Kosovo by the KLA. We don't know the number of people who were killed or kidnapped by the KLA.

Lituchy: Is there an approximate number?

Jasari: I think about 200 Albanians were killed by the KLA.

Lituchy: What happened at Rambouillet?

Jasari: The Federal Republic of Yugoslavia was always for peace. During 1998, the government attempted to meet with KLA leaders 17 times, but the KLA leaders refused to attend. When Western countries asked Yugoslavia to meet the KLA in Rambouillet, Yugoslavia sent representatives.

Lituchy: Did the representatives from Yugoslavia and the representatives from the KLA ever meet face-to-face?

Jasari: Only once, at the first meeting with Jacques Chirac, did the two delegations meet.

Lituchy: That was like an introductory meeting?

Koteska: Yes.

Lituchy: Why were there no negotiations?

Jasari: Our representatives attempted, every day to meet them face-to-face, but they refused.

Lituchy: Why?

Jasari: Because they did only what the United States told them to do.

Lituchy: Did you ever walk up to one of the KLA people and say, "Why can't we discuss this?"

Jasari: No, we couldn't even meet them in the hotel. We only had meetings with American and British officials, but not with them. We could only meet with their Western supervisors.

Lituchy: Who did you meet with from the United States?

Jasari: We met with Ms. [Madeleine] Albright, Mr. [James] Rubin and Mr. [James] Hill.

Lituchy: What did they talk about, what did they tell you?

Jasari: They told us to sign our names to the paper drafted by the United States. In this paper it was written that Kosovo must be a republic. The paper had the same aim as what the KLA representatives told them. At first, they thought that the delegation from the Federal Republic of Yugoslavia would not go to Rambouillet. Later, they saw that was not true, and when they also saw that not only Serbs, but also Roma, Albanian and Egyptian representatives were in our delegation, they were shocked.

Lituchy: The Americans were shocked?

Koteska: Yes.

Jasari: Only three Serbian representatives and one Montenegrin were in our delegation.

Lituchy: Tell us what you think the reason was for the United States to launch this war.

Jasari: I think the United States wants to establish military bases here, and extend its occupation of the Balkans.

Lituchy: What is the motive?

Jasari: The United States wants to dictate to all countries in Europe.

Chief editor at Radio Television Pristina

Lituchy: Would you tell us your name, what town you're from, and your occupation and position?

Seholi: My name is Fatmir Seholi. I am from Podujevo. I was the chief editor at Radio Television Pristina, and I work in public relations for the Kosovo Democratic Initiative.

Lituchy: So you have worked as a journalist in Kosovo for a number of years, and worked in radio and print journalism. Would you tell us a little about the type of media that was available for the Albanian population in Kosovo?

Seholi: I must point out that the Albanian people had more media than did the Serbian people. In Kosovo, you could find only one newspaper in the Serbian language, but you could find about 65 newspapers in the Albanian language.

Lituchy: Did you go to Pristina University?

Seholi: Yes.

Lituchy: In what language were your courses while you were at the university?

Seholi: In the Albanian language.

Koteska: You can study in your own language, and I don't think that, in the United States, Albanians can study in their own language. So, where is democracy in America?

Lituchy: Are you aware that in America, the television and radio and newspapers were regularly saying that Albanians have no rights in Yugoslavia or Kosovo?

Seholi: I think that America did not have the right information about Albanian people in Kosovo, or did not want to get the correct information about the rights of Albanian people in Kosovo.

Lituchy: But information that was inaccurate was very important in allowing the United States to carry out the war against Yugoslavia.

Seholi: I am Albanian, and I studied at the university in the Albanian language, and that should be sufficient indication that Albanian people had rights in Kosovo.

Lituchy: Are you now in political exile from Kosovo?

Seholi: Until I arrived here as a refugee, I worked as chief editor at Radio Television Pristina, in the Albanian language. I spoke with KFOR about a peaceful solution for problems in Kosovo.

El-Sayed: Did the United States create the KLA?

Seholi: The KLA received great support from America and Germany. According to information from our secret service, they created the KLA. The question is, why did they create the KLA? You came from the United States, and you know that they want to have controlling influence in all countries.

Two years ago, on a night in January 1997, the KLA killed my father. He was called a "traitor" and killed only because he supported Yugoslavia and the Serbian government, not the KLA regime. He loved living with all ethnic groups in Kosovo.

Lituchy: What was his name?

Seholi: Malic Seholi.

Lituchy: And how old was he when he was killed?

Seholi: He was 51 years old.

Lituchy: Do you know who killed him? The names of the people?

Seholi: The KLA told us that they did that.

Lituchy: The KLA themselves said that they did that?

Koteska: Yes, yes.

Seholi: The KLA said that they killed more than one thousand people because they were not Albanian, because they wanted Kosovo to remain in Yugoslavia, and because they supported the Yugoslav government. And that doesn't even mention how many members of the army KLA soldiers killed.

Friendly: What is your comment on the allegations of wrongdoing by the Serbian military in Kosovo? How would you compare that with what NATO did, and is there some basis for the allegations that the Serbian army was wantonly killing villagers, or were they actually still after the KLA?

Seholi: The KLA is a terrorist group, and the Yugoslav army is our state's army. We do not think that our army killed villagers.

Friendly: Right now, people in the United States are being told that the Serbian army after the bombing became undisciplined and decided to kill Albanian citizens freely.

Jasari: It's not true. Our Yugoslav army exists to protect people, not kill them. It's propaganda. The Yugoslav army never attacked anyone in Kosovo. They only defended themselves.

'Many ethnic groups'

Lituchy: Does anybody want to comment on the human rights issue?

Seholi: I would like to point out that Yugoslavia consists of many ethnic groups. Yugoslavia does not consist of only Serbian people, unlike Croatia, which is only for Croatians.

Koteska: Croatia represents her country by their constitution as consisting of Croatian people and the others. You cannot find that in our Yugoslav constitution.

Seholi: These are the facts, and one doesn't have to say much to know the truth.

El-Sayed: When you met Albright in the Paris Conference, did she say the reason they were in Kosovo? Did she say the Yugoslav army was killing innocent civilians, and if she did say that, did you argue against her and tell her she was wrong?

Jasari: When she told me that, I told her, "Don't speak from your imagination. Do you have some facts? We have the facts that this is not happening there." But she said, "Ha! Facts? We don't need facts." She had her task, and she only saw that task. You couldn't say anything to her. She didn't want to talk with us because she didn't want to listen to our arguments.

Kosovo is multi-ethnic, multi-cultural and multi-confessional. Unfortunately, these days you cannot find many ethnic groups in Kosovo. Serbians, Romas, Muslims, Egyptians, Albanians who do not support the political aims of the KLA have fled from Kosovo. One day it may be entirely cleansed and only one ethnic group will live in Kosovo. These days KLA soldiers kill people who work in the fields.

I think that all people in Western countries who do not believe their government tells them the truth, must bring out the truth from our country. We want to bring charges against Bill Clinton and all the people responsible for the NATO bombing. Now in Yugoslavia we have many innocent victims, and you can see that we have less bridges than before. The United States is a big country with democracy. What kind of democracy is it which kills people, kills innocent victims, bombs schools, bombs bridges, buses full of people, and people living in their homes? Where is democracy now?

Lituchy: Just one more question. We believe that this message, this idea of multinational unity that Yugoslavia represents is very important. If somehow what Yugoslavia stands for could get out to the rest of the world, that would be beneficial to Yugoslavia, that maybe could change people's opinion. How do you think we could get that message across to other people in the United States and other countries?

Jasari: Yugoslavia, Serbia and Kosovo are multi-ethnic and multi-cultural, and only if all ethnic groups have the same rights can we have a good life. You can't find any country in the whole world that is more multi-ethnic.

Seholi: Yugoslavia was established many years ago, and it always had a peaceful policy. You can find democracy in Yugoslavia before democracy in the United States. Can you find any country in the entire world, where the president of the whole country is Albanian, a member of an ethnic minority? You cannot find it. We had a president and vice-presidents who were Albanians.

Lituchy: Their names?

Seholi: Sinan Husani, Fati Hoxha, Ali Cugriho, Asam Blazi. Asam Blazi was the president of the youth in Yugoslavia.

Haliti: Do the United States and the 19 countries who bombed us know that in Hasim Thaci's [KLA] army they have no other ethnic groups but Albanian? And they said the reason they bombed us is because there is no multi-ethnic or multi-cultural life in Kosovo. Where are the other ethnic groups in the KLA?

Damjanovic: What about democracy and Black people in the United States? They can't go to some parts of town. Where is democracy there, with discrimination?

SECRETY BENEFITS THE PROSECUTION

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

Written by: Andy Wilcoxson

Due to a late start, and extensive use of closed sessions, only a few minutes of the Milosevic trial could be seen by the public on Thursday.

The witness, Barry Lituchy, was called to give evidence regarding interviews he conducted with Kosovo refugees following NATO's 1999 attack on Yugoslavia.

Unfortunately, the witness has insisted on keeping the identities of the Albanians that he interviewed a secret. The behavior of the witness is puzzling given that he published the transcripts of the interviews five years ago, together with the names of the people he interviewed. His insistence on secrecy now, five years after the fact, is bewildering.

Mr. Lituchy is the first defense witness to take so much time in closed session. Secrecy like this has not been seen since the prosecution presented its case.

Mr. Nice quickly managed to exploit the secrecy surrounding Mr. Lituchy's interviews. Mr. Nice claimed to have contacted one of the Albanians that Lituchy interviewed. Of course Mr. Nice is barred from identifying the Albanian he spoke with, due to the protective measures surrounding Mr. Lituchy's testimony.

According to Mr. Nice, the Albanian (whose identity can't be revealed) said that the interview conducted by Lituchy was arranged by the Serbian government for propaganda purposes, and that it was given in the presence of plain-clothes Serbian police in Belgrade.

It is entirely possible that Mr. Nice did not speak to anybody. But since he is prohibited from identifying the Albanian that he allegedly spoke to, he is free to say anything he likes. Given that the identity of the Albanian is a secret, Mr. Nice does not have to worry about getting caught in any lies by the person he claims to have spoken to.

After Mr. Nice's submissions, the witness resumed the examination-in-chief for a few minutes. During these few moments of open session, Mr. Lituchy told the court that the Albanians he interviewed had been terrorized by the KLA.

After only a few minutes of open session testimony, the tribunal went into closed session and stayed there for the rest of the day.

Mr. Lituchy's decision to give testimony in closed session is as unfortunate as it is irrational. This secrecy has given Mr. Nice a free pass to put words into the mouths of the Albanians that Lituchy claims to have interviewed.

Up until this witness, the defense has been completely open and transparent with no protected witnesses, and very few closed sessions. The longest closed session in the defense case, prior to Lituchy's testimony, was only two minutes long.

Secrecy only benefits the prosecution. Secrecy gives the prosecution a cloak that it can hide behind. From such a cloaked position the prosecution can tell any lie that it wants without worry of getting caught.

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LITUCHY CONCLUDES HIS TESTIMONY

www.slobodan-milosevic.org - March 14, 2005

Written by: Andy Wilcoxson

Barry Lituchy concluded his testimony at the trial of Slobodan Milosevic on Monday. The witness, a history professor from New York, had been called to give evidence regarding interviews given to him by Kosovo refugees in August 1999.

Last week Mr. Lituchy gave evidence regarding interviews given to him by three Albanian refugees, unfortunately most of that evidence was given in closed session.

Mr. Lituchy also interviewed Roma refugees and that evidence was given in open session today. The Roma told him that they were chased out of Kosovo by armed Albanians. They said that their homes and property were stolen from them and that the Albanians tortured, and even killed, some of them.

The refugees said that the Yugoslav Army had protected them and that they were only forced to flee after the Army left Kosovo.

Mr. Lituchy said that Egyptians were persecuted by the Albanians if they were openly Egyptian. Lituchy said that Egyptians, who are Albanian-speaking Muslim gypsies, could only be safe in Kosovo if they claimed to be Albanians.

Lituchy testified that the Western NGOs were providing humanitarian aid exclusively to Albanians. He said that Roma and other non-Albanian refugees had to fend for themselves.

Following the examination-in-chief, the witness was cross-examined by Mr. Nice. Mr. Nice spent the balance of his time trying to damage the credibility of the witness.

Mr. Lituchy has published transcripts of the interviews he conducted. Unfortunately, the transcripts are not faithful to what was actually said in the interviews. It appears as if the people translating, compiling, and editing the transcripts altered them to obtain a political effect. Mr. Nice spent most of his cross-examination driving that point home.

However, the unfaithfulness of the transcripts is not an issue in the trial since the transcripts were never introduced as exhibits by the defense. It was Slobodan Milosevic who first pointed out that the transcripts were not faithful. What was exhibited by the defense were the raw videotapes of the interviews, and Mr. Nice never called the authenticity of the tapes into question.

The only real point that Mr. Nice scored against the witness happened when Mr. Lituchy gave an over-the-top answer to the following question: Mr. Nice asked Lituchy if he considered Bill Clinton to be worse than Adolph Hitler. Lituchy responded, "At least Hitler didn't commit any sex offenses."

At one point Mr. Nice's cross-examination bordered on racism. Mr. Nice insinuated that Mr. Lituchy was an unreliable witness because his grandparents are Serbian. Of course that is nothing more simple racism on Mr. Nice's part.

Last week, Mr. Nice claimed to have spoken to one of the Albanians that Lituchy interviewed. The name of the Albanian can not be revealed because of protective measures, but Mr. Nice claimed that the Albanian told him that plain-clothed Serbian police were present during Lituchy's interview.

In court today, Mr. Nice produced a written statement from the Albanian in question. The statement conflicted with what Mr. Nice had said before. The Albanian did not say that the police were present during the interview; he said that they were at the hotel, but not in the same room where the interview was being conducted.

Mr. Nice had also claimed that the Albanian was not standing by what he had said during the interview. Mr. Nice said that the Albanian preferred that the video of his interview be played in closed-session on the grounds that he no longer stands by the things he said in the interview.

During Lituchy's re-examination, Milosevic read from the written statement given to Mr. Nice and the Albanian said that he would prefer a closed session, not because he denied what he had said on the tape, but because he has returned to Kosovo and is concerned for his family's safety.

The bottom-line is that the Albanian left Kosovo and went to Belgrade after NATO occupied Kosovo. That fact alone shows that the Albanian had nothing to fear from the Serbian Government. If the Serbian Government was such an awful boogiemán, then the Albanian would have stayed in Kosovo - he would not have gone to Belgrade.

GEN. GOJOVIC SAYS THAT MUSLIMS STAGED ATROCITIES AGAINST THEMSELVES IN SARAJEVO

www.slobodan-milosevic.org – March 15, 2005

Written by: Andy Wilcoxson

General Radomir Gojovic, former head of the Legal Directorate at the Yugoslav Defense Ministry, testified as a defense witness at the trial of Slobodan Milosevic on Tuesday.

A great deal of Gojovic's testimony dealt with his time as a JNA military prosecutor in Sarajevo. Gojovic said that the JNA lost 26 men without firing a single shot in early 1992. He said that the Army was attacked by Muslim paramilitary forces and did not even return fire in self-defense.

General Gojovic testified as to his personal experience being sniped at in Sarajevo in 1991 in order to support the Defense contention that charges of sniping attributed to VRS or JNA forces were more properly ascribed to Muslim forces. General Gojovic singled out sniping at Novi Grad in Sarajevo as a case in point.

The witness said that Muslim snipers recognized Serbs from their clothing: women by their black clothes and men by their caps.

Gojovic said that the Muslims also inflicted atrocities against themselves and then blamed the JNA. He recounted one instance when Muslim forces in Mojnilo shelled civilian buildings in Sarajevo and then blamed the army for the shelling. Gojovic was a direct witness to this event. He was stationed at the Viktor Bubanj Barracks in Sarajevo and the shells flew right over his base.

Gen. Gojovic recounted information that he received from an eyewitness to the "breadline massacre" that happened in Sarajevo on Vase Miskina Street in May 1992, leaving 16 people dead.

Nedeljko Lizdek, a military police officer who died in 1994, told Gojovic that he saw TV cameras being set up on Vase Miskina Street just prior to the explosion.

This is eerily similar to Gen. MacKenzie's account of the Markale Market Massacre. Gen. MacKenzie has claimed that journalists were brought in prior to that event too.

Lizdek, who returned to the scene after the explosion, told Gojovic that there was no crater left by the explosion. He said that he saw people hammering a hole into the ground the day after the explosion in order to simulate a mortar crater.

On August 22, 1992 the London Independent published excerpts from classified reports given to the UN force commander, General Satish Nambiar. The reports say that Muslim forces loyal to Alija Izetbegovic may have detonated a bomb.

"We believe it was a command-detonated explosion, probably in a can," a UN official said then. "The impact which is there now is not necessarily similar or anywhere near as large as we came to expect with a mortar round landing on a paved surface."

Evidence that the breadline massacre was staged is important because the televised scenes of civilians cut to pieces by the explosion as they queued for bread horrified international public opinion and added to pressure for Western military intervention against the Serbs.

Secondly, the explosion on Vase Miskina Street, was used by Muslims in order to break-off European Community-brokered talks on the state organization of Bosnia-Herzegovina, under the pretext that they have nothing to talk about with Serbs who, allegedly, carry out such massacres.

Mr. Nice strenuously objected to Gojovic's testimony concerning the massacre on grounds that it was hearsay from the now deceased Mr. Lizdek. Mr. Nice's objection is nonsense since there is other evidence that corroborates the truthfulness of the testimony.

Mr. Nice's objection to hearsay in the defense case is laughable. Mr. Nice relied on hearsay of the worst kind throughout the prosecution case. When Slobodan Lazarevic testified for the prosecution, he said that he overheard a couple of drunk JNA soldiers talking about "greater Serbia" in a bar, and Mr. Nice gladly took that as evidence of a "greater Serbia" conspiracy.

Gojovic testified that charges had been brought against VJ members who had been found to commit crimes during the 1999 Kosovo conflict. His testimony refutes the claim that the Yugoslav Government failed to prevent and punish war

The testimony of Gen. Gojovic is corroborated by the testimony of prosecution witness Radomir Markovic. On July 26, 2002 Markovic testified that hundreds of members of the Serbian Police and Yugoslav Army were prosecuted by the Yugoslav justice system because they had committed crimes in Kosovo (See page 8729 and 8730 of the July 26, 2002 trial transcript).

Both Markovic and Gojovic have testified that the orders issued to the army police personnel explicitly called for the punishment of any member who violated the laws or customs of war. The orders mandated strict adherence to the Geneva Conventions, and the protection of the civilian population.

The fact that the Yugoslav government prosecuted its own soldiers and police shows that there was no plan, conspiracy, or joint criminal enterprise aimed at ethnically cleansing the Kosovo Albanians. Gojovic is expected to give more evidence regarding military prosecutions tomorrow.

This evidence is very bad for the prosecution. The prosecution has failed to present any written or oral orders issued by Milosevic or the main command of the VJ or MUP that indicate a policy of criminality. The prosecution case relies on the existence of an unspoken policy of war criminality. Evidence that the Government prosecuted war crimes refutes the idea of an unspoken policy of war crimes.

General Gojovic's testimony will continue on Wednesday.

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GEN. GOJOVIC TESTIFIES THAT KOSOVO WAR CRIMES WERE SEVERELY PUNISHED BY THE YUGOSLAV ARMY

www.slobodan-milosevic.org - March 16, 2005

Written by: Andy Wilcoxson

General Radomir Gojovic continued his testimony at the trial of Slobodan Milosevic on Wednesday. Gen. Gojovic was the head of the Legal Directorate at the Yugoslav Defense Ministry during the 1999 Kosovo war.

Gen. Gojovic's testimony goes to show that Yugoslav authorities took adequate steps to prevent and punish crimes in Kosovo during the war. His evidence demonstrates that the Yugoslav Army did not tolerate criminal activity in its ranks, and that soldiers who committed crimes were severely punished.

On Tuesday Slobodan Milosevic exhibited numerous pamphlets containing codes of conduct that were distributed to the personnel of the Yugoslav Army. All personnel were ordered to respect civilians, treat enemy prisoners humanely and observe the laws of war. Gojovic testified that military officers were given strict orders to enforce the principles of international humanitarian law. The witness provided orders from the Supreme Command, including one order that he drafted and which was signed by General Ojdanic that instructed soldiers to abide by the Geneva Conventions.

In spite of the very clear orders that the army was given, some VJ soldiers committed serious crimes in Kosovo including murder, rape, robbery, crimes against property, and war crimes. Gen. Gojovic, as a senior official in the military justice system, was tasked with prosecuting soldiers who committed such crimes.

As of May 12, 1999 Yugoslav military prosecutors had received 18,541 reports of criminal activity in Kosovo. Indictments were raised against 6,708 soldiers and 2,185 were convicted. Some soldiers even received the death penalty for their crimes.

The above figures only reflect the work of the military courts as of May 12, 1999. When the state of war ended on June 10, 1999, most of the cases pending before the military courts were handed over to the civilian courts. Gen. Gojovic explained that reservists committed most of the crimes. When the state of war ended the reservists ceased being members of the armed forces, and therefore it fell to the civilian courts to prosecute them. The work of civilian courts is out of this witness's competence. But it is clear that an even greater number of soldiers were prosecuted for crimes that they committed in Kosovo.

Gen. Gojovic exhibited a large file of documents laying out the work of the Yugoslav military's justice system. These documents identify the soldiers who committed crimes, the crimes they committed, and the status of the court proceedings against them as of 2001, which is when the documents were prepared.

The documents contain information about some of the crimes alleged in the indictment, such as the killing of 140 ethnic-Albanians in Izbica. Some of the crimes alleged by the indictment were not included in the documents, and other crimes, which are not listed in the indictment, are included.

The witness testified that NATO bombing dispersed army units because concentrations of soldiers would have been bombed. He said that the NATO bombing cut lines of communication and made it impossible for commanders to keep track of everything their subordinates were doing. Those sorts of war conditions made it impossible for every crime to be discovered and prosecuted. Furthermore, there were cases when investigators were fired on by the KLA, and investigations could not be conducted at all.

Gen. Gojovic said that every crime that could be prosecuted was prosecuted. He said that there was never a case when evidence of a crime came to light and proceedings were not launched.

Following Gen. Gojovic's examination-in-chief, Mr. Nice began his cross-examination. Mr. Nice chastised the witness because a great many of the crimes that were prosecuted were not specifically prosecuted as "war crimes."

Gen. Gojovic explained that many of the crimes were not prosecuted as "war crimes" because war crimes carry a lighter punishment under Yugoslav law. For example, if a soldier kills a civilian and the act is deemed a "war crime," the minimum prison sentence is 5 years. But, if the soldier is convicted of a regular murder, then the minimum prison term is 10 years. That is why many Yugoslav prosecutors elected to prosecute soldiers as regular criminals and not necessarily as "war criminals."

General Gojovic testified that the work of the military prosecutors and courts would have been far more effective had NATO not expelled Yugoslav forces from Kosovo. For example, in a case where an underage Albanian girl was raped a Yugoslav soldier, UNMIK has been unwilling to help Serbian authorities contact the victim to gather evidence against the perpetrator.

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The General Gojovic's testimony will continue when the trial sits again next Tuesday.

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GEN. GOJOVIC CONCLUDES HIS TESTIMONY

www.slobodan-milosevic.org - March 22, 2005

Written by: Andy Wilcoxson

General Radomir Gojovic, the head of the Legal Directorate at the Yugoslav Defense Ministry during the 1999 Kosovo war, continued his testimony at the trial of Slobodan Milosevic on Tuesday.

Prosecutor Geoffrey Nice spent most of the day engaged in a futile attempt at cross-examination. Mr. Nice began by accusing the military judiciary of being derelict in its duty because it did not investigate claims that a massacre had taken place at Racak in February 1999.

Gen. Gojovic had to spend a great deal of time explaining to Mr. Nice that the military judiciary did not investigate Racak because the Army was nowhere near Racak at the time. The military judiciary only investigated matters that involved the military.

Gen. Gojovic patiently explained to the prosecutor that the district court in Pristina was tasked with investigating Racak, not the military.

Mr. Nice unsuccessfully attempted to challenge the credibility of the witness by bringing up statements from people who had spoken out against him. Among his detractors were the lawyers of an accused that Gojovic had convicted when he was a judge, a military prosecutor that Gojovic had fired for being a drunk and getting into a fist-fight, and the ubiquitous Natasa Kandic.

Mr. Nice did not deny that a number of soldiers were prosecuted both during and after the war for crimes they had committed in Kosovo. Nonetheless, he went on to accuse the Serbian judiciary of being remiss in its duty to carry out criminal prosecutions after the end of the war.

Gen. Gojovic explained to the untoward prosecutor that certain cases could not be prosecuted after the war because UNMIK refused to cooperate with the Serbian judiciary, and the Military Technical Agreement prevents Serbian police and military personnel from going to Kosovo to conducting investigations.

Mr. Nice scoffed at the notion that UNMIK was uncooperative, and challenged Gojovic to give an example of non-cooperation. The witness easily rose to the prosecutor's challenge and pointed to an example where UNMIK refused to help the Serbian judiciary arrange for an Albanian woman to testify against a VJ soldier who had been charged with raping her.

In re-examination from Milosevic, the point against UNMIK was sharpened even further. Gen. Gojovic confirmed that UNMIK maliciously blocked the work of the Serbian courts, especially when it intervened to prevent Hungary from extraditing Agim Ceku to Serbia last year.

Gen. Gojovic testified that UNMIK has failed in its duty at every turn. Failure to cooperate with the Serbian Judiciary is the least of the problems with UNMIK. Under UNMIK's auspices, 300,000 non-Albanians have been ethnically cleansed from Kosovo. Rampaging Albanian mobs, which freely operated under the watchful eyes of 40,000 KFOR and UNMIK personnel, have destroyed almost 200 medieval Christian churches in Kosovo, and murdered scores of non-Albanians.

The Judges, desperate to keep evidence against UNMIK out of the trial transcript, pretended not to understand the relevance of the evidence about UNMIK and prohibited Milosevic from pursuing that line of questioning.

The relevance is obvious. Mr. Nice derided the witness and accused him of being a liar when he testified that UNMIK would not cooperate with the Serbian judiciary. This evidence is directly related to the credibility of UNMIK, and its disinclination towards carrying out its mandate as defined by Resolution 1244.

During the cross-examination Mr. Nice implied that an inadequate number of soldiers were prosecuted for crimes. In spite of the prosecutor's opinion, the fact remains that Gojovic supplied documentation that shows more than 2,000 VJ soldiers had been convicted of crimes in Kosovo, by the military judiciary, as early as May 15, 1999.

In spite of the round the clock NATO bombing, and in spite of KLA's terrorist attacks, the Yugoslav military judiciary persevered and continued to discharge its duty. Gen. Gojovic said that charges were brought every time evidence of a crime was uncovered. He testified that there were no exceptions to that rule.

During the cross-examination Mr. Nice asked if the military judiciary undertook investigations into claims of ethnic cleansing on the basis of what was being reported by CNN and the BBC.

In a fruitless effort to sharpen his point out, Mr. Nice played a CNN video clip where the reporter accused the Serbs of

ethnic cleansing. Unfortunately for Mr. Nice, the CNN reporter was quite the little drama queen. The camera opened on a shot of the Yugoslav flag flying at a border crossing, and the reporter commented, "Expelled under the symbol of Serbian nationalism, these Albanian refugees..." and it went on like that.

Of course the military judiciary did not waste its time investigating the fictitious claims of CNN. It would be like expecting the Pentagon to launch an inquiry every time Al-Jazeera accuses American soldiers of an atrocity.

In re-examination, Milosevic asked Gen. Gojovic about the CNN clip. The witness said that the reporter was acting ridiculous, as if he were some sort of sports commentator. He said that the commentary about the Yugoslav flag at the border being "the symbol of Serbian nationalism" demonstrated that the story was crude propaganda; adding that it is common for all nations to fly their flag on their border posts.

During the cross-examination, Mr. Nice brought up the fact that the VJ exhumed the bodies of 101 ethnic Albanians at Izbica. According to the witness the exhumations were made in order to carry out identifications, autopsies, and to learn the circumstances of their deaths.

Documentation concerning the exhumations is publicly available from the military judiciary, and it was part of the documents that Gojovic brought with him to the ICTY. After the investigations, the bodies were buried at a military instillation in central Serbia. Mr. Nice said that this was evidence of a cover-up. Mr. Nice said that the Serbian Government was hiding the bodies to conceal evidence of its alleged crimes.

As President Milosevic pointed out, Mr. Nice's reasoning has one flaw, it was never a secret that those bodies were exhumed and brought to central Serbia. Therefore it is ridiculous to speak of hiding bodies, especially when the operation isn't a secret and when the relevant documents are available to the public.

After Gen. Gojovic concluded his testimony, Judge Danica Marenkovic took the stand. Mrs. Marenkovic was the investigating Judge who investigated the alleged massacre at Racak in January 1999. She is an ethnic Macedonian and was elected to her judgeship in 1984 by the Kosovo Assembly.

Because she began her testimony late in the day, things did not get past her CV. She will continue her testimony tomorrow.

###

JUDGE MARINKOVIC TAKES THE WITNESS STAND

www.slobodan-milosevic.org - March 23, 2005

Written by: Andy Wilcoxson

The Honorable Judge Danica Marenkovic took the stand, as a defense witness, at the trial of Slobodan Milosevic on Wednesday. Mrs. Marenkovic is an ethnic Macedonian, she was elected to her judgeship in 1984 by the Kosovo assembly. She worked at the district court in Pristina, and was the investigating judge who investigated the alleged massacre at Racak on January 15, 1999.

She began her testimony by answering questions about the status of Albanian and other non-Serbian judges in Kosovo. The indictment against Milosevic alleges that judges were dismissed because of their ethnicity.

Judge Marenkovic explained that the claims contained in the indictment were untrue. She said that no judges were dismissed, as that would have been illegal. The only way that a judge could lose their judgeship was to commit a crime, quit, or retire. She said that nobody in the judiciary was discriminated against because of his or her ethnicity. She pointed out that Albanian judges even sat on the Serbian Supreme Court and on the Constitutional Court, during the time covered by the indictment.

She testified that the KLA was legally classified as a terrorist organization, and that it was formed as early as 1992. She said that the Serbian authorities did not take any large-scale action against the KLA until March of 1998 when they killed Adem Jasari and his men. She said that Jasari had been accused of murder, and when the police tried to arrest him, he and his henchmen opened fire against the police. The police returned fire, killing Jasari and some of his men.

The witness described the KLA's operations. She said that they carried out ambushes and hit-and-run attacks against police and civilians, as well as refugees from Bosnia and Croatia that were housed in Kosovo refugee camps.

On January 15, 1999 at about 9 AM, Judge Marenkovic received a report that the police had clashed with the KLA in Racak early that morning. She took a crime scene technician, Ismet Sufa (an ethnic Turk), to Racak with her in order to carry out an investigation.

Slobodan Milosevic played a video tape of the police operation in court today. On that tape one could see the police entering Racak on the morning of January 15th. The OSCE's orange vans could clearly be seen on that tape as they watched the police operation from a hill overlooking the village. It was clear from the tape that the police were under fire. It would have been impossible for them to round up villagers and march them up to the ravine, let alone do it without the OSCE or the media seeing them.

Judge Marenkovic first arrived in Racak at approximately 2 PM on the 15th. She did not see evidence of shelling. None of the houses had damage that would indicate mortar fire. This is important because the indictment alleges that the Yugoslav army shelled Racak. She said that there was no evidence the army was anywhere near Racak.

When her team was about to go looking for people who might have been killed in the fighting they came under automatic weapons fire, and had to leave the village.

When her team attempted to return on the morning of the 16th of January, they were fired on again. She testified that her team was being fired on at the same time as William Walker was up at the ravine proclaiming that a massacre had happened.

Judge Marenkovic said that Walker's conduct was improper. The KVM was supposed to be in Kosovo to monitor the work of the army and police, not to investigate crime scenes independently and draw conclusions.

She attempted to return to Racak together with her team again on the 17th of January. Again she was fired on. A video tape of the incident was played for the tribunal. The video depicted her and her colleagues hiding behind a car as automatic weapons fire was directed against them.

She testified that Gen. Drewienkiewicz, the British General in charge of planning for the OSCE-KVM in Kosovo, tried to obstruct her from carrying out an investigation in Racak.

On January 18th, Gen. DZ told her that she could not take members of her investigating team to Racak. He also said that she could not take the police, because the villagers (who he claimed were unarmed) would open fire against the investigators if the police were present. At one point Gen. DZ even threatened to report Judge Marenkovic to the Hague Tribunal if she attempted to carry out an investigation with her staff.

In spite of Gen. DZ's belligerence, Judge Marenkovic went to Racak and was able to carry out an investigation on January 18th.

When she got to Racak she found trenches and bunkers that had been built by the KLA. These bunkers and trenches were video taped and the tape was played at the tribunal today. It was clear that the trenches had been used, they were littered with shell casings, and in one case a rifle tripod was left in a machine-gun nest that had been fortified with sandbags.

Her investigators also found weapons and KLA documents in the village itself. There were KLA uniforms, a large quantity of weapons, duty rosters, etc... and all of that was itemized and video taped. That videotape was also played at the tribunal today.

The topic of the bodies and the forensic investigation was broached at the end of the hearing today. The witness testified that 40 dead bodies, which had been placed in the mosque by the time she reached the village, were transported to the Institute of Forensics in Pristina.

She explained the composition of the forensic team that autopsied the bodies. The best experts from Serbia and Belarus were called in, and a team from Finland (led by Helena Ranta) joined the investigation later on.

She said that the forensic investigation revealed that the victims had been killed by gunfire that came from a long distance. That is where things ended on Wednesday. Judge Marinkovic will continue her testimony on Thursday.

###

RACAK "VICTIMS" HAD GUNPOWDER ON THEIR HANDS AND WERE KNOWN KLA MEMBERS

www.slobodan-milosevic.org - March 24, 2005

Written by: Andy Wilcoxson

Judge Danica Marenkovic continued her testimony at the trial of Slobodan Milosevic on Thursday. She was the Investigating Judge from the Pristina District Court, and in January 1999 she investigated the alleged massacre in the village of Racak.

Racak is an important event because it is the only war crime that Serbia is accused of committing in Kosovo prior to the NATO bombing. The accusation that the Serbs perpetrated a massacre in Racak helped give political justification to the NATO aggression that was launched against Yugoslavia exactly six years ago today.

On Wednesday Judge Marenkovic testified that a team of international forensic investigators from Serbia, Belarus, and Finland determined that the 40 corpses found in the village were shot from a distance. They were not executed at close-range as certain Western politicians and media had claimed.

Today Judge Marenkovic testified that the forensic team identified all 40 of the bodies. The names of 36 of them can be found on the indictment against Milosevic. 9 of the names listed on the indictment were not among the 40, and 4 people that were found by Marenkovic are not on the indictment.

The forensic analysis revealed that 37 of the 40 bodies had gunpowder residue on their hands, which indicates that they had been firing weapons shortly before they died. Judge Marenkovic said that many of the bodies were wearing combat boots, multiple layers of clothing, some even wore heavy woolen military pants. She also noted that most of the corpses were wearing identical leather belts.

Obviously, these were not simple unarmed village folks who had been massacred in cold blood. These people were dressed to be outside, and they had gunpowder traces on their hands. They were clearly armed combatants, not innocent civilians.

To take the point even further, these people were very likely members of the KLA. Judge Marenkovic brought a series of police reports and official witness statements to court with her. These documents revealed that 7 of the 40 had been conclusively identified as members of the KLA before the 15th of January 1999, the day of the infamous Racak

The police reports and the sworn witness statements were consistent with one another and clearly demonstrated that Racak was a KLA stronghold prior to January 15th.

The documents complemented Judge Marenkovic's testimony perfectly. As was noted yesterday, she found trenches and bunkers littered with shell casings. She also found machine gun nests, and a large quantity of weapons in the village. All of that was videotaped and the tape was played yesterday. The tape even showed the KLA headquarters in Racak complete with uniforms, weapons, and a duty roster.

It was clear from the videotapes played yesterday that there was an exchange of fire in the village. The police, who were being videotaped by the media and watched by the OSCE, were under fire from the moment they entered the village. They could not have rounded-up people and massacred them – it simply was not possible. The police could only return fire when they were shot at.

Furthermore, according to Judge Marinkovic's testimony, all of the civilians had left Racak ahead of the operation. The only ones in the village when the police arrived were the KLA.

The people who were killed were obviously members of the KLA. They were dressed to spend prolonged periods of time outside, they were wearing army boots, and they had gunpowder traces on their hands. Things could not be anymore clear.

William Walker, Bill Clinton, and scores of other Western politicians clearly lied when they accused the Serbian police of massacring civilians at Racak. The only thing the police could do was shoot back at the people who were shooting at them.

Judge Marenkovic went to the spot where Walker said the massacre had taken place and found no evidence to

<http://www.slobodan-milosevic.org/news/smorg032405.htm>

corroborate his claims. There were no blood splatters or fragments to indicate a massacre had happened at that spot.

In addition to Racak, Judge Marenkovic testified about a real massacre that the KLA perpetrated in 1998 at Kletchka where scores of Serb and Albanian civilians, some of whom were children as young as 9 and 12 years old, were raped, killed, and dismembered. There was videotape of this massacre, but the tribunal would not allow it to be played.

The indictment against Milosevic also accuses Serbian police of executing Albanian prisoners at the Dubrava prison in Istok. It just so happens that Mrs. Marenkovic investigated the death of these prisoners as part of her duties as an investigating judge.

She came to the tribunal with all of the proper forensic reports and witness statements, and it emerged that the NATO bombing killed the prisoners, not the police. Eyewitnesses saw the prison being bombed by NATO warplanes, and the forensic analysis of the victims' corpses proved that they had been killed by blast injuries, not executed with firearms as the indictment claims.

With that her examination-in-chief came to an end. She will be cross-examined by Mr. Nice when the trial resumes on Wednesday, April 6th.

###

Sagittarius

Van: "R Despotovic" <despot@tiscali.nl>
Aan: "Meindert Stelling" <meindert.stelling@planet.nl>; "Nico Varkevisser" <nico.v@slobodan-milosevic.org>; "Nico Steijnen" <nico.s@slobodan-milosevic.org>
Verzonden: dinsdag 5 april 2005 8:35
Onderwerp: Fw: CDSM: Article - 'Justice at The Hague?'

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

From: Misha Gavrilovic
To: [Branka Obradovic](#) ; [Ksenija Sigulinski](#) ; [Ljiljana Verner](#) ; [Olga Daric](#) ; [Ruza Despotovic](#)
Sent: Tuesday, April 05, 2005 12:45 AM
Subject: FW: CDSM: Article - 'Justice at The Hague?'

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

From: Ian Johnson [mailto:i-johnson@lineone.net]
Sent: 25 March 2005 15:57
To: nedaista1@ntlworld.com
Subject: CDSM: Article - 'Justice at The Hague?'

The URL for this article is:
http://www.free-slobo-uk.org/media_james

Morning Star article published March 23, 2005 (6th anniversary of NATO aggression)
 by CHRISTOPHER JAMES

Justice at The Hague?

IS there anybody left who still believes that Slobodan Milosevic is receiving justice at The Hague? If so, would they please turn off the light when leaving the room and heed Alice Mahon's damning indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY), which the veteran Labour MP insists must be abolished.

The tribunal, where the former Yugoslav president's trial entered its fourth year last month, is a "festering sore at the heart of Yugoslavia," says the Halifax MP and Committee for Peace in the Balkans chairwoman, who witnessed first-hand the devastation wreaked by NATO during the western military alliance's 78-day aerial bombardment of the country in 1999.

Readers may recall that President Milosevic's indictment, covering alleged crimes supposedly committed several years earlier, was issued by ICTY prosecutors to coincide with the first bombs falling on Belgrade, exposing the tribunal's hand-in-glove relationship with NATO.

Over 23,000 tons of explosives were dropped on Yugoslavia - greater than the power of the Hiroshima bomb - during this illegal NATO assault, culminating in the annexation of the southern Serbian province of Kosovo and the subsequent expulsion of 200,000 Serbs, Roma, Jews, Turks and other non-Albanian minorities by the west's local proxies, the Kosovo Liberation Army.

Ms Mahon, who is among the speakers at this week's House of Commons rally in commemoration of the 6th anniversary of the bombing, recently secured a parliamentary debate on the ICTY - a first for a national legislature in any NATO country and a rare opportunity to put the growing opposition to the tribunal on the record.

She describes the tribunal - railroad through the United Nations Security Council by Washington in breach of the UN Charter - as a "victor's court," that was "founded by the west, funded largely by the west and staffed at very senior levels by the west."

Hague prosecutors, such as Louise Arbour (who issued the Milosevic indictment) and his current inquisitor Carla del Ponte, are "creatures of NATO," says Ms Mahon, who cites the following damning confession from chief NATO spindoctor Jamie Shea: "NATO is the friend of the tribunal. NATO countries are those that have provided the finances to set up the tribunal."

Ms Mahon is backed by former United States attorney general Ramsey Clark, who served under president Lyndon Johnson in the 1960s before turning peace campaigner and social activist during the Vietnam war.

"You can read the UN Charter all you want and you will never find any provision that authorises the creation of the ICTY," says Mr Clark, who advises President Milosevic on his defence.

He cites Washington's "feverish opposition" to the establishment of the International Criminal Court (ICC), which would be empowered to try US citizens, as proof of its duplicity.

"Equality is the mother of justice - if equal justice under law is the founding principle of the rule of law then the ICTY fails to meet most of the standards because it persecutes only the enemies of the United States to ensure further domination of the region. In a sense it's more deadly than the bombs."

Amid the current chorus of protest sparked by the Blair government's determination to overturn our ancient and fundamental legal rights in pursuit of the "war on terror," a grand irony has emerged.

Just a few month's ago, the very same protesting champions of our indivisible legal rights - whether leftists, liberals or human rights campaigners - were struck dumb when the ICTY took the dramatic step of stripping President Milosevic of the right to conduct his own defence.

The denial of this fundamental principle coupled with the imposition of a highly dubious, court-appointed, "defence" team against Milosevic's will, rolled back precious legal freedoms and safeguards enjoyed by citizens since the abolition of the Star Chamber in the Middle Ages.

Quite why such a deafening silence should greet this unprecedented assault on our legal traditions, at least as threatening to civil liberties as anything passed by Parliament this month, takes little fathoming - support for Milosevic, even when he is right, is clearly considered beyond the pale.

Strange as solidarity with Milosevic might sound to most Western ears, including those within progressive circles, it is par for the course elsewhere on our planet - particularly among governments and parties with first-hand experience of imperialist domination.

Here is what one senior Sandinista official, representing former Nicaraguan president Daniel Ortega, told the most recent congress of the Socialist Party of Serbia, the party which Milosevic continues to lead from his prison cell and one which welcomed officials from the ANC and PLO as well as Cuban, Vietnamese and Russian communist parties on the very same platform.

"I have seen a president who is stronger than ever. President Milosevic is more liked than ever, not only among his compatriots but also in the progressive part of the entire world community," he said.

That the Sandinistas should keenly feel such solidarity with the former Yugoslav president and his comrades is unsurprising given that they themselves endured similar strategies of vilification, demonisation and

restabilisation at the hands of imperialism as that suffered by Milosevic, Serbs in general and Yugoslavia as a whole.

In her groundbreaking work on the 1990s Balkans conflict, Fools Crusade, US academic Diana Johnstone recalls how lurid allegations of Sandinista "death/rape camps," abounded in the 1980s, foreshadowing phoney accusations made against Serbs a decade later, while the US supported Contra terrorists in central America just as they sponsored fanatical Saudi and Pakistani mujaheddin in Bosnia.

The Sandinistas famously lost power to US-backed forces in Nicaragua's 1990 election in much the same way as Milosevic did in 2001, shortly before he was snatched from Belgrade and illegally transferred to The Hague in defiance of Yugoslavia's constitutional court.

Both narrowly lost power to Washington-sponsored "democrats," a pattern recently repeated through the theatrical "people's revolutions" in the former Soviet republics of Georgia and Ukraine - precedents that similarly threaten several resource-rich central Asian states, as the NATO new world order closes in on Russia.

* Christopher James edits the website: www.free-slobo-uk.org

JUDGE MARINKOVIC DESTROYS MR. NICE'S CROSS-EXAMINATION

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

Written by: Andy Wilcoxson

Mrs. Danica Marinkovic, the Investigating Judge who led the inquiry of events in the Kosovo village of Racak on January 15, 1999 was cross-examined by prosecutor Geoffrey Nice at the Hague Tribunal's trial of Slobodan Milosevic on Wednesday.

Her testimony resumes after a nearly 2-week break in the proceedings taken for the Easter holidays. Her evidence dealt with the forensic evidence that she gathered in Racak. She testified that she found evidence of KLA activities in Racak including, trenches, weapons, machinegun nests, bunkers, and shell casings in the hills overlooking the village. In the village itself she found the KLA's headquarters, which contained weapons, KLA duty rosters, and uniforms.

During her examination-in-chief, a number of videotapes were exhibited, these tapes showed the police entering Racak, and the presence of OSCE and media representatives on the spot at the time. It is clear from the tapes that there was a firefight between the police and the KLA. The tapes contained footage of the trenches, weapons, and various other proof of KLA activity.

Judge Marinkovic's testimony also dealt with autopsies that international forensic teams from Serbia, Belarus, and Finland performed on the 40 bodies that were found in the village. The autopsies revealed that the bodies had been killed from gunshot wounds that came from several different angles, from different weapons, and from a long distance. The autopsies revealed that 37 of the 40 bodies had gunpowder traces on their hands, which means that they had been firing weapons.

From the forensic evidence, it is obvious that there was no massacre in Racak. There was a clash between the Police and armed members of the KLA terrorist organization, in which a number of terrorists were killed.

The forensic evidence is clear and convincing. There is no point in attempting to contest it. Mr. Nice saw this, and focused his cross-examination on character assassination instead.

Mr. Nice led his cross-examination with an article Natasa Kandic wrote for B92's website. Ms. Kandic, who Mr. Nice praised as "the conscience of the Serbs," claimed, without naming a single source that some police had been ordered to kill an Albanian family by Judge Marinkovic.

This was too much, even for the tribunal, and Judge Robinson scolded Mr. Nice for leveling such a severe allegation on such a flimsy basis. He told the prosecutor to provide corroborating evidence for such an extreme accusation. Mr. Nice could not provide anything besides Ms. Kandic's baseless assertion, and so he dropped the issue saying that he was "only concerned with the reputation of the witness."

In spite of getting burned once, Mr. Nice persisted in praising Ms. Kandic, he said that she "publishes what others don't have the courage to." Mr. Nice went on to read from the same report. Ms. Kandic claimed that Judge Marinkovic had covered-up evidence connected to the killing of Fehmi Agani, a Kosovo-Albanian politician.

Judge Marinkovic dismissed Ms. Kandic's remarks as absurd. She then pulled out the case files concerning the Agani case. The files reveal that Agani was killed by the KLA, and not by the police as Ms. Kandic claimed. Agani was a leading member of the LDK party, which was connected to FARK (a Kosovo-Albanian paramilitary group that rivaled the KLA).

Mr. Nice was amazed that Judge Marinkovic had the files handy. The befuddled prosecutor asked her how she knew that he would rely on Natasa Kandic's articles. As if he were on a mission to prove that he had lost his mind, Mr. Nice asked the witness if she was receiving intelligence information from inside of the OTP.

Mr. Nice went on to ask the witness questions about her personal life and her family, specifically about her husband, and whether he had participated in Kosovo-Serb demonstrations during the 1980s.

When he finally turned his attention to Racak, he did not ask very much about the forensic evidence. Instead, he criticized Judge Marinkovic for not taking statements from witnesses.

This proved to be a weak line of cross-examination for the prosecutor, because it was outside of Judge Marinkovic's mandate to take witness statements if the public prosecutor did not ask for them. Secondly, videotapes, and other forensic evidence exist. Whatever people might have said does not matter when there is hard physical proof, including videotapes that prove what actually happened.

The only piece of forensic evidence that Mr. Nice tried to refute was Judge Marinkovic's observation that a lot of the corpses were wearing identical leather belts.

Mr. Nice showed her pictures of dead bodies who he claimed were "victims" from Racak. Mr. Nice observed that the corpses in the pictures he showed were all wearing different belts.

Judge Marinkovic pointed out that there were leaves on the trees in the pictures that Mr. Nice was showing. These could not be the same bodies from Racak, because there were no leaves on the trees in the middle of winter. The events in Racak took place on the 15th of January, in the dead of winter; there would not have been leaves on the trees.

Then Judge Marinkovic really turned the tables on Mr. Nice. She asked him where the pictures were taken, and he didn't know.

Mr. Nice had almost two weeks to prepare his cross-examination over the Easter break, but he was remarkably ineffective.

Surprisingly, Mr. Nice did not attempt to challenge her testimony that Albanian judges kept their jobs. The indictment claims that Kosovo Albanian judges were fired en-masse during the early 90s. Judge Marinkovic's testimony directly contradicts that claim, and Mr. Nice did not attempt to challenge her.

In stead, Mr. Nice wasted his time (and everybody else's) by quoting Natasa Kandic's hysterical nonsense, and asking the witness irrelevant questions about her husband.

Mr. Nice failed miserably, he was unable to challenge the forensic evidence regarding Racak, he failed to damage the credibility of the witness, and he did not even bother to challenge other very important aspects of her testimony that directly contradict indictment.

President Milosevic began his re-examination of Judge Marinkovic late on Wednesday. He will complete his re-examination when the trial resumes on Thursday morning.

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THE KLA ATE FOOD PROVIDED BY THE U.S. GOVERNMENT

www.slobodan-milosevic.org – April 7, 2005

Written by: Andy Wilcoxson

Judge Danica Marinkovic concluded her testimony at the trial of Slobodan Milosevic on Thursday.

She was re-examined by President Milosevic after having been cross-examined by prosecutor Nice the previous day.

During her evidence Judge Marinkovic produced contemporaneous statements that had been given to the police by ethnic Albanians in the region around Racak. These sworn statements identified Racak as a KLA stronghold.

Mr. Nice attempted to rebut this evidence by going out and tracking-down the Albanians who gave the statements. Not surprisingly the Albanians who Mr. Nice tracked-down are not standing by their previous statements, claiming that they had given them under duress.

As the prosecution well knows, finding an Albanian who will say anything against the KLA in today's Kosovo is impossible because of the terror and intimidation that the KLA inflicts against its enemies.

On October 12, 2004, the ICTY's Chief Prosecutor, Carla del Ponte told the Kosovo-Albanian newspaper Koha Ditore, "You cannot imagine what kind of problems we are having in the investigations into UCK leaders in Kosova. There is huge intimidation of witnesses in Kosova, and now they do not want to cooperate with us. We are not receiving any assistance, either from the international community in Kosova or from local authorities."

On April 1, 2005, IWPR, a U.S. State Department-funded, pro-tribunal website, published an article on the subject of witness intimidation in Kosovo. Their article noted, "There are signs the tribunal's work with Albanian indictees faces significant problems of witness intimidation."

In spite of the prevailing atmosphere in Kosovo, Mr. Nice exhibited videotaped statements from the Albanians who had given statements to the police regarding KLA activities in Racak in 1999. The Albanians said exactly what you would expect somebody in their position to say. They said they had lied in their earlier statements about the KLA.

After Judge Marinkovic concluded her testimony, Mr. Nice spent a great deal of time in legal argument. Mr. Nice claimed that the Albanian denials of their earlier statements, coupled with things Natasa Kandic has said, prove that documents produced by the Serbian authorities are unreliable and should not be admitted as evidence.

President Milosevic responded saying that Mr. Nice's submissions were nonsense. He said that the documents produced by the Serbian judiciary were taken contemporaneously, and had been produced before the ICTY indictment had been issued against him.

He noted that the videos Mr. Nice produced were made last week, specifically for use in the ICTY proceedings. Further more, the tapes were made in Kosovo, in an atmosphere that is hostile towards those who would say anything negative about the KLA.

As far as Natasa Kandic is concerned, Milosevic denounced her as a propagandist. Her NGO, the Belgrade-based "Humanitarian Law Center," is directly financed by the U.S. Government. She receives funds from the National Endowment for Democracy, a Washington-based organization that is funded by the U.S. State Department, and aims to play a "complementary role to official U.S. Government efforts to promote democracy abroad."

Natasa Kandic is so beloved by the U.S. Government that they gave her an award. In 2000 the NED awarded her their "Democracy Award." She was given the award in a ceremony at the U.S. Capitol Building on May 3, 2000. (See: <http://www.ned.org/publications/00annual/pdf/NewsAndEvents.pdf>)

Ms. Kandic's credibility is severely compromised by her connection to the U.S. Government. The U.S. Government led the NATO aggression against Yugoslavia in 1999. The U.S. Government finances Natasa Kandic's NGO through the NED. The U.S. Government was so happy with the return on its investment that it flew Ms. Kandic to Washington D.C. and gave her an award. Natasa Kandic is nothing more than a Serbian name masking American war propaganda.

After spending the entire 2nd session making legal arguments, Milosevic called Slavisa Dobricanin, professor of forensic medicine, who is also testifying about events in Racak.

Professor Dobricanin corroborated Judge Marinkovic's testimony. He accompanied her when she carried out her on site investigations in Racak.

He also saw the traces of a KLA presence in the village. He saw the KLA's trenches, bunkers, and weapons. He went into the KLA's headquarters in the village, and saw all of the same things that Judge Marinkovic reported seeing. He

THE KLA ATE FOOD PROVIDED BY THE US GOVERNMENT

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did add another interesting detail. He went into the KLA's mess hall and found yellow food packets that were labeled "USAID."

USAID is the U.S. Agency for International Development. USAID is supposed to provide humanitarian relief to victims of wars and natural disasters, not to feed armed terrorist bands. The presence of USAID food in the KLA headquarters means that the KLA was stealing humanitarian aid from Kosovo's civilian population, or that the KLA was receiving direct aid from the U.S. Government.

Professor Dobricanin corroborated, Gen. Gojovic and Judge Marinkovic's testimony that the Yugoslav Army was not in Racak on January 15th. He said that no army personnel or vehicles were present in the village when he arrived on the scene.

He will continue his testimony when the trial resumes on Friday.

###

FORENSIC ANALYSIS PROVES RACAK "VICTIMS" WERE NOT CIVILIANS AND NOT EXECUTED

www.slobodan-milosevic.org - April 8, 2005

Written by: Andy Wilcoxson

Forensic expert, Professor Slavisa Dobricanin, former director of the Institute for Forensic Medicine in Pristina continued his testimony at the trial of Slobodan Milosevic on Friday.

Professor Dobricanin was the forensic scientist in-charge of autopsying the Kosovo-Albanians who died in the Kosovo village of Racak on January 15, 1999.

Teams of forensic scientists from Finland and Belarus directly participated in the autopsies together with Professor Dobricanin and his team.

All of the forensic teams harmonized their findings. According to a report written by three members of the Finnish team, "the autopsy findings were discussed in full professional consensus."

Professor Dobricanin's evidence dealt with the findings reached by the forensic teams. His testimony was bolstered by numerous official documents and autopsy reports that were exhibited over the course of his evidence.

According to Professor Dobricanin, gunshot wounds killed all of the 40 corpses found in Racak. Nobody had been cut-up with knives, as some Albanian witnesses had testified during the prosecution case.

Contrary to the indictment's assertion that the Albanians were beaten before being "executed", the forensic teams found no evidence that any of the bodies had been beaten. The only injury aside from gunshot wounds that was found on the bodies came from animals that had gnawed on the corpses after they were dead.

Professor Dobricanin testified that the forensic teams reached the conclusion that the bullets hit the bodies from different directions.

According to the report compiled by the Finnish forensic experts, J. Rainio, K. Lalue, and A. Penttilä, only one person was shot from a close range. Professor Dobricanin testified that all others were shot from a long range.

Diphenylamine testing revealed that 37 of the 40 bodies had gunshot residue on their hands. Diphenylamine testing, sometimes referred to as the "paraffin glove" testing, was criticized during the prosecution case.

The prosecution claims that Diphenylamine testing is inaccurate, saying that tobacco products and certain fertilizers can cause nitrate particles to be on the hands.

Diphenylamine testing is conducted by placing the hand on a special adhesive foil. Nitrate particles on the hand stick to the foil. The position of the hand on the foil surface is documented. Diphenylamine is applied to the foil and the chemical reaction causes nitrate particles to turn a bright blue color, thus making them visible.

Professor Dobricanin testified that the location of the nitrate particles, the concentration of the particles, and the distribution of the particles on their hands indicated that 37 of the 40 bodies had been firing weapons before they were killed.

If these people had just been smoking cigarettes, or handling ammonium nitrate fertilizers, then the location and distribution of the particles on their hands would have been different.

In spite of the prosecution's contention that Diphenylamine testing is unreliable, it used in many countries around the world, including the United States.

In addition to the presence of gunshot residue on their hands, the bodies were wearing many layers of clothing. Some of the corpses were wearing as many as three and four layers of clothing. Professor Dobricanin testified that many were wearing heavy rubber boots, and military-style belts.

These people were dressed to spend prolonged periods of time outside. If they had just been minding their own business in their house, then they would not have been dressed the way they were.

Further indication that these were armed combatants and not some innocent civilians, as the prosecution claims, has to do with the location of their wounds.

When Judge Marinkovic testified she showed videotapes of the trenches and bunkers that the KLA had in the

ate vicinity of Racak. The videotape showed that the trenches had been used for combat activities, as they were
d with spent shell casings.

ne videotapes showed that the police were being shot at from the hills around Racak where the trenches were
located.

From their wounds, it would appear that these bodies were in a protected position, such as a trench, when they were
killed. Professor Dobricanin testified that only the upper parts of the bodies had been shot. Nobody was shot in the
lower part of their body.

These wounds are consistent with somebody in a trench. If you are shooting at somebody from a trench, then the only
part of you that can get hit is the part of yourself that you expose when you rear-up to fire a shot, i.e. your upper body.

The Kosovo-Albanians who died in Racak on January 15, 1999 were armed combatants, not innocent civilians. They
had gunpowder on their hands. Their wounds were consistent with somebody killed in a combat situation. They were
dressed to spend prolonged periods of time outside.

The nature of their wounds is not consistent with people who were executed. They were shot from different angles, and
from a distance. Only one was shot at a close range.

Professor Dobricanin also gave some interesting evidence regarding Helena Ranta. According to him, she is a dental
expert. Her specialty is teeth. She is not a ballistics expert. Therefore, she is not qualified to give much of the evidence
that she gave when she testified as a court witness in 2003.

According to Professor Dobricanin, when Ms. Ranta held her press conference in Pristina, he and other members of
the forensic teams were prohibited from attending.

On February 19, 1999 Bill Clinton went on television and told the world, "We should remember what happened in the
village of Racak back in January – innocent men, women, and children taken from their homes to a gully, forced to
kneel in the dirt, sprayed with gunfire – not because of anything they had done, but because of who they were."

Bill Clinton lied. He launched the NATO attack against Yugoslavia with that notorious lie as his main justification. Racak
is the one and only "war crime" that the Serbs are accused of committing in Kosovo prior to the NATO attack.

Professor Dobricanin will continue his testimony when the trial resumes next Tuesday.

###

MR. SAXON CROSS-EXAMINES PROFESSOR DOBRICANIN

www.slobodan-milosevic.org - April 12, 2005

Written by: Andy Wilcoxson

President Milosevic concluded his examination of forensic expert, Professor Slavisa Dobricanin, former director of the Institute for Forensic Medicine in Pristina on Tuesday.

Milosevic briefly asked Professor Dobricanin questions about a NATO attack against a bus in Luzane that killed 40 civilians on May 1, 1999. Professor Dobricanin investigated the incident, and for the purposes of the trial, this evidence was used to demonstrate the procedure followed by Yugoslav authorities.

However, one could not escape the fact that the same numbers of people were killed in the NATO attack as were killed in Racak (40 in each case). The only difference is that NATO killed 40 civilians, and was not charged with a war crime.

Following the conclusion of his examination-in-chief, Professor Dobricanin was cross-examined by Prosecutor Daniel Saxon.

Mr. Saxon was weak and ineffective. It was obvious that he was grasping at straws. He focused his attention on the clothing that the corpses found in Racak were wearing. Saxon said that it was normal for people to wear multiple layers of clothing in the wintertime.

Saxon pointed out that Professor Dobricanin could be seen wearing a winter coat on Judge Marinkovic's videotape of the investigation in Racak.

Saxon snidely actually asked Professor Dobricanin if he was "naked" under his coat or if he was wearing some clothing underneath it.

When Dobricanin replied that he was wearing a shirt under his coat, Saxon said, there you go; you were wearing multiple layers of clothing too!

Professor Dobricanin actually had to explain the difference to the prosecutor. It is normal for somebody to wear a shirt under their coat. Everybody does that. This is not what the corpses found in Racak were wearing. The bodies found in Racak were wearing 2 coats, and as many as 4 shirts and 3 pairs of pants each.

The way the bodies were dressed shows that they were prepared to spend prolonged periods of time out in the cold.

In an attempt to be dramatic Saxon showed the witness pictures of fourteen-year-old Halim Beqiri, a boy who was among the dead found in Racak. It was Saxon's claim that the age of the boy proved he was an "innocent civilian."

Professor Dobricanin did not accept Saxon's assertion regarding the boy's age. Dobricanin said "Albanian boys grew up sooner" and that there had been "fourteen-year-old boys who carried guns."

Dobricanin's claims are easy to prove. On April 17, 1999, CNN did a report about a group of Albanians from New York who went to Albanian training camps to fight for the KLA.

The group included men as old as 73, and girls as young as 16. Elinda Muriqi, a 16-year-old girl from the Bronx told CNN that she volunteered for the KLA because she wanted "to shoot some Serbs."

SEE: <http://www.cnn.com/WORLD/europe/9904/17/kosovo.kla/>

This is a disturbing fact about the KLA. The organization included women, children, and old people. The mere fact that women, children, and old people were killed in the conflict does not, as Mr. Saxon claims, prove that any crime was committed. Given the KLA's nature, it is entirely possible that they were armed combatants.

Saxon also asked Dobricanin questions about an investigation that Helena Ranta launched one year and three months after the incident. In March of 2000 Ranta went to Racak, she claimed to have found shell casings and bullets in the areas where the bodies were allegedly killed.

Mr. Saxon showed the witness a number of pictures that Ms. Ranta took. The only thing that could be seen in the pictures were little blue and white flags that Ms. Ranta had put on the ground.

The flags were supposed to symbolize the spots where she found bullets and shell casings, but no bullets or shell casings could be seen in the pictures.

Professor Dobricanin said that he was not part of Ranta's 2nd investigation and could not comment on what she

<http://www.slobodan-milosevic.org/news/smorg041305.htm>

edly found. He also wondered why the forensic teams who carried out the autopsies were not invited to be part of Ranta's 2nd investigation.

Dobricanin suggested that the whole thing could be rigged without a lot of trouble. There was no ballistic analysis, so anybody who knew where the bodies were supposed to be could come along, shoot the ground, and then invite Ms. Ranta to come and find the bullets.

Professor Dobricanin pointed out that none of this would have been an issue if the KLA had allowed the authorities to do their job and carry out a proper investigation of the bodies where they were found. He theorized that there could have been a reason for keeping investigators out of the village for three days, and moving all of the bodies to the mosque before any investigations could be conducted.

The sequence of events shows that William Walker and the KLA wanted to prevent a proper forensic investigation.

January 15, 1999

The police carried out an operation in Racak to arrest some members of the KLA. There is combat and 40 terrorists are killed.

Forensic teams enter the village but the KLA shoots at them and they are forced to leave

January 16, 1999

William Walker invites the international media to a ravine near the village to see the corpses. At this point he proclaims that a massacre has taken place, and allows journalists to trample all over the alleged crime scene.

Forensic teams attempt to enter the village but the KLA shoots at them and they leave.

January 17, 1999

The villagers move all of the bodies to the local mosque.

Forensic teams attempt to enter the village but the KLA shoots at them and they leave.

January 18, 1999

Forensic investigators are finally allowed access to the village, and they find all of the bodies in the mosque.

The sequence of events demonstrates that somebody did not want an investigation to be carried out. Walker's behavior, in allowing journalists to trample all over the crime scene, demonstrates that he did not care about conducting a proper investigation, and the KLA demonstrates that it does not want a proper investigation. It shot at the investigators, until the villagers moved all of the bodies to the mosque, then it allowed access.

Things are getting even worse for the prosecution. It turns out that a Kosovo police official named Dragan Jasovic was testifying as a prosecution witness at the Limaj trial.

Jasovic worked in the area around Racak, and was responsible for taking a number of statements from witnesses. The statements are contemporaneous documents from 1998 and early 1999. The statements apparently show that 30 of the 40 people killed in Racak were known to be members of the KLA before January 15, 1999.

Milosevic wants Jasovic to be the next witness. Judge Robinson has already promised that Jasovic could testify at the earliest possible convenience, and Mr. Nice is the one who first brought the witness up.

However, now that Mr. Nice knows what sort of evidence the witness has, he is trying to block this witness being called. Mr. Nice wants to re-call Helena Ranta instead. As it turns out, Mr. Nice has already invited Ms. Ranta to The Hague and she was sitting in the public gallery today.

###

BULLET PATHS AND FIRING ANGLES SHOWS THAT RACAK BODIES WERE NOT KILLED WHERE THEY LAY

www.slobodan-milosevic.org - April 13, 2005

Written by: Andy Wilcoxson

Professor Dobricanin concluded his testimony at the trial of Slobodan Milosevic on Wednesday. Dobricanin is the former director of the Institute for Forensic Medicine in Pristina. He was in charge of a forensic team that autopsied 40 people found dead in Racak in January 1999.

The session began with the tribunal sending Helena Ranta home. The prosecution had contacted her and asked her to be available in the public gallery in case the judges wanted her. It turns out that they didn't want to hear from her, and she was sent back to Finland.

Prosecutor Daniel Saxon continued to cross-examine Professor Dobricanin. His cross-examination was quite weak, and in many cases did not even challenge the evidence that Professor Dobricanin gave during his examination-in-chief.

For example, professor Dobricanin testified during his examination-in-chief that MOST of the bodies found in Racak were wearing dark clothing. Mr. Saxon pointed out that three of the bodies (out of 40 total) were wearing light colored clothing. This fact does not refute Dobricanin's testimony that MOST of the bodies were wearing dark clothing. The word "most" means a majority but not all. In spite of the fact that he hadn't really accomplished anything, Mr. Saxon still acted as if he had captured the witness in some major inconsistency.

Mr. Saxon spent a lot of time showing the witness photos and drawings from a report compiled by Helena Ranta. The report was aimed at establishing the locations where the bodies found in Racak were killed. Ms. Ranta based her report on an investigation that she conducted practically one year after the events.

The report, which is prefaced in the first paragraph as being only Helena Ranta's opinion, claimed that the bodies in Racak were killed on the spot where William Walker and his OSCE observers claimed to have found them.

Professor Dobricanin was very uncomfortable commenting Ms. Ranta's report. He is a professional and clearly did not want to answer the hypothetical questions put to him by the prosecutor.

Mr. Saxon showed the witness Ms. Ranta's drawing of the gully where William Walker famously told the world media that the Serbs had massacred innocent Albanian civilians.

Ranta's drawing marked the location where the bodies were allegedly found, and the location where she allegedly found bullets and shell casings. Her report and Mr. Saxon's contention was that the bodies were killed where they lay. The bodies were in the center of the gully, bullets were found on one side of the gully, and shell casings were found on the opposite side.

In spite of his reluctance to answer hypothetical questions, Prof. Dobricanin was forced by the judges to answer, and Mr. Saxon was undoubtedly disappointed with the answer he got.

Professor Dobricanin said that the drawing could not possibly be accurate in view of the known trajectory of the bullets. The autopsies proved that the bodies in the gully had been shot from all different angles. Some were shot from a high angle, others were shot from a low angle, and the bullets came from many different directions.

If Ms. Ranta's drawing were accurate then everybody in the gully would have had to be shot from a similar angle, but the autopsies proved that they weren't. This is an indication that the bodies were not killed at the spot where Walker and his entourage found them. It also indicates that Ms. Ranta is lying or that somebody planted those bullets and shell casings for her to find.

Prof. Dobricanin bemoaned the fact that the bodies could not be examined by forensic teams on the spot where they were allegedly found. He said it was extremely unfortunate that forensic teams were prevented from carrying out an investigation on the spot while the bodies were still there.

The witness was clearly angered by the fact that the KLA and the OSCE had obstructed the investigation. The KLA fired on the forensic teams and kept them away from Racak for three days, during which time villagers moved the bodies to the local mosque.

Dobricanin also made reference to General Drewienkiewicz's threat to ship Judge Marinkovic off to The Hague if she tried to conduct an onsite investigation in Racak. General Drewienkiewicz is the British General who was in charge of planning for the OSCE Kosovo Verification Mission (KVM).

It is worth noting that William Walker, the head of the OSCE-KVM, was given access to the village by the KLA while forensic investigators were kept out.

Walker, instead of taking steps to secure the alleged crime scene, brought journalists to that gully and let them trample all over the place. One of the journalists was Franz Josef Hutsch, a German newspaper reporter.

According to Mr. Hutsch, who testified at the trial on October 12, 2004, Walker just stood there while journalists moved the bodies around to take their pictures. He said that the bodies "were put upright, for example, at the edge of the slope so that they would have a bit of shade so that the excessive head wounds wouldn't be seen in a photo to be published. And they were taken from their original positions."

Based on all of this, it is obvious that the OSCE and the KLA did not want a proper onsite investigation to be carried out. Such behavior suggests that they had something they wanted to hide.

After Prof. Dobricanin concluded his testimony, administrative matters were debated. President Milosevic wants to call Dragan Jasovic as his next witness. Jasovic, who was a prosecution witness in the Limaj trial last week, has documents that show that 30 of the 40 bodies found in Racak were known members of the KLA.

Mr. Nice is objecting and does not want this witness to be called, even though he is the one who brought him to everybody's attention in the first place.

The tribunal will rule whether Jasovic can be called when the trial resumes on Thursday.

###

MR. NICE WANTS TO DAMAGE THE DEFENSE CASE BY REDUCING ITS PREPARATION TIME

www.slobodan-milosevic.org - April 14, 2005

Written by: Andy Wilcoxson

A status conference was held in the Hague Tribunal's trial of Slobodan Milosevic on Thursday. The objective of the status conference was to consider the progress of the defense case.

According to Judge Robinson one third of the time allotted for the defense case has elapsed. He said that if the trial continued at the present rate, only 100 to 120 defense witnesses could be heard.

Milosevic wants to call over 1,000 witnesses. He argued that, Judge Robinson's calculation shows that he has been given "unrealistically little time to present the defense case."

Milosevic said, "I am going to ask for more time because without a doubt I will need more time." He went on to say, "My aim is to present the truth and that requires time."

Prosecutor Geoffrey Nice, who took nearly 300 days to present the prosecution case case, objected to any extension of the defense case beyond the 150 days allotted by the tribunal.

Mr. Nice proposed speeding-up the trial by holding hearings five days a week. Undoubtedly, his suggestion would speed up the trial. It would also severely impair the ability of the defense to prepare its case, and that is probably the real idea behind it all. The prosecutor wants to work for five days a week so that the defense will not have time to prepare.

Mr. Nice's proposal is nothing but an attempt to sabotage the defense through a manipulation of court procedures. It is a dishonest and dishonorable attempt to limit the damage that Milosevic is inflicting on the prosecution case.

Milosevic objected to the idea of sitting for more than three days a week. He pointed out that the reason that the trial only sits for three days a week is because the tribunal's doctors have prohibited him from working more than three days a week.

Also discussed was the possibility that Milosevic would testify as a witness in his own defense. Milosevic rejected the idea telling the tribunal, "I do not want to testify because I will have to take a sworn declaration before an institution I consider illegal."

Secondly, it would completely pointless for him to testify as his own witness. What would he do conduct an examination-in-chief of himself? Ask himself questions?

The tribunal suggested that Milosevic should speed-up his defense by submitting witness testimony in written form by using Rule 92-bis and Rule 89(F).

Milosevic, for his part, does not want to submit witness testimony through written statements. He wants witnesses to be heard live. He wants the public to see the trial and hear the evidence. He knows that he is innocent and that a public trial is in his best interests.

Milosevic told the tribunal that live witness testimony at a public trial is the "essential matter of principle, not a technical issue of time."

Mr. Nice, on the other hand, wants evidence to go in without the public being able to see it. He likes the idea of witnesses testifying via written statement. According to Mr. Nice, Milosevic "persistently insists on a mistaken concept of a public trial".

Nice says, the purpose of a public trial is "to make it possible for the public to control the work of the judicial organs, not to provide it with entertainment or propaganda."

Of course Mr. Nice's argument is nonsense. If the testimony is contained in a document that the public can't see, then the trial can not be considered public.

If the public is unaware of the evidence, because it was given in writing, then how will it know whether the tribunal reached a fair verdict reached on the basis of evidence, or if the judges just pulled a verdict out of thin air.

Mr. Nice tipped his hand a little bit too far, by expressing concern that the trial could be used for propaganda purposes. Mr. Nice is admitting that the facts and evidence presented by Milosevic and his witnesses can have a political effect. This is Mr. Nice's primary concern.

On May 17, 1999, right in the middle of the NATO bombing, NATO spokesman Jamie Shea stated, "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."

Obviously NATO isn't paying for the tribunal so that Milosevic can use it to expose them as a pack of criminals. Mr. Nice's job is to justify NATO's barbaric aggression against Yugoslavia by demonizing Slobodan Milosevic. That is why he is so concerned at the prospect of the trial being used for propaganda in Milosevic's favor.

The tribunal knows that it is trying to convict an innocent man, which is why it wants the evidence to be hidden from the public.

After the status conference, the tribunal heard testimony from Kosta Bulatovic, A Kosovo Serb who organized demonstrations in the 1980s to draw attention to the plight of Kosovo's Serbian population. He organized and/or participated in demonstrations throughout Yugoslavia.

The prosecution has said that Milosevic was the hidden hand behind those demonstrations. They claim that he organized those demonstrations so that he could ride to power on a wave of nationalism.

Bulatovic testified that the demonstrations were not organized by Milosevic and that they were not violent or nationalistic in any way. The sole point of the demonstrations was to put pressure on the state authorities to protect the Serbian population living in Kosovo.

Bulatovic was among the first people to speak out against the conditions Serbs were subjected to in Kosovo during the 1980s. He first spoke out against the desecration of a Serbian cemetery in 1983. He also circulated a petition in 1985 that demanded equal rights for Serbs in Kosovo.

He was present when Milosevic came to speak at Kosovo Polje in 1987. In fact he was part of the group that invited Milosevic to come. He said that Milosevic was not a well known personality at the time, and that they invited him after more senior politicians, such as Ivan Stambolic, had disappointed them.

Mr. Bulatovic will continue his testimony when the trial resumes next Tuesday.

###

HAGUE TRIBUNAL RESORTS TO TRIAL IN ABSENTIA

Statement of Slobodan Milosevic Freedom Center The Hague - April 19, 2005

Today the Hague Tribunal executed a new strategy in their ongoing effort to prevent Slobodan Milosevic from conducting his own defense: Trial in Absentia.

As they tried at the beginning of his defense, they misused his health condition to allow Mr. Kay, a lawyer representing the ICTY, take over his defense.

Today, after a medical examination showed that Milosevic had high blood pressure, the Registry refused to allow him to appear in court. Subsequently, Mr. Kay came to court with a dramatic statement suggesting that Mr. Milosevic's condition was so bad that one should fear that he would never recover.

Being in contact with President Milosevic we can say that Mr. Kay's statement is a shameless violation of the truth. It is true that Milosevic has high blood pressure, which has been made worse by the conditions the ICTY imposes on him. But he is perfectly fit to continue the conduct of his defense.

President Milosevic wanted to come to court and present his defense today, but the Tribunal's Registry would not to let him appear. They decided that his blood pressure was too high for him to attend, and Mr. Kay's courtroom antics led the public to believe that Milosevic could be at death's very door.

The viciousness of the so-called "court" was seen in how they treated witness Kosta Bulatovic. When Mr. Bulatovic refused to continue his testimony in the absence of President Milosevic, the tribunal threatened him with contempt charges.

Judge Bonomy even went so far as to accuse Mr. Bulatovic of being "irrational" for refusing to participate in what would have essentially been a trial in absentia.

Mr. Bulatovic showed great character and did not bow to the tribunal's threats. In spite of the threats and insults being leveled against him from the prosecution and from the bench, Mr. Bulatovic stood firm in his resolve.

Mr. Kosta Bulatovic's behavior was not contemptuous in the least. He was respectful towards the tribunal, even though they were not respectful towards him. He calmly and rationally explained that he had agreed to testify and give evidence in the presence of the accused President Milosevic. He did not refuse to testify, he made it clear that he was willing to continue his testimony when President Milosevic is present in the courtroom. He only refused to participate if the trial were to be held in absentia.

The sequence of events makes things very clear:

1. The ICTY's doctors examine Milosevic and determine that he has high blood pressure.
2. The ICTY's Registry prohibits Milosevic from going to go to court on the excuse that his blood pressure is too high, even though he wants to attend court.
3. Mr. Kay comes to court with dramatic statements, claiming that Milosevic is so ill that he might never recover, or be able to lead his defense again.
4. In a glaring violation of the ICTY's own procedure and established jurisprudence, the trial chamber rules that the trial can proceed without the presence of an accused, thus turning the proceedings into a trial in absentia.
5. The trial chamber threatens the defense witness with contempt charges if he does not participate in what has become, in the middle of his testimony, a trial in absentia.

The timing of this maneuver is not accidental. In early May Mr. Kay has to appear before the disciplinary board of the Dutch bar association, because Milosevic has filed a complaint against him for acting as his lawyer against his will.

From the moment President Milosevic filed the complaint, all sorts of maneuvers have been executed behind the scenes to prevent the disciplinary board from accepting the case; not only by the ICTY, but also by the Dutch ministry of Foreign Affairs.

That by itself is a clear sign we are not dealing with a normal court, but with political machinery that has direct influence over sovereign Dutch institutions. This is not the first time that we have witnessed this. From the moment Milosevic was brought to The Hague, the Dutch Foreign Ministry was acting under the de facto control of the ICTY, even submitting themselves to the approval of the tribunal before granting visas to Milosevic's Yugoslav lawyers.

Despite their many maneuvers, the disciplinary board has set the case for early May. Mr. Kay and the ICTY are fully

<http://www.slobodan-milosevic.org/news/smfc041905.htm>

are that President Milosevic has a strong case against Kay. No doubt today's action is an act of desperation and impotence to try and control the events. From the very start this so-called "trial" has been a farce, and the more they do to safe their face, the more they sink in their political swamp.

The Hague, 19 April 2005.

Issued by the Main Board of the Slobodan Milosevic Freedom Center The Hague

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Sagittarius

Van: "Klaus von Raussendorff" <redaktion@aikor.de>
Aan: "Klaus von Raussendorff"
Verzonden: woensdag 20 april 2005 10:33
Onderwerp: Jugoslawien-Solidarität
 Liebe Leute,

zum Thema Jugoslawien-Solidarität dokumentiere ich:

VERSUCHTER AUSSCHLUSS

Prozeß gegen jugoslawischen Expräsidenten Milosevic sollte ohne den Angeklagten fortgesetzt werden. Zeuge boykottierte Vernehmung

Von Anna Gutenberg, Den Haag

junge Welt vom 20.04.2005

<http://www.jungewelt.de/2005/04-20/004.php>

[1]

BEYOND THE STAR CHAMBER:

SHUTTING DOWN THE MILOSEVIC DEFENSE IN THE HAGUE

(Paper presented on Saturday, 26 February, 2005, at the ICDSM's

International Conference "The Hague Proceedings against Slobodan Milosevic:

Emerging Issues in International Law" in the Golden Tulip Belair Hotel in

The Hague, Johan de Wittlaan 30)

By Tiphaine Dickson

[2]

ALIBIPROZESS IN DEN HAAG

Verfahren gegen früheren UCK-Führer Haradinaj eröffnet.

Anklage könnte Separation des Kosovos von Serbien forcieren

Von Anna Gutenberg

jugen Welt vom 15. März 2005

<http://www.jungewelt.de/2005/03-15/004.php>

[3]

VIDOVDAN: AM 21. JUNI 2005 NACH DEN HAAG!

Aufruf des Internationalen Komitees für die Verteidigung von Slobodan

Milosevic (ICDSM) - Deutsche Sektion -

[4]

Erste Ankündigung:

"ZUKUNFT ANTIFASCHISMUS"

Konferenz des Deutschen Freidenker-Verbandes am Sonntag, den 2. Okt. 2005 in

Berlin

[5]

PROJEKT "NATO-KRIEGSOPFER KLAGEN AUF SCHADENSERSATZ"

Aktueller Sachstand nach der Berufungsverhandlung beim OLG Köln

[6]

SOLIDARITÄTSTREFFEN IN HANNOVER

Informations- und Aktionsberatung am 23. April 2005 zum Thema

Jugoslawien-Solidarität

[7]

Spendenappell:

Der "Prozess" gegen Slobodan Milosevic in Den Haag geht in die Endphase. Nach wie vor gibt es keine "Waffengleichheit" und wegen seiner Nichtanerkennung des "Tribunals" keinen Cent für seine Verteidigungskosten.

Deshalb wiederholen wir den Appell: Gegen die geballte Macht des NATO-Apparates steht allein die Stimme von Slobodan Milosevic - und unsere Unterstützung seines Rechtsberaterenteams. Und dieser Stimme muss im Namen der Gerechtigkeit wieder Gehör verschafft werden.

Jede noch so kleine Spende wird dringend benötigt. Die Aggressoren dürfen nicht die Geschichte schreiben! Jede Spende für den Rechtshilfefonds ist ein Beitrag zur Verteidigung des Völkerrechts!

Das Internationale Komitee für die Verteidigung von Slobodan Milosevic (ICDSM) - Deutsche Sektion - bittet um Spenden - solange noch Zeit ist - auf das Konto des Finanzbeauftragten der Vereinigung für Internationale Solidarität VIS e.V.:

Peter Betscher
Kto.-Nr. 102144163
Stadt- und Kreissparkasse Darmstadt (BLZ 50850150)
Kennwort: "Rechtshilfefonds"

Mit internationalistischen Grüßen
Klaus von Raussendorff

Anti-Imperialistische Korrespondenz (AIKor) -
Informationsdienst der Vereinigung für Internationale Solidarität (VIS)
e.V.,
Redaktion: Klaus von Raussendorff
Postfach 210172, 53156 Bonn; Tel. & Fax: 0228 - 34.68.50;
Webmaster: Dieter Vogel

AIKor-Infos können auf der Seite der AIKor <http://www.aikor.de>
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Email-Kontaktaufnahme zu Redaktion und Webmaster über unsere Webseite.

Wer die AIKor-mails nicht empfangen möchte, schicke uns bitte eine Mail mit dem Betreff
"unsubscribe"

*

[1]

junge Welt vom 20. April 2005
<http://www.jungewelt.de/2005/04-20/004.php>

VERSUCHTER AUSSCHLUSS

Prozeß gegen jugoslawischen Expräsidenten Milosevic sollte ohne den Angeklagten fortgesetzt werden. Zeuge boykottierte Vernehmung

Von Anna Gutenberg, Den Haag

Erstmals versuchten Richter und Ankläger im Verfahren gegen Slobodan Milosevic vor dem Den Haager Jugoslawientribunal (ICTY) am Dienstag, den Prozeß ohne den Angeklagten zu führen. Wegen erhöhtem Blutdruck hatte man dem jugoslawischen Expräsidenten die Teilnahme untersagt. Der derzeitige Zeuge, Kosta Bulatovic, ein Serbe aus dem Kosovo, weigerte sich, seine Aussage ohne den Angeklagten fortzusetzen. Trotzdem muß er am heutigen Mittwoch erneut in den Zeugenstand.

Der Versuch, Milosevic aus seinem eigenen Prozeß zu verdrängen, noch dazu vor dem Hintergrund, daß sich dieser wegen Nichtanerkennung des ICTY selbst verteidigt, geht auf ein Urteil der Berufungskammer zurück. Diese entschied nach einer Anhörung im Oktober 2004 über eine Anordnung der Zwangsverteidiger Steven Kay und Gillian Higgins, die Milosevic auferlegt wurde. Die Vorgabe besagte, daß sich Milosevic auch künftig wieder weitestgehend selbst verteidigen dürfe, aber nur, soweit seine Prozeßteilnahme sichergestellt ist. Andernfalls, so entschied die Berufungskammer, können nicht nur seine Rechte auf Selbstverteidigung beschnitten werden, sondern der Prozeß dürfe unter der Leitung der Zwangsverteidiger sogar in Abwesenheit des Angeklagten geführt werden.

Das Urteil der Berufungskammer hatte damit die vollständige Kontrolle der Verteidigung durch die britischen Anwälte Kay und Higgins verhindert, nachdem sich diese einem historisch wahrscheinlich einmaligem Zeugenboykott ausgesetzt sahen, der die Fortsetzung des Prozesses in Frage stellte. Handelt es sich nun um einen neuen Anlauf, die Zeugen dazu zu bringen, mit den Zwangsverteidigern zu kooperieren? Klar scheint, daß es nach wie vor darum geht, Milosevic mundtot zu machen und die für die Anklage und westliche Regierungen belastenden Aussagen der Verteidigungszeugen »auf Linie« zu bringen.

[2]

BEYOND THE STAR CHAMBER:
SHUTTING DOWN THE MILOSEVIC DEFENSE IN THE HAGUE
(Paper presented on Saturday, 26 February, 2005, at the ICDSM's
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By Tiphaine Dickson

On February 14th, The Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) hearing the Milosevic case resumed proceedings after having adjourned the week before following a UN physician's opinion that Slobodan Milosevic would require some days to recover after having been affected by influenza in early February. Media coverage had again complained of "delays in the trial", and of illness-generally described as "bouts of flu"-as the cause of "lost time". The Chamber faulted President Milosevic for "wasting time" in his examination of the former Foreign Minister of Yugoslavia with respect to the secession of the former republics and of foreign involvement in the conflicts that ensued as a result. Mr. Milosevic was told the questions-of obvious relevance, and,

indeed, of crucial importance-were "pointless". The Prosecutor has asked that the proceedings continue in the absence of Mr. Milosevic. The situation is ominous and there is evidence that the ICTY is poised to take radical measures, including the interruption, and, ultimately, the premature conclusion of Slobodan Milosevic's defense.

Indeed, the ICTY, a UN Security Council institution, has set the stage to justify ending these proceedings, -while holding President Milosevic responsible for the result-, in four rulings, two of which were handed down in the last two weeks. First, counsel was imposed against the defendant's will. Second, in absentia proceedings were approved. Third, imposed counsel was not allowed to withdraw from the case for ethical reasons. And finally, the duration of the Prosecution's case was artificially reduced, while the time afforded to Slobodan Milosevic was inflated by counting his cross-examination of Prosecution witnesses as time devoted to his defense, in an unusual order devoted to statistics. Slobodan Milosevic is either directly or indirectly made responsible for the unfortunate state of affairs in all four decisions. All is in place to wrap things up.

In September, the Trial Chamber imposed counsel against the clear wishes of the defendant, a practice described by the United States Supreme Court as having been largely abandoned since the unlamented demise in the late 16th and early 17th centuries of the Star Chamber, an executive entity infamous for trying political cases. The Trial Chamber's decision to impose counsel with broad powers to determine the strategy of the defense created a crisis, as defense witnesses refused to cooperate with imposed counsel Steven Kay and Gillian Higgins, previously ICTY-appointed amici curiae (friends of the court), thrust upon Slobodan Milosevic as defense advocates, seemingly oblivious to the fact that they'd been parties to the proceedings for over two years, and that this created-at minimum-an apparent conflict of interest. Mr. Kay complained bitterly, and publicly, about the non-cooperation of defense witnesses (the Chamber had already received Slobodan Milosevic's list of witnesses when they imposed counsel), and complained of Milosevic's lack of cooperation as well, bringing the proceedings to a virtual standstill with a mere trickle of witnesses making the trip to testify in The Hague.

The imposition of counsel upon an unwilling accused-in clear violation of the International Covenant on Civil and Political Rights, which provides for the minimum fundamental right to defend oneself in person-was approved, as a matter of law, by the Appeals Chamber (the initial imposition of counsel was appealed again by Mr. Kay and Ms. Higgins) last November. The ruling reduced this right-which is guaranteed by the ICTY's own Statute as a minimum fundamental right-to the rank of a mere "presumption". In so doing, the ICTY's President, American Theodor Meron, stated that all the "minimum" fundamental rights afforded to the accused by the ICTY's Statute (which were imported, almost verbatim, from the International Covenant on Civil and Political Rights, leaving out only-inexplicably-the Covenant's provision of the right to be tried by an independent, impartial, and competent court) were "on a par" with the right to represent oneself in person. In other words, the right for a defendant to represent himself is just a "presumption", as are all the other basic, fundamental, internationally recognized, minimal trial rights provided by the ICTY's Statute: such as the right to know the nature of the charge, the right to remain silent, the right to present evidence in the same conditions as the Prosecutor, the right to an interpreter, and the right to be tried in one's own presence. In

fact, they are all stripped of their essence as rights. The ad hoc international legal order holds them to be mere "presumptions" that can be violated at the discretion of a trial chamber when expedient, or "justified". And as they are no longer really rights, it then follows that they cannot even really be violated. And if they can't be violated, there is not much incentive to respect them, much less to guarantee them, as "minimal rights", nor to sanction or remedy their breach.

President Meron's decision was almost universally understood as having handed a victory to President Milosevic, as it overturned, not the legality, nor even the propriety, of the imposition of counsel, but rather the modalities set out by the Trial Chamber for such "assignment" of counsel-that term, 'assignment', is the ICTY's delicate formulation-. Hence, President Meron directed that Mr. Milosevic be allowed to present his defense and question his own witnesses, with imposed counsel on standby in case of illness. Elsewhere in the Appeals Chamber ruling, however, President Meron made a startlingly ominous claim: the right to be tried in one's presence is not absolute (it seems this right, too, is but a "presumption") and can be obviated by "substantial disruption" of the proceedings. This disruption need not be deliberate or even intended by the accused, and can be caused merely by illness. The possibility of holding in absentia proceedings in the Milosevic case as a result of illness (as had been forcefully advocated by the former US Ambassador for War Crimes Issues, David Scheffer, in the International Herald Tribune last summer), had just been approved by the Appeals Chamber.

In early February, President Meron denied a request by imposed counsel to resign from the proceedings, citing ethical incapacity to continue in the absence of cooperation from their "client", and complaining of his public criticism of their work. The British barristers directly blamed President Milosevic-the very person whose rights are being violated by this imposition-for their ethical predicament: "[T]he accused has made a relationship of 'candid exchange and trust' impossible". President Meron accordingly took Kay and Higgins' word for it, and laid responsibility for their inability to act for an unwilling accused squarely at the feet of the very victim of the measure: "an accused does not have the right to unilaterally destroy the trust between himself and his counsel." (Although, as President Milosevic had pointed out at a previous hearing, it is impossible to destroy, unilaterally or otherwise, something that never existed in the first place.) Thus, citing the Appeals Chambers' previous ruling in the equally astonishing (and dismal, from a legal and human rights perspective) -the case of General Vidoje Blagojevic, President Meron resolved any and all ethical issues-including such questions of interest to lawyers everywhere as: how do you represent a client who refuses your services[?], who will not speak to you[?], whose witnesses do not trust you, who will not communicate facts to you, (such as those relevant to a defense, including alibi), and how does one act for an unwilling accused when one has acted for another party in the very same proceedings?-Meron resolved these questions by insisting on counsel's obligations towards the ICTY, an institution not recognized as a legitimate legal body by Slobodan Milosevic. President Meron held that: "In such circumstances, where an Appellant unjustifiably resists legal representation from assigned Counsel, Counsel's professional obligations to continue to represent the accused remain."

It is unfortunate that President Meron's decision does not reveal whether the British Bar Council provided an opinion with respect to the ethical

issues raised, or whether one was in fact sought by imposed counsel. Whatever the position of the UK Bar, a venerable institution whose opinion might well have been of assistance in this debate; as far as the ICTY is concerned, Mr. Kay and Ms. Higgins must continue to act, since President Meron held that President Milosevic cannot be allowed to "manufacture" a reason for counsels' withdrawal by refusing to cooperate. To "permit" him to do so, wrote Theodor Meron, would be to "render nugatory" the Appeals Chamber's decision to approve imposition of counsel! One can only admire the perfection of that argument's circularity.

As a final indication that these proceedings may well (soon) be derailed, late last week, the Trial Chamber issued an odd calculation of the time devoted by both sides, the Prosecutor and Mr. Milosevic, to the presentation of their respective cases. The ruling goes so far as to count the minutes the institution has apparently suffered through in what was once billed as "The Trial of the Century". This bizarre accounting of time, unheard of in normal trials, and glaringly at odds with known practice in the adversarial system, is meant to suggest that these proceedings have gone on for a tediously long time and that in "bending over backwards" the International Criminal Tribunal for Yugoslavia now risks violating the "integrity" of international justice if it continues to afford such overwhelming fairness to the accused. Such a suggestion stands in sharp contrast to the reality of a skewed process which has from the moment the defendant was indicted-that being at the height of an illegal bombing campaign, in the course of a war of aggression against the nation of which he was the legitimate President, by a Prosecutor who diligently informed the media that President Milosevic's new status would disqualify him from negotiating peace in Kosovo-has not been characterized by fairness at all, but by the steady violation of President Milosevic's rights and of international law, itself.

These proceedings have, indeed, on occasion, been excruciatingly slow, but the main victim has been President Milosevic, who was "transferred" to The Hague-that is to say, he was snatched from a Belgrade detention facility without recourse to common law courts and in violation of the Yugoslav constitution, according to the (then) Yugoslav constitutional court-and detained under UN authority since June 28th, 2001. It is astonishing to note that international justice, or what attempts to portray itself as such, would tolerate the four and a half year detention of a man suffering from malignant hypertension, and worse yet, employ his illness as a justification for imposing counsel, ONLY AFTER his defense had begun, in a display of medical concern much less apparent during Ms. Del Ponte's inexplicably historical/political marathon presentation of evidence, much of which was not immediately relevant, to put it mildly, to the charges contained in the indictments. That the ICTY would attempt to blame Slobodan Milosevic for this interminable trial is absurd. Indeed, the Prosecution's case, presented while investigations were ongoing, was for many observers unintelligible, and meandering.

His surprisingly underreported defense, however, threatens to shed some light on what he (and increasingly, his witnesses) have described, not as the "Balkan Wars", but as a single war against Yugoslavia, a state no longer in existence, whose last days were punctuated by aerial bombardments not seen in Belgrade since those carried out by the Allies at the end of WWII and Nazi Germany in 1941. THAT is the war President Milosevic is beginning to investigate in his defense, and that may well be the reason why suddenly "time is being wasted", the "trial has drawn on long enough", and that the

"integrity" of the proceedings is now at stake. Indeed, this defense could well present the very "substantial disturbance" required to bring it-and perhaps the whole institution-to a untimely end.

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Aus: junge Welt vom 15. März 2005
<http://www.jungewelt.de/2005/03-15/004.php>

ALIBIPROZESS IN DEN HAAG -
Verfahren gegen früheren UCK-Führer Haradinaj eröffnet.
Anklage könnte Separation des Kosovos von Serbien forcieren

Von Anna Gutenberg

Die drei Angeklagten plädierten in allen Anklagepunkten auf nicht schuldig«, erklärte Carmel Agius, Richter am Den Haager »Kriegsverbrechertribunal«, am gestrigen Montag. Damit begann mit einer ersten Anhörung der Prozeß gegen drei ehemalige Kommandeure der sogenannten Kosovo-Befreiungsarmee UCK, darunter deren hochrangiger Führer Ramush Haradinaj, von Dezember 2004 bis zu seinem Rücktritt in der vergangenen Woche Ministerpräsident der provisorischen Regierung im UNO-Protectorat Kosovo. Mit ihm stellten sich auch seine vormaligen Unterstellten Lahmi Brahimaj und Idriz Balaj am Mittwoch freiwillig. Die Anklageschrift umfaßt 37 Punkte, in denen den drei Kosovo-Albanern vorgeworfen wird, pro-jugoslawische Zivilisten, darunter Serben, Albaner und Roma, systematisch verfolgt, mißhandelt und getötet zu haben.

Vor zwei Jahren wurden erstmals drei Kosovo-Albaner an das Tribunal ausgeliefert. Auch ihnen wird Mord und Folter vorgeworfen. Genau wie im gestern begonnenen zweiten Prozeß gegen UCK-Angehörige bezieht sich die Anklage allein auf das Jahr 1998, während der damalige jugoslawische Präsident Slobodan Milosevic mit Ausnahme des umstrittenen »Massakers von Racak« ausschließlich für Verbrechen angeklagt ist, die nach Beginn des NATO-Krieges im März 1999 begangen wurden. Eine fragwürdige Tatsache, wenn man dem Argument der NATO Glauben schenkt, das Militärbündnis habe sich zur Intervention entschieden, um die kosovo-albanische Bevölkerung vor dem kaltblütigen Wüten der Belgrader Sicherheitskräfte zu bewahren. Obwohl die Anklage der UCK-Kämpfer auch in Belgrad mit dem Argument gelobt wird, sie zeige, daß auch in den Reihen der UCK Verbrechen begangen wurden, darf nicht übersehen werden, daß die Kriegsverantwortung in den Anklagen des Tribunals weiter ausschließlich auf serbischer Seite ausgemacht wird. Absicht ist, den Eindruck eines unparteiischen Tribunals zu vermitteln - obgleich die Instanz von zahlreichen Juristen als illegal bezeichnet wird und hinter der politisch wie finanziell die NATO steht. Die Anklage Haradinajs wird letztlich den Zielen der NATO dienen, das Kosovo schnellstmöglich in die Unabhängigkeit zu führen. Søren Jessen-Petersen, derzeit Leiter der UNO-Mission im Kosovo, wies in diesem Sinne anläßlich der freiwilligen Auslieferung Haradinajs auf die »wachsende politische Reife« der Kosovaren hin.

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VIDOVDAN: AM 21. JUNI 2005 NACH DEN HAAG!

Aufruf des Internationalen Komitees für die Verteidigung von Slobodan
 Milosevic (ICDSM)
 - Deutsche Sektion -

Liebe Freundinnen und Freunde Jugoslawiens!

Der Vidovdan ist der höchste serbische Feiertag und zugleich der Tag der Schande, an dem 2001 eine NATO-Marionettenregierung in Belgrad Slobodan Milosevic an das "Tribunal" der Aggressoren ausgeliefert hat. Der "Prozess" gegen Slobodan Milosevic ist der "Leitprozess" bei der justiziellen Absicherung der Jugoslawien-Zerstörung. Die letzte Runde des vom "Jahrhundertprozess" zum Geheimprozess heruntergekommenen Spektakels steht bevor.

Zugleich mehren sich die Ankündigungen, dass eine Entscheidung über den definitiven Status von Kosovo und Metohija "unmittelbar" bevorstehe.

Es handelt sich um eine Gesamtstrategie der dauerhaften Unterwerfung der Region. Den NATO-Mächten dient ihr Haager "Tribunal" ebenso zur Revision der Geschichte wie zur permanenten politischen Erpressung und kolonialen Beherrschung des Balkan.

Wir schlagen vor, entsprechend dem Motto der letztjährigen Demonstration "Wir geben unsere Geschichte nicht her!" in Den Haag am Vidovdan zu protestieren.

Da der 21. Juni 2005 in diesem Jahr ein Dienstag ist, und die nahe gelegenen Wochenenden durch andere Termine und beginnende Schulferien belegt sind, lautet unser Vorschlag, an diesem historischen Tag selbst ein demonstratives Auftreten mit Schildern und Transparenten vor dem Gebäude des "Tribunals" in Den Haag durchzuführen.

Dieser Vorschlag ist offen für Ergänzungsvorschläge.

Wir hoffen, dass der Nachteil des Termins an einem Arbeitstag etwas gemildert wird durch die (für unsere Verhältnisse) Langfristigkeit der Ankündigung.

Bitte nutzt die gut zwei Monate bis zum Vidovdan für die Mobilisierung von Ideen und Teilnehmern!

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Erste Ankündigung