

Milosevic & Aanklachten

Map 5A

Sagittarius

Van: "Christopher Black" <bar@idirect.com>
Aan: "Vladimir Krsljanin" <slobodavk@yubc.net>; "Tiphaine Dickson" <tiphainedickson@yahoo.ca>; "David Jacobs" <djacobs@jwm-law.com>; <CSchuetz1@aol.com>; <RRONKKO@aol.com>; <Hcottin@aol.com>; <diablenoir@wanadoo.fr>; "Mikhail Kuznetzov" <elena_abpk@mtu-net.ru>; "mailservicesnc" <mailservicesnc@tiscalinet.it>; "Nico Stejnen" <SAGITAR@hetnet.nl>; "Ramsey Clark 1" <lwschilling@earthlink.net>; "Velko Valkanov" <V_Valkanov@hotmail.com>
Verzonden: zaterdag 17 juli 2004 0:34
Onderwerp: Re: CRAZY
 Vlada,

They cannot even see the obvious reply which is, if M is too ill to conduct his own defence, he is certainly to ill to instruct counsel if one is imposed on him, therefore the trial must be discontinued.

The "rules" they impose are equally unfair, basically providing the prosecution of disclosure of the defence case which is not done in the common law system. The prosecution has no right to know who the witnesses are or the exhibits he might or might not use. The prosecution will only use that information to their advantage.

Of course they threaten to prevent him from calling any witnesses if he does not comply. But how could they get away with that? The trial would be even more of a farce than it already is. I think he should stand tough and tell them. These rules are unfair and I will not comply with them. I will call the witnesses as I see fit as is done in trials in Britain, Canada, the US etc etc and the Prosecution will have the right to cross-examine them after they have testified.

Chris

— Original Message —

From: Vladimir Krsljanin
To: Tiphaine Dickson ; Christopher Black ; Cathrin Schuetz ; Sara Flounders ; Barry Lituchy
Sent: Friday, July 16, 2004 1:29 PM
Subject: CRAZY

This is from their Order on future conduct of the trial:

The Registrar will identify a cardiologist, with no prior involvement in the treatment of the Accused, and instruct that cardiologist to carry out an examination of the Accused and consider all relevant information pertaining to his health in the context that he represents himself and report *quam primum* to the Trial Chamber on the fitness of the Accused to continue to represent himself and the likely impact on the trial schedule should he continue to do so.

AND THIS IS WHAT THEY'VE JUST CIRCULATED:

FURTHER ORDER ON MEDICAL EXAMINATION OF THE ACCUSED

On 15 July 2004, the Trial Chamber ordered that the Registrar "instruct Dr. van Dijkman to carry out an examination of the Accused and consider all relevant information pertaining to his health in the context that he represents himself and report *quam primum* to the Trial Chamber on the fitness of the Accused to continue to represent himself and the likely impact on the trial schedule should he continue to do so."

NOTE THAT VAN DIJKMAN IS HIS TREATING CARDIOLOGIST FOR ABOUT TWO YEARS, APPOINTED BY THE TRIBUNAL!

AND THIS WAS SOMETHING HE HAD TO COMPLY WITH:

(THE ORDER ISSUED 6 JULY APPEARED ON THEIR WEB SITE ONLY NOW):

HEREBY ORDERS AS FOLLOWS:

1. The Accused will, by 16 July 2004, disclose to the Prosecution and *Amici Curiae* the identities of all witnesses on the Rule 65 *ter* (G) witness list, except those for whom the Accused may seek the protective measure of

delayed disclosure;

2. The Accused will, by 16 July 2004, disclose to the Prosecution and *Amici Curiae* copies of all exhibits on the Accused's Rule 65 *ter* (G) exhibit list; and
3. Should the Accused have difficulty in complying with these orders, he will provide a detailed explanation of such difficulties in writing, by 16 July 2004; and
4. Should the Accused fail to comply with the above orders, the Trial Chamber will thereafter consider appropriate sanction, including refusal to allow witnesses to be called or exhibits to be tendered.

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

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

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

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

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

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

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

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

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Sagittarius

Van: <RRONKKO@aol.com>
Aan: "Christopher Black" <bar@idirect.com>; <bmb@serbiancafe.com>; "John Catalinotto" <jcat@wwpublish.com>; <civikov@wanadoo.nl>; <hcliadakis@pace.edu>; <nji_1@netzero.com>; <GRCopley@aol.com>; "Paul Davidson" <p.davidson@btinternet.com>; "Tiphaine Dickson" <tiphainedickson@videotron.ca>; "Mike Djuricich" <MDjuricich@kconline.com>; <DRKIMISHINO@aol.com>; "Gregory Elich" <gelich@worldnet.att.net>; <sara@wwpublish.com>; <Foerstel@aol.com>; <kenfree@ev1.net>; <friendly@pipeline.com>; <DGNVNY@prodigy.net>; <ssicc@planet.nl>; "Philip Greenspan" <philip@mjet.com>; <djacobs@jwm-law.com>; <Tika.Jankovich@micrel.com>; <sparta13@ix.netcom.com>; <i-johnson@lineone.net>; <VJOKSIMOVICH@aol.com>; "Mrs. Jela Jovanovic" <nerajov@eunet.yu>; <offbway@hotmail.com>; <ljk1@columbia.edu>; <peggykarp@earthlink.net>; <rkk@uclink4.berkeley.edu>; "sekula kasic" <sekula.kasic@3web.net>; <jovankakrainovich@hotmail.com>; "V. Krsljanin" <vladagr8@eunet.yu>; "Vladimir Krsljanin" <slobodavk@yubc.net>; <jonlevy@hargray.com>; <nick.maj@mssm.edu>; <markowit@history.rutgers.edu>; <ntesla11@aol.com>; <milanny@usa.net>; "MV Paich" <mvp003@comcast.net>; <mp@michaelparenti.org>; <pearsonsplace@earthlink.net>; <cockta@iprimus.com>; <dprotic@nyse.com>; <sradoja@sbcglobal.net>; <Raickovich@aol.com>; <brankoracic@yahoo.com>; "richard ray" <rich_ray@hotmail.com>; <voiceofroma@comcast.net>; <CSchuetz1@aol.com>; <mzelak@compuserve.com>; "Philip Stein" <ggps@accesshub.net>; <TRAJAN@history.rutgers.edu>; <GeorgeSzamuely@aol.com>; <Taki811@aol.com>; "Phil Taylor" <p.s.taylor@rogers.com>; <nadjatesich@hotmail.com>; <ztomanovic@yahoo.com>; "Vuk Vujovic" <vvuja@verat.net>; <Vlado1943@aol.com>; <Desato@aol.com>; <jim.yarker@primus.ca>; <Serbianclassics@hotmail.com>; <zaitchik@nypress.com>; <SAGITAR@hetnet.nl>; <klaus.hartmann@user.ecore.net>; <earthhelp@comcast.net>; <BBlum6@aol.com>; <Hcottin@aol.com>; <alfred.rubin@tufts.edu>; <lwschilling@earthlink.net>; <jtr2@nyu.edu>; <LMurdoc@aol.com>; <reader2500@worldnet.att.net>

Verzonden: vrijdag 16 juli 2004 21:33

Onderwerp: Letter to the editor of the International Herald Tribune re. David Scheffer

unlikely that they will publish, but give them 2 days before posting on internet -

please feel free to borrow for future letters. - BL

Subj: Letter to the Editor re. Op-Ed of Tuesday, July 13, 2004

Date: 7/16/04 2:58:24 PM Eastern Daylight Time

From: RRONKKO

To: letters@iht.com

International Herald Tribune
letters@iht.com

July 16, 2004

To the Editor:

David Scheffer's self-serving suggestion for the ICTY to strip Slobodan Milosevic of his right to self-defense ("Enough of Milosevic's antics," Op-Ed, July 13, 2004) should not be taken seriously. Naturally, as Madeline Albright's former point man for war crimes he has a vested interest in seeing America's favorite fall guy prosecuted and sent to prison. But taking away Milosevic's right to defend himself in court would tear away the last shred of credibility in a trial that has limped on for reasons far different than those given by Scheffer. The prosecution, it should be remembered, called 295 witnesses over 295 days without once presenting evidence or testimony that Milosevic ever planned or ordered war crimes, much less crimes of genocide - and still wanted more time! This is a far cry from the trials at Nuremberg or the Eichmann trial, to

which this one is so often falsely compared, where an abundance of written evidence proved guilt beyond a reasonable doubt. In the eyes of all objective observers including the amici curiae appointed by the ICTY, Milosevic's rebuttals thus far have already justified a full acquittal. By denying the amici's motion for acquittal it is the court that rejected "common sense," not Milosevic. Now either they must proceed according to the rule of law and allow the defendant his right to establish his innocence, or forfeit all pretense to legitimacy. Scheffer's logic makes for good propaganda, but bad justice.

Barry M. Lituchy
New York, USA

The author is a lecturer in modern European history at Kingsborough Community College in New York City.

Enough of Milosevic's antics
David Scheffer IHT
Tuesday, July 13, 2004

The Hague War Crimes Tribunal

WASHINGTON Once they have access to the news again, Saddam Hussein and his 11 co-conspirators in Baghdad will be watching how the War Crimes Tribunal at The Hague decides the fate of Slobodan Milosevic, the former Yugoslav president. The latest episode in his trial for crimes against humanity, which has already consumed two years, raises the question whether an ailing Milosevic can continue to represent himself.

Credit Milosevic with having aggressively handled his own defense throughout the trial. But his is not an unlimited right. The rules of the tribunal grant Milosevic the "minimum guarantee" of self-representation, if he chooses, but the court is empowered to assign legal assistance to him "in any case where the interests of justice so require."

When he was the presiding judge, the late Richard May deftly handled Milosevic's exercise of his right to self-representation by giving him enough leash every day to speak his mind and then jerking that leash when he overstepped his bounds. But the entire exercise was excruciating in its application.

I spoke with Judge May, who died last month, earlier this year and he conceded that the right of self-representation has, indeed must have, reasonable limits. We have seen this right abused in a U.S. federal court recently by one of the terrorist suspects, Zacarias Moussaoui, who is representing himself to the agony of everyone concerned. Another high-profile Serb indictee awaiting trial in The Hague, Vojislav Seslj, also seeks to represent himself, knowing that this way he can grandstand for his party in Belgrade.

Justice for the people and for the defendant simply is not well served when the right of self-representation is abused. Surely "the interests of justice" now require that the Hague tribunal impose courtroom lawyers on Milosevic over his objections. The team assigned by the judges long ago to watch out for

Milosevic's interests can easily step into the real job.

If Milosevic cannot tolerate such common sense, then perhaps the time has come to force-feed the proceedings by video to his jail cell while competent counsel defend him.

Milosevic is charged with crimes of enormous gravity in the Balkans: genocide, crimes against humanity and war crimes. They scream out for accountability. The United Nations and its member states are expending large sums of money on these trials for the purpose of justice, not political diatribes and meandering defenses. The defendant has no more right to manipulate the procedure than does the prosecutor or judge.

The Hague tribunal has built-in checks and balances. They should be used. To do so would greatly enhance the quality of Milosevic's defense and ensure the integrity of the process, which may be nearing a breaking point with the international community.

In their recent "Order on Future Conduct of the Trial," the judges seem to recognize that Milosevic has walked them right to the cliff, and no one who believes in international justice wants either the judges or the defendant pushed into the depths.

I do not agree with those who believe that the Milosevic trial has been a farce or that it discredits international tribunal. A massive criminal enterprise of this character deserves a long, carefully developed trial that inevitably will experience delays. That is the nature of the beast. But the time has arrived to reassert the court's mandated authority and prevent a crippling abuse of the process by the likes of Slobodan Milosevic.

This is not a court of indefinite duration, and there are other important defendants to prosecute and still to capture and put on trial. Perhaps if the discipline of a competent counsel is brought into the courtroom, Milosevic's Serb supporters would learn to respect the authority of the tribunal.

Milosevic has jerked the court around long enough. It is time to permanently pull in Judge May's well-worn leash. Although the Iraqi Special Tribunal for Crimes Against Humanity also entitles its defendants to represent themselves, perhaps we have learned now that the interests of justice should severely circumscribe that right for crimes that assault all of humankind.

David Scheffer, a visiting professor at Georgetown University Law Center, was U.S. ambassador at large for war crimes issues.

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Van: "Christopher Black" <bar@idirect.com>
Aan: "Vladimir Krsljanin" <slobodavk@yubc.net>; "Tiphaine Dickson" <tiphainedickson@yahoo.ca>; <CSchuetz1@aol.com>; "Mick Collins" <cirqueminime@club-internet.fr>; <RRONKKO@aol.com>; <Hcottin@aol.com>; "Velko Valkanov" <V_Valkanov@hotmail.com>; "Nico Stejnen" <SAGITAR@hetnet.nl>; "mailservicesnc" <mailservicesnc@tiscalinet.it>; "Mikhail Kuznetsov" <elena_abpk@mtu-net.ru>; "Ramsey Clark 1" <lwschilling@earthlink.net>; "David Jacobs" <djacobs@jwm-law.com>; <diablenoir@wanadoo.fr>
Verzonden: vrijdag 16 juli 2004 23:59
Onderwerp: Re: TIME FOR LAWYERS?!
 Vlada, and friends

I am in agreement with Tiphaine writing the piece and am willing to review the draft and provide my comments.

I agree it is unlikely to get much press attention. But I agree with Vlada, it must be done for three reasons: to first make a strong legal statement that he has the right to defend himself and the attempt to impose counsel is an clear attempt to silence him and anything else is legal fascism, second, because we must at least try to get the attention of the public. Thirdly, our friend must be sent a copy so that he can use it to support his position before the tribunal.

The last letter of complaint which we sent to the heads of state of the members of the Security Council, while ignored by most mainstream press, was circulated on the net and that is no small thing. I even got one reply, just found it going through my mail from the Africa trip, from the office of Tony Blair, "noting our comments".

What would be most effective of course is a press conference of all of us in The Hague on the 31st. And I mean all of us; Ramsey, Aldo, Nico, Mikhail, Jacques, David, Michael, Hans, Velko, Vlada, myself. I think we should all publicly demand to have an audience with M, (at the same time, as a group of lawyers, not as individuals, make an official request to see him, as a group.) And that the meeting be confidential, no notes, no recording, no observer. We do this as the Legal Committee which wants to consult with M re his defence and his legal rights to conduct his own defence.

If we are refused, we can march to the doors of the prison and knock on those doors and demand to see him (part of an accompanying demonstration to the press conference) or ask for observer status inside the courtroom. In fact, I think the last thought is essential. Perhaps, demand the right to make submissions, (not officially on his behalf because then we would be acting as his counsel, but as concerned jurists who wish to make a statement on behalf of the world which wants to know the truth about the Balkan wars.)

I could make a short trip to The Hague on that date as I will be in Africa too.
 Just ideas.

Chris

— Original Message —

From: Vladimir Krsljanin
To: Christopher Black ; Tiphaine Dickson
Sent: Friday, July 16, 2004 10:35 AM
Subject: TIME FOR LAWYERS?!

Dear friends,

Our friend's health was without improvement during this week, so it is expected that there will be no beginning of the defense next week, meaning it would eventually start only after the scheduled prolonged summer break i.e. 31 August.

From their last decision it is clear that they intend to impose him a counsel, sooner or later. And not the one to replace him fully, since this would be a too big outrage even for them, but a so-called 'stand-by counsel' (referring to their own precedent in Seselj case). I think by the way, that our friend, who declared in the court room that he would never accept an imposed counsel, does not understand fully the danger or does not know what to do. Especially dangerous I see the possibility that they use now lot of media noise they produced deliberately, postponing the beginning several times, each time for another couple of days, as a pretext to make that decision now or in the coming days.

My idea is that we - meaning you write a statement which would then be signed by ALL lawyers and law professors we have in ICDSM and around (including Ramsey, Verges, Bernardini, Valkanov, Mandel, Baburin, Kuznecov, Peach... and maybe some others that can come to your mind). It can be done in a form of an open letter to tribunal and UN). It should contain in the first place clear legal arguments, but also some political lines. The function of it would be a public warning or pressure to prevent the worse, but in the case they do it in the coming

days, that would be our reaction. We could then send it to some professional associations and institutions and try to gain their support or endorsement. I think we could get such support at least from some associations from Russia perhaps some Eastern and some other countries. Russians are mostly on our side, but they lack knowledge of what is exactly going on there in order to make their reactions effective.

What do you think? Do you have some better idea? If you agree, can you write it and in what time approximately?

I think that we are obliged to do something like that.

Many thanks in advance,

Yours,

Vlada

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✉ Letters: Milosevic trial; An EU constitution

IHT

Wednesday, July 21, 2004

Milosevic trial

David Scheffer's self-serving suggestion for the War Crimes Tribunal at The Hague to strip Slobodan Milosevic of his right to self-defense ("Enough of Milosevic's antics," Views, July 13) should not be taken seriously. Naturally, as Madeleine Albright's former point man for war crimes, he has a vested interest in seeing America's favorite fall guy prosecuted and sent to prison.

But taking away Milosevic's right to defend himself in court would tear away the last shred of credibility in a trial that has limped on for reasons far different than those given by Scheffer. The prosecution, it should be remembered, called about 290 witnesses without presenting evidence or testimony that Milosevic ever planned or ordered war crimes, much less crimes of genocide.

This is a far cry from the trials at Nuremberg or the Eichmann trial, to which this one is so often falsely compared, where an abundance of written evidence proved guilt beyond a reasonable doubt. In the eyes of all objective observers, Milosevic's rebuttals thus far have already justified an acquittal. Now either the judges must proceed according to the rule of law and allow the defendant his right to establish his innocence, or forfeit all pretense to legitimacy. Scheffer's logic makes for good propaganda, but bad justice.

Barry M. Lituchy, New York

An EU constitution

Giles Merritt asks the refreshingly candid question: What's the backup plan if the new EU constitution fails to be approved by member states' referendums? ("What's Plan B?" Views, July 17). The answer is: Plan A is unreasonable and it should be modified now before it fails.

What annoys Europeans is the lack of democracy in their system of government. Europe is run by a crew of civil servants seemingly randomly directed by the club of heads of state. You cannot steer a ship with 25 hands on the helm. What Europe needs is a democratically elected executive president.

Marc Amblard, Antonin, France

Religious fundamentalism

Bravo to Nicholas Kristof for clearly showing the parallel between Christian and Muslim extremism ("Militant Christianity versus militant Islam," Views, July 19).

It shames civilization to still be plagued with the blood-thirstiness that religious intolerance breeds.

Only by rejecting the superstitions of our ancestors can we have any hope of peace and understanding among the diverse people of our world.

Let those who praise the popular fundamentalist Christian novels that spread intolerance reflect on their own responsibility for the religious bloodshed around the world and remember the greatest of commandments: Love God and love your

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: donderdag 22 juli 2004 20:47
Onderwerp: CDSM: Decision of ICTY 19th July

Case No.: IT-02-54-T

IN THE TRIAL CHAMBER

Before:
Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar:
Mr. Hans Holthuis

Decision of:
19 July 2004

PROSECUTOR

v.

SLOBODAN MILOSEVIC

FURTHER ORDER ON FUTURE CONDUCT OF THE TRIAL

The Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice
Mr. Dermot Groome
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Slobodan Milosevic

Amici Curiae

Mr. Steven Kay, QC
Prof. Timothy L.H. McCormack
Ms. Gillian Higgins

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("the International Tribunal"),

NOTING the "Order on Future Conduct of the Trial", issued by the Trial Chamber on

24-7-04

6 July 2004, in which the Trial Chamber stated, *inter alia*, "that it may be necessary to assign counsel to the Accused, and/or adopt other measures to ensure a fair and expeditious conduct of the trial",

NOTING the subsequent medical reports of 9 and 16 July 2004, and the further Scheduling Orders on commencement of defence case,

NOTING that presentation of the defence case has not commenced due to the illness of the Accused,

CONSIDERING the resolve and determination of the Trial Chamber to conclude the presentation of the defence case by October 2005, the anticipated conclusion of the 150 days allocated to the Accused for the presentation of his case, based on a three-day sitting schedule from 31 August 2004,

NOTING that the possibility remains that the Accused may not be fit to continue to represent himself in accordance with that schedule,

CONSIDERING that it might be necessary for the Trial Chamber to consider further steps to ensure the fair and expeditious conduct and completion of the trial,

CONSIDERING that, while the Prosecution has submitted that counsel might be assigned in some capacity to ensure the fair presentation of the defence, it has not specified the role of counsel in that situation,

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence of the International Tribunal

HEREBY ORDERS the Prosecution to make submissions, by 26 July 2004, about the role of such counsel in ensuring the fair presentation of the defence case, in particular in the absence of instructions to, or cooperation with, counsel by the Accused, **WHEREAFTER** the Trial Chamber will decide what further action to take, including ordering the Accused and *Amici Curiae* to file submissions in response.

Done in English and French, the English text being authoritative.

Judge Robinson
Presiding

Dated this nineteenth day of July 2004
At The Hague
The Netherlands

[Seal of the Tribunal]

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Van: "Ian Johnson" <i-
Aan: <Undisclosed-Recipient:>
Verzonden: donderdag 22 juli 2004 20:53
Onderwerp: CDSM: :WW edit on Milosevic case

Thought you might like to see this edit aimed at those going to protest the Democratic National Convention--JCatalinotto

 Via Workers World News Service
 Reprinted from the July 29, 2004
 issue of Workers World newspaper

Let Milosevic have a fair fight

Conquering a new colony, the Roman legions drag the defeated chieftain back to the Colosseum. They offer a final challenge: "We will bury you up to your neck in sand and set the lion on you. If you defeat him, you will be set free."

As the lion leaps on him, the chieftain ducks and then bites the lion in the groin. The lion bleeds to death. "Now you must free me," he says.

"Not so fast," counters a Legionnaire. "You didn't fight fair."

For those who follow the case of former Yugoslav President Slobodan Milosevic, this enraging old "joke" hits home. Yugoslavia's imperialist conquerors dragged the defeated leader to NATO's court in The Hague, which spent tens of millions of dollars, prepared for a year, put on 295 prosecution witnesses over two years and proved nothing.

That's the reason most people have probably heard little of what was supposed to be the "war crimes trial of the century."

Ill much of the time, Milosevic worked with the aid of a handful of supporters and little money before hostile judges who make up the rules as they go along. He still demolished the prosecution by exposing "witnesses" as stool pigeons and war criminals trading lies for immunity.

Milosevic had only 50 days to prepare his defense. He was set to expose U.S./NATO war crimes against Yugoslavia. Like the Romans in the story, the court changed the rules. The illness Milosevic complained of for two years suddenly became useful to the judges. Instead of giving him time and care to recover, they now threaten to stop him from representing himself.

For "fairness," for historic truth, the court must give Milosevic time off to recover his health, time to prepare his case, and the right to defend himself in court.

- END -

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26-7-2009

IMPOSITION OF COUNSEL ON SLOBODAN MILOSEVIC THREATENS THE FUTURE OF INTERNATIONAL LAW AND THE LIFE OF THE DEFENDANT

H.E. Mr. KOFI ANNAN, Secretary General of the United Nations,
H.E. Mr. JULIAN ROBERT HUNTE, President of 58th Session of the UN General
Assembly
Romanian (Russian) Presidency of the UN Security Council,
To all members of the UN Security Council, to all members of the UN
Cc: International Criminal Tribunal for the former Yugoslavia

We the undersigned, jurists, law professors, and international criminal lawyers, hereby declare our alarm and concern that the International Criminal Tribunal for the Former Yugoslavia (ICTY) is preparing the imposition of counsel upon an unwilling accused, Slobodan Milosevic.

This apparently punitive measure is contrary to international law, incompatible with the adversarial system of criminal justice adopted by the Security Council in Resolution 808, and ignores the court's obligation to provide adequate medical care and provisional release to the defendant. The ICTY, instead of taking appropriate measures to alleviate Slobodan Milosevic's long-standing medical problems, has compounded them. The ICTY has ignored repeated requests for provisional release, to which everyone presumed innocent is entitled, has imposed unrealistically short preparation periods on the defence, and has permitted the introduction of an inordinate quantity of Prosecution evidence, much of which was bereft of probative value, thereby increasing Mr. Milosevic's level of stress, the principal trigger of his illness. Chamber III has been informed of this by their chosen cardiologist. The defendant has been denied examination by his own physician, a further violation of his rights..

Now, having brought about the very degradation of President Milosevic's health of which it had been warned, the ICTY seeks to impose counsel upon him over his objections, rather than granting him provisional release in order to receive adequate and proper medical care, a reasonable measure reflected in domestic and international law and practice. The envisaged imposition of counsel constitutes an egregious violation of internationally recognized judicial rights, and will serve only to aggravate Mr Milosevic's life-threatening illness and further discredit these proceedings.

The right to defend oneself against criminal charges is central in both international law and in the very structure of the adversarial system. The fundamental, minimum rights provided to a defendant under the Rome Statute of the International Criminal Court, as well as the under the Statutes of the International Criminal Tribunals for Rwanda and Yugoslavia, include the right to defend oneself in person. The general economy of these provisions all envisage the reality that rights are afforded to an accused, not to a lawyer. The right afforded is to represent oneself against charges brought by the Prosecution and subsidiary to this, to receive the assistance of counsel, if an accused expresses the wish to receive such assistance. However, if, as Slobodan Milosevic, a defendant unequivocally expresses his objection to representation by counsel, his right to represent himself supercedes a court's or prosecutor's preference for assigning defence counsel. As stated by the U.S. Supreme Court, with respect to

the Sixth Amendment of the Bill of Rights, which bears a striking similarity to Article 21 of the ICTY Statute:

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

Faretta v. California, 422 U.S. 806 (1975)

The ICTY Statute (as well as ICTR and ICC Statutes) similarly grant "defence tools," such as the right to be represented by counsel, or the right for counsel to be provided free of charge, if the accused is indigent. The essence of the right to represent oneself is defeated when the right to counsel becomes an obligation. As stated in *Farretta, supra*:

"An unwanted counsel 'represents' the defendant only through a tenuous and unacceptable legal fiction. Unless the accused has acquiesced in such representation, the defense presented is not the defense guaranteed him by the Constitution, for, in a very real sense, it is not his defense."

Id.

Nor would the defence of Slobodan Milosevic be the defence guaranteed him under international law, were he to have counsel imposed upon him against his will.

The ICTY's general structure is that of an adversarial system of criminal justice. Other legal influences have been integrated to the Rules of Procedure and Evidence, but the nature of the proceedings, which involve a prosecutor and defendant, as parties, presenting evidence before a panel whose function is that of arbiter, is unquestionably of an adversarial nature. In the adversarial system, history has eloquently illustrated that imposition of counsel on an unwilling accused is the practice of political courts, and does not have its place in a democratic system of justice, much less before an institution that will generate precedent for a truly legitimate international criminal jurisdiction, whose establishment has been the fruit of half a century of struggle:

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

Faretta, Id.

Recently, the ICTY has ordered the Prosecutor, and only the Prosecutor, to provide an opinion with respect to the imposition of counsel in the absence of instructions or cooperation from Mr. Milosevic. The Chamber has repeatedly referred to its obligation to carry out a fair trial, and held, when it acknowledged the right to self-representation in April 2003, that it "has indeed an obligation to ensure that a trial is fair and expeditious; moreover, where the health of the Accused is in issue, that obligation takes on special significance." Article 21 of the ICTY's Statute states that the Chamber must exercise this obligation "with full respect for the rights of the accused." However, expediency has become, as the defendant is set to present essential and potentially embarrassing evidence, the Chamber's apparently overwhelming concern.

Imposition of counsel, even "standby counsel", as appears to be presently envisaged by the ICTY, will not alleviate any of the difficulties facing the process: it will not treat, much less cure, Slobodan Milosevic's malignant hypertension; it will not provide the defendant with the time and conditions to prepare his case; it will not redress the gross imbalance in the resources accorded the Prosecutor and the defence, a redress required by the principle of equality of arms, which the Court professes to recognize. If counsel is imposed, Slobodan Milosevic's basic right to represent himself will be violated, and he will still have only 150 days to present his defence, only half of the time allotted to the Prosecution.

It is presently unclear what role an imposed counsel would play. Whatever it may be, it is certain that there is no benefit to be gained from going forward with this unprecedented measure. The ICTY Statute provides the minimum right to be present for one's trial. If Slobodan Milosevic's medical condition does not permit him to attend the proceedings, and he does not waive his right to be present, the ICTY does not have the jurisdiction to hold hearings in his absence. Adjournments will continue as long as measures are not taken to treat Mr. Milosevic's malignant hypertension, a condition that cannot be treated by further violating his rights, threatening to remove him from the process, or by transferring his defence to a complete stranger.

The ICTY assigned three counsel to act as *amicus curiae*, and whose stated role is to ensure, inter alia, a fair trial. It is doubtful an imposed counsel, even a "standby counsel" could provide any additional assistance, without hijacking President Milosevic's defence, or simply silencing him. Furthermore, any reference to precedent with respect to the imposition of standby counsel is inapposite. In the case of Dr Seselj, standby counsel was ordered before the beginning of a trial, and to prevent "disruption" of the proceedings.

President Slobodan Milosevic does not recognize the ICTY. He asserts his innocence, and steadfastly criticizes the ICTY and NATO. He is innocent until proven otherwise, and has every right to oppose the legitimacy of this institution. By imposing counsel, the ICTY would not only violate his right to self-representation, but his right to present relevant evidence demonstrating the repeated violations of Yugoslavia's sovereignty over a decade. These violations led to NATO's illegal war of aggression against and bombing of Yugoslavia - at the very height of which an indictment against Slobodan Milosevic was confirmed by the ICTY. A TRAVEL PLAN IS TO DERIVE THE YUGOSLAV PEOPLE'S VOICE TO negotiate peace and in order to justify the continuation of that war of aggression.

The trial of Slobodan Milosevic before the ICTY has been adjourned until August 31st, 2004. The Prosecutor has presented 295 witnesses in as many days, all of which have been cross-examined by the defendant in person, as he does not recognize the ICTY as a judicial body, and signals this non-recognition by refusing to assign counsel. Slobodan Milosevic is a law school graduate, was three times elected to the highest state offices of Serbia and Yugoslavia, and has by all accounts ably contested the Prosecution's case. There is no question as to his mental fitness and ability to waive his right to counsel. The ICTY may not enjoy President Milosevic's criticism. Nonetheless, the public benefits of respecting his right to self-representation far outweigh whatever embarrassment might be visited upon the ICTY. Justice demands that Slobodan Milosevic be given the right to demonstrate that the Security Council institution detaining him is a political weapon against the sovereignty and self-determination of the people of Serbia and all the peoples of Yugoslavia.

Nelson Mandela represented himself during the infamous Rivonia trials of the 1960s. Mandela mounted a political defence against apartheid, yet even the South African judiciary did not impose counsel to silence him. The ICTY is poised to threaten the future of international law by doing what even apartheid-era judges dared not do - gag a defendant and impair his ability to respond to a case. A case, we note, made unwieldy, unintelligible and inexplicably lengthy by the Prosecutor, with the Chamber's assent, and not by Slobodan Milosevic. Indeed, most observers of the process have noted that the Prosecutor failed to present compelling evidence to support any of their charges; rather than stay the proceedings, the ICTY permitted the Prosecutor to present additional witnesses, in apparent desperation to make something stick.

The right to defend oneself in person is a part of the International Covenant for Civil and Political Rights. The United Nations should not tolerate these continuing violations of international law in the name of expediency, using a detained person's inappropriate treatment as an excuse to infringe upon his rights and silence him, and embark upon a "radical reform" and to the defendant's detriment-- is a perversion of both the letter and spirit of international law.

As jurists, we are deeply concerned that the planned imposition of counsel constitutes an irrevocable precedent, and potentially deprives any accused person of the right to present a meaningful defence in the future. In the case of Slobodan Milosevic, this measure will only increase his hypertension and place his life at risk. The ICTY and Security Council will be held responsible for the tragically predictable consequences of their actions.

Signed:

OF THE PROCEEDINGS - AS THE CHAMBER IS NOW CONSIDERING BY CHANGING THE RULES IN THE TRIAL, AND TO THE DEFENDANT'S DETRIMENT - IS A PERVERSION OF BOTH THE LETTER AND SPIRIT OF INTERNATIONAL LAW.

Sagittarius

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Onderwerp: URGENT URGENT Lawyers' signatures needed!

Dear friends,

The ICTY is at the peak of of the most dangerous illegal misconduct aiming to silence President Milosevic i.e. to silence the truth.

By the Thursday morning (29 July) we need as many as possible signatures of lawyers, law professors and lawyers'/jurists' associations to the attached appeal. Please inform us now about your consent to sign. Please engage that others you know sign as soon as possible.

Yours truly,

Vladimir Krsljanin,

**Foreign Relations Assistant to President Milosevic,
Sloboda/ICDSM**

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<http://www.icdsm-us.org/> (US section of ICDSM)
<http://www.icdsmireland.org/> (ICDSM Ireland)
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Verzonden: maandag 2 augustus 2004 22:32

Onderwerp: CDSM: John Laughland - The Guardian 2nd August

Although primarily dealing with Sudan this article by John Laughland makes some telling points about Yugoslavia. Thanks to CK for forwarding this piece. IJ.

The mask of altruism disguising a colonial war

Oil will be the driving factor for military intervention in Sudan

by John Laughland

(Monday August 02 2004, The Guardian)

If proof were needed that Tony Blair is off the hook over Iraq, it came not during the Commons debate on the Butler report on July 21, but rather at his monthly press conference the following morning. Asked about the crisis in Sudan, Mr Blair replied: "I believe we have a moral responsibility to deal with this and to deal with it by any means that we can." This last phrase means that troops might be sent - as General Sir Mike Jackson, the chief of the general staff, immediately confirmed - and yet the reaction from the usual anti-war campaigners was silence.

Mr Blair has invoked moral necessity for every one of the five wars he has fought in this, surely one of the most bellicose premierships in history. The bombing campaign against Iraq in December 1998, the 74-day bombardment of Yugoslavia in 1999, the intervention in Sierra Leone in the spring of 2000, the attack on Afghanistan in October 2001, and the Iraq war last March were all justified with the bright certainties which shone from the prime minister's eyes. Blair even defended Bill Clinton's attack on the al-Shifa pharmaceuticals factory in Sudan in August 1998, on the entirely bogus grounds that it was really manufacturing anthrax instead of aspirin.

Although in each case the pretext for war has been proved false or the war aims have been unfulfilled, a stubborn belief persists in the morality and the effectiveness of attacking other countries. The Milosevic trial has shown that genocide never occurred in Kosovo - although Blair told us that the events there were worse than anything that had happened since the second world war, even the political activists who staff the prosecutor's office at the international criminal tribunal in The Hague never included genocide in their Kosovo indictment. And two years of prosecution have failed to produce one single witness to testify that the former Yugoslav president ordered any attacks on Albanian civilians in the province. Indeed, army documents produced from Belgrade show the contrary.

Like the Kosovo genocide, weapons of mass destruction in Iraq, as we now know, existed only in the fevered imaginings of spooks and politicians in London and Washington. But Downing Street was also recently forced to admit that even Blair's claims about mass graves in Iraq were false. The prime minister has repeatedly said that 300,000 or 400,000 bodies have been found there, but the truth is that almost no bodies have been exhumed in Iraq, and consequently the total number of such bodies, still less the cause of their deaths, is simply unknown.

In 2001, we attacked Afghanistan to capture Osama bin Laden and to prevent the Taliban from allegedly flooding the world with heroin. Yet Bin Laden remains free, while the heroin ban imposed by the Taliban has been replaced by its very opposite, a surge in opium production, fostered by the warlords who rule the country. As for Sierra Leone, the United Nations human development report for 2004, published on July 15, which measures overall living standards around the world, puts that beneficiary of western intervention in 177th place out of 177, an august position it has continued to occupy ever since our boys went in: Sierra Leone is literally the most miserable place on earth. So much for Blair's promise of a "new era for Africa".

The absence of anti-war scepticism about the prospect of sending troops into Sudan is especially odd in view of the fact that Darfur has oil. For two years, campaigners have chanted that there should be "no blood for oil" in Iraq, yet they seem not to have noticed that there are huge untapped reserves in both southern Sudan and southern Darfur. As oil pipelines continue to be blown up in Iraq, the west not only has a clear motive for establishing control over alternative sources of energy, it has also officially adopted the policy that our armies should be used to do precisely this. Oddly enough, the oil concession in southern Darfur is currently in the hands of the China National Petroleum Company. China is Sudan's biggest foreign investor.

We ought, therefore, to treat with scepticism the US Congress declaration of genocide in the region. No one, not even the government of Sudan, questions that there is a civil war in Darfur, or that it has caused an immense number of refugees. Even the government admits that nearly a million people have left for camps outside Darfur's main towns to escape marauding paramilitary groups. The country is awash with guns, thanks to the various wars going on in Sudan's neighbouring countries. Tensions have

risen between nomads and herders, as the former are forced south in search of new pastures by the expansion of the Sahara desert. Paramilitary groups have practised widespread highway robbery, and each tribe has its own private army. That is why the government of Sudan imposed a state of emergency in 1999.

But our media have taken this complex picture and projected on to it a simple morality tale of ethnic cleansing and genocide. They gloss over the fact that the Janjaweed militia come from the same ethnic group and religion as the people they are allegedly persecuting - everyone in Darfur is black, African, Arabic-speaking and Muslim. Campaigners for intervention have accused the Sudanese government of supporting this group, without mentioning that the Sudanese defence minister condemned the Janjaweed as "bandits" in a speech to the country's parliament in March. On July 19, moreover, a court in Khartoum sentenced six Janjaweed soldiers to horrible punishments, including the amputation of their hands and legs. And why do we never hear about the rebel groups which the Janjaweed are fighting, or about any atrocities that they may have committed?

It is far from clear that the sudden media attention devoted to Sudan has been provoked by any real escalation of the crisis - a peace agreement was signed with the rebels in April, and it is holding. The pictures on our TV screens could have been shown last year. And we should treat with scepticism the claims made for the numbers of deaths - 30,000 or 50,000 are the figures being bandied about - when we know that similar statistics proved very wrong in Kosovo and Iraq. The Sudanese government says that the death toll in Darfur, since the beginning of the conflict in 2003, is not greater than 1,200 on all sides. And why is such attention devoted to Sudan when, in neighbouring Congo, the death rate from the war there is estimated to be some 2 or 3 million, a tragedy equalled only by the silence with which it is treated in our media?

We are shown starving babies now, but no TV station will show the limbless or the dead that we cause if we attack Sudan. Humanitarian aid should be what the Red Cross always said it must be - politically neutral. Anything else is just an old-fashioned colonial war - the reality of killing, and the escalation of violence, disguised with the hypocritical mask of altruism. If Iraq has not taught us that, then we are incapable of ever learning anything.

* John Laughland is an associate of Sanders Research Associates

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Verzonden: zondag 1 augustus 2004 15:17
Onderwerp: CDSCDSM: The New World Order & The Destruction Of Yugoslavia. - Ian Johnson May
 This article was first published in May 2003. It is being circulated today by request. IJ.

The New World Order and the Destruction of Yugoslavia.

" There will be no peace. At any given moment for the rest of our lifetimes, there will be multiple conflicts in mutating form around the globe. Violent conflict will dominate the headlines, but cultural and economic struggles will be steadier and ultimately more decisive. The de facto role of the U.S. armed forces will be to keep the world safe for our economy and open to our cultural assault. To those ends we will do a fair amount of killing." U.S. Army War College Quarterly. Summer 1997.

YUGOSLAVIA UNDER ATTACK.

" The war against Yugoslavia was conducted on behalf of the great powers because Yugoslavia stood in the way of their interests. It stood as an obstacle to the goals of the new world oppressors, the new colonialism. It represented ' a bad example ' for all those countries and peoples who wished to stay free and independent." Slobodan Milosevic 17th October 2002.

The National Security Directive 'US Policy Towards Yugoslavia' was issued by the White House Washington DC in 1984. The document outlined a policy to forge a new Balkan order that was based on the market organisation of economies and envisaged 'spheres of influence' for the major powers. This policy document was issued three years before Slobodan Milosevic came to power and six years before the break-up of Yugoslavia began.

To implement this policy the United States instigated a decade of sanctions against Yugoslavia, simultaneously creating and supporting an internal opposition with funds and equipment, and launched, in 1999, a 78 day bombing blitz in an attempt to effect 'regime change' which would result in a compliant and pro-market government.

The pretext used to justify this illegal action was the alleged 'ethnic cleansing' of the Albanian population from the Yugoslav province of Kosovo by the Milosevic government. Just why the government would want to 'ethnically cleanse' any part of the Federal Republic of Yugoslavia was never adequately explained. Indeed there could be no logical explanation because such actions flew in the face of the multicultural policy of the Milosevic government. The western media would claim that Milosevic himself called for 'ethnic cleansing' in his speech delivered to an estimated 1 million people at Kosovo Field on 28th June 1989. This 'speech' was mentioned consistently in the build up to the 1999 bombing campaign, it was mentioned continually but significantly it was never quoted from. Why? Because the Kosovo Field speech was a call to unite the different nationalities of Serbia and Yugoslavia, the complete opposite to what the western propaganda alleged. Here is a section of it: "Serbia has never had only Serbs living in it. Today, more than in the past, members of other peoples and nationalities also live in it. This is not a disadvantage for Serbia. I am truly convinced that it is its advantage. National composition of almost all countries in the world today, particularly developed ones, has also been changing in this direction. Citizens of different nationalities, religions, and races have been living together more and more frequently and more and more successfully. Socialism in particular, being a progressive and just democratic society, should not allow people to be divided in the national and religious respect."

And this was claimed to be a call for ethnic cleansing?

THE HAGUE TRIBUNAL.

1 July 2004

"The war against Yugoslavia was and still is waged without any moral scruples. The illegal 'court' in The Hague is one of the means of that war and the proof that the war is still ongoing." Slobodan Milosevic. 17th October 2002.

The War Crimes Tribunal as it is sometimes called, is the creation of the United Nations Security Council. It is legally invalid. According to the provisions of the UN Charter, the Security Council has no competence whatsoever in judicial matters. The Charter determines the Council's competence in matters of international security but not in matters of criminal justice or other judicial matters. The sole authority in international judicial matters rests with the International Court of Justice and not with the War Crimes Tribunal. The original idea for the Tribunal emanated from the Department of the United States Army and the then US Secretary of State Madeleine Albright drove it through the UN Security Council. It receives much of its funding from private American Corporations such as Time Warner, who own CNN and it is CNN who have exclusive rights to broadcast, or not, the Tribunal's proceedings.

The Tribunal also receives funding from the American billionaire financier George Soros through his Open Society Institute. (The Open Society Institute operates throughout the former Soviet Bloc with its task being to convert the area to a free enterprise system). The tribunal is mainly staffed by Americans drawn from George Soros's Central East European Law Institute. The aim of this Institute is to restructure the legal systems of the former Soviet countries and gear them to the free enterprise system. It is also worthy of note that George Soros funds the main KLA newspaper in Pristina, Kosovo.

Given this background it is obvious to see that the Tribunal is primarily a political tool for the United States of America. Its task is to justify the crimes of the U.S. and Nato. However its claim to be independent has already been undermined. For instance Dr Hans Koechler, the President of the International Progress Organisation noted: *"As long as the 'Tribunal' does not take action against those Nato politicians and military officers responsible for breeches of international humanitarian law, the 'Tribunal' can only be considered as one more futile exercise in the political use of judicial procedures within the framework of a 'policy of double standards' which seems to be the essence of power politics in the 'New World Order'.*

The 'Tribunal has introduced some frightening procedures into the world of international law. It claims that investigation of facts can be halted on the grounds 'that an investigation would not serve the interests of justice'. It goes further when stating that 'arrest is allowed for any reason. It ensures that the person does not obstruct an investigation'. It allows evidence to be withheld from the Defence and also accepts 'hearsay' evidence. And most bizarrely claims that 'the accused may be held in detention even when acquitted'. It is in essence a law unto itself.

The International Criminal Tribunal for the former Yugoslavia issued an indictment against President

Milosevic for 'war crimes in Kosovo.' The then prosecutor, Louise Arbour, reported the decision to indict Milosevic directly to the President of the United States, two days before she announced it to the rest of the world, giving the lie to the pretence that the 'Tribunal' acts independently of the United States. Belatedly two further indictments were added whilst Milosevic was in custody for the first indictment, the additional charges being genocide in Croatia and Bosnia. Apart from the fact that this procedure has no basis in law it underlines the fact that the prosecution, so bereft of a valid case over Kosovo, desperately needed to widen their attack.

At his first appearance before the 'Tribunal' Mr Milosevic made his position clear:

"I consider this tribunal a false tribunal and the indictment a false indictment....I have no need to appoint counsel to an illegal organ." He added that the 'Tribunal' aimed to *"produce false justification of the war crimes of Nato."* (3rd July 2001).

It would not be until February the following year that the media dubbed, 'the trial of the century' would commence in earnest but at his pre-trial appearance on 11th December 2001 Milosevic lambasted the court: *"During the conflict in Bosnia no Moslem was expelled from Serbia. During the conflict in Croatia no Croat was expelled from Serbia. More than that, during the conflict in Bosnia – look at the records at UNHCR – over 70,000 Moslem refugees found shelter in Serbia. What nation, what tens of thousands of people would seek shelter among those who had committed aggression against them? Do you know that more Moslems live in Serbia than in Bosnia and Herzegovina? The Moslems in Bosnia were pushed into that disaster, into that war, so that outside forces, appearing as their supporters, could hide their responsibility for the deaths of many times more – millions of Moslems – in accordance with their interests of enslaving the World and a new colonialism."* Milosevic defiantly added: *"I can tell you that I am proud that I commanded the armed forces of Yugoslavia...I am here as a punishment for standing up against the danger of the biggest tyranny that has threatened mankind."* (11th December 2001).

The role of the War Crimes Tribunal, or the WTE, Washington's Tribunal in Europe, as the Yugoslavs call it, was summed up perfectly in an exchange of letters between Tribunal advocate Antonio Cassese and former Secretary-General of the United Nations, Mr Boutros Ghali. In a letter dated 21st January 1994 Cassese wrote, "Our Tribunal will not be simply 'window dressing' but a decisive step in the construction of a new world order."

The International Criminal Tribunal for the former Yugoslavia issued an indictment against President

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: vrijdag 30 juli 2004 23:52
Onderwerp: CDSM:Carla Del Ponte - No Rights for

U.N. chief prosecutor rejects splitting Milosevic trial

Deutsche Presse-Agentur - July 28, 2004

The Hague - The U.N. chief prosecutor at the war crimes tribunal for former Yugoslavia, Carla Del Ponte, on Wednesday rejected a proposal that the trial of former Yugoslav president Slobodan Milosevic be split into separate components. It would not be in the interests of the administration of justice to separate the charges relating to Kosovo, Croatia and Bosnia- Herzegovina into different processes, Del Ponte said in a statement.

Last week judges from the United Nations Criminal Tribunal for the former Yugoslavia (ICTY) announced they were considering splitting Milosevic's trial into separate components in order to bring about a speedier conclusion.

Del Ponte emphasized that Milosevic should have a defence lawyer appointed to represent him, even against the former leader's will. The right to defend oneself should not dictate the course of the trial, she said. Milosevic has defended himself, leading to many delays because of the 62-year-old's persistent heart problems. He has refused to agree to the appointment of a defence lawyer. The trial, which began in February 2002, is scheduled to resume on August 31 with Milosevic's defence. He is accused of war crimes, crimes against humanity and genocide. The prosecution rested its case last February. dpa dt pmc

July 28, 2004, Wednesday - 15:23:33 Central European Time
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<http://www.hetnet.nl/evs/>

Sagittarius

Van: "Jan Beentjes" <jbeentjes@mac.com>
Aan: "Ruza" <despot@tiscali.nl>; "Nico Steijnen" <sagitar@hetnet.nl>; "Meindert Stelling" <meindert.stelling@planet.nl>; "Marrie Kardol" <mkardol@mac.com>; "Hans Hupkes" <hans.hupkes@planet.nl>
Verzonden: vrijdag 30 juli 2004 11:46
Onderwerp: Fwd: Hager Tribunal versucht, Strategie der Selbstverteidigung von Slobodan Milosevic zu durchkreuzen

Hier een bericht wat ik graag aanbeveel.

Jan

Begin doorgestuurd bericht:

Van: Klaus von Raussendorff <redaktion@aikor.de>
Datum: 30 juli 2004 11:31:45 GMT+02:00
Aan: Klaus von Raussendorff <raussendorff@web.de>
Onderwerp: **Hager Tribunal versucht, Strategie der Selbstverteidigung von Slobodan Milosevic zu durchkreuzen**

Liebe Leute,

zum Stand des Milosevic-Prozesses dokumentiere ich:

MILOSEVIC KÜNFTIG ZWANGSVERTEIDIGT?

Ein Versuch, die Strategie der Selbstverteidigung des Angeklagten zu durchkreuzen

Von Cathrin Schütz

(erschien leicht gekürzt in Neues Deutschland vom 29. Juli 2004, S. 7)

[1]

JURISTEN AUS MEHREN LÄNDERN GEGEN DIE BESTELLUNG EINES ZWANGSVERTEIDIGERS FÜR SLOBODAN MILOSEVIC

Pressemitteilung des Internationalen Komitees für die Verteidigung von Slobodan Miloševi? (ICDSM) - Deutsche Sektion - vom 29. Juli 2004

[2]

DIE BESTELLUNG EINES ZWANGSVERTEIDIGERS FÜR SLOBODAN MILOSEVIC BEDROHT DIE

KÜNFTIGE RECHTSENTWICKLUNG UND DAS LEBEN DES ANGEKLAGTEN

Petition von 50 Juristen aus 12 Ländern an die Vereinten Nationen vom 29.

Juli 2004

[3]

JuristenkönnendiePetitionweiterhinunterschreiben.

Email bitte an: vorstand@freidenker.de

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;
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[1]

MILOSEVIC KÜNFTIG ZWANGSVERTEIDIGT?

Ein Versuch, die Strategie der Selbstverteidigung des Angeklagten zu
 durchkreuzen
 Von Cathrin Schütz

Die Situation des ehemaligen jugoslawischen Präsidenten Slobodan Milosevic, angeklagt vor dem ad-hoc Tribunal für Kriegsverbrechen im ehemaligen Jugoslawien (ICTY) in Den Haag, spitzt sich derzeit zu. Heute sollte sich der Prozeß eigentlich in seiner zweiten Phase befinden und der sich selbst verteidigende Milosevic seine Argumente und Zeugen präsentieren. Nun scheint unsicher, ob es dazu nach der Sommerpause am 31. August überhaupt kommen wird. Nachdem schon die Anklagezeit zum Vorschein brachte, daß es sich bei den Vorwürfen um teils wirre Konstruktionen handelte, die oft mit bestochenen Zeugen gestützt werden sollte, weisen nun alle Zeichen auf den Einsatz eines Zwangsverteidigers. Die Möglichkeit, den studierten Juristen Milosevic aus seinem Prozess abzudrängen, wurde von der Staatsanwaltschaft unter Chefanklägerin Carla del Ponte schon lange gefordert. Bisher hatten sich die Richter jedoch dagegen gestellt. Doch just zum Zeitpunkt des Beginns der Verteidigung nahmen die Richter den Vorschlag auf, in dem sie die lange bekannte Krankheit von Milosevic plötzlich zum zentralen Thema machten. Ein Verteidiger soll den kranken Angeklagten entlasten, so heißt es offiziell.

Doch warum wurde gerade jener Moment gewählt, um den Einsatz eines Verteidigers ins Spiel zu bringen, an dem Milosevic seine vierstündige Eröffnungsrede und seine ersten Zeugen präsentieren wollte? Warum empfing das Tribunal just an jenem Tag, an dem dieser Plan in die Diskussion gebracht wurde, hinter verschlossenen Türen Madeleine Albright?

Sicher ist, daß sie wie andere Akteure der Clinton-Regierung von Milosevics Zeugen massiv belastet werden kann. Neben den deutschen Regierungen Kohl und Schröder liegt es besonders im Interesse der USA, Milosevics Strategie einen Strich durch die Rechnung zu machen. Albright war in ihrer Zeit als US-Außenministerin massiv in den NATO-Krieg gegen die Bundesrepublik Jugoslawien und die Federführung der an den US-Bedingungen gescheiterte Rambouillet-Konferenz verstrickt. Schon als US-Botschafterin bei der UNO hatte sie im Sicherheitsrat die Gründung des Haager ICTY erzwungen und zählte zu den Anti-Serbischen Hardlinern während der 1990er.

Das ICTY fügt sich immer wieder dem politischen Druck seiner Finanzgeber, zu denen neben Saudi-Arabien, internationalen Großkonzernen und George Soros die NATO-Staaten zählen. Vor allem der Prozeß gegen Milosevic hat die Auswirkungen immer wieder offen gezeigt. So haben sich die Richter schon unzählige Male über das geltende Prinzip der Gleichbehandlung von Anklage und Verteidigung hinweggesetzt, zuletzt hatten sie die Bedingungen für Milosevics Vorbereitungen seiner Verteidigung massiv beschränkt. Offensichtlich beunruhigt gewisse Kräfte dieser Tage die Tatsache, daß es Milosevic trotz dem von den Richtern gesetzten Zeitdruck gelang, seine Verteidigung vorzubereiten. Und so überlegen die Verantwortlichen, wie man das Statut des ICTY wie auch geltendes Völkerrecht und die Prinzipien des Angelsächsischen Rechts erneut umgehen kann und dem Angeklagten das Recht auf Selbstverteidigung absprechen kann. Sollte ein vom Tribunal eingesetzter Anwalt die Verteidigung führen, kann als sicher gelten, daß eine Beweisführung über die teils direkte Verwicklung der USA in die blutigen Bürgerkriege wie etwa die Verwicklung in die „Operation Storm“, die Vertreibung von 200.000 Serben aus der Krajina in Kroatien ausbleiben wird. Vor allem liegt es im Interesse der US-Demokraten, ihre Zusammenarbeit mit muslimisch-fundamentalistischen Kräften in Bosnien und im serbischen Kosovo, die vor Ort teils von Osama Bin Laden persönlich repräsentiert wurden, totzuschweigen.

Da der Schritt zum Zwangsverteidiger juristisch höchst fragwürdig ist, arbeiten die Richter derzeit offensichtlich an Alternativen. So soll die Anklage gegen Milosevic, die ihm Verbrechen in Kroatien, Bosnien und dem Kosovo vorwirft, in ihre Einzelteile zerlegt werden. Während die Anklage von einer Anklageschrift ausging und darauf basierend Milosevic den „kriminellen Plan“ der Schaffung eines „Groß-Serbiens“ nachzuweisen versuchte, sollen künftig offenbar alle drei Anklagen separiert werden, was den Charakter der Anklage mitten im Prozeß von Grund auf verändern würde. Der Vorteil für die Drahtzieher des Tribunals könnte darin begründet sein, daß die Trennung der Anklagen deren Entpolitisierung zur Folge hätte. Milosevics These, wonach es nur einen Krieg ihm ehemaligen Jugoslawien gab, den gegen Jugoslawien, ist aufs engste mit der Balkanpolitik Deutschlands und der USA verbunden. Danach haben externe Kräfte die Zerschlagung des Landes geplant und durchgeführt. Derartige Zusammenhänge würden durch die Teilung der Anklagen als unerheblich abgewiesen werden können.

Berichte wie der des deutschen Abgeordneten Willy Wimmer über eine im Jahr 2000 vom US-Außenministerium mitveranstaltete Balkan-Konferenz in Bratislava, auf der man „in aller Klarheit gesagt“ hätte, was der Hintergrund der Jugoslawienpolitik der vergangenen Jahre war und ist: „Kontrolle“ über die „Region“ durch die Revision der Ergebnisse des 2. Weltkrieges, „als Eisenhower es unterließ, dort Bodentruppen zu stationieren“, sind im Zeugenstand höchst unerwünscht und es scheint, daß es derzeit darum geht, nichts unversucht zu lassen, um Milosevic zum Schweigen zu bringen, um die eigene Politik weiter verschleiert zu halten.

Der Artikel erschien leicht gekürzt in Neues Deutschland, 29. Juli 2004, S.

7

[2]

Internationales Komitee für die Verteidigung von Slobodan Miloševi? (ICDSM)
- Deutsche Sektion -
Sprecher: Klaus Hartmann, Schillstraße 7, D-63067 Offenbach am MainTel.:
069 – 83 58 50;
e-mail: vorstand@freidenker.de; www.free-slobo.de

Pressemitteilung v. 29. Juli 2004

JURISTEN AUS MEHREN LÄNDERN GEGEN DIE BESTELLUNG EINES ZWANGSVERTEIDIGERS FÜR SLOBODAN MILOSEVIC

Juristen, Juraprofessoren und internationale Strafverteidiger sind besorgt über die geplante Bestellung eines Zwangsverteidigers im Prozess gegen den ehemaligen Staatspräsidenten von Jugoslawien, Slobodan Milosevic, vor dem Haager Tribunal. In einem Schreiben an den Generalsekretär der Vereinten Nationen, an den Sicherheitsrat und die Generalversammlung sowie an das Haager Tribunal, das unter der Verantwortung der Vereinten Nationen arbeitet, erklären die 50 Unterzeichner aus 12 Ländern: „Die vorgesehene Bestellung eines Zwangsverteidigers stellt eine unerhörte Verletzung international anerkannter Rechte vor Gericht dar und wird allein dazu dienen, die lebensbedrohende Krankheit von Herrn Milosevic weiter zu verschlimmern und das Verfahren weiter zu diskreditieren.“

Die Petition ist von den kanadischen internationalen Strafverteidigern, Tiphaine Dickson und Christopher Black initiiert worden. Beide engagieren sich im Internationalen Komitee für die Verteidigung von Slobodan Milosevic (ICDSM). Zu den Unterzeichnern gehören Ramsey Clark (USA), Sergei Baburin (Vizepräsident der russischen Duma), Jacques Verges (Frankreich), Professor Norman Paech and Friedrich Wolf (Deutschland), Jitendra Sharma (Indien) - Präsident der Internationalen Vereinigung Demokratischer Juristen - und die Professoren Avramov und Cavoski aus Belgrad. Die Sammlung von Unterschriften hat erst in den letzten Tagen begonnen und soll fortgesetzt werden.

Die Juristen weisen außerdem darauf hin, dass sich das Tribunal einer ernsthaften Prüfung des Antrags verschließt, Präsident Milosevic mit

De zaak-Milosevic

30-7-2004



Commentaar

Het Europees Verdrag voor de Rechten van de Mens bepaalt dat een verdachte 'binnen een redelijke termijn' moet worden berecht. Toegepast op de zaak-Milosevic lijkt deze bepaling met voeten te worden getreden. De ironie wil dat in dit geval vooral de verdachte zelf alles in het werk stelt de behandeling van zijn

zaak zo lang mogelijk te rekken. Toch kunnen ook de rechters van het Joegoslavië-Tribunaal er niet om heen: het proces is danig uit de hand gelopen.

Toen Milosevic begin 2002 werd voorgeleid, dacht hoofd-aanklagster Del Ponte twee jaar nodig te hebben. Tweeënhalf jaar later zijn we vermoedelijk pas op de helft. Joegoslavië bestaat al niet meer en inmiddels moet er serieus rekening mee worden gehouden dat de verdachte zelf het einde van het proces niet haalt. Aanvankelijk zou hij in april met zijn verdediging beginnen. Vanwege zijn slechte gezondheid is dat nu al uitgesteld tot eind augustus.

Hoezeer Milosevic iedereen ook tegen de haren instrijkt, men kan hem moeilijk verwijten dat hij als verdachte probeert zijn huid zo duur mogelijk te verkopen. De vraag is veeleer hoe het tribunaal het zover heeft laten komen.

Ter verdediging kan worden aangevoerd dat de aanklagers moeilijk voorbij konden gaan aan het door het Westen gecreëerde beeld van Milosevic als de verpersoonlijking van het kwaad op de Balkan. Het was in de ogen van de publieke opinie bijna ondenkbaar dat de voormalige president van Joegoslavië niet op zijn minst medeschuldig zou worden bevonden aan de wreedheden tijdens de burgeroorlog.

Dit leidde tot een ruim geformuleerde aanklacht die ook het zwaarst denkbare misdrijf omvat: volkenmoord. Het is met name de genocide-aanklacht die het tribunaal lijkt op te breken. Hoewel de aanklagers zich op dit punt veel moeite hebben getroost bewijzen te verzamelen, heerst in brede kring twijfel over de hardheid ervan.

Om het verwijt van 'overwinnaarsrecht' voor te zijn, hechten de rechters op hun beurt aan een eerlijke rechtsgang met alle ruimte voor de verdachte. Nu Milosevic heeft laten weten honderden getuigen à décharge te willen horen, kan een vonnis nog wel tot 2006 op zich laten wachten. Het is daarom begrijpelijk dat de rechters naar mogelijkheden zoeken het proces alsnog te bekorten. Dat het voorstel de zaak op te splitsen op verzet stuit, is begrijpelijk. De oud-president zal beseffen dat zijn schuld inzake Kosovo gemakkelijker is te bewijzen, dan zijn betrokkenheid bij de gebeurtenissen in Bosnië en Kroatië. Omgekeerd vrezende aanklagers dat na een veroordeling van Milosevic in de zaak-Kosovo, de rest nooit meer aan bod zal komen.

Toch is er reden de rechtvaardigheid hier ondergeschikt te maken aan de doelmatigheid. Het Joegoslavië Tribunaal heeft per definitie een tijdelijk karakter. Wil het tribunaal niet alleen recht doen, maar ook bijdragen aan de verwerking van het verleden, dan is enige haast geboden.

de Volkskrant Donderdag 29 juli 2004

Berechting Milosevic stagneert

Rechters willen aanklacht in drieën knippen

NYT, ANP
DEN HAAG

De rechters in het proces tegen de voormalige Joegoslavische president Slobodan Milosevic willen de rechtszaak opsplitsen in drie delen. Daarnaast overwegen zij Milosevic te dwingen een advocaat te accepteren, omdat hij fysiek niet in staat is zijn verdediging te voeren. De aanklagers zijn fel tegen opsplitsing.

De slechte gezondheidstoestand van Milosevic - hij lijdt aan een te hoge bloeddruk - bepaalt de gang van zaken bij het Joegoslavië-Tribunaal te veel, vinden de rechters. Het proces bevindt zich feitelijk in een impasse en de vrees bestaat dat het proces in zijn huidige vorm nooit zal worden voltooid.

Vandaar dat de rechters overwegen drie afzonderlijke zaken te behandelen: Kroatië, Bosnië en Kosovo. De uitvoerige tenlastelegging rept van een tienjarige reeks van moorden en martelingen in de drie gebieden waar de Joegoslavische oorlog woedde.

De rechters hebben medewerkers van het Tribunaal gevraagd advocaten voor te dragen die de verdediging van Milosevic op zich kunnen nemen. Deze heeft zich daar aldoor heftig tegen verzet en staat erop zich zelf te verdedigen. Als hij wel raadslieden had, zou het proces gewoon doorgang vinden als Milosevic te ziek was om aanwezig te zijn.

De rechters hebben ook een car-

dioloog aangezocht om te beoordelen of de verdachte het proces kan bijwonen en een behandeling voor te stellen. De afgelopen dagen zou deze gezaghebbende Europese hartspecialist Milosevic hebben bezocht. Bij het Tribunaal wordt gezegd dat de ex-president weigert zich nader te laten onderzoeken in een ziekenhuis.

Het idee om Milosevic te laten bijstaan door een advocaat vindt bijval bij hoofdaanklagster Carla del Ponte. In een brief aan het Tribunaal schrijft zij dat de verdachte niet in staat is zijn eigen verdediging te voeren en dat de rechtbank hem een advocaat moet toewijzen. Bij voorkeur moet dat een van de *amici curiae* zijn, de 'vrienden van het hof', die erop toezien dat Milosevic netjes wordt behandeld.

De aanklagers en de 'vrienden van het hof' zijn tegen het opsplitsen van de rechtszaak. Zij zijn bang dat als wordt begonnen met Kosovo, er na een vonnis geen verdediging meer kan komen inzake genocide in Bosnië, omdat het proces niet wordt voortgezet. De *amici* Steven Kay en Gillian Higgins vinden dat opsplitsing 'geen gepast mechanisme' is om 'een eerlijk en spoedig verloop' van het proces te bevorderen.

De rechters hebben een aantal jaren geleden al tevergeefs voorgesteld de rechtszaak in tweeën te splitsen. Del Ponte vond toen bij de Kamer van Beroep van het VN-hof in Den Haag steun voor haar bezwaren.

Milošević roept 1631 getuigen op

DEN HAAG, 3 JUNI. De Joegoslavische ex-president Slobodan Milošević moet de rechters de namen van alle 1631 getuigen geven die hij in het kader van zijn verdediging wil laten oproepen voor het Joegoslavië-Tribunaal. Milošević heeft de nog vertrouwelijke lijst van 1631 getuigen in april ingediend. De rechters klagen dat „slechts een klein aantal van deze getuigen met naam worden genoemd; de meesten worden slechts aangeduid met een pseudoniem”. Milošević wijst erop dat veel getuigen wellicht nog om beschermende maatregelen zullen vragen waardoor de namen geheim moeten blijven. (ANP)

Sagittarius

Van: "R. Despotovic" <despot@tiscali.nl>
Aan: "Meindert Stelling" <meindert.stelling@planet.nl>; "Nico & Neeltje Steijnen"
Verzonden: maandag 9 augustus 2004 23:09
Onderwerp: Fw: Tapuskovic refuses to join the Hague criminal cousine

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

From: Vladimir Krsljanin <slobodavk@yubc.net>
To: <Undisclosed-Recipient:;>
Sent: Monday, August 09, 2004 12:17 AM
Subject: Tapuskovic refuses to join the Hague criminal cousine

> *****

> A NOTE FROM SLOBODA/ICDSM:

>
> The Hague tribunal has not yet given-up from its criminal intentions
towards
> President Milosevic. And our voice of protest and any public voice of
> protest is becoming more and more unpleasant to them. They are being
caught
> in a criminal act.
>
> On Friday, 6 August, two most important Belgrade dailies, "Politika" and
> "Novosti" gave lot of space ("Politika" on its front page) to interviews
> with Belgrade lawyer Branislav Tapuskovic (one of the Amici Curiae during
> the Prosecution case), who sent a letter to the tribunal, declaring his
> refusal to accept to be on the among the candidates for an imposed counsel
> to President Milosevic, something which was offered to him a day earlier
in
> a phone call from the tribunal's Registry. In his letter, Mr. Tapuskovic
> used the arguments similar to the ones contained in the International
> Lawyers' Petition sent several days earlier to the UN and to the tribunal.
> Almost all other Belgrade media also reported on his decision.
>
> But, up to now, NONE of the Western media reported a word on that!
>
> We again call upon all lawyers, law professors and professional jurists to
> join the Lawyers Petition. The days in front of us are decisive for the
> protection of International Law and for the struggle for truth about
Serbian
> people.
>
> The Lawyers Petition can be read at:
> <http://www.icdsm.org/Lawappeal.htm>
>
> Instead of excellent articles from "Politika" and "Novosti", which we have
> only in Serbian, we offer you bellow the one on the same issue which
> appeared in the English Internet edition of the Belgrade newspaper "Blic".
>
> =====
> Hague Tribunal in panic search of lawyer for Milosevic
> =====
> Blic Online, 7 August 2004
>

> Belgrade lawyers Zdenko Tomanovic and Branislav Tapuskovic refused proposal
> by the Hague Tribunal to defend Slobodan Milosevic as per official service
> duty.

> Due to further deterioration of Milosevic's health and impossibility of
> appointing his defender, beginning of Milosevic's defense scheduled for
> August 31 could be postponed again.

> Lawyer Zdenko Tomanovic did not want to comment for 'Blic' information
> that
> he had refused offer by that Hague Tribunal to him to defend Milosevic.

> Lawyer Branislav Tapuskovic who was engaged by the Hague tribunal as
> 'friend
> of the court' says that Milosevic has granted right to defend himself
> personally regardless of his health condition.

> 'My acceptance of the tribunal's offer would violence Milosevic's right.
If

> Milosevic is unable to be in the courtroom, my opinion is that the court
> trial cannot be continued', Tapuskovic says.

> Cardiologists say that Milosevic needs to rest because of high blood
> pressure and heart problems. Milosevic was of the opinion that
> continuation
> of the court trial should have been postponed for one month at least.

> Aleksandra Milenov of Belgrade office of the Hague tribunal says for
> 'Blic'
> that judges are considering possibility of giving so-called 'stand-by'
> defender who would follow the court process and undertake the matter when
> Milosevic is unable to carry out his own defense.

> 'When his health improves, Milosevic would again question the witnesses by
> himself. The second possibility is division of the indictment into two or
> three parts in which case the court process would develop in series. I do
> not know when the judges will decide on that since at the moment
Tribunal's
> officials are on holiday', Aleksandra Milenov said.

> *End of the "Blic" article*

> *****

> THE INTERNATIONAL LAWYERS' PETITION:

> "IMPOSITION OF COUNSEL ON SLOBODAN MILOSEVIC THREATENS THE FUTURE OF
> INTERNATIONAL LAW AND THE LIFE OF THE DEFENDANT"

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

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SWANS, Monday, August 16, 2004

The Debacle At The Hague
 by John Stepling

(Swans - August 16, 2004) It's interesting to note how most reasonable people I know accept the duplicity of corporate mainstream media. The run up to the invasion of Iraq was rightly seen as crass propaganda by most right thinking humans. However, these same people have a much harder time questioning the assumptions behind, and the statistics about, what is happening in the Sudan now, or Rwanda, and especially what took place in the former Yugoslavia.

Why is this? Well, looking at Yugoslavia, perhaps it's the liberal tendency to believe Democrats wouldn't really fabricate a crisis, or create one, or distort all the information about one. They tend to think a Democrat wouldn't drop tons of Depleted Uranium (DU) tipped ordnance on a country unless there was a darn good reason for it – a reason of humanitarian resonance. The bombing of Belgrade, under Bill Clinton, and carried out by Supreme Allied Commander Wesley Clark, is still widely seen as the way, the only way, to stop the genocide orchestrated by crazed Serbian killers. Now, I suppose it's time to look more closely at this word "genocide." The propaganda mill that Washington drives non-stop has created over the last twenty-some years a sort of index of buzzwords that it trots out, with appropriate visual reinforcement, to convince the liberal left (it doesn't have to convince the right) that sending in the Marines is actually a noble and compassionate act. Genocide is at the top of this buzzword list. It's a word that was rarely used after WWII out of a sense for the specialness of the Holocaust. It has, of late, however been used for almost all international crises, raising bizarre issues of body counts vs. varieties of atrocity; the new Olympics of comparative ethical mayhem. When one needs to focus attention on a particular issue, those running the show just cry genocide. It is now a shorthand for armchair debate about intervention (by the colonial West) and about when it should start; now, or a bit later. In any case, sending in the Marines has never been, nor will it ever be, a compassionate act. Armies are created, as are states for that matter, to protect the ruling class and their interests. The question is always framed with a "how can we stand by while this happens." sort of formatting (cue visual aids, scene of refugee camp, hungry children, interview with caring NGO workers). Such framing creates the atmosphere in which guilt will grow most quickly, and modern guilt is intimately linked to self-loathing, doubt, and feelings of alienation. To alleviate this alienation the narcotized public must be given symbolic acts of compassion and caring...and such symbolism can be found (in a kind of weird Freudian/Biblical vortex) by spilling more blood...by symbolic sacrifice in the cloak of humanitarian intervention. The transgression is erased through the proof found in the symbolic slaughter. Exploring the underlying causes of such crises is simply too much work for most citizens. Such is the modern dysfunctional Empire.

My intention is not to go over the entire history of this complex region, but to focus on the propaganda surrounding the trial of Slobodan

Milosevic, and especially the current state of his defense and the collapse of the prosecution's case. I find a great many people who otherwise might question an illegal institution like the International Criminal Tribunal for the Former Yugoslavia (ICTY), willing to accept this one's dodgy foundations and lack of international credibility because they have been so convinced of the "evil" of Milosevic. Just a quick rewind here: Milosevic was kidnapped (illegally, as most kidnaps are) by Zoran Djindic, former President of Serbia, in exchange for a promise of one billion in aid (which never came, because the U.S. decided there was the matter of a debt incurred by Tito that needed to be made right). Imagine Ariel Sharon being kidnapped – a genuine criminal, blood soaked and pathological – or Henry Kissinger, or John Negroponte, and carried off to The Hague and tossed in a cell. Imagine the response of the media. Yet hardly a word of complaint was heard in the West when Milosevic was snatched. Why? The obvious answer has to do with the business interests and agenda of the U.S. (and its desire to further co-opt NATO) to break up the Yugoslav Republic. Since these same interests control the media, one isn't likely to hear much of a critique from ABC, CBS, NBC or CNN or FOX, or even The New York Times. America is a force for good, after all. We only kidnap those who deserve kidnapping, and Milosevic, by the time he was taken, had been sufficiently demonized that there seemed little to do except take him to prison and throw away the key.

The prosecution has spent two years (and called 295 witnesses!) on this case, and for anyone who has bothered to look hard enough, this prosecution has utterly failed to prove a single of its accusations. Neil Clark (in The Guardian), back in February, pointed out that nothing has been proven and then added, "the nature and extent of the atrocities themselves have been called into question." I remember CNN full of the odious Christiane Amanpour (not coincidentally the wife of Albright's errand boy Jamie Rubin, who also not coincidentally was Wesley Clark's assistant during Clark's closed door testimony – a hearing that even Milosevic's legal associates were not permitted to attend) blathering on about how important a trial this was, how international justice was on the threshold of a great breakthrough, yada yada yada. Funny, I don't see Christiane, or anyone, talking about this "important" case anymore. From daily updates to nothing. Why? Again, the answer lies in the total breakdown of the US/NATO scenario. Milosevic defended himself, while refusing to acknowledge the legitimacy of the court. This wasn't how it was supposed to go. The delusional Carla Del Ponte was possibly, in retrospect for the Empire, a bad choice to head the prosecution. A dwarfish, churlish, and unpleasant Swiss woman of seemingly limited intelligence, Del Ponte has carried on with little prosecutorial skill and even less self-control when facing a journalist's microphone. Beyond that, the endless list of witnesses has been revealed (often by deft questioning from Milosevic) as liars, frauds, and accomplices of US interests. The transcript runs to 50,000 pages (all materials run to 500,000 pages, and additionally some 5,000 video cassettes). Milosevic has had to read it all himself and has been denied visits from family and friends. Even with this head start the prosecution couldn't mount a coherent case for any of its charges. Even those who cling to the arguments of journalists like Timothy Garton Ash, Misha Glenny, or Marlise Simons will be forced to face the fact that this trial has been a fiasco from its inception. This, however, brings us to the current situation; now that the prosecution has rested and that it's Milosevic's turn to defend himself, the Court is worried (yeah, right) that his health may not allow him to continue to act as his own counsel. The intention of the Tribunal is to impose a counsel, to force Milosevic to stop defending himself. This desperate eleventh-hour measure is a naked reminder, if any were really needed, of just how far off track this entire proceeding has gone. The absurdity of using an untreated medical condition as an excuse to abridge basic rights and silence a defendant is, possibly, a new low point in modern international law.

Fifty international lawyers have signed a petition sent to the UN Security General, the Security Council, and the General Assembly (signed by, among others, Ramsey Clark, USA; Jacques Verges, France; Sergei Baburin, VP of the Russian Duma; Jitendra Sharma, India; and drafted by

Tiphaine Dickson, Canada). The main thrust is that an imposition of counsel constitutes a violation of all recognized judicial rights (and will further aggravate Milosevic's health, rather than alleviate his medical condition). The International Covenant of Civil and Political Rights, US Supreme Court decisions, and the Rivonia Trials (where Mandela defended himself!) are cited as precedent. The right to defend oneself is central to all international law and the very structure of adversarial justice. In fact, the only precedent for imposition of counsel can be found in the Star Chamber, which since the 17th century has stood as symbolic of egregious disregard for basic defendant's rights. The ICTY now resembles nothing so much as Judge Roy Bean or the inner chambers of Torquemada, such is the devolution of due process in our era of Empire. The entire process has been tilted to favor the prosecution – Milosevic gets only 150 days to prepare his defense (the prosecution has had at least since 1999 to prepare material, and from another perspective has had almost ten years) and has had no access to the media, something which the prosecution has been playing to endlessly, voicing their perspective and commentary...including the creepy appearance of Wesley Clark following his censored testimony. Notwithstanding the obvious bias, the average citizen of the West (and certainly of the U.S.) would get the impression (as a Harper's valentine article to The Hague indicated) that the ICTY has bent over backwards to accommodate Mr. Milosevic. Such distortion is typical of the new corporate spin that is lapped up by liberals and conservatives alike. In The London Times of July 31, 2004, in a review of Chris Stephen's book "Judgement Day: The Trial of Slobodan Milosevic," Janine Di Giovanni points out that "if Judgement Day were read with no prior knowledge, it would be possible to believe Milosevic had already been tried and convicted." Stephen's book is the usual gloss on this subject. It's telling to note that that other Chalabi, who now runs the Saddam trial, has put an end (after one preliminary hearing) to any journalists or media inside the courtroom, fearing no doubt, exactly what has taken place at the ICTY. Clearly, they have learned their lesson; simply don't allow any kind of due process and keep it all secret.

Tiphaine Dickson, an international lawyer practicing before the UN tribunals since 1997, spoke to me about the steady and Orwellian deterioration of internationally recognized basic rights by the very bodies whose stated purpose is to enforce respect for human rights. "The precedents set by the Rwanda and Yugoslav courts are shocking for defense lawyers who arrive to defend a client at The Hague or Arusha. Indictments with little or no evidence, disregard for extradition procedures, piecemeal disclosure, third hand hearsay, drastically limited cross examination, and modification of rules by judges in collaboration with the prosecution as trials go along, not to mention US pressure to speed up the process; all of it is just par for the course in these Security Council Institutions. I was once asked by a journalist why I became a political lawyer. My answer was because these courts insisted on carrying out political trials."

I can't really speak for exactly why otherwise open-minded people feel so intractable about this subject. Perhaps it's just the Clinton aspect to the bombing, or more likely, it's just the infantile response one has in the face of all authority, and the attendant submission to the illusion of protection that all authority figures provide. Seeking consensus is part of this childhood fear, the need for the father figure to be given respect and from which, in return, one will receive rational security. The sense of hopelessness most people feel today makes such submission, such yearning for agreement, seem like (and feel like) the only choice left. This is how propaganda works. One sees it in the hysteria for Kerry, even though people know protest was silenced and protesters were stuck in cages outside Fleet Center, and one sees it in the refusal to look more deeply at the show trials of figures like Milosevic, who has become a poster boy (along with Saddam, Castro and all of FARC) for evil and despotism and, of course, terror (never mind Islam Karamov of Uzbekistan, for instance, is a boon ally, nor Colombian President Uribe, our partner in the war on drugs, is and was a known narco-trafficker). The notion of spreading "our" values lies behind not just Iraq, but behind the destruction of Yugoslavia as well. An

examination of who profits from these exercises in neo-liberal do-gooding is rarely taken (Camp Bondsteel was built by Kellogg, Brown and Root...as a quick example). The American force for good has to go in and save people by killing more of them. Few question the assumptions behind buzzwords like Srebrenica or ethnic cleansing (get Sharon on the phone again, OK?) or mass rape or death squads. Evidence seems unnecessary and increasingly due process seems simply an irritant, to be done away with, if at all possible. Presumption of guilt seems no obstacle to a "fair" trial. From Guantánamo Bay or Abu Ghraib to The Hague is not such a leap. From the Star Chamber or the Texas Death House, to the irrationality of Carla Del Ponte, Jeffrey Nice, or the late Richard May (who died of brain cancer mid-trial) is also but a small step. Crises occur and few ask for what or who created them. Just send in the UN, or the Marines, and kick some ass, dump some munitions, and then call in the World Bank and the IMF. A favorite argument of the liberal left starts with the opening giveaway that history not be exhumed, and that one should only ask "what is to be done now?" As if that is the new reality principle, the new realpolitik. History is increasingly to be ignored or taken on faith from State Department memos, and that the difficult and often nearly impossible task of sifting through the remains of cultures and peoples and villages is just too complicated and time consuming, and often (most importantly) yields only partial results. Real history is not made of the whole-cloth (invented) truisms so beloved by the new liberal journalists that serve as hagiographers for our Imperial class. It's as if to question the veracity of major magazines and newspapers; to question the possible agenda of journalists (clinging to jobs where the paycheck comes from a corporation with a vested interest in the matter) is too large a leap – it threatens too much of the bedrock trust in societal institutions. Without that trust the sense of our place and role would be threatened, and without that sense, people tend to reach psychic fail-safe. The script for the ICTY was to blame Serbian aggression for the wars in the Balkans. The Serbs must then accept guilt and voilà, history will be re-written to accommodate the US strategic and business interests. The destruction of legality evident at the ICTY is important for other reasons as well. If such kangaroo courts are given credibility and accepted, then one can pretty well expect a similar erosion of due process when the courts are prosecuting junkies and homeless people, black teenagers and Latino gang members. They can all expect to have to adhere to even more stringent standards of innocence, while Poindexter, Negroponte or Elliot Abrams can continue to find work in high places and sleep comfortable in the knowledge that their privileges are guaranteed. The same folks who lied about WMD previously lied about Yugoslavia. The National Endowment for Democracy and the co-opted US media trotted out all manner of myth and fiction, most now roundly discredited, and yet those myths stuck. Everything from disguising the identity of the narco-gangsters of the KLA as plucky freedom fighting underdogs (with help from Paul Wolfowitz and the Balkan Action Council, and Bob Dole, for whom Albanian-Americans raised over a million dollars to assist his election campaign – Diana Johnstone is particularly good on this subject), to the negative labeling of Milosevic as a hyper-Nationalist (we all know Bush and Kerry are nothing of the sort) and a fascist. All managed to find traction in the popular consciousness on the Balkans. The fundamental illegality and outright criminality of The Hague is obvious even if one insists on buying into the rest of the US story on Milosevic. At the very least I would hope the naked and blatant lack of fairness involved at the ICTY will be acknowledged, for it is the starting point for a re-examination of this entire shabby chunk of revisionist history. I hope that at the least, the biases and contradictions of the jingoistic press will be denounced; for to continue to accept the glaring lack of impartiality of this Tribunal, and its coverage, is to accept another step in the police state's death grip on our existence.

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>> John Stepling is a LA playwright (Rockefeller fellow, NEA recipient,

> and PEN-West winner) and screenwriter (most recent was Animal Factory
> directed by Steve Buscemi). He is currently living in Poland where he
> teaches at the National Film School in Lodz.
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'Milošević moet zijn eigen verdediging blijven voeren'

2004

Door een onzer redacteurs

DEN HAAG, 17 AUG. Slobodan Milošević moet tijdens zijn proces voor het Joegoslavië-tribunaal zijn eigen verdediging blijven voeren. Het is geen goed idee dat het VN-hof hem, met het oog op zijn gezondheid, een advocaat zou toewijzen.

Dat schrijven twee van de amici curiae, die in opdracht van het tribunaal toezien op een eerlijk verloop van het proces, in een advies aan de rechters. Volgens de amici, Steven Kay en Gillian Higgins, heeft het tribunaal niet de bevoegdheid om een advocaat toe te wijzen als een verdachte dat niet wil. Daarnaast schrijven zij in hun advies dat de toewijzing van een advocaat het proces verder zou vertragen omdat die zich eerst geruime tijd in de zaak zou moeten inwerken.

Mochten de rechters toch besluiten een advocaat toe te wijzen dan zijn de amici curiae niet van plan die rol op zich te nemen, zo melden zij in het advies.

De amici curiae stellen in hun advies dat vóór de hervatting van het proces, op 31 augustus, een medisch deskundige moet vaststellen of de gezondheid van de oud-president van Joegoslavië het toelaat dat

hij wordt berecht. Mocht de medisch deskundige (en de rechters) tot de conclusie komen dat Milošević gezond genoeg is om terecht te staan, maar dat hij niet gezond genoeg is om zijn eigen verdediging te voeren, dan moeten er extra maatregelen worden genomen om te waarborgen dat het proces eerlijk en vlot verloopt. Daarbij denken de amici aan extra ondersteuning en rustdagen.

Milošević, die onder meer terechtstaat voor genocide, voert zijn eigen verdediging omdat hij het VN-tribunaal niet erkent. Hoofdaanklager Carla del Ponte schreef eind volgende maand aan het tribunaal dat Milošević, gezien zijn slechte gezondheid, niet langer in staat is zijn eigen verdediging te voeren. De voormalige president vertoont vermoeidheidsverschijnselen en lijdt aan hoge bloeddruk.

Het proces tegen Milošević begon in februari 2002. Hij had in juni van dit jaar moeten beginnen met zijn verdediging, maar dat is al diverse keren uitgesteld wegens zijn slechte gezondheid.

Op 19 juli lieten de rechters weten dat de oud-president zijn verdediging voor oktober 2005 moet hebben afgerond.

Juristen: 'Milosevic geen verdediging opdringen'

AMSTERDAM, 17 AUG. 2004 De advocaten die erop toezien dat de voormalige Servische leider Slobodan Milosevic een eerlijk proces krijgt voor het Joegoslavië-tribunaal, hebben zich uitgesproken tegen het aanwijzen van een advocaat die optreedt als zijn verdediger. Milosevic wil zijn zelf zijn verdediging voeren. Volgens de 'vrienden van het hof' heeft de verdachte het recht zichzelf voor het tribunaal te verdedigen. (Reuters)

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ESPRIT DE CORPS

August 16, 2004

By *Scott Taylor*

Esprit de Corps publisher and military author Scott Taylor has agreed to testify at The Hague War Crime Tribunal at the request of former Serbian President Slobodan Milosevic. In preparation for his upcoming court appearance, Taylor spent six hours behind bars with the indicted war criminal who serves as his own legal counsel. Taylor writes of his experience.

"How would you like your coffee?" Even as I answered, the whole situation was so surreal. Here was Slobodan Milosevic, the former President of Serbia and an indicted war criminal, making me a Nescafe in a plastic cup. Having reported on the Balkan wars for the past 12 years, Mr. Milosevic had, for me, always been a somewhat larger than life figure throughout that period. Whether he was loved by the million-plus crowd that chanted "Slobo! Slobo!" in June 1989, or hated by the similar-size angry mob that ousted him from power in October 2000.

Now I was suddenly face to face with the man in a prison cell. The whole experience was surprisingly casual. It was definitely unnerving, almost like seeing the curtain pulled back on the wizard of Oz. To be fair, I must point out that I was not there to interview Mr Milosevic, rather, I was the one being questioned.

Under the terms of his incarceration, the former Serbian president is not allowed to meet with media or make public statements. In order for me to have access to the prisoner I had to sign a very strict non-disclosure agreement that prevents me from describing any aspect of the actual detention facility in which Mr. Milosevic is being detained nor can I speak of "The health of the accused, including his mental health and physical appearance."

While I obviously cannot describe in detail the actual set of security measures at the detention facility, I would simply advise any future witnesses to be sure to wear clean underwear on the day of their visit. While not intrusive the searches were thorough.

As for his person, I believe that I can safely mention that Mr. Milosevic wore a plaid shirt buttoned to the top and casual slacks, but I cannot reveal any detail that would describe his mood or emotions during our six-hour meeting.

Another rule forbids me from disclosing "Any other information relating to ... any detainee other than the accused." However, I do not think that it would be a violation of these guidelines to point out that when Mr. Milosevic came into contact with other Serbian prisoners he was greeted cordially as "Slobo" and was introduced respectfully to their visiting family members.

I don't think I'm violating the spirit of the signed agreement by stating that Mr. Milosevic speaks excellent if somewhat accented English. The only confusion we had during our conversation was when he discussed Canadian Justice Louise Arbour's indictment of Milosevic on 26 May 1999. I mentioned that at that time I was actually in Belgrade reporting on the NATO air strikes. As chief prosecutor for the newly formed war crimes tribunal, Arbour had startled the world with her surprise mid-war announcement of the Serbian President's indictment. "That was funny." I heard him say, but when I questioned his response Milosevic corrected himself. "Phoney" he said and after a moment's hesitation, he added "and funny too."

There is also a strict guideline whereby The Hague Tribunal can deny access to a visitor if they believe their purpose is "to obtain information which may be subsequently only reported in the media." However, I am not prevented from discussing my personal experience and potential testimony, which was the reason for my visit to The Hague.

The genesis of this trip began when I received a telephone call from Belgrade in mid-July. The caller, Branko Rakic, identified himself as a legal assistant to Slobodan Milosevic. He advised me that three of my books—*Tested Mettle*, *Inat* and *Diary of an Uncivil War* had been obtained by the defense team and submitted to The Hague's International Criminal Tribunal for the former Yugoslavia (ICTY) as evidence. Mr. Rakic also told me that Mr. Milosevic wished to interview me as a potential witness and I was told upfront that I would not be compelled to testify. My cooperation would have to be voluntary.

From a personal standpoint, I naturally had reservations about appearing before such a tribunal, particularly as I have frequently questioned the impartiality and legitimacy of such a post-war judicial process—established and funded by the victors to determine the guilt of the defeated. However, as a journalist and author, having spent so many years covering the complex Balkan conflict, the prospect of meeting one of the central figures was too powerful a lure to decline.

The entire administration process of becoming a Tribunal witness was also fascinating. Following the formal request for an interview by Milosevic's team, the travel arrangements were then processed by the ICTY's Witness and Victims Section. Approximately 34 clerks and field workers are assigned to facilitate such visits to The Hague. While the cloak-and-dagger precautions—from coded signs held by the airport guide to the anonymous hotel registration—seemed somewhat excessive, they served to remind me of the magnitude of the crimes committed and of the far-reaching power of many of the accused. Many of the witnesses actually appear under the condition of Tribunal protection. While this option was offered to me, given that my books are public documents I declined.

As the Tribunal is technically in recess throughout the month of August, I happened to be the only witness during this particular 72 hour period. When the cases are being heard the Witness and Victims Section handles as many as 30-40 individuals a day. For privacy and security reasons they are housed in a number of different hotels located throughout the city.

My hotel happened to be located very close to the detention center and only meters from The Hague's beaches. As one of northern Europe's most popular seaside resorts, there were thousands of topless bathers making the most of the mid-summer heat wave just a half kilometre from the war crimes prison. Perhaps fortunately for the inmates, the packed beaches cannot be seen over the red bricked walls of their confines.

Judging from the volumes of documents and books cluttering his desk and bookshelves, Mr. Milosevic would have little time for such distractions. He has only until August 31 to prepare and finalize his defence, and he plans to call several hundred witnesses. Included in his wish list are a number of potentially 'hostile' witnesses such as; Bill Clinton, Tony Blair and former NATO spokesperson Jamie Shea. While there is little chance that any of them would willingly agree to testify, the request to compel their attendance will be a difficult challenge to the prosecutors. Not that there is any shortage of legal expertise arrayed to contest such a challenge. The number of lawyers and researchers on the prosecution team is estimated to consist of several hundred personnel—a large percentage of whom are Canadians.

Although he is representing himself in this case, Mr. Milosevic is being assisted by a very small team of legal supporters and researchers. They operate with only a minimum of financial assistance from the Tribunal, and most of their financial support comes from private donations—mostly by Serbian expatriates, including several Canadians.

Researcher Cathrin Schuetz accompanied me when I met with Mr. Milosevic. The 33-year-old German political science graduate commutes by train from her hometown near Frankfurt—a five-hour trip to The Hague—to process potential witnesses. "We operate on a shoestring budget," she explained, "but we believe that everything must be done to try and achieve a fair trial."

of the things most disconcerting to the small defence team is that the Tribunal is once again trying to impose its own legal counsel on Mr. Milosevic. "They say that it is for health reasons, but that is not true," said Ms. Schuetz.

"They told him ten days before his defence was supposed to begin that the trial was postponed. He stopped his preparations of their orders, but the Tribunal did not inform the media," continued Ms. Schuetz. "Instead, they allowed foreign journalists to register and then brought Mr. Milosevic to the trial chamber on the original date. When he explained that he was not prepared because of the health restriction, the Tribunal used this as further proof that they must impose counsel on him. It was courtroom theatrics."

In addition, members of his defence team allege that events are being orchestrated to deliberately isolate Mr. Milosevic with the aim of heightening his stress levels.

"Following the indictment of Mira [Markovic] in Serbia last year, Slobodan has not been allowed to see his wife," said Ms. Schuetz. "This only further isolated him and denied him personal support." In most published accounts concerning the Milosevics, they were always described a "inseparable" and considered "soul mates." While she conducted her own political career, her Party was always seen as an extension of her husband's Socialists. When Slobodan was first handed over to The Hague, Mira would make frequent trips to visit him in jail and to attend the tribunal hearings.

Next week, on 20 August, Mr. Milosevic will mark his 63rd birthday alone in his cell. This will be his fourth such non-celebration since his handover to The Hague on June 28, 2001.

The hundreds of witnesses Mr. Milosevic intends to call also includes a large number of Canadians. While I cannot disclose any information as to their identities or potential testimony, Mr. Milosevic will be tabling evidence in his defence from all aspects of the Balkan wars- dating back to the breakup of Yugoslavia in 1990.

For my part, the evidence cited from my books concerns a number of issues pertaining to the atrocities witnessed by Canadian troops serving in Bosnia and Croatia between 1992 and 1995. One incident of particular interest to Mr. Milosevic was the September 1993 confrontation in the Medak Pocket. Although Canadian soldiers had engaged Croatian troops and officially recorded the atrocities the Croats had committed against Serbian villagers, many of the key participants were never brought to justice before The Hague. Furthermore, one of those responsible in the massacre ended up playing a lead role -with NATO's blessing -in the 1999 conflict in Kosovo.

The Milosevic defence team recognized my role in first breaking the previously untold story of the Medak (with David Pugliese of the Ottawa Citizen) in the fall of 1996. The events of the Medak Pocket were also detailed in my books *Tested Mettle: Canada's Peacekeepers at War* (1998) and *Inat: Images of Serbia and the Kosovo Conflict* (2001).

While some of my peers have already questioned me as to why I would take the stand to defend an alleged war criminal, when I discovered the nature of my intended testimony I realized that I would simply be defending the stories I had already written. I believe it would undermine any journalist's credibility if he or she was to refuse to stand by their reports under such circumstances.

When I was finally ushered out of the detention center at the conclusion of our meeting, Slobodan Milosevic was taken by the guards back to his private cell. In addition to making coffee for witnesses, the ex-president is now apparently responsible for preparing his own meals.

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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: zondag 22 augustus 2004 22:32
Onderwerp: CDSM: Experts Urge U.N. on Milosevic

The press conference hold on Tuesday, 17 August in the UN headquarters in New York by Ramsey Clark, former US Attorney General and Tiphaine Dickson, international criminal lawyer from Montreal on behalf of 90 lawyers and law professors from 17 countries, demanding immediate end of the serious and dangerous violation of International Law in the case of President Slobodan Milosevic (the press conference was hosted by New York historian Barry Lituchy on behalf of the ICDSM-US) produced and is still producing lot of public effect and among the international lawyers community in particular. Below we reproduce the Associated Press story on the press conference, which was widely quoted in Western media, as well as the text of the petition, together with 92 signatures it obtained until now.

While the Hague tribunal is still cooking its answer to the challenge by the law and professional ethics, in the decisive days to come, ICDSM and Sloboda urge all lawyers and all honest people to support our efforts to stop the crime at the Hague and to help by all political, legal and financial means the struggle of President Milosevic for truth, freedom of Serbian people and sovereignty and equality of nations.

Experts Urge U.N. on Milosevic Defense

Wednesday August 18, 2004
 By EDITH M. LEDERER
 Associated Press Writer

UNITED NATIONS (AP) - Ninety legal experts from 17 countries urged the United Nations, in a petition drafted by a Canadian lawyer, to allow former Yugoslav president Slobodan Milosevic to continue defending himself against war crimes charges, warning imposing a defence lawyer against Milosevic's wishes would violate international law.

Canadian international lawyer Tiphaine Dickson, who drafted the petition, said the UN tribunal prosecuting Milosevic is trying to impose a defence counsel to strip him of a defence "that may be embarrassing" to the court.

Asked whether they should be making legal arguments on Milosevic's right to defend himself, given their belief he is not guilty, Dickson insisted the 90 legal experts who signed the petition came "from every sort of political persuasion" and "the vast majority" are not members of the International Committee to Defend Slobodan Milosevic.

The jurists, law professors and international criminal lawyers -including former U.S. attorney general Ramsey Clark and French lawyer Jacques Verges -said in the petition to UN Secretary General Kofi Annan, the General Assembly and the Security Council, even if Milosevic has heart trouble he still has the right to defend himself.

"Illness does not destroy his right to defend himself in person," Clark told

news conference Tuesday at the UN Correspondents Association.

The petition calls for Milosevic's provisional release so he can receive adequate medical treatment and warns having an outside lawyer take over his defence "will only increase his hypertension and place his life at risk."

Milosevic's trial at the UN tribunal in The Hague, Netherlands, on 66 counts of war crimes, including genocide, began in February 2002 and has stalled at the halfway point because of his heart problems.

When the trial resumes Aug. 31, the judges are expected to rule on two ways to speed up proceedings -forcing Milosevic to accept a defence lawyer and splitting the trial to separately cover conflicts in Croatia, Bosnia and the Serbian province Kosovo during the breakup of Yugoslavia in the 1990s.

Milosevic and UN prosecutors rejected the idea of breaking up the trial, said court documents filed late last month. But prosecutors have long advocated the idea of imposing a defence lawyer -a move Milosevic bitterly opposes.

In their four-page petition, the legal experts accused the UN tribunal of compounding Milosevic's medical problems by refusing his right to provisional release on grounds all defendants are presumed innocent until proven guilty, by providing "unrealistically short preparation periods" for his defence and by introducing "an inordinate quantity of prosecution evidence."

These three factors increased Milosevic's stress level, "the principal trigger of his illness," the petition said.

Now that Milosevic's health is deteriorating, the tribunal is seeking to impose legal counsel on him over his objections, "rather than granting him provisional release in order to receive adequate and proper medical care, a reasonable measure reflected in domestic law and international practice," it said.

Imposing a defence lawyer would violate Milosevic's rights under the statute of the Yugoslav tribunal and also under the International Covenant for Civil and Political Rights, they said.

"The United Nations should not tolerate these continuing violations of international law in the name of expediency," it said.

"Using a detained person's inappropriately treated illness as an excuse to infringe upon his rights and silence him and embark upon a 'radical reform' of the proceedings -as the chamber is now considering, by changing the rules in mid-trial and to the defendant's detriment -is a perversion of both the letter and spirit of international law," the petition said.

"The man is innocent," Clark said.

"He should be able to prove his innocence."

IMPOSITION OF COUNSEL ON SLOBODAN MILOSEVIC THREATENS THE FUTURE OF INTERNATIONAL LAW AND THE LIFE OF THE DEFENDANT

KOFI ANNAN, Secretary General of the United Nations,
 Mr. JULIAN ROBERT HUNTE, President of 58th Session of the UN General
 Assembly
 Russian Presidency of the UN Security Council,
 To all members of the UN Security Council, to all members of the UN
 Cc: International Criminal Tribunal for the former Yugoslavia

We the undersigned, jurists, law professors, and international criminal lawyers, hereby declare our alarm and concern that the International Criminal Tribunal for the Former Yugoslavia (ICTY) is preparing the imposition of counsel upon an unwilling accused, Slobodan Milosevic.

This apparently punitive measure is contrary to international law, incompatible with the adversarial system of criminal justice adopted by the Security Council in Resolution 808, and ignores the court's obligation to provide adequate medical care and provisional release to the defendant. The ICTY, instead of taking appropriate measures to alleviate Slobodan Milosevic's long-standing medical problems, has compounded them. The ICTY has ignored repeated requests for provisional release, to which everyone presumed innocent is entitled, has imposed unrealistically short preparation periods on the defence, and has permitted the introduction of an inordinate quantity of Prosecution evidence, much of which was bereft of probative value, thereby increasing Mr. Milosevic's level of stress, the principal trigger of his illness. Chamber III has been informed of this by their chosen cardiologist. The defendant has been denied examination by his own physician, a further violation of his rights.

Now, having brought about the very degradation of President Milosevic's health of which it had been warned, the ICTY seeks to impose counsel upon him over his objections, rather than granting him provisional release in order to receive adequate and proper medical care, a reasonable measure reflected in domestic and international law and practice. The envisaged imposition of counsel constitutes an egregious violation of internationally recognized judicial rights, and will serve only to aggravate Mr Milosevic's life-threatening illness and further discredit these proceedings.

The right to defend oneself against criminal charges is central in both international law and in the very structure of the adversarial system. The fundamental, minimum rights provided to a defendant under the Rome Statute of the International Criminal Court, as well as the under the Statutes of the International Criminal Tribunals for Rwanda and Yugoslavia, include the right to defend oneself in person. The general economy of these provisions all envisage the reality that rights are afforded to an accused, not to a lawyer. The right afforded is to represent oneself against charges brought by the Prosecution and subsidiary to this, to receive the assistance of counsel, if an accused expresses the wish to receive such assistance. However, if, as Slobodan Milosevic, a defendant unequivocally expresses his objection to representation by counsel, his right to represent himself supercedes a court's or prosecutor's preference for assigning defence counsel. As stated by the U.S. Supreme Court, with respect to the Sixth Amendment of the Bill of Rights, which bears a striking similarity to Article 21 of the ICTY Statute:

"It speaks of the 'assistance' of counsel, and an assistant, however expert, is still an assistant. The language and spirit of the Sixth Amendment

template that counsel, like the other defense tools guaranteed by the Amendment, shall be an aid to a willing defendant - not an organ of the State interposed between an unwilling defendant and his right to defend himself personally. To thrust counsel upon the accused, against his considered wish, thus violates the logic of the Amendment. In such a case, counsel is not an assistant, but a master; and the right to make a defense is stripped of the personal character upon which the Amendment insists." *Faretta v. California*, 422 U.S. 806 (1975)

The ICTY Statute (as well as ICTR and ICC Statutes) similarly grant "defence tools," such as the right to be represented by counsel, or the right for counsel to be provided free of charge, if the accused is indigent. The essence of the right to represent oneself is defeated when the right to counsel becomes an obligation. As stated in *Faretta*, supra:

"An unwanted counsel 'represents' the defendant only through a tenuous and unacceptable legal fiction. Unless the accused has acquiesced in such representation, the defense presented is not the defense guaranteed him by the Constitution, for, in a very real sense, it is not his defense." *Id.*

Nor would the defence of Slobodan Milosevic be the defence guaranteed him under international law, were he to have counsel imposed upon him against his will.

The ICTY's general structure is that of an adversarial system of criminal justice. Other legal influences have been integrated to the Rules of Procedure and Evidence, but the nature of the proceedings, which involve a prosecutor and defendant, as parties, presenting evidence before a panel whose function is that of arbiter, is unquestionably of an adversarial nature. In the adversarial system, history has eloquently illustrated that imposition of counsel on an unwilling accused is the practice of political courts, and does not have its place in a democratic system of justice, much less before an institution that will generate precedent for a truly legitimate international criminal jurisdiction, whose establishment has been the fruit of half a century of struggle:

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

Recently, the ICTY has ordered the Prosecutor, and only the Prosecutor, to provide an opinion with respect to the imposition of counsel in the absence of instructions or cooperation from Mr. Milosevic. The Chamber has repeatedly referred to its obligation to carry out a fair trial, and held, when it acknowledged the right to self-representation in April 2003, that it "has indeed an obligation to ensure that a trial is fair and expeditious; moreover, where the health of the Accused is in issue, that obligation takes on special significance." Article 21 of the ICTY's Statute states that the Chamber must exercise this obligation "with full respect for the rights of the accused." However, expediency has become, as the defendant is set to

ent essential and potentially embarrassing evidence, the Chamber's apparently overwhelming concern.

Imposition of counsel, even "standby counsel", as appears to be presently envisaged by the ICTY, will not alleviate any of the difficulties facing the process: it will not treat, much less cure, Slobodan Milosevic's malignant hypertension; it will not provide the defendant with the time and conditions to prepare his case; it will not redress the gross imbalance in the resources accorded the Prosecutor and the defence, a redress required by the principle of equality of arms, which the Court professes to recognize. If counsel is imposed, Slobodan Milosevic's basic right to represent himself will be violated, and he will still have only 150 days to present his defence, only half of the time allotted to the Prosecution.

It is presently unclear what role an imposed counsel would play. Whatever it may be, it is certain that there is no benefit to be gained from going forward with this unprecedented measure. The ICTY Statute provides the minimum right to be present for one's trial. If Slobodan Milosevic's medical condition does not permit him to attend the proceedings, and he does not waive his right to be present, the ICTY does not have the jurisdiction to hold hearings in his absence. Adjournments will continue as long as measures are not taken to treat Mr. Milosevic's malignant hypertension, a condition that cannot be treated by further violating his rights, threatening to remove him from the process, or by transferring his defence to a complete stranger.

The ICTY assigned three counsel to act as *amicus curiae*, and whose stated role is to ensure, *inter alia*, a fair trial. It is doubtful an imposed counsel, even a "standby counsel" could provide any additional assistance, without hijacking President Milosevic's defence, or simply silencing him. Furthermore, any reference to precedent with respect to the imposition of standby counsel is inapposite. In the case of Dr Seselj, "standby counsel" has been imposed, before the beginning of a trial, and to prevent "disruption" of the proceedings.

President Slobodan Milosevic does not recognize the ICTY. He asserts his innocence, and steadfastly criticizes the ICTY and NATO. He is innocent until proven otherwise, and has every right to oppose the legitimacy of this institution. By imposing counsel, the ICTY would not only violate his right to self-representation, but his right to present relevant evidence demonstrating the repeated violations of Yugoslavia's sovereignty over a decade. These violations led to NATO's illegal war of aggression against and bombing of Yugoslavia - at the very height of which an indictment against Slobodan Milosevic was confirmed by the ICTY - in a transparent bid to deprive the Yugoslav people of a voice to negotiate peace and in order to justify the continuation of that war of aggression.

The trial of Slobodan Milosevic before the ICTY has been adjourned until August 31st, 2004. The Prosecutor has presented 295 witnesses in as many days, all of which have been cross-examined by the defendant in person, as he does not recognize the ICTY as a judicial body, and signals this non-recognition by refusing to assign counsel. Slobodan Milosevic is a law school graduate, was three times elected to the highest state offices of Serbia and Yugoslavia, and has by all accounts ably contested the Prosecution's case. There is no question as to his mental fitness and ability to waive his right to counsel. The ICTY may not enjoy President

Milosevic's criticism. Nonetheless, the public benefits of respecting his right to self-representation far outweigh whatever embarrassment might be visited upon the ICTY. Justice demands that Slobodan Milosevic be given the right to demonstrate that the Security Council institution detaining him is a political weapon against the sovereignty and self-determination of the people of Serbia and all the peoples of Yugoslavia.

Nelson Mandela represented himself during the infamous Rivonia trials of the 1960s. Mandela mounted a political defence against apartheid, yet even the South African judiciary did not impose counsel to silence him. The ICTY is poised to threaten the future of international law by doing what even apartheid-era judges dared not do - gag a defendant and impair his ability to respond to a case. A case, we note, made unwieldy, unintelligible and inexplicably lengthy by the Prosecutor, with the Chamber's assent, and not by Slobodan Milosevic. Indeed, most observers of the process have noted that the Prosecutor failed to present compelling evidence to support any of their charges; rather than stay the proceedings, the ICTY permitted the Prosecutor to present additional witnesses, in apparent desperation to make something stick.

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

As jurists, we are deeply concerned that the planned imposition of counsel constitutes an irrevocable precedent, and potentially deprives any accused person of the right to present a meaningful defence in the future. In the case of Slobodan Milosevic, this measure will only increase his hypertension and place his life at risk.

The ICTY and Security Council will be held responsible for the tragically predictable consequences of their actions.

Signed:

Tiphaine Dickson, Lawyer, Montreal, Quebec, Canada

Christopher Black, Lawyer, Toronto, Canada

Professor Smilja Avramov (Former President, International Law Association),
Belgrade, Serbia and Montenegro

Milena Arezina, Judge (Former President, Commercial Court), Belgrade, Serbia
and Montenegro

Sergei Baburin, Doctor of Law, Professor, (Vice-President, State Duma of the
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Professor Gian Luigi Cecchini, International Law, University of Trieste, Italy

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Professor Ivan Cukalovic, International Law, University of Kragujevac, Serbia and Montenegro

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Professor Schirmer, International Law, Woltersdorf, Germany

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Jitendra Sharma, Senior Advocate, Supreme Court of India (President,
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Dr Taras Shamba, Moscow, Russian Federation

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Valentina Shtraus, Lawyer, Rostov, Russian Federation

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"La Sapienza", Rome, Italy

Cristiano Sinagra, Lawyer, Italy

Professor Bhim Singh, Advocate, Supreme Court of India (President, National Panthers Party)

N.M.P. Steijnen, Lawyer, Zeist, Netherlands

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Jakob Trümpy, Lawyer, Switzerland

Professor Velko Valkanov, (President, Bulgarian Committee for Human Rights, Former MP), Sofia, Bulgaria

Anna Lucia Valvo, Lawyer, Italy

Jacques Verges, Advocate at the Court of Appeal, Paris, France

Sava Vidanovic, Canada

Pasquale Vilardo, Lawyer, Association of the Democratic Jurists, Rome, Italy

Milan Vujin, Lawyer, (Former President, Lawyers Chamber of Yugoslavia, Lawyers Chamber of Serbia), Belgrade, Serbia and Montenegro

Dr Friedrich Wolff, Lawyer, Berlin, Germany

Professor Ivan Yatsenko (Vice-President, European Peace Forum), Moscow, Russian Federation

Professor Claudio Zanghi, International Law, University "La Sapienza", Rome, Italy

Artists' Appeal for Milosevic

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

In fact, it has been revealed that some prosecution witnesses have been

erced to lie under oath, others have committed perjury. Former NATO commander Wesley Clark, was allowed, in violation of the principle of an open trial, to give testimony in private, with Washington able to apply for removal of any parts of his evidence from the public record they deemed to be against US interests.

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

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

If justice is not just, if prosecution is persecution, if international law is flouted in order to "enforce international law", we are indeed now living in the dystopian world of George Orwell's 1984. The neighborhood bully has decided the world is his back yard. The implications of this egregious use of "power politics" go beyond the unjust trial of Slobodan Milosevic: the "new world order" now being implemented is simply inhuman and intolerable. What can be done to change this cruel and criminal state of affairs?

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

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

Robert Dickson, poet (winner of the Governor General's award for French

etry 2002), Canada

Harold Pinter, playwright, UK

Peter Handke, writer, Austria/France

Alexander Zinoviev, writer, philosopher, Russian Federation

Valeri Ganichev, writer (President of the Writers' Union of Russia), Russian Federation

Vyacheslav Klykov, sculptor (President of the International Fund for Slavonic Literacy and Culture), Russian Federation

Dimitri Analis, poet, Greece/France

Valentin Rasputin, novelist, Russian Federation

Fulvio Grimaldi, filmmaker, journalist, Italy

Vladimir Kostrov, poet (winner of Tyutchev and Bunin awards), Russian Federation

Nadja Tesich, novelist, Yugoslavia/US

Rolf Becker, actor, Germany

Milos Raickovich, composer, Yugoslavia/US

Alan Mandell, theatre artist, US

Mick Collins, theatre artist, US/France

John Stepling, screenwriter, playwright, US/Poland

Joseph Goodrich, playwright, US

Godfred Louis-Jensen, architect, Denmark

David Morgan, poet, Canada

Larissa Kritskaya, composer, journalist, Russia/USA

Katarina Kostic, poet, writer, Canada

Paolo Teobaldelli, writer, philosopher, Italy

Cédéric Michaud, photographe, Nouvel-Ontario, Canada

Nikolai Petev, writer (President of the Writers' Union of Bulgaria), Bulgaria

Luchezar Elenkov, writer, Bulgaria

Rashko Stoikov, writer, Bulgaria

THE SPLIT BETWEEN ON THE ONE HAND NUCLEAR POWERS WITH THEIR ALLIES WHO DISREGARD THEIR INTERNATIONAL LEGAL OBLIGATIONS CONCERNING NUCLEAR DISARMAMENT AND CLING TO THEIR NUCLEAR CAPACITIES AND ON THE OTHER HAND NON-NUCLEAR WEAPON STATES WHICH ARE UNDER THE SUSPICION OF DEVELOPING A NUCLEAR CAPACITY IS UNSTAINABLE AS POINTED OUT HERE ABOVE

- Ena Alekova, writer, Bulgaria
- Natasha Manolova, writer, Bulgaria
- Dimitar Tochev, writer, Bulgaria
- Dimitar Bezhanski, writer, Bulgaria
- Borislav Peichev, writer, Bulgaria
- Anzhel Vagenstein, screenwriter, Bulgaria
- Benzhamen Varon, writer, philosopher, Bulgaria
- Luna Davidova, actor, Bulgaria
- Venceslav Kisov, actor, Bulgaria
- Snezhana Barova, pianist, Bulgaria
- Antoinette Martens, painter, puppeteer, Canada
- Pil Lenau, writer, Denmark

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

**IMPORTANT NOTICE: BOTH APPEALS CAN STILL BE CO-SIGNED
 BY WRITING TO
slobodavk@yubc.net**

INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC
www.icdsm.org
slobodavk@yubc.net

In the struggle US/NATO vs. People which is going on at The Hague, US/NATO is represented by 1300 employees fed every year with 100.000 \$ per person. People is represented by Slobodan Milosevic alone, armed only with truth and with your support!

NOW is the last moment for full mobilization of all our political, intellectual and financial potentials to prevent the worse and to decisively help People and Slobodan Milosevic to win the battle for truth. ICDSM has to set up an effective information center at The Hague to prevent criminal injustices and to promote, in closest interaction with President Milosevic and with the small team of his assistants, his struggle for truth, to bring his numerous important witnesses before the press and to show the mass people's support.

SO - ACT NOW - DON'T LET THE TRUTH BE SILENCED!

Vladimir Krsljanin,
 Secretary of ICDSM,
 Foreign Relations Assistant to President Milosevic

Please send us your donations and engage in organizing fundraising.

You can find detailed instructions at:
<http://www.icdsm.org/battle.htm>
(please also follow the links therein) or

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4000 Basel, Switzerland
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THE ILLEGAL HAGUE PROCESS MUST END.
Statement by the President of the World Peace Council Orlando Fundora (Cuba)
<http://www.icdsm.org/more/fundora.htm>

VIDOVDAN PEOPLE'S RALLY IN BELGRADE ORGANIZED BY SLOBODA
to mark the third anniversary of kidnapping of President Milosevic
<http://www.icdsm.org/more/galery2806.htm>

SLOBODA urgently needs your donation.
Please find the detailed instructions at:
<http://www.sloboda.org.yu/pomoc.htm>

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

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>> HAGUE TRIBUNAL: IMPOSITION OF COUNSEL ON SLOBODAN MILOSEVIC?

>> Interview of Belgrade lawyer Branislav Tapuskovic (former Amicus Curiae

at
>> the Hague process) to the German daily "junge Welt", 30 August 2004

>> By Anna Gutenberg

>> Q: The ICTY Registrar recently asked you whether you would agree to be
on

>> the list of potential lawyers to be imposed on Mr. Milosevic. Were you
>> surprised that the judges reintroduced that issue after Mr. Milosevic
>> successfully defended himself during the Prosecution case? Or did you
have

>> some other thoughts on the matter?

>> A: Yes, I was surprised, because, if Slobodan Milosevic is ill, even if
he

>> had had a counsel all the time, the trial could not have gone on as long
> as

>> the illness lasted. The proposal of the Prosecution to use a video-link
is

>> senseless: a video link cannot make an ill person process-capable.

>> Q: Why did you refuse?

>> A: I have respected the provision of Article 21, point 4/d of the
Statute

> of
>> the ICTY, according to which every defendant has the guaranteed right TO

> BE
>> TRIED IN HIS PRESENCE AND TO DEFEND HIMSELF IN PERSON.

>> Q: I remember the occasions when the judges treated you harshly whenever
> you

> - put forward the important facts during the testimony of prosecution
>> witnesses. They once accused you of defending Mr. Milosevic. Can you

> comment

>> on that?

>> A: I did not see it that way. My duty in particular was to insist on
>> releasing evidence that came out of the exhibits I was receiving from

the
>> Prosecution. It was really not my problem to worry about how the Judges
>> treated me.

>> Q: What do you think about the argument that an accused can be too ill
to

>> present his case, but fit enough to stand trial? Is that common?

>> A: About the accused's health condition, only physicians can decide on
> that.

>> And, in my opinion, that has to be obligatory for the court. If the
>> physicians conclude that Slobodan Milosevic is ill, unfit to defend
> himself,

>> and cannot be present in the court, then there can be no trial at all.

>> Simply, in that case the Prosecution does not have a case.

>> Q: Critical voices say that imposing counsel on Mr. Milosevic is an
> attempt

>> to prevent him from presenting his facts and witnesses. Comment, please.

>> A: The trial cannot be valid if Slobodan Milosevic does not present his
>> evidence.

>> Q: What do you think about the fact that former US Secretary of State M.
>> Albright was visiting the ICTY on the very day in early July when the
> judges

>> accepted the possibility of imposing counsel?

>> A: One can only guess, but my position has always been that politics
must

>> not influence the work of any court.

>> Q: Thank you very much.

>> Den Artikel finden Sie unter:

>> <http://www.jungewelt.de/2004/08-30/018.php>

>> (c) Junge Welt 2004

>> <http://www.jungewelt.de>

>> *****

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: "redactie Targets" <redactie@targets.org>
Verzonden: dinsdag 31 augustus 2004 12:48
Onderwerp: stunning evidence for the ICTY's interconnection with

In an interview with the Dutch daily newspaper NRC Handelsblad, published on 19 June 2004, the substitute main prosecutor of the ICTY Graham Blewitt gave a clear and revealing insight in the close relationship between NATO and the ICTY.

Citing this article under the head "The politics let slip Karadzic - leaving main prosecutor Blewitt about the mores of the Yugoslavia Tribunal", it stated inter alia:

"There is still much criticism on the strategy of the inquiry. Graham Blewitt says that especially the Americans are recently talking much about that. The tribunal is said to have indicted too many 'little' criminals. Which allegedly have costed too much time and money (...) Graham Blewitt: "The Americans want this institute to close its doors, no matter how. Because it is too expensive." (...) However, the US did support the tribunal for years, Graham Blewitt says. According to him, the Americans also agreed with the choices made by the tribunal for a long time. In 1994, when he urgently needed employes, the administration in Washington sent twenty-two people to the Hague - free. Graham Blewitt was happy with that. People were included who know a lot of the Balkans and had made investigations there. However, they not only came in order to assist. The US also wanted to know what was happening inside the tribunal. "Once, I have tested them. There was a reorganisation and people moved to other rooms. I placed the Americans at the end of the corridor. They protested, they said: ' But in this way we cannot see any longer who is entering at the main prosecutor'. It made me laugh, them as well. They didn't make a secret of the fact that they went often to their embassy. Sometimes they said: 'I have to leave early, since I have to go along the embassy'. We didn't pay their salary, so we had no controll over them."

(...)

And the past years also money came in at the tribunal for special projects, for instance for the investigation to mass graves in Kosovo. Investigators of the tribunal told NRC Handelsblad that also NATO donated money for a special project: an inquiry for possible crimes committed in Macedonia in 2001. NATO asked for such an inquiry when it was in Macedonia in order to watch the peace agreement between the Slavic majoriry in that country and the Albanians. Graham Blewitt confirms that. NATO, he says, thought that the presence of investigators of the tribunal would have a preventive effect. Both parties would behave better. The tribunal considered the crimes committed in Macedonia "not so impressive" (..) Of its own accord the tribunal would not have started it. "But NATO was jumping up and down. They really wanted very much to have us involved. We said: 'We are very busy and we don't have means. They should come from you. The donations - according to investigators amounting to 7000.000 euro - came from several NATO-member states. Graham Blewitt calls this: "a normal budget procedure". An investigation team for Macedonia was established and this will, says Blewitt, result in one indictment in the course of this year.

Isn't it strange that the tribunal, at request and for reward, investigates war crimes ? "You may have that opinion", Graham Blewitt says, "but this inquiry is within our mandate, and our presence there have had a deterring effect."

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: dinsdag 31 augustus 2004 0:39
Onderwerp: CDSM:Tapuskovic on the rights of Milosevic and notice how to watch the opening

Subject: Fw: Tapuskovic on the rights of Milosevic and notice how to watch the opening speech

>
> ----- Original Message -----
> From: Vladimir Krsljanin <slobodavk@yubc.net>
> To: <Undisclosed-Recipient:;>
> Sent: Monday, August 30, 2004 10:59 AM
> Subject: Tapuskovic on the rights of Milosevic and notice how to watch the
> opening speech
>> SUPPORT THE ICDSM
>> <http://www.icdsm.org/>
>>
>> *****
>>
>> *****
>> INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC
>> www.icdsm.org
>> slobodavk@yubc.net
>> *****
>> In the struggle US/NATO vs. People which is going on at The Hague,
US/NATO
>> is represented by 1300 employees fed every year with 100.000 \$ per
person.
>> People is represented by Slobodan Milosevic alone, armed only with truth
> and
>> with your support!
>> NOW is the last moment for full mobilization of all our political,
>> intellectual and financial potentials to prevent the worse and to
> decisively
>> help People and Slobodan Milosevic to win the battle for truth.
>> ICDSM has to set up an effective information center at The Hague to
> prevent
>> criminal injustices and to promote, in closest interaction with
President
>> Milosevic and with the small team of his assistants, his struggle for
> truth,
>> to bring
>> his numerous important witnesses before the press and to show the mass
>> people's support.
>>
>> SO - ACT NOW - DON'T LET THE TRUTH BE SILENCED!
>>
>> Vladimir Krsljanin,
>> Secretary of ICDSM,
>> Foreign Relations Assistant to President Milosevic
>> *****

>> Everything you have to do is to go to the tribunal's web site:

>> www.un.org/icty

>> and to choose the proper link on the main page (video or audio, English,
>> French or Serbian channel - in all cases you need the freeware called
Real

>> Player, that can be also downloaded from the Internet).

>> *****

>> THE LIFE OF PRESIDENT MILOSEVIC AND THE INTERNATIONAL LAW ARE IN PERIL.

>> JOIN THE INTERNATIONAL LAWYERS' PETITION:

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

>> JOIN THE INTERNATIONAL ARTISTS' APPEAL FOR MILOSEVIC:

>> <http://www.icdsm.org/more/artists.htm>

>> SUPPORT THE ICDSM:

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>> INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC

>> www.icdsm.org

>> slobodavk@yubc.net

>> *****

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>> his numerous important witnesses before the press and to show the mass

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>> SO - ACT NOW - DON'T LET THE TRUTH BE SILENCED!

>>

>> Vladimir Krsljanin,

>> Secretary of ICDSM,

>> Foreign Relations Assistant to President Milosevic

>> *****

>> Please send us your donations and engage in organizing fundraising.
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>> Vereinigung für Internationale Solidarität (VIS)
>> 4000 Basel, Switzerland
>> PC 40-493646-5
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>> Statement by the President of the World Peace Council Orlando Fundora
> (Cuba)
>> <http://www.icdsm.org/more/fundora.htm>
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>> VIDOVDAN PEOPLE'S RALLY IN BELGRADE ORGANIZED BY SLOBODA
>> to mark the third anniversary of kidnapping of President Milosevic
>> <http://www.icdsm.org/more/gallery2806.htm>
>> *****
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>> SLOBODA urgently needs your donation.
>> Please find the detailed instructions at:
>> <http://www.sloboda.org.yu/pomoc.htm>
>>
>> To join or help this struggle, visit:
>> <http://www.sloboda.org.yu/> (Sloboda/Freedom association)
>> <http://www.icdsm.org/> (the international committee to defend Slobodan
>> Milosevic)
>> <http://www.free-slobo.de/> (German section of ICDSM)
>> <http://www.icdsm-us.org/> (US section of ICDSM)
>> <http://www.icdsmireland.org/> (ICDSM Ireland)
>> <http://www.pasti.org/milodif.htm> (ICDSM Italy)
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Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: dinsdag 31 augustus 2004 0:30
Onderwerp: CDSM: Support Slobodan Milosevic and his "J'Accuse" which will be pronounced on 31

>

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

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

> To: <Undisclosed-Recipient:;>

> Sent: Sunday, August 29, 2004 9:25 PM

> Subject: Support Slobodan Milosevic and his "J'Accuse" which will be
> pronounced on 31 August!

>

>

>> 31 AUGUST - MILOSEVIC CASE: TRUTH AND FREEDOM AGAINST LIES AND SLAVERY

>>

After Dimitrov and Mandela, who defeated Nazi and Apartheid political judiciary, the process which will mark the battle against the international oppression of nowadays is certainly the one of Slobodan Milosevic.

On Tuesday 31 August 2004 at 9 a.m. CET he will have a chance to make a four hours opening speech at the beginning of what is usually called his defense, and what himself and progressive people of Serbia call battle for truth.

His opening speech will not be followed by the presentation of his evidence, as it would be normal in the courts of justice and as everyone would expect.

No, it will be followed by a debate on whether a counsel should be imposed on him, on whether the once unified proceedings should be split again into three independent parts or in which other way Slobodan Milosevic can be silenced or prevented to present evidence on who and why destroyed Yugoslavia, created terrorist safe-havens in Croatia, Bosnia and Kosovo, persecuted Serbian people and bombed Serbia, who and why occupies large parts of the Balkans and imposes misery and colonial rule to the Balkans nations.

The greatest hypocrisy is that the Hague non-court tries to impose a counsel on Slobodan Milosevic against his will referring to worry for his health!

After it put his very life in peril by kidnapping him, keeping him in prison for more than three years without allowing his illness to be treated properly, cutting him from contacts with his family and exhausting him with endless series of fake witnesses and millions of pages of irrelevant disclosure.

President Slobodan Milosevic is fighting for the people. And he is backed by the people of Serbia and by the progressive people of the world. He is fighting injustice and aggression against his country.

Misters and Misses Frankenstein (do you remember all their real names: Madeline Albright, David Scheffer, Michael Scharf.) are now very much concerned about the health of their Hague baby-monster, whose teeth were broken by a great and honest man. They are trying to tell the public and the Hague judges that Frankensteins are the one to make the rules and that the principal rule must be - the one they have pointed as a criminal must be

convicted or eliminated, even if there is absolutely no evidence against him.

Their unprecedented and outrageous campaign coincides with the similar unprecedented and outrageous campaign of NATO lackeys in Belgrade to withdraw the indictment against NATO countries before the International Court of Justice. Since the foundation of this one and only true UN court there was no such pressure on the accusing side as in the case Yugoslavia vs. NATO. In spite of the NATO strength the vast majority in the Serbian Parliament was these days against the withdrawal. Why all these campaigns and pressures are so severe? Because the real criminals are fully aware of their crimes!

The ultimate holder of sovereign power, including the judicial power is people. And people will not allow the crime to prevail. Nor the people will forgive.

Sloboda/Freedom Association from Belgrade and the International Committee to Defend Slobodan Milosevic (ICDSM) from Sofia, New York and Moscow call upon all honest people to act now to prevent prevalence of crime at The Hague and invite all its members and supporters to follow the "J'Accuse" by Slobodan Milosevic on 31 August and to express their solidarity either by coming to The Hague or by addressing the public in their own countries.

ICDSM high representatives whose presence is until now assured at The Hague and who will address the media in a press conference on Wednesday, 1 September 2004 after the end of that day tribunal's proceedings are ICDSM Vice-Chairman and Chairman of its Board Klaus Hartmann from Germany and ICDSM Lawyer and Legal Spokesperson Tiphaine Dickson from Quebec/Canada.

This year Russian Duma, Parliament of Belarus and the Parliamentary Assembly of the Union of Russia and Belarus addressed in separate letters the Parliaments of NATO and EU countries, international organizations and the judges of the Hague tribunal demanding release of Slobodan Milosevic.

The same demand was expressed by the World Peace Council, European Peace Forum and many other progressive organizations and political parties. On Vidovdan, 28 June 2004, the third anniversary of the abduction of President Milosevic, thousands marched in the streets of Belgrade with the same demand.

About forty renowned international artists signed a petition joining their voice and efforts to the strive of the International Committee to Defend Slobodan Milosevic.

Over ninety distinguished lawyers and law professors from seventeen countries, most of them non-members of ICDSM and some of them political opponents of Slobodan Milosevic, addressed the UN Security Council and other UN organs with a petition entitled **IMPOSITION OF COUNSEL ON SLOBODAN MILOSEVIC THREATENS THE FUTURE OF INTERNATIONAL LAW AND THE LIFE OF THE DEFENDANT**, expressing the true ethics of the profession, which is violated and humiliated at the Hague. On their behalf, Ramsey Clark, former US Attorney General and Tiphaine Dickson, international criminal lawyer and the author of the petition, spoke to the press last week in the UN headquarters in New York.

Slobodan Milosevic stands for all of us. Let us all be with Slobodan Milosevic and let us express our solidarity and determination on 31 August

The International Committee to Defend Slobodan Milosevic (ICDSM) are:

>>

>> COCHAIRMEN:

>>

>> Professor Velko Valkanov, President of the Bulgarian Committee
for

>> Human Rights, Honorary President of the Bulgarian Antifascist Union,
> former

>> Member of Parliament, Founder of ICDSM, Bulgaria

>> Ramsey Clark, former U.S. Attorney General, USA

>> Professor Alexander Zinoviev, philosopher, writer, Russia

>>

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>> 21. Paul Davidson, London, England

>> 22. Tiphaine Dickson, attorney, Quebec, Canada, ICDSM lawyer and legal
>> spokesperson

>> 23. Dr. Rajko Dolechek, DSc., Czech Republic

>> 24. Blagovesta Doncheva, Bulgaria

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>> Ukraine, Vice-Chairman ICDSM

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- >> 70. V. M. Klikov, sculptor, President of the International Fund for Slavonic Literacy and Culture, Russia
- >> 71. Lorenz Knorr, Publicist, Germany
- >> 72. Tatjana Kojic, Yugoslav-Austrian Solidarity-Movement, Vienna, Austria
- >> 73. N. I. Kondratenko, Member of the Council of Federation, Russia
- >> 74. Hermann Kopp, Editor ("Marxistische Blätter"), Düsseldorf, Germany
- >> 75. Stratis Korakas, Member European Parliament, Greece
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- >> 87. Dr Uta Mader, Physician, Cologone, Germany
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- >> 98. Boris Oliynik, Poet, Member of Parliament, Ukraine
- >> 99. G. V. Osipov, Member of the Russian Academy of Sciences, Director of the Institute for Socio-political Research of the Russian Academy of Sciences

- >> 100. Mary Paich, USA
- >> 101. Dr Michael Parenti, writer, USA, Chairperson of ICDSM-US
- >> 102. Dr. Stanislav Patejdl, Czech Peace Society
- >> 103. Harold Pinter, Playwright, England
- >> 104. Paolo Pioppi, Ramsey Clark Tribunal in Italy, Fondazione

> Pasti

- > 105. Dr. Pavel Polachek, Czech Republic
- >> 106. A. A. Prokhanov, Editor-in-chief of the newspaper "Zavtra"
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- >> 107. Milos Raickovic, composer, USA
- >> 108. Jelena Rankovic, Yugoslav-Austrian Solidarity-Movement,
>> Vienna, Austria
- >> 109. Klaus von Raussendorff, editor, Secretary of German CDSM,
>> Bonn, Germany
- >> 110. Dr. Lisl Rizy, Trade Unionist, Editor, Vienna, Austria
- >> 111. Elena Vasil'evna Romashchenko, Ukraine
- >> 112. Dr. V. N. Romashchenko, Ukraine
- >> 113. Professor Rui Namorado Rosa, Portugal
- >> 114. Rick Rozoff, USA
- >> 115. Alfred P. Rubin, Emeritus Distinguished Professor of
>> International Law, The Fletcher School of Law & Diplomacy, Tufts
> University,
>> USA
- >> 116. V. S. Safronchuk, ambassador, Deputy Secretary General of
> the
>> United Nations 1987-1992, Russia
- >> 117. Georgii Vasil'evich Shchekin, Ukraine
- >> 118. Hansjoerg Schneider, lawyer, Bremen, Germany
- >> 119. Arnold Schölzel, Editor in Chief ("junge Welt"), Berlin,
>> Germany
- >> 120. Cathrin Schuetz, political scientist, journalist,
> investigator
>> for the legal associates of President Milosevic, Germany
- >> 121. Valentina D. Shtraus, Attorney, Russia
- >> 122. Professor Bhim Singh, Leader of National Panthers' Party,
>> India, Coordinator of ICDSM for India
- >> 123. Ol'ga Soloveva, Ukraine
- >> 124. Eckart Spoo, Editor ("Ossietsky"), Hannover, Germany
- >> 125. William J. Spring, Chairman of the Christians Against
NATO
- >> Aggression (CANAs), England
- >> 126. Jole Stanishich, Writer, Russia/Yugoslavia
- >> 127. Phil Stein, USA
- >> 128. Nico Steijnen, Attorney, Netherlands, Lawyer for Pres.
>> Milosevic in Dutch Courts
- >> 129. V. N. Strakhov, Member of the Russian Academy of Sciences,
>> Director of the Geophysical Institute "O. J. Shmit", Russia
- >> 130. George Szamuely, Journalist, USA
- >> 131. Karen Talbot (1934-2003), USA
- >> 132. Nadja Tesich, writer, USA
- >> 133. Vyacheslav Tetekin, writer, Russia, secretary of
> ICDSM-Russia
- >> 134. Professor André Tremblay, Montreal, Canada
- >> 135. Kaspar Trümpy, precision mechanic, Switzerland,
- >> 136. V. I. Varenikov, general, Hero of the Soviet Union, Russia
- >> 137. Jacques Verges, Attorney, Paris, France
- >> 138. Enrico Vigna, Association "SOS Yugoslavia", Torino, Italy
- >> 139. Dr. Mimi Vitkova, Bulgaria
- >> 140. Miroslav Vogl, Czech Republic
- >> 141. Alida M. Weber, nee Jatich, Chicago, Illinois, USA
- >> 142. T.V. Weber, Chicago, Illinois, USA
- >> 143. Laura von Wimmersperg, Coordinator of the Peace Movement

- > (Friedenskoordination), Berlin, Germany
- >> 144. N. D. Yakovleva, President of the Patriotic Alliance of Women,
- >> Russia
- >> 145. Jim Yarker, Toronto, Canada
- >> 146. Professor Ch. S. Yatsenko, Academician, Russia
- >> 147. Vladimir M. Yatsenko, MP, Ukraine
- >> 148. Milo Yelesiyevich, author & translator, New York, NY, USA
- >> 149. Zahari Zahariev, Bulgaria
- >> 150. L. V. Zaitseva, People's Artist of Russia
- >> 151. O. N. Zarudnaya, Vice-President of the Union of Slavonic Journalists, Russia
- >> 152. M. A. Zemskov, Editor-in-chief of the "Patriot" magazine, Russia

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- >> www.icdsm.org
- >> slobodavk@yubc.net

>> *****
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- > and
- >> with your support!
- >> NOW is the last moment for full mobilization of all our political, intellectual and financial potentials to prevent the worse and to decisively
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- >> criminal injustices and to promote, in closest interaction with President
- >> Milosevic and with the small team of his assistants, his struggle for truth,
- >> to bring
- >> his numerous important witnesses before the press and to show the mass
- >> people's support.

>> SO - ACT NOW - DON'T LET THE TRUTH BE SILENCED!

- >> *****
- >> Vladimir Krsljanin,
- >> Secretary of ICDSM,
- >> Foreign Relations Assistant to President Milosevic
- >> *****

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 >> PC 40-493646-5
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 >> <http://www.icdsm.org/> (the international committee to defend Slobodan
 >> Milosevic)
 >> <http://www.free-slobo.de/> (German section of ICDSM)
 >> <http://www.icdsm-us.org/> (US section of ICDSM)
 >> <http://www.icdsmireland.org/> (ICDSM Ireland)
 >> <http://www.pasti.org/milodif.htm> (ICDSM Italy)
 >> <http://www.wpc-in.org/> (world peace council)
 >> http://www.geocities.com/b_antinato/ (Balkan antiNATO center)
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<http://www.hetnet.nl/evs/>

Door moslimwereld levert nu steun op voor vrijlating Franse journalisten

zet tegen de oorlog. 'De strijd moeten voors en tegens afwezen met het doel de minst schade oplossing te kiezen die het best overeenstemt met de sharia (islamitische wet)', stelde de id.

Op internationaal vlak is vooral afkeer opmerkelijk van de Hamas-beweging, die zelf geen enkel lid schuwt en juist dinsdag in Israël een dodelijke aanslag pleegde. Teverden zijn de Fransen vooral met de Egyptische imam Al-Azhar, de hoogste autoriteit in de soennitische wereld en gszins vergelijkbaar met het Vaticaan. Volgens hem druipt de voering in 'tegen alle regels van de tolerante islam die wil dat het menselijk leven wordt gerespecteerd, met name dat van onschuldigen'.

In Pakistan viel de veroordeling op door de belangrijkste islamistische groepering, Jamaat-i-Islami. Deze organisatie staat bekend om zijn sympathieën voor het gedachtegoed van Osama bin Laden. Voor de Fransen diplomatie telt

Zelfs Hamas vraagt geestverwanten genade te tonen

eveneens de opstelling van koning Abdallah II van Jordanië. Die zei alle diplomatiek steun toe en riep op tot 'het verveelvoudigen van de contacten met de relevante Iraakse partijen.' Jordanië staat bekend

om zijn uitgebreide netwerk in Irak en slaagde er onlangs in zeventien Jordaanse burgers uit handen van ontvoerders vrij te krijgen:

De Franse minister van Buitenlandse Zaken Michel Barnier, die heen en weer tussen Egypte en Jordanië vloog, zei dinsdagmiddag 'diep geroerd' te zijn door 'de solidariteit en de emotie van de hoogste autoriteiten van de islam'. Hij herhaalde nog eens dat Frankrijk altijd voor 'de onafhankelijkheid en soevereiniteit' van het Iraakse volk heeft gepleit.

Ondertussen poogde zijn hoogste diplomaat, Colin de Verdière, in Bagdad voet aan de grond te krijgen. Ook hebben de Fransen hun zwaarste troef op het vlak van de geheime diplomatie in stelling gebracht: de 68-jarige generaal Philippe Rondot is in Irak. Hij

slaagde er tien jaar geleden in de terrorist Carlos te arresteren.

Met een combinatie van openbare en geheime diplomatie poogt Frankrijk het maximum te halen uit wat het altijd beweert te hebben onderhouden: uitstekende contacten in de Arabische wereld.

Meer dan enig ander Europees land heeft Frankrijk in de afgelopen decennia in diplomatieke banden met deze regio geïnvesteerd. De daarmee verworven kennis werd als één van de argumenten aangevoerd waarom de Fransen zich in het voorjaar van 2003 tegen de Amerikaanse invasie van Irak verzetten: de Fransen voorzagen de opleving van terrorisme in de post-Saddam-periode. Aan de consequenties van die juiste taxatie hebben de Franse diplomaten nu hun handen vol.

Traagheid bewijst eerlijk verloop Milosevic-proces

15 sept 2004

De finale van het Milosevic-proces is begonnen.

Terwijl de aanklagers de afgelopen jaren trachtten te bewijzen dat de voormalige Servische leider de ergste Europese misdaden in de tweede helft van de twintigste eeuw heeft georkestreerd, greep Milosevic elke gelegenheid aan niet alleen de feiten te weerleggen, maar de Serviërs thuis voor te houden dat ze allen slachtoffer waren van een internationale samenzwering. Nu hij zijn verdediging gaat voeren, valt er de komende tijd vuurwerk te verwachten.

Critici noemen het proces een mislukking, dat eerder schade toebrengt aan de rechtspleging inzake de oorlogen op de Balkan, dan dat het daarbij helpt. Maar hoewel de rechtszaak complex en moeilijk is, voldoet het aan bijna alle criteria die een criminele rechtszaak eerlijk en efficiënt maken.

Het beeld van de rechtszaak wordt verstoord door een dubbel ongeduld: om Milosevic snel veroordeeld te krijgen, en om Servië te veranderen van een broedplaats van agressief nationalisme in een functionerende democratie. Gefrustreerd door een gebrek aan vooruitgang op deze gebieden hebben de critici een gemakkelijke zondebok gemaakt van het Joegoslavië-Tribunaal.

Veel westerse waarnemers hadden verwacht dat het tribunaal snel de geaccepteerde visie zou bevestigen dat Milosevic verantwoordelijk is voor oorlogsmisdaden, misdaden tegen de menselijkheid en zelfs genocide. Maar ze weigeren het belangrijke verschil te aanvaarden tussen de politieke verantwoordelijkheid in de wereld van de publieke opinie, en de criminele verantwoordelijkheid in een rechtszaal.

Er zijn bijvoorbeeld weinig schriftelijke bewijzen van Milosevic's betrokkenheid bij de misdaden. Om de aanklachten te bewijzen moeten de aanklagers derhalve afgaan op mondelijke verklaringen over zaken die onbeduidend lijken en moeten ze voorzichtig de bevelstructuur achterhalen voor aanklachten waarmee de verdachten in verband worden gebracht. Deze benadering mag weinig creatief overkomen bij degenen die denken dat een proces zich afspeelt volgens de dramatiek van Hollywood of de Neurenberg-processen, waar wel overvloedig gedocumenteerd bewijs was tegen de verdachten van nazi-oorlogsmisdaden.

Het Milosevic-proces is al een tijd aan de gang en heeft nog een lange weg te gaan. Milosevic's eigen slechte gezondheid heeft bijgedragen aan vertragingen die zijn opgelopen tot enkele maanden. Het hof had Milosevic een advocaat kunnen toewijzen die het proces tijdens zijn afwezigheid had kunnen voortzetten, maar Milosevic staat erop zichzelf te vertegenwoordigen. Overwegingen van eerlijkheid heeft het hof anders doen besluiten. De traagheid van het proces duidt op eerlijkheid, niet op falen.

Veel westerse critici denken dat het proces de populariteit van Milosevic vergroot en het democratisch proces in Servië vertraagt. Dit is absoluut onjuist. De Socialistische Partij van Servië, waarvan Milosevic voorzitter is, kreeg bij de laatste parlementsverkiezingen, in december vorig jaar, slechts 7,6 procent van de stemmen. Uit opiniepeilingen blijkt dat Milosevic de populairste politicus in Servië is.

Het is waar dat ultranationalistische en autoritaire ideeën nog altijd veel Servische

kiezers aanspreken. Maar dat is niet te wijten aan het Milosevic-proces: de verklaring voor het succes van de nationalistische partijen ligt bij de regeringen uit het post-Milosevic tijdperk die weigeren een eerlijk debat te beginnen over de oorlogen van de jaren negentig.

De meeste mensen in Servië weigeren de gruwelijke misdaden te aanvaarden, die zijn voortgekomen uit het beleid dat ze hebben gesteund. Elk gevoel van morele verantwoordelijkheid wordt verdrongen door een hoogmoedig gevoel van Servisch slachtofferschap. De 'etnische schoonmaak' van Serviërs in andere delen van Joegoslavië houdt ze nog altijd meer bezig dan de genocide in Srebrenica en andere misdaden begaan door Serviërs.

Het Tribunaal in Den Haag heeft deze mentaliteit van collectieve ontkenning niet veranderd. Dat kan ook niet worden verwacht, want die verandering moet van Servië zelf komen. Ondertussen is het de belangrijkste taak van het Tribunaal dat recht wordt gedaan aan de slachtoffers en hun nabestaanden in het voormalige Joegoslavië. Dat doel wordt bereikt, langzaam maar zeker. Degenen die alleen kijken naar het yan-dag-tot-dag-resultaat van het Milosevic-proces vergeten dat het succes uiteindelijk wordt bepaald door de vraag of recht wordt gedaan, niet door hoe lang dat duurt, of in hoeverre het invloed heeft op het beleid van Servië.

Bogdan Ivanisevic

Bogdan Ivanisevic is onderzoeker van Human Rights Watch

© The New York Times

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: vrijdag 10 september 2004 1:18
Onderwerp: An Open Letter by Christopher Black | WW

An Open Letter

The International Criminal Tribunal For Yugoslavia, an association of criminals which is neither international nor a judicial body, was created in violation of international law, and in violation of and against the founding principles of the United Nations Charter. It makes false charges, arrests and detains without legal authority, and conducts what it calls "trials" in violation of international law and all national laws and standards of justice. It serves as a weapon with which the United States and its allies attempt to destroy the fundamental principle of sovereignty of nations which is the essential basis of the self-determination of peoples and democracy for which the Allies of World War II ostensibly fought the fascists of Germany, Italy and Japan.

Now, the fascists have risen anew and, having seized power in the United States and among its allies in the other Nato countries, pretend to create a New World Order in which they alone will decide who lives and who dies, who is free and who is imprisoned and the economic and social conditions under which we will all live.

In the name of freedom they create slavery. In the name of justice and human rights they maim and kill. In the name of international law they established the rule of ruthless power. In the name of democracy they destroy democracy. In the name of the people they make a world dictatorship.

An essential part of the dictatorship is the system of unlaw and uncourts they have created known as the ad hoc criminal tribunals whose sole purpose is to support the New World Order and destroy any nation or national leadership which opposes it.

The uncourts known as the ICTY, its sister, The ICTR for Rwanda, and its half-sisters for Sierre Leone, Cambodia, and East Timor were established and are maintained and controlled principally by the United States in order to demonize those who resist its diktats, to destroy the sovereignty of those countries and by implication and effect the sovereignty of all nations except the United States and to act as propaganda machines that present false histories of the events that took place in those countries, without exception turning the victims of US aggression into scapegoats and "criminals" and, to cover up the true role of the United States and its allies in those events.

The ICTY was established with these aims in order to destroy Yugoslavia and all progressive forces in Yugoslavia and to control the Balkans and threaten Russia. The ICTR was established to destroy Rwanda as a progressive African state and to control the immense resources of central Africa. The hybrid UN-national tribunals for Sierre Leone, Cambodia and East Timor were similarly created to crush opposition to US and its allies

at in those regions.

In each case the United States, using its influence in the Security Council, has created criminal bodies which claim to be courts, which have officials parading before the public in fancy dress, who have high sounding titles and a proportionately low moral sense and which have drafted "Statutes", empty pieces of paper signifying nothing but purporting to give themselves a legal gloss immediately denied by their rules of procedure and evidence which are designed to prevent fair trials and the truth from ever being known.

The supporters of these bodies claim they are acting in accord with justice, law and humanity. The imposition of counsel on President Milosevic, an action which could only take place because of the complete absence of ethics in the family of lawyers named Kay selected by the tribunal to silence him and cripple his defence, is the most heinous action of all of the triumvirate of Nato stooges wearing the red robes of the Inquisition and who are a self-parody of judges.

The fascist nature of these tribunals is openly revealed. The justice of the cause of President Milosevic is plain.

The people of the world must recognize that President Milosevic and all the other prisoners of the New World Order are hostages of that order, held as an example to us all. The people of the world must act to stop these injustices from continuing before we all become its victims. The prisoners of all these ad hoc tribunals must be released. The tribunals must be shut down. Those who created them must face justice before their national courts for the war crimes they have committed. The sovereignty of nations and international law must be restored. International law will be restored. Together, the power is in our hands to restore it.

Christopher Black
Vice Chair and Chair, Legal Committee
ICDSM
Arusha, Tanzania
E-Mail: bar@idirect.com

<http://www.workers.org/ww/2004/edit20909.php>

Workers World,
Sept.9, 2004

EDITORIAL

Milosevic on the counterattack

The International Criminal Tribunal for the Former Yugoslavia in The Hague, Netherlands, seems incapable of presenting a convincing case against its most famous defendant, even when it stacks all the rules against him. Former Yugoslav President Slobodan Milosevic opened his defense case Aug. 31 with a blistering political attack, not only on the illegitimate court but also on the NATO forces that created it.

Even as Milosevic was blasting the NATO aggressors for working over 10 years

to destroy the multi-ethnic and multi-religious state of Yugoslavia, the
testimony against him presented in two years of the prosecution case
is evaporating.

The latest pre-defense revelation came out in an article in the Ottawa
Citizen, which interviewed a Canadian detective sergeant, Brian Honeybourn.
The detective had joined the hunt for mass graves in the occupied Serbian
province of Kosovo. Honeybourn said, "It seems as though The Hague is
beginning to panic" because no one could find mass graves in Kosovo.

Honeybourn was on one of the United Nations teams searching for the "mass
graves." But the biggest burial site contained 20 bodies--not an astonishing
number after a year-long civil war and 79 days of NATO bombs.

Milosevic had four hours to present his defense opening. The prosecutors had
taken three days to present their opening arguments in February 2002. This
is typical of the ICTY: The judges believe if they outweigh the defendant by
at least six to one, they will beat him. The prosecution has a team of 1,300
employees at \$100,000 each per year; Milosevic has a few assistants and
almost no funds.

Now, to make sure he will lose, the court plans to strip him of his right to
defend himself. They plan to use his illness--high blood pressure and heart
problems--as an excuse to impose unwanted counsel on him. Ninety
internationally famous lawyers, including former U.S. Attorney General
Ramsey Clark, have already protested this last unjust tactic.

Milosevic's only advantage is that he is not guilty of the 66 charges
against him. And that he can present a powerful political argument against
the U.S.-NATO aggressors who tried to bomb Yugoslavia flat to intimidate
those they didn't murder.

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NY 10011;
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Sagittarius

Van: "Ian Johnson" <i-
Aan: <Undisclosed-Recipient;>
Verzonden: vrijdag 10 september 2004 16:53
Onderwerp: CDSM: 'Trial' Updates.
<http://news.bbc.co.uk/1/hi/world/europe/3633364.stm>
 Last Updated: Tuesday, 7 September, 2004, 09:28 GMT 10:28 UK

First Milosevic witness testifies

Milosevic is refusing to co-operate with his new lawyers

The first defence witness has started testifying at the trial of the former Yugoslav leader Slobodan Milosevic at The Hague's UN tribunal.

Smilja Avramov, a retired Serbian law professor and ultra-nationalist, said Western-trained "terrorists" had worked to break up the former Yugoslavia.

Mr Milosevic said two British lawyers appointed to defend him represented the court and he refused to meet them.

Mr Milosevic, who has heart trouble, tried again to defend himself.

But the presiding judge, Patrick Robinson, cut off Mr Milosevic's microphone when the former Yugoslav president denounced his court-appointed defence as "a legal fiction".

"I don't want to hear the same tired refrain," Judge Robinson said.

Lawyers Steven Kay and Gillian Higgins are overseeing proceedings on behalf of Mr Milosevic, who has been deemed unfit to defend himself.

The ex-leader faces 66 charges of war crimes during the 1990s Balkan wars.

Ill health

Mr Milosevic had represented himself since the beginning of the trial in February 2002.

But his frequent bouts of ill health caused months of delay to the trial, prompting prosecutors to accuse him of "manipulating this tribunal" with his ailments.

MILOSEVIC TRIAL

Began February 2002
 Milosevic faces more than 60 charges
 Prosecutors' case rested February 2004
 Court already heard from 295 witnesses

Timeline: Milosevic trial

Doctors said his heart condition could become life-threatening if he continued to represent himself.

Mr Milosevic will be able to question witnesses, but only after they have been examined by the defence.

Ms Avramov was an adviser to Mr Milosevic during the 1990s and took part in negotiations between Croatia and Serbia.

She said "terrorist groups" trained in Germany, the United States, Canada

and Australia were active in the break-up of the former Yugoslavia.

Mr Milosevic wants to call more than 1,000 witnesses, but it is unlikely they will all be able to appear during the 150 trial days allotted for his defence, the BBC's Geraldine Coughlan reports from The Hague.

This month, the former Greek and Russian prime ministers are due to appear, as well as prominent figures from the US, Canada, France and Serbia.

http://www.interfax.ru/e/B/0/28.html?id_issue=10700636

Politics

Sep 7 2004 4:28PM

Senator refuses to appear in court as witness in Milosevic case
MOSCOW. Sept 7 (Interfax) - Nikolai Ryzhkov, a member of the Russian Federation Council, said on Tuesday he refuses to appear in the Hague court as a witness in the case of former Yugoslav president Slobodan Milosevic. "Slobodan Milosevic has invited me to appear [in court] as a defense witness. I was planning to leave for the Hague on September 13 and the International Criminal Tribunal for the Former Yugoslavia was informed of my plans," Ryzhkov said in a statement issued in Moscow on Tuesday. "However, under these conditions I refuse to speak in that trial," Ryzhkov said, referring to the ICTY's "illegal decision to appoint a lawyer to the former president of Yugoslavia against his will."

<http://www.seeurope.net/en/Story.php?StoryID=53127>

SERBIA AND MONTENEGRO: Milosevic Lawyers Seek Dismissal
2004-09-10 09:35:42
Slobodan Milosevic Two British lawyers defending Slobodan Milosevic have asked permission to appeal against their appointment, after he refused to co-operate with them. Lawyers Steven Kay and Gillian Higgins were imposed on the former Yugoslav president after the court decided he was too ill to conduct his own defence.

Mr Milosevic, who has heart problems, refuses to meet or talk to his lawyers. The former Yugoslav president faces 66 charges of war crimes during the 1990s Balkan wars.

Mr Milosevic's defence team at the International War Crimes Tribunal at The Hague has warned that depriving him of his right to defend himself could affect the overall fairness of the trial.

In a written statement requesting the appeal, Mr Kay and Ms Higgins said: "It is the Accused's position that Assigned Counsel will not be in a position to present his case as well as he can or put his defence."

They also warned that "as the issue concerns the representation of the Accused and the presentation of his case, which is a point of fundamental importance to the trial, this is a ground which is capable of affecting the outcome of the trial".

Mr Milosevic repeated his daily request to the judges saying: "I demand that you restore my right to self-defence." His lawyers said several witnesses have refused to give evidence at the hearing because Mr Milosevic is not allowed to represent himself.

The judges have criticised Mr Milosevic for failing to co-operate with the team appointed to him.

Presiding judge Patrick Robinson told him on Thursday that "if the opportunity for the accused to participate in the presentation of his defence is not grasped by him, the trial will nonetheless proceed and none can say there was injustice".

Mr Milosevic, 63, had represented himself since the beginning of the trial in February 2002.

But his frequent bouts of ill health caused months of delay to the trial, prompting prosecutors to accuse him of "manipulating this tribunal" with his ailments.

Doctors said his heart condition could become life-threatening if he continued to represent himself.

Mr Milosevic will be able to question witnesses, but only after they have been examined by the defence.

Mr Milosevic, who has dismissed the charges against him as lies wants to call more than 1,000 witnesses, but it is unlikely they will all be able to appear during the 150 trial days allotted for his defence.

Source: BBC

[NGoto/69446846?-1397](http://www.NewsNow.co.uk/cgi/NGoto/69446846?-1397) <http://www.NewsNow.co.uk/cgi/>

Witnesses refusing to testify in Slobodan Milosevic war crimes defense, lawyers say

ANTHONY DEUTSCH, Associated Press Writer Thursday, September 9, 2004

(09-09) 11:46 PDT THE HAGUE, Netherlands (AP) --

Just two days into their attempts to defend Slobodan Milosevic, lawyers appointed to represent the former president said Thursday that witnesses are refusing to testify because the court will not let him present his own case.

Milosevic, on trial for alleged genocide and other war crimes during the breakup of Yugoslavia in the 1990s, also has refused to work with -- or even meet -- the lawyers assigned to his defense.

Calling the imposition of defense attorneys "an obvious effort to dilute and maim my defense," Milosevic has sat sullenly during the three days of defense testimony, refusing the judges' offers to let him ask the witnesses follow-up questions.

In a public hearing, British attorney Steven Kay appealed to the witnesses chosen by Milosevic to come to the Netherlands and testify in support of his case.

"We welcome all Milosevic's witnesses to give evidence and indeed to cooperate. Not attending will not do the defense case any good at all," he said. Milosevic submitted a list of 1,600 potential witnesses before he was told he could no longer present his own case.

Kay said a Canadian and a Russian witness had not shown up for meetings and said they would not appear. Others, including a former American official and five French witnesses, say they won't or are reconsidering plans to testify.

After months of delays due to Milosevic's heart trouble, Kay and another British lawyer, Gillian Higgins, were appointed last Friday to take over the case. Milosevic, who represented himself during the two-year presentation of the prosecution case, insists he be allowed to defend himself.

Kay took the first legal steps on Milosevic's behalf to appeal his own appointment as defense counsel by filing documents with the appeals chamber.

Milosevic could face life imprisonment if convicted of any of the 66 counts

The panel of three U.N. judges warned Milosevic on Thursday that he will "bear responsibility" if important evidence isn't presented due to his obstruction.

"If the opportunity for the accused to participate in the presentation of his defense is not grasped by him, the trial will nonetheless proceed and no one can say there was injustice," presiding Judge Patrick Robinson said.

"The steps we have taken are designed to help you by protecting your health, securing the presentation of your case in the most effective way and ensuring that the trial is conducted fairly," he said.

The judges canceled a hearing set for Monday in response to Kay's request for more time to try to persuade the witnesses to testify.

"It's in his interests that they attend. To cite reasons of a ruling of this court for not coming to give evidence at the tribunal we do not find impressive," Kay said.

NATO bombed Serbian forces and installations in a 78-day campaign to force troops out of the southern Serbian province, where Milosevic says his forces were battling terrorists, not independence fighters.

One witness refusing to testify is former Soviet premier Nikolai Ryzhkov. Another is Canadian historian Roly Keith.

The five French witnesses who've backed out include former French intelligence service head Yves Bonnet and former member of parliament Gabriel Kaspareit, according to the Serbian news agency Beta.

Former U.S. State Department official George Kenny -- an opponent of U.S. policies in the Balkans in the early 1990s -- also was reconsidering testifying.

Sagittarius

Van: <actioncenter.balkan@organizerweb.com>
Aan: <actioncenter.balkan@organizerweb.com>
Verzonden: zondag 12 september 2004 23:55
Onderwerp: [IAC] Letter to Pres. Slobodan Milosevic
President Slobodan Milosevic

12 September 2004
Dear President Milosevic,

We, the undersigned, are outraged by the decision of the Hague Tribunal (ICTY) to impose counsel on you against your will and to deprive you of your lawful and fundamental right to self-defense. Although we previously had agreed to testify in your defense, under these conditions we cannot and will not participate as witnesses in these proceedings.

Not only does the Tribunal's decision violate basic legal and ethical norms, it brazenly disregards its own rules. Under Article 21, paragraph 4 of the Statute of the ICTY, a defendant is entitled to certain "minimum guarantees," including the right "to defend himself in person or through legal assistance of his own choosing." The Statute furthermore states that a trial should be conducted "with full respect for the rights of the accused." We can only comment that our understanding of the word "guarantee" evidently differs markedly from that of the Court's.

We can assure you that we remain ready and willing to appear as witnesses in the event that your right to self defense is restored to you and you choose to invite us. We stand united in our belief that the charges against you are false and that they represent a continuation of the war against Yugoslavia and the Serbian people by the U.S. and its NATO allies. We are sending a copy of this letter to the court to inform them of our decision.

Signed,

Gregory Elich
Sara Flounders
Barry Lituchy

Michael Parenti

cc.: ICTY Registry, The Hague

Iraq War Crimes Tribunal
Thursday, August 26
call 212-633-6646 for more information
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GROUP OF WITNESSES FROM USA

President Slobodan Milosevic

12 September 2004

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Not only does the Tribunal's decision violate basic legal and ethical norms, it brazenly disregards its own rules. Under Article 21, paragraph 4 of the Statute of the ICTY, a defendant is entitled to certain "minimum guarantees," including the right "to defend himself in person or through legal assistance of his own choosing."

The Statute furthermore states that a trial should be conducted "with full respect for the rights of the accused." We can only comment that our understanding of the word "guarantee" evidently differs markedly from that of the Court's.

We can assure you that we remain ready and willing to appear as witnesses in the event that your right to self defense is restored to you and you choose to invite us.

We stand united in our belief that the charges against you are false and that they represent a continuation of the war against Yugoslavia and the Serbian people by the U.S. and its NATO allies.

We are sending a copy of this letter to the court to inform them of our decision.

BRITISH HELSINKI HUMAN RIGHTS GROUP

International Tribunal or Star Chamber? The ICTY's decision to impose
counsel on Slobodan Milosevic

Date: 13 September 2006

On 10th September 2004, the International Criminal Tribunal for the former Yugoslavia imposed defence counsel on its most famous defendant, Slobodan Milosevic. This decision overturned previous rulings: the Prosecution had tried, at the beginning of the trial, to force a lawyer on Milosevic, and the judges had addressed the issue several times during the hearings.

On 3rd July 2001, the very first day of the trial, the presiding judge, the late Sir Richard May, said, "Mr. Milosevic, I see that you're not represented by counsel today. We understand that this is of your own choice. You do have the right, of course, to defend yourself." [1]

On 30th August, Judge May again said, "The accused is entitled to represent himself." [2] The judge announced that amici curiae would be appointed in order to ensure that the trial was fair. May emphasised that the role of the amici would not be to represent the accused.

Despite these clear statements, the Prosecution again argued that counsel should be imposed. Although Judge May had already ruled on this, Judge Patrick Robinson intervened and made the following statement:

"Mr. Ryneveld, I have heard your submission. However, I do not consider it appropriate for the Chamber to impose counsel upon the accused. We have to act in accordance with the Statute and our Rules which, in any event, reflect the position under customary international law, which is that the accused has a right to counsel, but he also has a right not to have counsel. He has a right to defend himself, and it is quite clear that he has chosen to defend himself. He has made that abundantly clear. The strategy that the Chamber has employed of appointing an amicus curiae will take care of the problems that you have outlined, but I stress that it would be wrong for the

number to impose counsel on the accused, because that would be in breach of the position under customary international law."[3]

(Judge Robinson has since become the presiding judge, following the death of Judge May.) After Robinson had made his intervention, May returned to the subject a third time, saying "Let me add this, Mr Ryneveld: Yes, that is the view of the Trial Chamber, that it would not be practical to impose counsel on an accused who wishes to defend himself."[4]

As if this were all not enough, Judge May returned to the subject again on 11th December. "Mr. Milosevic," he said, "there's one matter we want to raise with you. It's this: You haven't appointed counsel to defend you. As you know, it's your right to defend yourself if you wish, although you may wish to reconsider that in the light of the complexity and seriousness of these charges. But that's a matter for you."[5]

The reason why the judges kept to this position is indeed that the right of a accused person to defend himself is indeed enshrined in the statute of the International Criminal Tribunal. Article 21.4.d states, "The accused shall be entitled . to defend himself in person." No qualification or exceptions are laid out here. Although the same article also says that the accused is entitled "to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it," it is quite clear that this article does not mean the court has right to impose counsel, but instead that the accused has the right to a lawyer if he needs one. This interpretation is itself used by the ICTY's own "Directive on the Assignment of Defence Counsel," dated 28th July 2004, which reaffirms the right of an accused to defend himself (Article 5). This Directive makes it clear that the assignment of counsel is a right enjoyed by the accused, not a right of the court to assign one if the accused wishes to defend himself.

The right to defend oneself is enshrined in other documents too. Using the very words which have since been integrated into the ICTY's own statute, Article 6.3.c of the European Convention on Human Rights states: "Everyone charged with a criminal offence has the following minimum rights: . to defend himself in person." As with the ICTY statute, no exceptions or derogations from this are provided for. Perhaps the ICTY, being a UN body, does not think it is bound by the European Convention even though it has direct legal force in many European states. But even the United Nations' own documents also provide for this right. Article 14.3.d. of the International Covenant on Civil and Political Rights also uses the same language: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: . to defend himself in person". No exceptions or derogations are provided: indeed the right to defend oneself in person is a "minimum guarantee". It is a core right.

In spite of this, on 8th November 2002, the Prosecution again applied for defence counsel to be imposed. It argued that the defendant should have counsel imposed for health reasons. Again, the Trial Chamber rejected this, in an oral ruling on 18th December 2002. On 4th April 2003, the Trial Chamber issued a long document laying out its reasons for refusing to impose counsel.[6] It reviewed the ICTY's own statute and concluded rapidly that "A plain reading of this provision [Article 21.4.d] indicates that there is a right to defend oneself in person and the Trial Chamber is

...le to accept the Prosecution's proposition that it would allow for the
assignment of defence counsel for the Accused against his wishes in the
present circumstances."

The Trial Chamber then launched into a long discussion of the relevant law, drawing on cases from around the world. It argued that the imposition of counsel was a feature only of inquisitorial systems, not of the adversarial systems used by the ICTY. In support of its view that the imposition of counsel was inadmissible, the Trial Chamber quoted the US Supreme Court case *Faretta v. California*, 422 U.S. 806 (1975), which states, "We confront here a nearly universal conviction, on the part of our people as well as our courts, that forcing a lawyer upon an unwilling defendant is contrary to his basic right to defend himself if he truly wants to do so." The Supreme Court held that imposition of counsel would violate the spirit of the 6th amendment. The ICTY Trial Chamber commented:

"It [i.e. the Supreme Court] pointed out that only the sixteenth century Star Chamber in the long history of English legal history adopted a practice of forcing counsel upon an unwilling defendant in criminal proceedings, and recounted Stephen's comment on this procedure: 'There is something specially repugnant to justice in using rules of practice in such a manner as to debar a prisoner from defending himself, especially when the professed object of the rules so used is to provide for his defence.' "

The ICTY Trial Chamber went on, "There is a further practical reason for the right to self-representation in common law. While it may be the case that in civil law systems it is appropriate to appoint defence counsel for an accused who wishes to represent himself, in such systems the court is fulfilling a more investigative role in an attempt to establish the truth. In the adversarial systems, it is the responsibility of the parties to put forward the case and not for the court, whose function it is to judge. Therefore, in an adversarial system, the imposition of defence counsel on an unwilling accused would effectively deprive that accused of the possibility of putting forward a defence." [emphasis added]. It also concluded that, "The obligation of 'putting a case,' i.e. putting forward the defence version of events if it differs from that put forward by a witness, is reflected in Rule 90 (H) of the Rules. As the *Amici Curiae* note, such an obligation cannot be fulfilled by counsel who is not instructed by an accused as to the defence to put forward."

The Trial Chamber then reviewed some of the other international documents which uphold the right of a defendant to defend himself, including the International Covenant on Civil and Political Rights, mentioned above, the American Convention on Human Rights (Article 8.2.d), the European Convention on Human Rights (mentioned above), and the Statute of the new International Criminal Court. (Article 67.1.d) In this statute, the right to defend oneself is limited only when the defendant behaves in a disruptive manner in the court room. (The Rwanda tribunal, indeed, has imposed counsel on a defendant for this very reason.) The Trial Chamber discussed the imposition of counsel in a case in Germany, a case which went to the European Court of Human Rights,[7] but rightly found this case to be irrelevant to the Milosevic case because the defendant was not defending himself. Discussing other cases too, the Trial Chamber concluded that the only relevant case did not allow for exceptions to the general right to defend oneself (paragraph 36). "The international and regional conventions (in similar language) plainly articulate a right to defend oneself in person. In the Trial

Chamber's view, it is appropriate to be guided by the ICCPR and the Human Rights Committee's interpretation of it, which confirms the right to self-defence and rejects the imposition of defence counsel on an unwilling accused." (paragraph 37)

The Trial Chamber then turned to practicalities and concluded that imposition of counsel could simply not work because the defendant would refuse to instruct counsel (paragraph 38). Winding up its discussion, it says that the imposition of counsel can occur only when the defendant behaves in such a disruptive manner that he has to be removed from the courtroom (paragraph 40) and concludes (paragraph 41) that although the Trial Chamber has the duty to ensure an expeditious trial, it may do this only by respecting the rights of the accused as laid out in Article 21 of its own statute, i.e. by respecting the right of a defendant to defend himself.

All the main points of this reasoning were summarily thrown out of the window when Milosevic's defence started. On 10th September 2004, the Trial Chamber ruled that counsel would be imposed.[8] The reasons given for this astonishing volte-face are simply disingenuous. Referring to the 4th April 2003 ruling, Judge Robinson said, "the Trial Chamber, while holding that the accused had a right to defend himself also held in paragraph 40 that the right to defend oneself in person is not absolute." This is disingenuous because the Trial Chamber explicitly laid down the circumstances in which the right might be limited (disruptive behaviour leading to expulsion from the court room). Even though Milosevic's health had been an issue ever since the trial started in early 2002, the Trial Chamber made no mention of this as a possible reason for imposing counsel on 4th April 2003.

In September 2004, the Trial Chamber suddenly adopted the Prosecution's argument that Milosevic had not been taking his medicine as prescribed, but it seemed not to care that it is obviously a basic human right to take medication as one sees fit - unless the defendant is mentally incompetent either to stand trial or regulate his medicinal intake. Crucially, the Trial Chamber offered no legal argument, i.e. by quoting precedent or law, for using the health of the accused as a reason for imposing counsel. It simply rescinded all its earlier decisions, which had been grounded in law and precedent; it stated that international and domestic law provided precedents for imposing counsel, without quoting a single one; and it said that it was "in the interests of justice" to impose counsel. No definition was given of these interests. The Trial Chamber concluded, "The fundamental duty of the Trial Chamber is to ensure that the trial is fair and expeditious," but in fact based its decision to impose counsel was grounded solely on expediency, at the expense of fairness. It should also be remembered that the bench in the Milosevic trial permitted the prosecution to ramble on for months with irrelevant "expert" testimony consuming sessions far beyond its original allotted time while the prosecutors tried to induce someone - anyone - from Serbia, to plead direct incrimination of Milosevic - all without success.

Even by the appalling standards of the ICTY, the one-sidedness of this decision to impose defence counsel (after reducing the time available to the defendant's case to about half that granted to the prosecution) is shocking. By going against all its own previous rulings on the matter, the Tribunal's decision is a pure example of arbitrary rule. As such, the ICTY has demonstrated itself to be in contempt of the rule of law. It suggests that

Proces Milošević maand verdaagd

Door een onzer redacteuren
DEN HAAG, 16 SEPT. Het proces tegen Slobodan Milošević voor het Joegoslavië-tribunaal is gisteren opgeschort tot 12 oktober om de twee toegewezen advocaten de tijd te geven de verdediging voor te bereiden. Dat heeft voorzittend rechter Patrick Robinson gisteren bekendgemaakt.

Twee weken geleden werden de Britse advocaten Steven Kay en Gillian Higgins door de rechters van het Joegoslavië-tribunaal Milošević toegewezen als advocaten. Dat was opmerkelijk omdat ze als amici curiae vonden dat Milošević zijn eigen verdediging moet blijven voeren. Milošević wil geen advocaat omdat hij de rechtsgeldigheid van het Joegoslavië-tribunaal betwist. Zowel Milošević als de raadslieden zijn tegen het besluit van de rechters in beroep gegaan. Milošević weigert om met Kay en Higgins te praten.

Gisteren hield Kay een bijna wanhopig pleidooi bij de VN-rechters om de regie van de verdediging van Milošević aan de verdachte terug te geven. Volgens Kay is anders „geen vlot lopend” en „eerlijk proces” mogelijk. Kay zei dat hij onder de huidige omstandigheden („de rampzaligste die denkbaar zijn”) de verdachte „geen zinvolle verdediging” kan bieden.

Volgens Milošević' juridisch adviseur Zdenko Tomanovic weigeren meer dan 260 getuigen naar Den Haag te komen uit protest tegen het feit dat Milošević twee advocaten toegewezen heeft gekregen. Kay zei gisteren dat „het niet om incidentele weigeringen gaat, maar om groepen” gaat. Van de eerste 23 benaderde getuigen weigeren er zeker twintig te komen. De Canadees James Bissett, oud-ambassadeur in Joegoslavië, zei dat hij niet wil verschijnen in een rechtszaak die op „een stalinistisch showproces” lijkt. De rechters hebben de mogelijkheid om getuigen te dwingen om naar Den Haag te komen.

Aanklager Geoffrey Nice noemde gisteren de weigering van de Joegoslavische ex-president mee te werken met zijn raadsman „weer een voorbeeld van sabotage”. „De irrationele en onredelijke beklaagde saboteert weer het proces. De gevolgen zijn voor zijn rekening. Het tribunaal moet zijn waardigheid tegenover Milošević' obstructie verdedigen. Het mag niet toegeven”, meende Nice.

Gisteren wezen de rechters het verzoek van Kay voor een nieuw medisch onderzoek af. De slechte gezondheid van Milošević, waardoor het proces veel vertraging heeft opgelopen, is de reden waarom hij is toegewezen als advocaat.

Sagittarius

Van: "Global Reflexion" <office@globalreflexion.org>
Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
Verzonden: vrijdag 17 september 2004 14:43
Onderwerp: Re: Website

Hello Andy,

I looked at the site. I think it is good the divisions you have made. What I miss is a place for statements. I am thinking about f.e. the peace of the British Helsinki Group, the statement of the 90 lawyers and the article of Prof. Kent I send you below. It is from Artel.

The name of the organization will be Slobodan Milosevic Freedom Center The Hague, or shorter Milosevic Freedom Center The Hague. Keep also space for fundraising.

Another element is that we are planning legal steps before the Dutch courts. So it would be good to have a special place with this as item and perhaps other dossiers on special items. In general for study and background, we might have to make special dossiers. Well let me know what you think about it.

Nico Steijnen will receive a copy of this message so he can give his remarks as well.

Nico

At 11:16 17-09-2004, you wrote:

>Nico,

>

>Here is what I have so far for the sub-website of the Dutch defence

>centre:

>

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

>

>(The page is online, but it isn't linked to anything - nobody will see
>it unless they know the URL.)

>

>I will put in a banner ad for donations in the gap above the "press
>releases" column.

>

>And I will make a logo for the defence centre that will be in the upper
>left of the webpage.

>

>Let me know what you think.

>

>Best regards,

>Andy

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:>
Verzonden: donderdag 16 september 2004 0:41
Onderwerp: IN SUPPORT TO THE FREEDOM FIGHT OF PRESIDENT

 Greek Committee for International Détente and Peace (EEDYE)

Athens September 15 2004

To the International Committee for the Defense of Slobodan Milosevic

To the Organization SLOBODA of Serbia & Montenegro

To the International Association of Democratic Lawyers

Dear friends

It is with great concern and anger that we follow the developments around the "trial" of the former president of the FR of Yugoslavia Slobodan Milosevic at the famous "International Criminal Tribunal for Yugoslavia (ICTY)", where basic rights of the defendant and every sense of democratic and human rights are being violated day by day.

Since two years and around 300 days of trial the accusations being presented are aiming in legitimizing the crimes of NATO during the barbarous and inhuman bombing of Yugoslavia in 1999.

During this period various violations of fundamental rights to which any defendant is entitled to, have been marked. Slobodan Milosevic was hindered systematically in his communication with his family and his advisors, which led (amongst others) to obstacles in the collection of new elements of evidence and means for his innocence. Furthermore the time for his preparation and defense was drastically suppressed along with the fact that the number of defense witnesses was restricted and the list of charges was extended after the trial had already started.

Culmination of the violations constitutes the fact that despite the clear reference of the ICTY-statute (Art.21 Par.4), which is stating that the defendant has the right "to be tried in his presence, and to defend himself in person or through legal assistance of his own choice", we are witnessing the flagrant violation of this right through the imposition of counsel of defence by the court, against the strong and categorical objection of Slobodan Milosevic and his insistence to defend himself.

We believe that this development confirms the political character of the court and trial itself, a procedure that constitutes a provocation for every lawyer but as well for any legal system humanity has experienced. The right Slobodan Milosevic is being deprived of was not refused by the Apartheid regime to Nelson Mandela, or even by the Nazis to Georgi Dimitrof.

On behalf of the Greek Committee for International Détente and Peace

of all peace loving people in Greece, we express our vehement protest to the United Nations Organization, for this parody of trial, which is not serving the slightest guaranty for a free and fair trial.

We express from the bottom of our heart our solidarity to the peoples of Yugoslavia in their struggle for peace and progress, against the imperialist plans on the Balkans

For the Greek Committee for International Détente and Peace (EEDYE)

Evangelos Mahairas

President of EEDYE

President of Honor of the World Peace Council (WPC)

Former President of the Lawyers Association of Athens

Over 100 legal experts, lawyers and jurists from 17 countries signed a letter entitled, "Imposition of Counsel on Slobodan Milosevic Threatens the Future of International Law and the Life of the Defendant." This letter urges the United Nations to allow Milosevic to continue defending himself against war crimes charges.

The internationally circulated letter warns that imposing a defense lawyer against Milosevic's wishes would violate international law. It is illegal even under the statute of the Yugoslav tribunal and also under the International Covenant for Civil and Political Rights.

IMPOSING COURT-APPOINTED LAWYERS

Tiphaine Dickson, who drafted the petition, said the UN tribunal prosecuting Milosevic is trying to impose a defense counsel to strip him of a defense "that may be embarrassing" to the court.

Ramsey Clark's letter also points out that "The very lawyers appointed by the Trial Chamber have a direct conflict of interest. They have served by appointment of the court as 'friends of the Court.' You cannot serve two masters. Having served as friend of the Court, that same counsel selected by the Court to represent President Milosevic cannot ethically serve as his counsel."

The two lawyers who have been appointed as defense council against Milosevic's express wishes are Stephen Kay and his daughter Gilian Kay Higgins. The two were appointed Amicus Curiae (friends of the court) against Milosevic's wishes in the prosecution part of the trial. In that appointed position, Stephen Kay was made very much aware of Milosevic's insistence on his legal right to conduct his own defense.

Stephan Kay has long played a highly dubious role as appointed council in earlier trials of both the Yugoslav and the Rwanda Tribunals. Where he was appointed there were convictions in the trials. His appointment also allowed the courts to establish dangerous legal precedents for other trials.

Many outrageous judicial abuses have been legitimized by the ICTY over the past 10 years. The court accepts the use of hearsay evidence, offers reduced sentences in exchange for testimony, and allows the use of anonymous witnesses and closed sessions.

Canadian attorney and international law expert Tiphaine Dickson, who is assisting Milosevic's supporters, said: "The prosecutor is attempting, yet again, to force President Milosevic to accept legal counsel to represent him, using his poor health as an excuse. President Milosevic has insisted that he represent himself from the onset. Within the U.S., the Supreme Court has recognized this as a right under the Sixth Amendment to the Constitution. To refuse to allow him this right would turn the already illegal ICTY hearings into a star-chamber proceeding."

Historically, even in past stage-managed trials where the prosecution held total control and a guilty verdict was assured beforehand, many defendants have had the right to represent themselves. Nelson Mandela facing a racist apartheid court in South Africa, Fidel Castro brought before the court of the Batista dictatorship, or Georgi Dimirov before the Nazi court in the 1930s could speak in their defense.

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own attorney is an admission that President Milosevic is not guilty of the war-crimes charges. It adds to the U.S. and NATO guilt in planning, executing and carrying out a 10-year war that broke up a strong and successful Yugoslav Federation into a half-dozen weak colonies and neo-colonies subservient to U.S. and Western European imperialism.

The breakup of the Yugoslav Federation meant that the many industries of Yugoslavia, including steel, auto, pharmaceuticals, chemical plants, railroads, mines, refining and processing, that had previously been owned by the whole population or by the workers in those plants have been forcibly privatized. U.S., British and German corporations now own them. Social programs, pension funds, free education and free health care have been decimated. It is this history of the crime of occupation that NATO's court is trying to silence by depriving Yugoslav President Milosevic of his right to present his own defense.

Flounders is co-director of the International Action Center. She was scheduled to testify in the opening phase of former Yugoslav President Slobodan Milosevic's defense at the International Criminal Tribunal for the Former Yugoslavia at The Hague, Netherlands. Flounders had met with President Milosevic in Scheveningen Prison at The Hague for six hours on June 28 to help prepare testimony for the defense. Milosevic has been held for three years at the prison. Material from a book published by the International Action Center in 2002, Hidden Agenda: U.S./NATO Takeover of Yugoslavia, edited by Flounders and John Catalinotto, was to be the basis of her testimony at the trial.

posted: September 10, 2004

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www.icdsm.org
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THE LIFE OF PRESIDENT MILOSEVIC AND THE INTERNATIONAL LAW ARE IN PERIL.

JOIN THE INTERNATIONAL LAWYERS' PETITION:

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

JOIN THE INTERNATIONAL ARTISTS' APPEAL FOR MILOSEVIC:

NY transcripts show pages and pages blanked out because sensitive issues have been discussed in court. "Sensitive" issues means those relating to the U.S. role.

In December 2003, when the former supreme commander of NATO, Wesley Clark, testified in the Milosevic trial, the court agreed to let the Pentagon censor its proceedings. The transcripts were not released until Washington had given its approval.

A COURT TO JUSTIFY OCCUPATION

U.S. Secretary of State Madeline Albright was behind this court's creation in 1993. Since then, it has been financed and organized by funds from the U.S. and Britain. Its 1,300 personnel are also overwhelmingly from Britain and the U.S.

From the very beginning the court has functioned to justify the U.S., British and NATO role in the break-up of the Yugoslav Federation.

The decision to charge President Milosevic with war crimes was made toward the end of the 78-day U.S./NATO bombing of Yugoslavia. By charging the elected Yugoslav president, the U.S./NATO forces placed increased pressure on him to capitulate rather than participate in the cease-fire negotiations or oppose the long-term U.S./NATO occupation of Kosovo.

The entire 1999 U.S. war against defenseless Yugoslavia, the bombing of every major city, the destruction of 480 schools and 33 hospitals, along with bridges, roads and the entire industrial infrastructure, was all presented by the imperialist propaganda machine as necessary to stop an alleged genocide in the Serbian province of Kosovo.

NATO officials constantly referred to "mountains of corpses" and "killing fields." In April 1999, the U.S. State Department claimed that 500,000 Kosovo Albanians had been rounded up and killed by Serbs. Other reports used the number of 100,000 feared dead.

NO MASS GRAVES

Just as the weapons of mass destruction have never been found in Iraq, the charge of massacres, mass graves, ethnic cleansing and genocide proved to be an utter fabrication in Kosovo.

Immediately after the war, 20 forensic teams were sent to Kosovo by the International Criminal Court at The Hague from 15 NATO countries, including the U.S.. They dug all summer of 1999 at the very sites where supposed witnesses had reported mass graves.

By October 1999 they reported back to Chief Prosecutor for the Tribunal Carla Del Ponte that they had been unable to find any mass graves in Kosovo at all. They had found a total of 2,108 corpses in individual graves. How many of that number may have been killed by the NATO bombing they did not speculate.

All of this material, including the reports of NATO destruction of Yugoslav cities and the Tribunal's own forensic teams' inability to find mass graves, was to be part of Milosevic's rebuttal. The attempt to remove Milosevic as

Gory Elich
Sara Flounders
Harry Lituchy
Michael Parenti

cc.: ICTY Registry, The Hague

INTERNATIONAL ACTION CENTER (IAC)

Milosevic denied universal right of self-defense--
U.S.-Created Court Gags Yugoslav President

By Sara Flounders

In the most drastic maneuver yet to silence the truth of the U.S./NATO war on Yugoslavia, the International Criminal Tribunal for the former Yugoslavia (ICTY) on Sept. 2 denied former President Slobodan Milosevic of Yugoslavia the internationally recognized right to defend himself in court. This comes after the prosecution took two years presenting its side of the case. The ruling came on the very day Milosevic was finally to begin calling witnesses in his own defense.

President Milosevic vigorously presented his opening statement of his own defense in person for two days on Aug. 31 and Sept. 1, immediately before the Trial Chamber decided he "is not fit enough to represent himself." He was apparently "fit enough" to perform that task.

The former president's introductory remarks set the tone for a strong indictment of the U.S., Germany and other NATO powers for their 10-year war of aggression against Yugoslavia. His defense case was expected to continue in the same manner, exposing the crimes of the imperialist powers in the Balkans.

Ramsey Clark, former U.S. attorney general and co-chair of the International Committee to Defend Slobodan Milosevic (IGDSM), stated in a letter to the court: "Under International Law, every person accused of a crime has the right to represent himself in person in the court."

"The appearance of President Milosevic representing himself alone during the prosecution case for over two years, nearly 300 trial days, cross examining nearly 300 prosecution witnesses, coping with 500,000 documents, and 30,000 pages of trial transcript, then at the very beginning of his presentation of his own defense being silenced and lawyers he rejects placed in charge of his destiny, speaks of injustice."

16-9-04

On behalf of the Greek Committee for International Détente and Peace

16-9-04

Sagittarius

Van: "Andy Wilcoxson"
Aan: "Global Reflexion" <office@globalreflexion.org>
CC: <sagitar@hetnet.nl>
Verzonden: zondag 19 september 2004 9:28
Onderwerp: Website
Nico,

I have re-designed the S.M. Freedom center website. I think it looks pretty cool.

At any rate I was thinking about naming the buttons down the side the following:

1. About Us
2. Contact Us
3. Donations
4. Press/Media
5. Legal Action
6. Multimedia
7. Transcripts
8. Exhibits
9. Research
10. Links
11. Newsletter
12. [OPEN]
13. [OPEN]

Let me know if anything needs to be added.

I was thinking that the center column could be "Trial News." We could put trial reports and statements from witnesses there.

The column on the right (the gray shaded one) will contain our press releases.

If this works OK for you guys let me know.

Sagittarius

Van: "Andy Wilcoxson"
Aan: "Global Reflexion" <office@globalreflexion.org>
CC: <sagitar@hetnet.nl>
Verzonden: zondag 19 september 2004 9:35
Onderwerp: Website
P.S. the URL for the website is: www.slobodan-milosevic.org/hague.htm

Sagittarius

Van: "Andy Wilcoxson"
Aan: <sagitar@hetnet.nl>
Verzonden: zondag 19 september 2004 10:03
Onderwerp: E-Mail address

Nico,

I have given you an e-mail address that you can use for the Slobodan Milosevic Freedom Center.

Your new e-mail address is:
nico.s@slobodan-milosevic.org

I have set it up so that all of the e-mail that is sent to that new address gets automatically forwarded to this e-mail address that you're using right now.

You can log directly onto that e-mail account at:
<http://mail.ihostsites.net>

Just enter the e-mail address and the password: rAz92f

You can change the password later if you like.

I have also set up an e-mail account for Nico Varkevisser. His is:
nico.v@slobodan-milosevic.org

Best regards,
Andy

Sagittarius

Van: "Global Reflexion" <office@globalreflexion.org>
Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
Verzonden: zondag 19 september 2004 13:37
Onderwerp: Re: Website

Dear Andy,

Looks very nice. We have to think about the name. The problem with Slobodan Milosevic... etc is - f.e. as you wrote it, in short it sounds like a SM center. What do you think if name it just Milosevic Freedom Center The Hague, or the full name Slobodan Milosevic Freedom Center The Hague as title and a shorter version in the general communication, like: Milosevic Freedom Center? Do you know the name they use in Belgrade?

Yesterday I had a short meeting with Vlada. He wants to work with us (Milosevic has ordered that of course) but foresees problems with members of the committee. I made my position very clear. I am willing to co-operate with him, but as representative of Sloboda in Belgrade, not the ICDSM. I do not want things to be mixed up and told him that the best thing would be to keep the ICDSM and our organization as far as possible from each other. He agreed. Also told him that we are mainly his publicity and PR organization and that I expect from Vlada to respect the work and image building we do, by not allowing all sorts of clowns making statements to the media. And of course, with persons like Clark and Verges we are not co-operating. Told him further that we have no wish to start a public fight and in the case such a thing will start we will discuss it with the president. One thing however he has to accept is that we will start with our own fundraising.

Told him further that our plans are to start a legal procedure before the Dutch court because of the violation of his rights (that will cost 750 euro), we will organize a press conference with the material you sent me and advised him to do so simultaneously in Belgrade. Further I have the idea to publish his opening statement as a book. We will see what the co-operation with them will bring.

I am looking for information to collect money by credit card. I found one, but that is very expensive. They charge apart from the commission, 200 euro per month. I am waiting information from an other one, with whom I have been in contact in the past. Maybe you can find out what is in the US possible. Would it be good to have the fundraising more prominent on the website?

The coming days I will work on the text of the organization and as soon as we have it ready and registered in the chamber of commerce we can apply for a bank account and make an opening statement.

I have written Collin Mead to ask him if he wants to participate. I have not yet received an answer.

To conclude, I have received the test message to my address nico.v@slobodan-milosevic.org

So far the news from here. I have sent Nico Steijnen a copy so he is informed about it as well.

Best regards,
Nico

At 09:28 19-09-2004, you wrote:

>Nico,

>

>I have re-designed the S.M. Freedom center website. I think it looks
>pretty cool.

>

>At any rate I was thinking about naming the buttons down the side the
>following:

>

- >1. About Us
- >2. Contact Us
- >3. Donations
- >4. Press/Media
- >5. Legal Action
- >6. Multimedia
- >7. Transcripts
- >8. Exhibits
- >9. Research
- >10. Links
- >11. Newsletter
- >12. [OPEN]
- >13. [OPEN]

>

>Let me know if anything needs to be added.

>

>I was thinking that the center column could be "Trial News." We could
>put trial reports and statements from witnesses there.

>

>The column on the right (the gray shaded one) will contain our press
>releases.

>

>If this works OK for you guys let me know.

Sagittarius

Van: "Global Reflexion" <office@globalreflexion.org>
Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
Verzonden: maandag 20 september 2004 13:31
Bijlage: Ogone-prijzen.pdf
Onderwerp: Re: Test Message

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Ogone Pricing

Ogone pricing for Internet/ mail/ phone order solutions

For each formula, the price structure is broken down into the following elements:

- **Activation charge**, paid on a one-off basis when the account is activated
- **Monthly subscription charge** for the payment service access, billed monthly
- **Charge per completed transaction**. By completed transaction, we mean a financial transaction leading to an authorization answer from the relevant acquirer. If the merchant works in 2 steps (authorization and separate data-capture (actual payment request) or cancellation) only one transaction is billed for the two operations. Only advanced maintenance operations such as authorization renewals, partial payments are billed as independent transactions.

Pricing Ogone e-Commerce and Ogone DirectLink				
Subscription name:	Adventure	High Flyer	Horizon**	Sky**
Transaction level per month:	< 60 trx	> 60 trx	> 270 trx	> 2070 trx
Monthly fee SSL transactions	€ 30,99	€ 60,73	€ 92,96	€ 194,60
Price per SSL-transaction	€ 0,86 or 3% *	€ 0,37 or 1% *	€ 0,25 or 0.75%*	€ 0,20
One-time activation fee	€ 297,47	€ 297,47	€ 297,47	€ 297,47
Monthly fee 3D-transactions***	€ 10,- extra	€ 10,- extra	€ 10,- extra	€ 10,- extra
Price per transaction	€ 0,03 extra	€ 0,03 extra	€ 0,03 extra	€ 0,03 extra
One-time activation fee	€ 75,-	€ 75,-	€ 75,-	€ 75,-

- * The merchant has the choice between a fixed price and a percentage of the amount of the transaction (with a minimum of € 0,20).
 - ** In Horizon/Sky Batch and eTerminal are included and also (partial) refunds of original transactions are supported (depending on acquirer)
 - *** Guaranteed payments of MasterCard and Visa (no charge back risk) by using the protocols:
 3D-Secure : Exists of Verified by Visa and Merchant Plug-In (MPI). See: www.verifiedbyvisa.com
 SecureCode : Exists of Secure Payer Authentication (SPA) and Universal Cardholder Authentication Field (UCAF): See: www.mastercard.com/securecode
- Note: Both 3D-Secure and SecureCode can be activated without change to the (current) website-implementation. Activation is depending on the availability at your acquiring bank.

Pricing Ogone e-Terminal and Ogone Batch**			
Subscription name:	Bronze	Silver	Gold
Transaction level per month:	< 140 trx	> 140 trx	> 380 trx
Monthly fee	€ 30,99	€ 48,34	€ 86,76
Price / off-line transaction	€ 0,37 off-line*	€ 0,25 off-line*	€ 0,15 off-line*
Price / on-line transaction	€ 0,42 on-line*	€ 0,30 on-line*	€ 0,20 on-line*
Activation	€ 74.37	€ 74.37	€ 74.37

- * For Ogone e-Terminal: transactions can take place offline (delayed) or online (immediate).
- ** For Ogone Batch the transactions are always processed off-line (delayed)
 For Ogone Batch the activation for automatic upload is € 297,47.
 Note: An automatic batch upload module is available for implementation on the merchant-server. Price: set-up € 500,- (max. 4 hours support included / without transport) and monthly fee € 25,-

- General terms of conditions are available on www.ogone.com or upon request by mail sales@ogone.com.
- The minimal duration of the subscription is 12 months.
- The subscription is tacitly renewed at the end of this 12 months period.
- Prices are VAT excluded.
- Prices above are available for information only. Only prices on contracts applies.

205605 2009

HET JOEGOSLAVIE TRIBUNAAL WERKT HARD AAN HET EIGEN DEMASOUE

Dat het Joegoslavië Tribunaal Milosevic het recht op het voeren van de eigen verdediging heeft ontnomen, vormt niet alleen een schending van het eigen Statuut, opgesteld door de Veiligheidsraad van de Verenigde Naties, en zodoende een duidelijke schending van de hoogste eigen wetgeving, maar ook van dienovereenkomstige standaard regelingen in alle prominente mensenrechten-verdragen. Daarmee staat dus vast dat het Joegoslavië Tribunaal Milosevic een recht heeft afgenomen dat tot de kern van de mensenrechten behoort.

Natuurlijk brengt het Joegoslavië tribunaal zich hiermee onder de verdenking een tribunaal te zijn met bijbedoelingen, anders dan een het nastreven van zuivere en onafhankelijke rechtsspraak. De stelling dat het met de onafhankelijkheid van dit tribunaal slecht gesteld is, is de laatste jaren dag in dag uit de boodschap van Milosevic geweest. Maar om dit overtuigend in beeld te brengen is de objectieve waarnemer op dit punt overigens allerm minst van Milosevic afhankelijk. Het tribunaal is altijd brutaal genoeg geweest om daar zelf geen enkel geheim van te maken, kennelijk rekenend op onuitputtelijkheid van het krediet dat het in de westerse politiek en media zou hebben. Zo vertelde de voormalige plaatsvervangende hoofdaanklager Graham Blewitt nog maar kort geleden in een interview aan de NRC, gepubliceerd op 19 juni j.l., ongegeneerd hoe het tribunaal voor de NAVO te koop was om onderzoeken te doen naar slachtoffers in Kosovo en naar misdrijven in Macedonië. Op het moment dat dit in de NAVO-kraam te pas kwam. En hoe talrijke Amerikaanse medewerkers van het tribunaal evenzeer kind aan huis waren bij de Amerikaanse ambassade als op de burelen van het tribunaal.

Maar natuurlijk is er, ook los van het zichtbare optreden, een duidelijke lakmoesproef om de mate van onafhankelijkheid en onpartijdigheid van het tribunaal op beslissende wijze vast te stellen. Die bestaat eruit de opstelling van de Amerikanen tegenover dit instituut te observeren en te verdisconteren. In vergelijking met hun opstelling jegens andere internationale rechtsinstellingen. Als de Verenigde Staten iets als volstrekt verderfelijker beschouwen dan is dat wel, zoals bekend, alleen al de mogelijkheid dat enig onafhankelijk internationaal tribunaal over hun onderdanen een strafrechtelijk oordeel zou kunnen vellen. Daarom haat de VS-administratie het Internationale Strafhof als de pest, doet er alles aan om dit in de internationale arena onderuit te schoffelen, en bedreigt zelfs openlijk Nederland met een invasie als ons land, als gastheer van dit Internationale Strafhof, het ooit zou wagen een Amerikaans onderdaan ten dienste van dit Strafhof op te sluiten.

Vormt het Internationale Strafhof voor de Amerikanen een soort baarlijke duivel, tegelijkertijd bejegenen zij het Joegoslavië Tribunaal als een knuffelbeer. Dat kan maar één ding betekenen: voor de VS is het een uitgemaakte zaak dat het Joegoslavië Tribunaal nooit en te nimmer zelfs maar een poging zal ondernemen om een Amerikaans onderdaan te vervolgen. Hoewel het Joegoslavië

Tribunaal daartoe formeel wel de bevoegdheid bezit. Kennelijk zijn de garanties dat zo iets nimmer zal plaatsvinden absoluut en waterdicht. Anders zou het Joegoslavië Tribunaal allang dezelfde bejegening te beurt zijn gevallen als nu het Internationale Strafhof. Beter gezegd, anders was het er nooit gekomen. Geen wonder dat de Amerikanen zich geen moment zorgen hebben gemaakt over het pseudo-onderzoek dat het Joegoslavië Tribunaal na de NAVO-bombardementen van Joegoslavië zogenaamd instelde. Hoezeer mensenrechten-organisaties als Amnesty International en Human Right watch ook betoogden dat daarbij van NAVO-zijde oorlogsmisdaden waren gepleegd, de uitkomst van dit 'onderzoek' van het Joegoslavië Tribunaal stond van tevoren vast. De Amerikaanse controle over het tribunaal is volledig en sluitend.

Het is zoals Milosevic nu al jaren met grote bekwaamheid aan de kaak stelt: het Joegoslavië tribunaal heeft een missie te vervullen. Namelijk om, gebruik makend van de schijn van de 'objectiviteit' van het recht, middels rechterlijke uitspraken de CNN-waarheid over de schuld aan Balkan-catastrofe definitief in de geschiedenis te verankeren. Die CNN-waarheid is dat deze tragedie de schuld was Servische grootheidswaan, onder opperleiding van het monster Milosevic. Om dit doel te bereiken zijn inmiddels alle hogere Servische politici en militairen, zonder een uitzondering, in staat van beschuldiging gesteld. Of zij nu behoorden tot de politieke leiding van Servië zelf of van een van de Servische entiteiten in het voormalige Joegoslavië, waarvan de meesten inmiddels allang zijn ontmanteld.

Het tribunaal heeft men dikwijls zijn zogenaamde onpartijdigheid horen bezweren door de stelling dat heus ook Tudjman en Izetbegovic wel zouden zijn aangeklaagd, als deze maar tijd van leven hadden gehad. Een verhaal waarmee thans alleen nog maar de ware gelovigen kunnen worden bediend.

Het is met het rechtsgehalte van een tribunaal dat hoofdzakelijk Serviërs in het vizier neemt om voor eens en altijd te bewijzen dat zij het waren die de schuld waren van de Balkan-catastrofe, hetzelfde gesteld als met een Amerikaanse justitie die hoofdzakelijk zwarten zou vervolgen. Om te bewijzen dat zwarten nu eenmaal criminelers zijn dan blanken. Wat er ook uit een dergelijke justitie zou kunnen komen aan individuele vonnissen die wellicht op zichzelf nog iets met rechtstoepassing te maken zouden kunnen hebben, de hele operatie is in elk geval dermate verderfelijke van aard dat hier van rechtspraak, laat staan van recht doen, niet kan worden gesproken.

Hier wordt dan alleen een rechtsshow opgevoerd, die het hoogste onrecht baart.

Milosevic heeft al zo lang en zo vaak beweerd dat de westerse wereld bewust heeft toegewerkt naar de ontmanteling van het voormalige Joegoslavië. Hij slaagde er al in om dit geluid voortdurend te laten doorklinken in de fase van het proces waarin de openbare aanklager aan het woord was. Nu is het zijn beurt om

van leer te trekken en kwam zijn kans om deze analyse maandenlang fortissimo te laten horen. En ditmaal ook nog eens met getuigenbewijs te onderbouwen en te ondersteunen. Het is daarom geen toeval dat hem door het Trinunaal juist nu het zwijgen wordt opgelegd door hem zijn verdediging volledig uit handen te nemen. Milosevic zegt zelf: 'Met mij is, qua gezondheid, niet meer of minder aan de hand dan een of twee jaar geleden. De drukte die nu rond mijn gezondheid wordt gemaakt, komt volstrekt niet van mij. Wat mij betreft, ik ben gereed om alle registers open te gooien'.

De manoeuvres die, in naam van zogenaamde bezorgdheid over Milosevic' gezondheid, plaatsvinden kennen maar één doel. Het verschaffen van een alibi om hem monddood te maken. Door hem tribunaal-functionarissen op te dringen die zijn verdediging usurperen en neutraliseren. In de persoon van twee trouwe 'vrienden van het hof', die bij het Joegoslavië Tribunaal aan de teugel lopen.

Het wordt tijd voor de westerse media, wetenschappers en politici om ermee op te houden het te doen voorkomen alsof zij deze werkelijkheid niet doorzien. Het tribunaal zelf heeft inmiddels wel zijn uiterste best gedaan om iedereen de schellen van de ogen te trekken. Ook bij hen die ze er krampachtig, met beide handen, voor wilden houden.

mr. N.M.P. Steijnen

advocaat van Milosevic in rechtszaken
tegen de Nederlandse Staat

2004

IMPOSITION OF COUNSEL ON SLOBODAN MILOSEVIC THREATENS THE FUTURE OF INTERNATIONAL LAW AND THE LIFE OF THE DEFENDANT

H.E. Mr. KOFI ANNAN, Secretary General of the United Nations,
H.E. Mr. JULIAN ROBERT HUNTE, President of 58th Session of the UN General Assembly
Romanian (Russian) Presidency of the UN Security Council,
To all members of the UN Security Council, to all members of the UN
Cc: International Criminal Tribunal for the former Yugoslavia

We the undersigned, jurists, law professors, and international criminal lawyers, hereby declare our alarm and concern that the International Criminal Tribunal for the Former Yugoslavia (ICTY) is preparing the imposition of counsel upon an unwilling accused, Slobodan Milosevic.

This apparently punitive measure is contrary to international law, incompatible with the adversarial system of criminal justice adopted by the Security Council in Resolution 808, and ignores the court's obligation to provide adequate medical care and provisional release to the defendant. The ICTY, instead of taking appropriate measures to alleviate Slobodan Milosevic's long-standing medical problems, has compounded them. The ICTY has ignored repeated requests for provisional release, to which everyone presumed innocent is entitled, has imposed unrealistically short preparation periods on the defence, and has permitted the introduction of an inordinate quantity of Prosecution evidence, much of which was bereft of probative value, thereby increasing Mr. Milosevic's level of stress, the principal trigger of his illness. Chamber III has been informed of this by their chosen cardiologist. The defendant has been denied examination by his own physician, a further violation of his rights..

Now, having brought about the very degradation of President Milosevic's health of which it had been warned, the ICTY seeks to impose counsel upon him over his objections, rather than granting him provisional release in order to receive adequate and proper medical care, a reasonable measure reflected in domestic and international law and practice. The envisaged imposition of counsel constitutes an egregious violation of internationally recognized judicial rights, and will serve only to aggravate Mr Milosevic's life-threatening illness and further discredit these proceedings.

The right to defend oneself against criminal charges is central in both international law and in the very structure of the adversarial system. The fundamental, minimum rights provided to a defendant under the Rome Statute of the International Criminal Court, as well as the under the Statutes of the International Criminal Tribunals for Rwanda and Yugoslavia, include the right to defend oneself in person. The general economy of these provisions all envisage the reality that rights are afforded to an accused, not to a lawyer. The right afforded is to represent oneself against charges brought by the Prosecution and subsidiary to this, to receive the assistance of counsel, if an accused expresses the wish to receive such assistance. However, if, as Slobodan Milosevic, a defendant unequivocally expresses his

objection to representation by counsel, his right to represent himself supercedes a court's or prosecutor's preference for assigning defence counsel. As stated by the U.S. Supreme Court, with respect to the Sixth Amendment of the Bill of Rights, which bears a striking similarity to Article 21 of the ICTY Statute:

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

Faretta v. California, 422 U.S. 806 (1975)

The ICTY Statute (as well as ICTR and ICC Statutes) similarly grant "defence tools," such as the right to be represented by counsel, or the right for counsel to be provided free of charge, if the accused is indigent. The essence of the right to represent oneself is defeated when the right to counsel becomes an obligation. As stated in Farretta, supra:

"An unwanted counsel 'represents' the defendant only through a tenuous and unacceptable legal fiction. Unless the accused has acquiesced in such representation, the defense presented is not the defense guaranteed him by the Constitution, for, in a very real sense, it is not his defense."

Id.

Nor would the defence of Slobodan Milosevic be the defence guaranteed him under international law, were he to have counsel imposed upon him against his will.

The ICTY's general structure is that of an adversarial system of criminal justice. Other legal influences have been integrated to the Rules of Procedure and Evidence, but the nature of the proceedings, which involve a prosecutor and defendant, as parties, presenting evidence before a panel whose function is that of arbiter, is unquestionably of an adversarial nature. In the adversarial system, history has eloquently illustrated that imposition of counsel on an unwilling accused is the practice of political courts, and does not have its place in a democratic system of justice, much less before an institution that will generate precedent for a truly legitimate international criminal jurisdiction, whose establishment has been the fruit of half a century of struggle:

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

Faretta, Id.

Recently, the ICTY has ordered the Prosecutor, and only the Prosecutor, to

provide an opinion with respect to the imposition of counsel in the absence of instructions or cooperation from Mr. Milosevic. The Chamber has repeatedly referred to its obligation to carry out a fair trial, and held, when it acknowledged the right to self-representation in April 2003, that it "has indeed an obligation to ensure that a trial is fair and expeditious; moreover, where the health of the Accused is in issue, that obligation takes on special significance." Article 21 of the ICTY's Statute states that the Chamber must exercise this obligation "with full respect for the rights of the accused." However, expediency has become, as the defendant is set to present essential and potentially embarrassing evidence, the Chamber's apparently overwhelming concern.

Imposition of counsel, even "standby counsel", as appears to be presently envisaged by the ICTY, will not alleviate any of the difficulties facing the process: it will not treat, much less cure, Slobodan Milosevic's malignant hypertension; it will not provide the defendant with the time and conditions to prepare his case; it will not redress the gross imbalance in the resources accorded the Prosecutor and the defence, a redress required by the principle of equality of arms, which the Court professes to recognize. If counsel is imposed, Slobodan Milosevic's basic right to represent himself will be violated, and he will still have only 150 days to present his defence, only half of the time allotted to the Prosecution.

It is presently unclear what role an imposed counsel would play. Whatever it may be, it is certain that there is no benefit to be gained from going forward with this unprecedented measure. The ICTY Statute provides the minimum right to be present for one's trial. If Slobodan Milosevic's medical condition does not permit him to attend the proceedings, and he does not waive his right to be present, the ICTY does not have the jurisdiction to hold hearings in his absence. Adjournments will continue as long as measures are not taken to treat Mr. Milosevic's malignant hypertension, a condition that cannot be treated by further violating his rights, threatening to remove him from the process, or by transferring his defence to a complete stranger.

The ICTY assigned three counsel to act as *amicus curiae*, and whose stated role is to ensure, *inter alia*, a fair trial. It is doubtful an imposed counsel, even a "standby counsel" could provide any additional assistance, without hijacking President Milosevic's defence, or simply silencing him. Furthermore, any reference to precedent with respect to the imposition of standby counsel is inapposite. In the case of Dr Seselj, "standby counsel" has been imposed, before the beginning of a trial, and to prevent "disruption" of the proceedings.

President Slobodan Milosevic does not recognize the ICTY. He asserts his innocence, and steadfastly criticizes the ICTY and NATO. He is innocent until proven otherwise, and has every right to oppose the legitimacy of this institution. By imposing counsel, the ICTY would not only violate his right to self-representation, but his right to present relevant evidence demonstrating the repeated violations of Yugoslavia's sovereignty over a decade. These violations led to NATO's illegal war of aggression against and bombing of Yugoslavia - at the very height of which an indictment against Slobodan Milosevic was confirmed by the ICTY - in a transparent bid to deprive the Yugoslav people of a voice to negotiate peace and in order to justify the continuation of that war of aggression.

The trial of Slobodan Milosevic before the ICTY has been adjourned until August 31st, 2004. The Prosecutor has presented 295 witnesses in as many days, all of which have been cross-examined by the defendant in person, as he does not recognize the ICTY as a judicial body, and signals this non-recognition by refusing to assign counsel. Slobodan Milosevic is a law school graduate, was three times elected to the highest state offices of Serbia and Yugoslavia, and has by all accounts ably contested the Prosecution's case. There is no question as to his mental fitness and ability to waive his right to counsel. The ICTY may not enjoy President Milosevic's criticism. Nonetheless, the public benefits of respecting his right to self-representation far outweigh whatever embarrassment might be visited upon the ICTY. Justice demands that Slobodan Milosevic be given the right to demonstrate that the Security Council institution detaining him is a political weapon against the sovereignty and self-determination of the people of Serbia and all the peoples of Yugoslavia.

Nelson Mandela represented himself during the infamous Rivonia trials of the 1960s. Mandela mounted a political defence against apartheid, yet even the South African judiciary did not impose counsel to silence him. The ICTY is poised to threaten the future of international law by doing what even apartheid-era judges dared not do - gag a defendant and impair his ability to respond to a case. A case, we note, made unwieldy, unintelligible and inexplicably lengthy by the Prosecutor, with the Chamber's assent, and not by Slobodan Milosevic. Indeed, most observers of the process have noted that the Prosecutor failed to present compelling evidence to support any of their charges; rather than stay the proceedings, the ICTY permitted the Prosecutor to present additional witnesses, in apparent desperation to make something stick.

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

As jurists, we are deeply concerned that the planned imposition of counsel constitutes an irrevocable precedent, and potentially deprives any accused person of the right to present a meaningful defence in the future. In the case of Slobodan Milosevic, this measure will only increase his hypertension and place his life at risk.

The ICTY and Security Council will be held responsible for the tragically predictable consequences of their actions.

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of the International Criminal Court, as well as the
the International Criminal Tribunals for Rwanda and Yugoslavia, include the right to defend oneself in person. The general economy of these provisions all envisage the reality that rights are afforded to an accused, not to a lawyer. The right afforded is to represent oneself against charges brought by the Prosecution and subsidiary to this, to receive the assistance of counsel, if an accused expresses the wish to receive such assistance. However, if, as Slobodan Milosevic, a defendant unequivocally expresses his

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Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
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- **Activation charge**, paid on a one-off basis when the account is activated
- **Monthly subscription charge** for the payment service access, billed monthly
- **Charge per completed transaction**. By completed transaction, we mean a financial transaction leading to an authorization answer from the relevant acquirer. If the merchant works in 2 steps (authorization and separate data-capture (actual payment request) or cancellation) only one transaction is billed for the two operations. Only advanced maintenance operations such as authorization renewals, partial payments are billed as independent transactions.

Pricing Ogone e-Commerce and Ogone DirectLink				
Subscription name:	Adventure	High Flyer	Horizon**	Sky**
Transaction level per month:	< 60 trx	> 60 trx	> 270 trx	> 2070 trx
Monthly fee SSL transactions	€ 30,99	€ 60,73	€ 92,96	€ 194,60
Price per SSL-transaction	€ 0,86 or 3%*	€ 0,37 or 1%*	€ 0,25 or 0.75%*	€ 0,20
One-time activation fee	€ 297,47	€ 297,47	€ 297,47	€ 297,47
Monthly fee 3D-transactions***	€ 10,- extra	€ 10,- extra	€ 10,- extra	€ 10,- extra
Price per transaction	€ 0,03 extra	€ 0,03 extra	€ 0,03 extra	€ 0,03 extra
One-time activation fee	€ 75,-	€ 75,-	€ 75,-	€ 75,-

- * The merchant has the choice between a fixed price and a percentage of the amount of the transaction (with a minimum of € 0,20).
- ** In Horizon/Sky Batch and eTerminal are included and also (partial) refunds of original transactions are supported (depending on acquirer)
- *** Guaranteed payments of MasterCard and Visa (no charge back risk) by using the protocols:
 3D-Secure : Exists of Verified by Visa and Merchant Plug-In (MPI). See: www.verifiedbyvisa.com
 SecureCode : Exists of Secure Payer Authentication (SPA) and Universal Cardholder Authentication Field (UCAF): See: www.mastercard.com/securecode
 Note: Both 3D-Secure and SecureCode can be activated without change to the (current) website-implementation. Activation is depending on the availability at your acquiring bank.

Pricing Ogone e-Terminal and Ogone Batch**			
Subscription name:	Bronze	Silver	Gold
Transaction level per month:	< 140 trx	> 140 trx	> 380 trx
Monthly fee	€ 30,99	€ 48,34	€ 86,76
Price / off-line transaction	€ 0,37 off-line*	€ 0,25 off-line*	€ 0,15 off-line*
Price / on-line transaction	€ 0,42 on-line*	€ 0,30 on-line*	€ 0,20 on-line*
Activation	€ 74.37	€ 74.37	€ 74.37

- * For Ogone e-Terminal: transactions can take place offline (delayed) or online (immediate).
- ** For Ogone Batch the transactions are always processed off-line (delayed)
 For Ogone Batch the activation for automatic upload is € 297,47.
 Note: An automatic batch upload module is available for implementation on the merchant-server. Price: set-up € 500,- (max. 4 hours support included / without transport) and monthly fee € 25,-

- General terms of conditions are available on www.ogone.com or upon request by mail sales@ogone.com.
- The minimal duration of the subscription is 12 months.
- The subscription is tacitly renewed at the end of this 12 months period.
- Prices are VAT excluded.
- Prices above are available for information only. Only prices on contracts applies.

Sagittarius

Van: <Forum@Volkskrant.nl>
Aan: <sagitar@hetnet.nl>
Verzonden: dinsdag 21 september 2004
Geachte heren Steijen,

Hartelijk dank voor de bijdrage die u ons deed toekomen.

Gezien het grote aanbod van artikelen is echter scherpe selectie noodzakelijk. Uw bijdrage heeft daarbij de eindstreep niet gehaald en zal dan ook niet worden geplaatst.

Hopelijk zal deze afwijzing u er niet van weerhouden nog eens een bijdrage voor forum aan te bieden.

Met vriendelijke groet,

Joris Cammelbeeck
redactie Forum

Sagittarius

Van: "Global Reflexion" <office@globalreflexion.org>
Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
Verzonden: woensdag 22 september 2004 18:54
Bijlage: Freedom-Center2.doc
Onderwerp: Re: Website

Hello guys,

Here is my first try for a text that could serve as press release and on the web site about us.

Hope to hear from you soon. Want to send to Milosevic too.

Best regards,

Nico

Slobodan Milosevic Freedom Center The Hague

On request of President Milosevic a new organisation has been established in The Netherlands: 'Slobodan Milosevic Freedom Center The Hague'. The reasons for the creation of this Freedom Center is to inform the public opinion about what is happening at the ICTY in The Hague and how this so-called Tribunal is operating, including the violation of international law and the basic human rights of President Milosevic. Further, to bring out the truth of what has happened in Yugoslavia after 1989 and to clarify the real objectives of this so-called Tribunal and its masters. The necessity for this organisation has become even more urgent since the so-called Tribunal has it made impossible for President Milosevic to lead his own defense and the biased way the so-called trial is covered in the media.

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

The destruction of Yugoslavia is in no way an isolated incident, nor solely the result of internal factors. It is the result of the new international relations after 1989 and therefore understanding of what has happened is a precondition to understand the present situation, in particularly the so-called war against terrorism and the emerge of fascism.

President Milosevic is fighting monstrous machinery, which is determined to use all means to punish the Serbian people for their resistance into length of years. As such President Milosevic is not only fighting for the truth of what happened in the past, but also for the very future of Serbia. In this fight he is an ally of all who are fighting for justice and peace, against old and new forms of colonialism and fascism.

He has asked all his friends to increase the forces to bring out the truth and undertake the important work: to reach out to the minds and hearts of all peace loving people in the world, to unite and fight.

The fact however that he is fighting in The Hague, makes it necessary to have an organization at the spot to support him. For that reason he has appointed Nico Varkevisser from the Netherlands as his assistant and coordinator of his Freedom Center The Hague.

Slobodan Milosevic Freedom Center The Hague will operate as an independent entity within the Dutch Foundation 'Holland Yugoslavia', an organisation that emerged during the protests against the bombing of Yugoslavia by NATO, March 1999. Apart from Nico Varkevisser, the Freedom Center The Hague will be led by Mr. Nico Steijnen from the Netherlands and Andy Wilcoxson from the United States.

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

1. To support President Slobodan Milosevic in his struggle against the ICTY and the false indictment
2. To inform the public opinion about the proceedings and conduct of the illegal ICTY, the complete absence of justice and the slightest performance of a fair trial
3. To fight the secrecy and lack of justice by which the illegal ICTY is characterized, the violation of the basic human rights of Slobodan Milosevic and the intolerable conditions of his imprisonment

4. To provide the media and the public opinion with relevant news and background information to counterbalance the complete distortion of the truth of how the former Socialist Federal Republic of Yugoslavia has been destroyed, and the forces behind it
5. To counter the accusations and campaigns against the Serbian people as being the culprit for the tragedies that happened after 1989
6. To contribute to the awareness that the destruction of Yugoslavia cannot be seen as an isolated event, caused by internal factors, but as a part of the world wide political and military reshape in a New World Order, with far reaching consequences for the world as a whole and Europe in particular
7. To contribute to the awareness of the increasing danger of fascism and terrorism, used as instruments by the leading powers to divide and destabilize nations and destroy entire states
8. To contribute to the mobilization of forces for peace, justice, freedom and equality of the peoples; against a new colonization of the world and the destruction of international law

Members of the board of the Freedom Center:

Nico Varkevisser: Spokesman

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

Nico Steijnen: Legal commission:

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

Andy Wilcoxson: Webmaster:

E-mail: andy.w@slobodan-milosevic.org

The Slobodan Milosevic Freedom Center The Hague will have office at:

Sloterkade 20

1058 HE Amsterdam

Netherlands

Phone + Fax: + 31 20 615 1120

Email: center@slobodan-milosevic.org

Web site: www.slobodan-milosevic/freedomcenter.org

International Bank Account: NL 90 PSTB 0000 0122 80

Postbank NV - P.O. Box 1800 - 1000 BV Amsterdam - Netherlands

Swift (BIC) code: PSTBNL21

**Sagittarius**

Van: "Global Reflexion" <office@globalreflexion.org>
Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
Verzonden: woensdag 22 september 2004 15:00
Onderwerp: Re: Website

Hello Andy,

In general I agree with your ideas, and I must say the website looks excellent. As far as my contribution, I have nearly finished the concept for the principles of the center. Will send it to you and nico steijnen very soon. Will also finish soon the fundrais part.

Since the Center will operate as part of the Foundation Holland-Yugoslavia, we save us a lot of work. We have already a bank account, the only thing that has to happen is to ad the name of the Center to the account. That will be done in around a week.

Than international payments can be made to

Postbank NV
P.O. Box 1800
1000 BV Amsterdam
Netherlands

International bank account number (IBAN): NL90 PSTB 0000 012280

of:

Stichting Nederland Joegoslavië
Milosevic Freedom Center
(It is important to write the name in full!)

Swift code of the bank (BIC): PSTBNL.21

The account number in the Netherlands is: Postbank 12280

As soon as it is function I will let you know.

For practicle reasons I propose to take our office as address:

Milosevic Freedom Center (or full out Slobodan Milosevic Freeedom Center
The Hague)
Sloterkade 20
1058 HE Amsterdam
Netherlands
Phone + Fax: + 31 20 615 1120

as general email address I have been thinking of: center@slobodan-milosevic.org

Is this possible Andy?

1 question do you write center or centre?

Concerning the question to what web sites we link to, we have to be careful, since we are his public voice. I don't think we should link to the ICDSM or other support groups or sites, since they have a political profile that might not be always reflecting the position Milosevic is taken.

but if we have good academic research institutions or sites, who are providing good material, we can put them up as link.

The same caution we have to apply with a discussion group. I see at least 2 problems. First in these discussion groups there is the tendency to involve other elements in the debate and unfortunately often personal elements. Although we are not responsible for what these people write, visitors will connect it with the center, and that can be harmful since we are his publicity team. Also we are taking the risk to be caught in a public fight or to be dragged in a discussion. That is a very time consuming thing and could be used by our opponents to frustrate our work. So I have my doubts. Maybe we can in the beginning leave the discussion only on Andy's site.

So far my remarks,

Best regards,

Nico

At 10:47 22-09-2004, you wrote:

>Nico,

>

>I have completed the infrastructure for the Milosevic Freedom Center
>website. All of the pages have been created and all of the hyper-linking
>and HTML code work as been done.

>

>All that is left to do is fill in the content on the pages.

>

>Here is my proposal for how to proceed.

>

>We need to come-up with the text for the "about us" page. I was thinking
>that Nico Varkevisser, as the chairman, liaison to the President, and
>spokesman should write the text for this page, the "donations" page, as
>well as the "media/press information" page. Those three pages I think
>should be totally under Nico Varkevisser's control.

>

>I also need the material for the legal action page. This would seem to
>be something that Nico Steijnen should write-up and be in control of
>since he is the lawyer.

>

>I can fill out the home page, with input from the two of you. I am
>thinking about putting articles related to the Milosevic trial in the
>main center column together with a fundraising appeal, and statements
>from witnesses. And in the gray shaded column on the side we can put our
>press releases.

>

>I will fill out the Balkan News page with non-trial related Balkans
>articles, that I find and that the two of you send to me.

>

>The trial resources page will contain scanned images and multimedia
>files of any court exhibits that the associates provide us with. It will
>also be linked to my other website www.milosevic-trial.org which is the
>only website on the internet where users can do text searches in all of
>the Hague Tribunal's transcripts.

>

>I can fill out the Milosevic speeches and interviews page. I have more
>of his speeches than any other website on the internet.

>

>We can all submit research papers for the research page. I have some
>good articles that I can put there and I would appreciate any thing that
>you guys might want to put there. I am thinking also of putting the
>White Book there together with the Yugoslav Government's 1997 war crimes
>commission reports.

>
>I need the information for the mailing list. Nico Varkevisser already
>has a list that we can use. I just need the instructions for new users
>who want to sign up.

>
>I need links for the links page. We should decide on which websites we
>want to link to.

>
>We also need information for the contact page. An address and a
>telephone number for the organization would be nice to have. I don't
>know if maybe we can get a PO Box in The Hague or something.

>
>For the discussion page, I am thinking that we should write a disclaimer
>to disassociate ourselves from any comments made by members of the
>public in the discussion; then after the disclaimer a link to a separate
>web discussion.

>
>I can tell you that when I added the public discussion to
>slobodan-milosevic.org the traffic coming to the website increased
>exponentially. People love to put in their two cents worth, and the
>comments on the discussion have been overwhelmingly pro-Milosevic.

>
>At any rate these are my ideas and proposals for the website. Let me
>know what you guys think and we can proceed.

>
>Best regards,
>Andy Wilcoxson

Sagittarius

Van: "Andy Wilcoxson" <andywilcoxson@comcast.net>
Aan: <nico.s@slobodan-milosevic.org>; <nico.v@slobodan-
Verzonden: woensdag 22 september 2004 10:47
Onderwerp: Website

Nico,

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All that is left to do is fill in the content on the pages.

Here is my proposal for how to proceed.

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At any rate these are my ideas and proposals for the website. Let me know what you guys think and we can proceed.

Best regards,
Andy Wilcoxson

Sagittarius

Van: "Global Reflexion" <office@globalreflexion.org>
Aan: "Andy Wilcoxson"
CC: <sagitar@hetnet.nl>
Verzonden: donderdag 23 september 2004 12:42
Bijlage: Freedom-Center_revision.doc
Onderwerp: Re: revision to text

Hello Andy, I have made a few small changes. I think we could also use the text - apart from the 8 points - as a press release. Will ask Nico S. about his opinion and than try to send it to the President.

Best regards,

Nico V.

At 10:40 23-09-2004, you wrote:

>Nico,

>

>I have cleaned the English in the document that you sent me, and made a

>few slight alterations. Please take a look at it and let me know if it

>is O.K.

>

>- Andy

About Us

Slobodan Milosevic Freedom Center The Hague

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

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

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

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

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

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

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

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

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

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

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

2. To inform the public about the illegal establishment of ICTY, and the complete absence of justice and fairness in its proceedings.
3. To fight against the secrecy and lack of justice by which the ICTY is characterized, and the violations of the basic human rights of Slobodan Milosevic and the intolerable conditions of his imprisonment.
4. To provide the media and the public with relevant news and background information to accurately understand the truth of how the former Socialist Federal Republic of Yugoslavia was destroyed, and the forces behind it.
5. To counter the accusations and campaigns against the Serbian people as being the culprit for the tragedies that happened in the former Yugoslavia.
6. To contribute to the awareness that the destruction of Yugoslavia cannot be seen as an isolated incident, caused by internal factors, but as a part of the world wide political and military campaign to establish a New World Order, with far reaching consequences for the world as a whole and Europe in particular.
7. To contribute to the awareness of the increasing danger of fascism and terrorism, used as instruments by the leading powers to divide and destabilize nations and to destroy entire states.
8. To contribute to the mobilization of forces for peace, justice, freedom and equality of the peoples; against a new colonization of the world and the destruction of international law.

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

Nico Varkevisser: Spokesman, and assistant to the President

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

Nico Steijnen: Legal affairs

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

Andy Wilcoxon: Trial reporter, researcher and analyst

E-mail: webmaster@slobodan-milosevic.org

Address:

Slobodan Milosevic Freedom Center The Hague:

Sloterkade 20

1058 HE Amsterdam

Netherlands

Phone/Fax: + 31 20 615 1120

General e-mail: center@slobodan-milosevic.org

Web site: www.slobodan-milosevic.org/hague.htm

Donations should be sent to:

Postbank NV
P.O. Box 1800
1000 BV Amsterdam
Netherlands

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

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

Sagittarius

Van: "Andy Wilcoxson" <andywilcoxson@comcast.net>
Aan: "Global Reflexion" <office@globalreflexion.org>; <sagitar@hetnet.nl>;
CC: <lawofficetomanovic@yahoo.com>; <Zdenkot@eunet.yu>
Verzonden: vrijdag 24 september 2004 10:40
Onderwerp: Mr. Kay thinks that Milosevic is guilty
 Please read the following article from the London Times in which Mr. Kay is interviewed. According to the article, Kay only took Milosevic's case because of the "Cab Rank" principle.

Kay says, "Milosevic pleaded not guilty. I don't think any brief should be refused because of one's personal opinions. It's your job to represent someone and when I took my QC oath, that was one of the requirements. An advocate is just doing his job -not identifying with the case."

Mr. Kay is suggesting, very strongly, that he believes Milosevic to be guilty.

Best regards,
 Andy Wilcoxson

Full text of Article begins below:

 Copyright 2004 Times Newspapers Limited
 The Times (London)

September 21, 2004, Tuesday

SECTION: Features; Law; 3

LENGTH: 976 words

HEADLINE: He's my client, and I'll do my best for him

BYLINE: Frances Gibb

BODY:
 Defending a notorious ex-dictator against charges of genocide is just another job, Slobodan Milosevic's QC tells Frances Gibb.

THE British barrister who has landed the brief of defending Slobodan Milosevic asked for the sack -after just one week in the job.

Steven Kay, QC, took on what many call the brief from hell -defending the former President of Yugoslavia against 66 counts of genocide, crimes against humanity and war crimes -at the request of the judges trying the case.

But, having been appointed against Milosevic's wishes, he says that his first duty is to have himself removed -as that is what his client wants. He also believes that Milosevic has a right to act for himself.

...st interview, Kay, 50, told The Times: "We argued from the
... for his right to represent himself and still argued this right up
to our appointment. He didn't want any lawyer at all -not even his own.
When medical reports stated he was too ill to go on acting for himself,
we suggested to him -through his advisers -that he appoint someone. But
our view was, and still is, that it's a matter for him."

Kay and his junior barrister colleague, Gillian Higgins, who is
instructed with him, have been at the UN war crimes tribunal for the
former Yugoslavia as neutral "friends of the court" since it began in
February 2003, often putting points on Milosevic's behalf that he had
failed to put himself. So they were obvious choices when the court ruled
that, if he would not appoint a lawyer, it would do so for him.

Milosevic's stance is just one of the problems with Kay's latest brief.
His client does not speak to him so he cannot take instructions. He also
has to call evidence from 1,631 witnesses listed by the accused in 150
days. Above all, he has the unenviable task of representing one of the
most vilified defendants in history.

"My duty is to act in his best interests," he says. "I will do the job
as best I can."

A strong believer in the "cab rank" principle -that barristers should
take whatever briefs are offered to them -he adds: "Milosevic pleaded
not guilty. I don't think any brief should be refused because of one's
personal opinions. It's your job to represent someone and when I took my
QC oath, that was one of the requirements. An advocate is just doing his
job -not identifying with the case."

But he admits it was a tough decision. In his role at the court as
"amicus" with two other lawyers, he had to ensure that the trial was
fair and that all points to counter the prosecution were put. With
Milosevic starting his defence, the job was winding down and Kay, a
former secretary of the Criminal Bar Association, was preparing to
resume his busy London mixed criminal practice at 25 Bedford Row. "I was
booked for a big fraud trial in September." Then medical reports
indicated that Milosevic could not continue unaided (he has high blood
pressure and 66 trial days have been lost through illness) and Kay was
asked to take on the brief.

Speaking at his Surrey home during a weekend break with his family, he
says: "I thought long and hard. I had to discuss it with my wife, who's
very supportive."

And we have a four-year-old daughter. I also enjoy my work at the Bar
and wanted to keep it going -not be pigeon-holed in one kind of case."

Then, though, his fraud trial was adjourned. "I felt duty bound to admit
that I was available after all." There was also considerable pressure to
agree. "The court was going to appoint someone. Hundreds of lawyers have
offered their services. But someone completely new would mean a delay of
six to nine months while they got to grips with the case. It would have
been a tremendous waste of international resources. That bore very
heavily. People might have said: 'You walked away from it.' " Kay was
also the obvious choice because of his wide experience in war crime

Sagittarius

Van: "Ian Johnson" <i-
Aan: <SAGITAR@HETNET.NL>
Verzonden: vrijdag 24 september 2004 21:05
Onderwerp: CDSM: 3 Articles

1. Trial Delay.
2. Kay Interview with comments by Paul Davidson.
3. The Spoils of Another War by Neil Clark

<http://news.bbc.co.uk/1/hi/world/europe/3658880.stm>

Judges order Milosevic case delay

Slobodan Milosevic has dismissed the trial as a kangaroo court

Judges have ordered a one-month delay in the war crimes trial of former Yugoslav leader Slobodan Milosevic.

The decision was made to give Mr Milosevic's court-appointed lawyers more time to prepare their case.

They were assigned to Mr Milosevic against his will after doctors said he was too ill to conduct his own defence.

The two British lawyers have complained that Mr Milosevic will not co-operate with them and that many defence witnesses are refusing to testify.

'Unfair trial'

Presiding judge Patrick Robinson said he was giving Mr Kay until 12 October to get "an overview of the witness situation", the AFP news agency reported.

Steven Kay and his co-counsel Gillian Higgins have appealed against their appointment, on the grounds that appointing a defence team for Mr Milosevic against his wishes could lead to an unfair trial.

Timeline: Milosevic trial

Mr Kay had also asked for the trial at the International War Crimes Tribunal at The Hague to be suspended until the appeal is heard, but this request was rejected.

Not date has been set for the appeal.

The former Yugoslav president faces 66 war crimes charges relating to conflicts in the Balkans during the 1990s.

Mr Milosevic's ill health, linked to heart problems and high blood pressure, has repeatedly brought his lengthy trial to a halt, putting it behind schedule.

The former Serb strongman began his own defence in late August, having refused to use lawyers in court since February 2002, when the prosecution began presenting its case.

Earlier this month however, the trial judges appointed Mr Kay and Ms Higgins

ilm.

Milosevic, who has dismissed the charges against him as lies, wants to call more than 1,000 witnesses, but it is unlikely there will be time for them during the 150 trial days allotted for his defence.

The Times interviews counsel imposed on Milosevic

A strange interview with Kay, it seems. His main argument for taking on the advocacy for Slobodan Milosevic, against his 'client's' own wishes and contrary to his well-established and internationally accepted legal right to defend himself is the following: It's a tough job but someone has to do it.

The article is full of direct lies, such as: "... medical reports stated he was too ill to go on acting for himself . . . "

In fact no medical report ever said such a thing. The many medical reports argued that the conditions endured by the defendant at the trial should be bettered, due to his health problems, shorter days and more breaks, better accommodation, food, exercise and fresh air etc etc. One of the problems had been the prolonged prosecution, lasting almost two years and the incredible strain of having one million pages of so-called evidence to read in cramped cell conditions with no proper access to phone of legal advisors, some of whom were even banned from visiting him.

Milosevic, acting in his own defence and with reference to his condition argued for his release from the prison cell for the duration of the trial, for his own medical team to treat him, for suspension of the trial sufficient to allow for his recuperation and for equality of arms with the prosecution. None of these things were granted, not one.

Kay publicly makes no bones of his distaste for his client stating, "I don't think any brief should be refused because of one's personal opinions."

Then in a scandalous manner he chooses to bring his disagreements to the public eye, breaching the code of client confidentiality in an ongoing case, when he states, "we suggested to him — through his advisers — that he appoint someone"

So, having publicly indicated his distaste for Milosevic, having publicly aired his disagreement with the way Milosevic has conducted his case and having publicly sided with the court in the view that Milosevic is too ill to represent himself, how can Mr Kay state that he will do his best? And for whom? He is not fit to defend anyone under such circumstances.

He states:

"We argued from the start for his right to represent himself and still argued this right up to our appointment."

Yes, up to his appointment he has stated that. But, now he has been appointed, his duty seems elsewhere. Where does he see his duty as lying? He explains why he took the case, contrary to his afore-mentioned 'principles.'

"I felt duty bound to admit that I was available after all." There was also considerable pressure to agree. "The court was going to appoint someone. Hundreds of lawyers have offered their services. But someone completely new would mean a delay of six to nine months while they got to grips with the case. It would have been a tremendous waste of international resources. That bore very heavily. People might have said: 'You walked away from it.'"

Oh dear, the pressure to agree!! The poor chap must have been frightfully worried. Someone who can be subject to the 'pressure to agree' obviously would make an ideal defence council for the ICTY.

He here states that his duty is first and foremost to the court and its administrative convenience (and his future career - the pressure to agree), not to his 'client.'

And of course there is the money! (Thank God) Besides a lump sum he receives (undisclosed administrative 'expences'), "His own salary [from the ICTY] is estimated at £250,000 a year."

And it has already been a very good little earner.

"Kay and his junior barrister colleague, Gillian Higgins, who is instructed with him, have been at the UN war crimes

the former Yugoslavia as neutral "friends of the court" "

is all very friendly

surprising then that Mr Kay believes his relations with Mr. Milosevic have also been rather friendly, "up to our appointment."

The article states:

"During the prosecution case he enjoyed good relations with Milosevic, often putting arguments for him and even chatting during breaks. "We did some cross-examination, although he did it as well, and we handled all the legal issues. At the close of the prosecution case we also filed a motion for some charges to be dismissed — certain allegations relate to times or places not specifically within the tribunal's remit." "

Funny then that he was not on talking terms when he 'advised Milosevic to get an attorney. Recall, "we suggested to him — through his advisers — that he appoint someone." Why 'through his advisors'? Because Milosevic refused to discuss matters with him. Milosevic has always been courteous but has never had so-called 'good relations', which suggests some kind of cosy team effort, as in the preceding rubbish: There were no joint "cross-examinations." The phrase "he did it as well" even suggests that Milosevic was secondary to Kay!!!

Milosevic has always been the major player while Kay cut out a bit role for himself, acting as 'friend of the court', pointing out some legal tangles and minor administrative issues. Milosevic, on the contrary, conducting a rigorous political defence refused to be emeshed in such legalistic hocus pocus of an illegal so-called 'tribunal'. When asked by the judge whether he would prefer the case against him to be split into three stages he replied, "That is a matter for you." "That's your problem!"

That is the principled attitude that the court wants to stop. They prefer someone who can be 'pressured to agree.'

The last argument why Kay says he should have been appointed is his experience in other tribunal cases as a defence attorney:

"He was defence counsel for Dusko Tadic, the first defendant before this tribunal, and also Alfred Musema, a defendant at the UN international criminal tribunal for Rwanda."

He lost both cases!! Yes, this is an indication of why the court saw him as its most fitting champion, for the 'defence' of course! The man who always agrees!

Still, Mr. Kay nurtures his principles, even after 'our appointment.' However, he keeps them on the back burner.

"... having been appointed against Milosevic's wishes, he says that his first duty is to have himself removed — as that is what his client wants. He also believes that Milosevic has a right to act for himself."

And in accordance with these principles he has "asked for the sack." But, just in case his gentle request (well, more like seeking agreement under pressure than making a request), should not be granted, he has already begun to put some of that hard-earned quarter million pounds to work.

"Pending a decision on whether he must go on with the job, Kay has set the ball rolling and called several witnesses. "We want to show that we mean business, so the word goes out to other witnesses that we are here, and want to call them for the defence. Now I just have to point myself in the right direction and start moving. It's a very English phrase, but you just have to get on with it." "

This says it all, doesn't it? "Pending a decision." Who's bloody decision?? Kay states he does not agree with the imposition. Milosevic has refused to deal with him. But Kay has put the 'decision' back to the judge, the same fink who gave him the job!! What a show!!

"We want to show that we mean business" Yes, it is a mean business, but someone has to do it.

Dear friends,

Steven Kay was interviewed in the Times (law section) today. Thought this might be of interest or someone [the ICDSM legal committee?] may want to send a letter for publication? Frances Gibb's email is frances.gibb@thetimes.co.uk and letters for publication can be sent to letters@thetimes.co.uk Perhaps the Times may even give the ICDSM legal committee a right of reply in next week's law supplement? You never know!

Regards,

CHRIS.

--

September 21, 2004 from The Times UK [weekly Law supplement]

He's my client, and I'll do my best for him

Defending a notorious ex-dictator against charges of genocide is just another job, Slobodan Milosevic's QC tells FRANCES GIBB

THE British barrister who has landed the brief of defending Slobodan Milosevic asked for the sack — after just one week in the job.

Steven Kay, QC, took on what many call the brief from hell — defending the former President of Yugoslavia against 66 counts of genocide, crimes against humanity and war crimes — at the request of the judges trying the case.

But, having been appointed against Milosevic's wishes, he says that his first duty is to have himself removed — as that is what his client wants. He also believes that Milosevic has a right to act for himself.

In his first interview, Kay, 50, told The Times: "We argued from the start for his right to represent himself and still argued this right up to our appointment. He didn't want any lawyer at all — not even his own. When medical reports stated he was too ill to go on acting for himself, we suggested to him — through his advisers — that he appoint someone. But our view was, and still is, that it's a matter for him."

Kay and his junior barrister colleague, Gillian Higgins, who is instructed with him, have been at the UN war crimes tribunal for the former Yugoslavia as neutral "friends of the court" since it began in February 2003, often putting points on Milosevic's behalf that he had failed to put himself. So they were obvious choices when the court ruled that, if he would not appoint a lawyer, it would do so for him.

Milosevic's stance is just one of the problems with Kay's latest brief. His client does not speak to him so he cannot take instructions. He also has to call evidence from 1,631 witnesses listed by the accused in 150 days. Above all, he has the unenviable task of representing one of the most vilified defendants in history. "My duty is to act in his best interests," he says. "

I will do the job as best I can."

A strong believer in the "cab rank" principle — that barristers should take whatever briefs are offered to them — he adds: "Milosevic pleaded not guilty. I don't think any brief should be refused because of one's personal opinions. It's your job to represent someone and when I took my QC oath, that was one of the requirements. An advocate is just doing his job — not identifying with the case."

admits it was a tough decision. In his role at the court as "amicus" with two other lawyers, he had to ensure that the trial was fair and that all points to counter the prosecution were put. With Milosevic starting his defence, the job was winding down and Kay, a former secretary of the Criminal Bar Association, was preparing to resume his busy London mixed criminal practice at 25 Bedford Row. "I was booked for a big fraud trial in September." Then medical reports indicated that Milosevic could not continue unaided (he has high blood pressure and 66 trial days have been lost through illness) and Kay was asked to take on the brief.

Speaking at his Surrey home during a weekend break with his family, he says: "I thought long and hard. I had to discuss it with my wife, who's very supportive. And we have a four-year-old daughter. I also enjoy my work at the Bar and wanted to keep it going — not be pigeon-holed in one kind of case."

Then, though, his fraud trial was adjourned. "I felt duty bound to admit that I was available after all." There was also considerable pressure to agree. "The court was going to appoint someone. Hundreds of lawyers have offered their services. But someone completely new would mean a delay of six to nine months while they got to grips with the case. It would have been a tremendous waste of international resources. That bore very heavily. People might have said: 'You walked away from it.'"

Kay was also the obvious choice because of his wide experience in war crime cases. His advocacy skills are highly regarded. He was defence counsel for Dusko Tadic, the first defendant before this tribunal, and also Alfred Musema, a defendant at the UN international criminal tribunal for Rwanda.

He suggested that the court might like to appoint other lawyers for Milosevic. "But they said we were the people for the job — partly because we'd been present but also, one hopes, for the quality of our work."

The trial is set down for two more years. Kay is paid a lump sum to include Higgins's fees and the administrative costs. His own salary is estimated at £250,000 a year, for which he does the work of a barrister and solicitor, "obtaining all the witness statements and so on".

During the prosecution case he enjoyed good relations with Milosevic, often putting arguments for him and even chatting during breaks. "We did some cross-examination, although he did it as well, and we handled all the legal issues. At the close of the prosecution case we also filed a motion for some charges to be dismissed — certain allegations relate to times or places not specifically within the tribunal's remit."

Now, though, Milosevic is not communicating. "We are encouraging him to do so, and he's not obstructed access to witnesses. We have to try to work out what his defence is — in his best interests. The defence is complex but broadly it's that he did not enter into a joint criminal enterprise to commit crimes against humanity, and wanted peacefully to keep Yugoslavia and its different ethnic peoples together as far as possible."

Pending a decision on whether he must go on with the job, Kay has set the ball rolling and called several witnesses. "We want to show that we mean business, so the word goes out to other witnesses that we are here, and want to call them for the defence. Now I just have to point myself in the right direction and start moving. It's a very English phrase, but you just have to get on with it."

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<http://www.guardian.co.uk/comment/story/0,3604,1309037,00.html>

Comment

The spoils of another war

26-9-04

years after Nato's attack on Yugoslavia, its administration in Kosovo
 pushing through mass privatisation

Neil Clark

Tuesday September 21, 2004

The Guardian

"Wars, conflict - it's all business," sighs Monsieur Verdoux in Charlie Chaplin's 1947 film of the same name. Many will not need to be convinced of the link between US corporations now busily helping themselves to Iraqi state assets and the military machine that prised Iraq open for global business. But what is less widely known is that a similar process is already well under way in a part of the world where B52s were not so long ago dropping bombs in another "liberation" mission.

The trigger for the US-led bombing of Yugoslavia in 1999 was, according to the standard western version of history, the failure of the Serbian delegation to sign up to the Rambouillet peace agreement. But that holds little more water than the tale that has Iraq responsible for last year's invasion by not cooperating with weapons inspectors.

The secret annexe B of the Rambouillet accord - which provided for the military occupation of the whole of Yugoslavia - was, as the Foreign Office minister Lord Gilbert later conceded to the defence select committee, deliberately inserted to provoke rejection by Belgrade.

But equally revealing about the west's wider motives is chapter four, which dealt exclusively with the Kosovan economy. Article I (1) called for a "free-market economy", and article II (1) for privatisation of all government-owned assets. At the time, the rump Yugoslavia - then not a member of the IMF, the World Bank, the WTO or European Bank for Reconstruction and Development - was the last economy in central-southern Europe to be uncolonised by western capital. "Socially owned enterprises", the form of worker self-management pioneered under Tito, still predominated.

Yugoslavia had publicly owned petroleum, mining, car and tobacco industries, and 75% of industry was state or socially owned. In 1997, a privatisation law had stipulated that in sell-offs, at least 60% of shares had to be allocated to a company's workers.

The high priests of neo-liberalism were not happy. At the Davos summit early in 1999, Tony Blair berated Belgrade, not for its handling of Kosovo, but for its failure to embark on a programme of "economic reform" - new-world-order speak for selling state assets and running the economy in the interests of multinationals.

In the 1999 Nato bombing campaign, it was state-owned companies - rather than military sites - that were specifically targeted by the world's richest nations. Nato only destroyed 14 tanks, but 372 industrial facilities were hit - including the Zastava car plant at Kragujevac, leaving hundreds of thousands jobless. Not one foreign or privately owned factory was bombed.

After the removal of Slobodan Milosevic, the west got the "fast-track" reforming government in Belgrade it had long desired. One of the first steps of the new administration was to repeal the 1997 privatisation law and allow 70% of a company to be sold to foreign investors - with just 15% reserved for workers. The government then signed up to the World Bank's programmes - effectively ending the country's financial independence.

Meanwhile, as the New York Times had crowed, "a war's glittering prize" awaited the conquerors. Kosovo has the second largest coal reserves in Europe, and enormous deposits of lignite, lead, zinc, gold, silver and petroleum.

The jewel is the enormous Trepca mine complex, whose 1997 value was estimated at \$5bn. In an extraordinary smash and grab raid soon after the

complex was seized from its workers and managers by more than 2,900 troops, who used teargas and rubber bullets.

Five years on from the Nato attack, the Kosovo Trust Agency (KTA), the body that operates under the jurisdiction of the UN Mission in Kosovo (Unmik) - is "pleased to announce" the programme to privatise the first 500 or so socially owned enterprises (SOEs) under its control. The closing date for bids passed last week: 10 businesses went under the hammer, including printing houses, a shopping mall, an agrobusiness and a soft-drinks factory. The Ferronikeli mining and metal-processing complex, with an annual capacity of 12,000 tonnes of nickel production, is being sold separately, with bids due by November 17.

To make the SOEs more attractive to foreign investors, Unmik has altered the way land is owned in Kosovo, allowing the KTA to sell 99-year leases with the businesses, which can be transferred or used as loans or security. Even Belgrade's pro-western government has called this a "robbery of state-owned land". For western companies waiting to swoop, there will be rich pickings indeed in what the KTA assures us is a "very investor-friendly" environment. But there is little talk of the rights of the moral owners of the enterprises - the workers, managers and citizens of the former Yugoslavia, whose property was effectively seized in the name of the "international community" and "economic reform".

As the corporate takeover of the ruins of Baghdad and Pristina proceeds apace, neither the "liberation" of Iraq nor the "humanitarian" bombing of Yugoslavia has proved Chaplin's cynical anti-hero to be wrong.

Š Neil Clark is a writer and broadcaster specialising in Balkan affairs

Sagittarius

Van: "Sagittarius" <sagitar@hetnet.nl>
Aan: "Andy Wilcoxson" <andywilcoxson@comcast.net>; <nico.s@slobodan-
Verzonden: zondag 26 september 2004 16:57
Bijlage: Stuk.dat; Miloa.dat
Onderwerp: Re: Website
 Andy and Nico,

We have to implement our site and I have a lot of stuff to put on it. In order to make available to you, Andy, the texts which I have in my possession, I may send them to you by e-mail successively, bits by bits. It could be a problem that I have my texts in an old version of WP, so that they maybe cannot reach you in a good shape. If that is the point, I don't see a solution for this problem, except for scanning them one by one again. We could handle that, if necessary, here in the Netherlands with the help of friends, so let me know that if it should be done.

But first let me try now if my documents might reach you in a proper way. So I send you herewith attached two legal documents for our site, namely the text of the European Human Rights Court application and a second document, the writ of summons in the Dutch proceedings of Milosevic against the State of the Netherlands on August 23, 2001. I hope for success.

As you know, my English is bad, so I hope that, whatever you will put on our sites on English texts forwarded by me, you will be able to purge the most outspoken mistakes !

greetings,

Nico S.

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

From: "Andy Wilcoxson" <andywilcoxson@comcast.net>
To: <nico.s@slobodan-milosevic.org>; <nico.v@slobodan-milosevic.org>
Sent: Wednesday, September 22, 2004 10:47 AM
Subject: Website

> Nico,

>

> I have completed the infrastructure for the Milosevic Freedom Center
 > website. All of the pages have been created and all of the hyper-linking
 > and HTML code work as been done.

>

> All that is left to do is fill in the content on the pages.

>

> Here is my proposal for how to proceed.

>

> We need to come-up with the text for the "about us" page. I was thinking
 > that Nico Varkevisser, as the chairman, liaison to the President, and
 > spokesman should write the text for this page, the "donations" page, as
 > well as the "media/press information" page. Those three pages I think
 > should be totally under Nico Varkevisser's control.

- >
- > I also need the material for the legal action page. This would seem to
- > be something that Nico Steijnen should write-up and be in control of
- > since he is the lawyer.
- >
- > I can fill out the home page, with input from the two of you. I am
- > thinking about putting articles related to the Milosevic trial in the
- > main center column together with a fundraising appeal, and statements
- > from witnesses. And in the gray shaded column on the side we can put our
- > press releases.
- >
- > I will fill out the Balkan News page with non-trial related Balkans
- > articles, that I find and that the two of you send to me.
- >
- > The trial resources page will contain scanned images and multimedia
- > files of any court exhibits that the associates provide us with. It will
- > also be linked to my other website www.milosevic-trial.org which is the
- > only website on the internet where users can do text searches in all of
- > the Hague Tribunal's transcripts.
- >
- > I can fill out the Milosevic speeches and interviews page. I have more
- > of his speeches than any other website on the internet.
- >
- > We can all submit research papers for the research page. I have some
- > good articles that I can put there and I would appreciate any thing that
- > you guys might want to put there. I am thinking also of putting the
- > White Book there together with the Yugoslav Government's 1997 war crimes
- > commission reports.
- >
- > I need the information for the mailing list. Nico Varkevisser already
- > use. I just need the instructions for new users

Sagittarius

Van: "Andy Wilcoxson" <andywilcoxson@comcast.net>
Aan: <nico.s@slobodan-milosevic.org>; <nico.v@slobodan-
Verzonden: maandag 27 september 2004 11:53
Onderwerp: Website

Nico,

The "Trial Resources," and the "Speeches and Interviews" pages have been created for our website.

See:

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

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

Best regards,
Andy

Sagittarius

Van: <leijendekker@nrc.nl>
Aan: <sagitar@hetnet.nl>
Verzonden: maandag 27 september 2004
Onderwerp: artikel NRC Handelsblad

Geachte heer Steijnen,

Dank voor het artikel dat u ons per post stuurde. Ik zie helaas geen mogelijkheid dit te publiceren. We geven, na de korte discussie hierover onlangs op de Opiniepagina, nu weer voorrang aan andere onderwerpen.

Ik hoop dat u daarvoor begrip kunt opbrengen.

Met vriendelijke groet,

Marc Leijendekker
chef Opinie NRC Handelsblad

PS
Overigens kunt u ons ook bereiken via het e-mail adres opinie@nrc.nl. Dat stelt ons in staat sneller te reageren

<http://www.icdsm.org/milosevic/nation.htm>

Milosevic's Speech to the Nation

Delivered Monday, October 2, 2000

"Honored citizens,

In the expectation of a second round of election, I'd like to take the opportunity to explain my views on the political situation in our country, especially in Serbia. As you know, efforts have been underway for a whole decade to put the whole Balkan Peninsula under the control of certain Western powers. A big part of that job was accomplished by establishing puppet governments in some countries, by transforming them into countries with limited sovereignty or no sovereignty at all.

Because we resisted, we have been subjected to all the pressures that can be applied to people in today's world. The number and intensity of these pressures multiplied as time went by.

All the experience that the big powers gained in the second half of the 20th century in overthrowing governments, causing unrest, instigating civil wars, disparaging or liquidating national freedom fighters, bringing states and nations to the brink of poverty - all this was applied to our country and our people.

The events unfolding around our elections are part of the organized persecution of our country and our people because we constitute a barrier to the full domination of the Balkan Peninsula.

For a long time there has been a grouping among us which, under the guise of being pro-democratic, have in fact represented the interests of the governments attacking Yugoslavia, especially Serbia.

During the elections that group called itself the 'Democratic' Opposition of Serbia.

Its boss is not its presidential candidate.

Its boss is the president of the Democratic Party. For years he has collaborated with the military alliance that attacked our country. He could not even hide his collaboration. In fact, our entire public knows that he appealed to NATO to bomb Serbia for as many weeks as necessary to break its resistance.

So the 'democratic' grouping organized for these elections represents the armies and governments which recently waged war against Yugoslavia.

At the behest of these foreign powers our 'democrats' told the people that they would make Yugoslavia be free of war and violence, that Yugoslavia would prosper, the living standard would improve visibly and fast, that Yugoslavia would rejoin international institutions, and on and on.

Honored citizens,

It is my duty to warn you publicly, while there is time, that these promises are false. The situation is quite different.

It is precisely our policy which allows peace and theirs which guarantees lasting conflict and violence, and I shall tell you why.

With the establishment of an administration supported or installed by NATO, Yugoslavia would quickly be dismembered.

are not NATO's intentions alone. These are the pre-election promises of the Democratic Opposition of Serbia. We have heard from its representatives that [the section of Serbia known as the] Sandzak would get the autonomy advocated by one of its coalition members, Sulejman Ugljanin, leader of a separatist Muslim organization. This autonomy, which Sulejman Ugljanin has been advocating for ten years, would in fact mean a definite separation of Sandzak from Serbia.

Their promises also include giving [the Serbian Province of] Vojvodina an autonomy that would not only separate it from Serbia and Yugoslavia but would in fact make it an integral part of neighboring Hungary.

In a similar manner other areas would be separated from Serbia, especially its border areas.

The annexation of these areas by neighboring states has for a long time been a hot issue in those states which have continuously incited their minorities in Yugoslavia to help integrate parts of our country into neighboring states.

Within this policy of dismembering Yugoslavia, Kosovo would be the first victim. Its present status would be proclaimed legal and final. It is the first part of Serbian territory to which Serbia would have to bid farewell, without even a hope that we could reclaim this part of our country.

The territory that would be left to bear the name Serbia would be occupied by international forces, US or some other. They would treat our land as their military training ground, as their private preserve, to be controlled in accord with the interests of the occupying power.

We have been looking at cases of such control and its consequences for decades, and especially in this past decade, in many countries around the world, unfortunately lately even in Europe, for instance in Kosovo, Republic of Srpska and Macedonia, in our immediate neighborhood.

The people of Serbia would know the fate of the Kurds, with a prospect of being exterminated more speedily than the Kurds since they are less numerous, and since their movements would be limited to a much smaller area than the one in which Kurds have been present for decades.

As for Montenegro, its fate would be left in the hands of the Mafia, whose rules of the game should be made well known to the citizens: any breach of discipline and especially any opposition to Mafia interests is punishable by death without any right to appeal.

I have presented you the fate of Yugoslavia in the event that the NATO option were accepted in order to warn you that, in addition to loss of land and the humiliation of the people, all would live under a regime of ceaseless violence.

The new owners of what had been Yugoslavia's state territory and the occupiers of what was left of Serbian territory would, predictably, terrorize the population whose territory they had seized.

The Serbian people would be forced to fight continuously for the re-establishment of a Serb state in which the people could reassemble.

These Imperial powers do not want peace or prosperity in the Balkans. They want this to be a zone of permanent conflicts and wars which would provide them with an alibi for maintaining a lasting presence.

A puppet administration therefore guarantees violence, possibly many years of war, anything but peace. Only self-administration makes peace possible.

And there is more. All countries finding themselves with limited

sovereignty and with governments controlled by foreign powers, speedily become impoverished in a way that destroys all hope for more just and humane social relations.

A great division into a poor majority and a rich minority, this has been the picture in Eastern Europe for some years now that we can all see.

That picture would also include us. Under the control of the new owners of our country we too would quickly have a tremendous majority of the very poor, whose prospects of coming out of their poverty would be very uncertain, very distant.

The rich minority would be made up of the black marketeering elite, which would be allowed to stay rich only on condition that it was fully loyal to the outside, controlling powers.

Public and social property would quickly be transformed into private property, but its owners, as demonstrated by the experience of our neighbors, would be foreigners. Among the few exceptions would be those who would buy their right to own property by their loyalty and submission, which would lead to the elimination of elementary national and human dignity.

The greatest national assets in such circumstances become the property of foreigners, and the people who used to manage them continue to do so, but as employees of foreign companies in their own country.

National humiliation, state fragmentation and social misery would necessarily lead to many forms of social pathology, of which crime would be the first. This is not just a supposition, this is the experience of all countries which have taken the path that we are trying to avoid at any cost.

The capitals of European crime are no longer in the west, they were moved to Eastern Europe a decade ago.

Our people find it hard to bear even the present crime incidence, because for a long time, from World War II to the nineties we lived in a society which knew hardly any crime. This tremendous increase in crime, such as cannot be avoided in a society such as we would become with the loss of our sovereignty and a large part of our territory, such wider crime would be as dangerous for our people, few in numbers and unused to crime, just as war is dangerous for society and its citizens.

One of the essential tasks of a puppet government in any country, including ours, were we to have such a government, is loss of identity.

Countries under foreign command quickly forget their history, their past, their tradition, their national symbols, their way of living, often their own literary language.

Our national identity would be scrutinized, invisibly at first, but very efficiently and mercilessly, and certain aspects of national identity would be selected, reducing it to a few local dishes, a few songs and folk dances, with the names of national heroes used as brand names for food products or cosmetics.

One of the really obvious consequences of the takeover of countries by the big powers in the 20th century is the annihilation of the people's national identity.

The experience of other countries shows that people can hardly come to terms with the speed with which they must start using a foreign language as their own, identifying with foreign historic figures while forgetting their own, becoming better acquainted with the literature of

occupiers than with their own, glorifying the history of others while mocking their own, so that they come resemble others instead of themselves.

The loss of national identity is the greatest defeat a nation can know, and it is inevitable under the contemporary form of colonization.

Besides, by its very nature, this new form of colonization rules out any possibility of free speech or free will, and especially rules out creativity of any kind.

Countries that are not free deny to the people who live in them the right to free speech; free speech would cause problems in the absence of freedom.

This is why torture over wrong thoughts is the most consistent and essential form of torture in a country that has lost its freedom. As for exercising free will, it is, naturally, out of the question. Free will is allowed only as a farce. It is allowed only to the lackeys of foreign masters, whose simulated free will is used by the occupiers as a justification for establishing a 'democracy' in whose name they take and hold another people's country.

I would like to stress particularly to young people, intellectuals, scientists, that countries deprived of sovereignty are as a rule deprived of the right to creative work, and especially creative work in the field of science.

Large centers and large powers finance scientific work, control its attainments and decide about the application of its results. Even if dependent states do have scientific laboratories and scientific institutes, these are not independent ones; rather they operate as branches controlled by one center. Their attainments must remain within definite limits so as not to introduce in occupied countries and occupied peoples the seed of rebellion and emancipation.

Now we are in the period before the run-off elections. The 'Democratic' Opposition of Serbia doubts it can achieve the result it needs. Therefore leaders of this Opposition are trying to stop production, all work, all activity. Using money that's being shipped into the country, they are bribing some, blackmailing or harassing others, organizing strikes, unrest and violence.

The idea is to stop life in Serbia while offering the bait that life can start again and prosper if only it is organized by those who represent, within Serbia - what do they represent? The plans and interests of the would-be occupiers.

Our country is a sovereign state. It has its laws. It's own Constitution and institutions. Serbia deserves and is duty bound to defend itself from this invasion which has begun with these staged disruptions and false promises of quick improvement.

And citizens should know, that if some do participate in this subversion whose objective is foreign domination over and occupation of their country then they will shoulder the historical responsibility not only of denying to their country the right to exist but also of losing control over their own lives.

By giving up their country to others, to a foreign will, they will also surrender to a foreign will their own lives and the lives of their children and many other people.

I considered it my duty to warn the citizens of our country about the consequences of the activities financed and supported by the NATO governments.

...ens, you must make up your own minds whether to believe me or not. My only wish is that they do not realize I am telling the truth when it is too late, that they do not realize after it has become so much more difficult to correct mistakes that some people have made, naively, superficially or erroneously. Some of those mistakes would be difficult to rectify and some would never be rectified.

My motive in expressing my opinion in this way is not personal; not at all. I was twice elected president of Serbia and once president of Yugoslavia. It should be clear to all, after the past ten years, that NATO isn't attacking Serbia because of Milosheвич; it is attacking Milosheвич because of Serbia.

My conscience in that respect is clear. But my conscience would not be clear if I did not tell my people, after all these years as their leader, what I think will happen if they let their fate be imposed by a hostile, outside force, even if it appears that they have chosen that fate for themselves.

The misjudgment they would make by 'choosing' what has been chosen for them, is the most dangerous misjudgment possible. That is why I am publicly addressing the citizens of Yugoslavia today.

Thank you."
