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On Monday, May 3, 1999, Mr. Alexander Lykourazos sent, by courier, to the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, a complaint against NATO's political and military leaders and responsible NATO personnel for war crimes perpetrated during the March 24th, to May 1st, 1999 bombing of Yugoslavia.

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BEFORE THE PROSECUTOR OF THE
INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

COMPLAINT

CHARGING

NATO's political and military leaders and all responsible NATO personnel

WITH GRAVE BREACHES OF THE GENEVA CONVENTION OF 1949 and
VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR

ATHENS, May 3, 1999

1. BRIEF HISTORY

1.1 The highlands of Kosovo have been the locus of tensions between Albanians and Serbs for centuries and like most of the Balkans, much blood has been shed over this territory. Albanians rely on their so-called ancient heritage to claim first rights to the region, whereas, Serbia focuses on the middle ages when Kosovo was the cradle of the Serb nation and the religious epicenter of the Serb Orthodox faith as evidenced by the approximately one thousand monasteries in the region. The mountains of Kosovo have determinative cultural and historical significance for the Serbs, as they staged the final battleground in 1389 between the Serbs and the Ottoman Turks. After the Serb defeat in Kosovo, the Ottoman continued their successful campaign into central Europe.

1.2 During the Ottoman occupation, the vast majority of Albanians readily converted to Islam and were thus afforded preferential treatment by the Turks. In the almost five centuries of Ottoman occupation of Kosovo, Muslim Albanians were encouraged to immigrate to Kosovo and settle in the area at the expense of the Serb population. The Serbs finally liberated Kosovo from the Ottoman Empire in 1912, and as expected, this liberation was accompanied by reprisals and the expulsion of the Albanian settlers who had been previously patronized by the Ottomans. The First World War presented the Albanians with an opportunity to exact reprisals, which the Serbs returned upon liberation in 1918. During the inter war period, the population in Kosovo was equally balanced between ethnic Albanians and Serbs.

1.3 During World War II, the majority of Kosovo was swallowed by a Greater Albania under Italian tutelage, while the remainder was occupied by Germany and Bulgaria. Over 300,000 Serbs were expelled from Kosovo during the Italian occupation, while Albanian immigration to Kosovo was encouraged by the occupation forces. Following Tito's liberation of Yugoslavia, Kosovo was absorbed into the Republic of Yugoslavia, much to the chagrin of the Albanian community who had hoped for union with Albania. The Tito regime, however, did not favor the Serbs in the area. Tito's communists did not allow the Serbs, expelled during the Italian occupation, to return and claim their property in Kosovo. In 1974, Tito granted Kosovo full autonomy. The period between 1975 and 1981 can be characterized as the "Albanian Spring" in Kosovo. Due to an exploding birthrate amongst the Albanians and Serb emigration, encouraged by the Tito regime, the Albanian population was rapidly becoming a majority in the 1980s. Once the Serbs had emigrated from the area, they were frequently barred from returning by the Communist regime.

1.4 By 1987, Albanians represented a 90% majority in the region. Serb demonstrations against Albanian harassment began to escalate. In response, Milosevic stripped Kosovo of its autonomy in 1989. These chain of events resulted in strikes and violent clashes between the Serb Police Force and Albanian demonstrators. Milosevic sent the military into Kosovo to reestablish control. In 1991, Albanian separatist, prompted by neighboring Albania, declared Kosovo an independent nation, fueling tension further. The Kosovo Liberation Army (KLA) was forged in 1996, out of various armed, terrorist, Albanian groups and a wide-spread campaign of terror commenced against the Serb police forces and civilians.

1.5 In the fighting that ensued between Serb forces and the KLA, an increasing number of Albanians abandoned the non-violent policies of their elected leader Ibrahim Rugova and began to join the terrorist KLA. By 1998 the KLA is said to have assumed control of 40% of Kosovo and a full scale guerrilla war was in progress. The KLA was financed and accoutered by outside sources with over 30,000 automatic rifles, antitank and other weaponry and sheltered by the indigenous Albanian community. The Government of the Federal Republic of Yugoslavia (FRY) ordered an offensive against the KLA in May of 1998. By August 1998, the FRY army had reestablished control over Kosovo and the KLA had retreated. The Yugoslav Government took measures against the Albanian civilians who had previously sheltered the KLA aimed to eradicate support for the terrorist organization. It must be noted that none of the parties involved in this Kosovo crisis demonstrated much regard for international humanitarian law. Civil rights and humanitarian concerns are usually the first casualties of a civil war, and Kosovo was no exception.

1.6 The international community became concerned with the escalating violence in the area. The Security Council enacted Resolution 1160/98, condemning the excessive use of force by Serbian Police forces against civilians in Kosovo, as well as acts of terrorism by the Kosovo Liberation Army. Exercising its Chapter VII powers, the Security Council called upon the Federal Republic of Yugoslavia to withdraw its special police forces from Kosovo and enter into a constructive dialogue with the indigenous Albanian community to advance a greater degree of autonomy and self-determination for the Kosovar Albanians within the framework of the Yugoslav state. The Kosovo Albanian leadership was concurrently urged to condemn all terrorist activities and pursue their goals through peaceful means.

1.7 With Security Council Resolution 1199/98, the Security Council affirmed that the deterioration of the situation in Kosovo represented "a threat to peace and security in the region." Once again exercising its Chapter VII powers, the Security Council demanded a cease fire to enhance the prospect of constructive dialogue between the Kosovo Albanian leadership and the Federal Republic of Yugoslavia and avert a potential risk of humanitarian catastrophe. The resolution also contained a caveat that in the event that the parties failed to implement the measures demanded in Resolution 1160, further measures would be taken to maintain or restore peace and stability in the region.

1.8 Under the unlawful threat of NATO air strikes, Milosevic was persuaded by US envoy, Richard Holbrooke, to execute two agreements in October 1998. The October 16, 1998 agreement provided for the stationing of an Organization for Security and Cooperation in Europe (OSCE) civilian mission in Kosovo to verify Serb compliance with the above UN Resolutions, while the October 15, 1998 agreement stipulated that NATO would establish an air surveillance campaign over Kosovo to complement the OSCE verification mission.

1.9 With Resolution 1203/98, the Security Council endorsed and demanded the implementation of the verification missions provided by the October 1998 agreements as well as the measures called for by the previous resolutions. It also reaffirmed that the deterioration of the situation in Kosovo represented "a threat to peace and security in the region."

1.10 In February, Ministers of the Contact Group met in Rambouillet with representatives of the Kosovo Albanians and the Government of the FRY to negotiate a political solution to the Kosovo crisis. The Contact Group presented the Kosovo Albanians and the Government of the FRY with a previously prepared draft agreement demanding a continued cease fire between the KLA and Serb forces, withdrawal of Serb forces and the grant of extensive autonomy for Kosovo within the framework of the Serbian state under a three year transitional period, with its future after that undetermined. The Contact Group proposed that this autonomy be monitored and secured through the stationing of a NATO "peace force." This "peace" agreement was served on Milosevic as an ultimatum which he was asked to either accept or face the prospect of NATO air strikes. There were no negotiations involved, nor an actual peace proposed. Yugoslavia had made it patently clear from the outset that it could not accept such an infringement on its sovereignty and thus from their inception, the Rambouillet "accord" was doomed to failure.

1.11 Although Milosevic was willing to agree to autonomy for Kosovo subject to a few amendments, he refused to sanction the stationing of NATO troops to monitor the agreement. The stationing of NATO's troops in Kosovo represented an impermissible infringement of Yugoslav sovereignty. Following the March 15 continuation of the Rambouillet talks in Paris, it became apparent that the parties had reached a stalemate and that no agreement would be reached.

1.12 On March 23, 1999, NATO Secretary General Javier Solana, upon instruction from the political leadership of NATO member nations, ordered air strikes against Yugoslavia, under the direction of Commander General Wesley Clark and other senior military NATO personnel. The justification offered for these air strikes was that the Federal Republic of Yugoslavia had failed to meet the international community demands, being the acceptance of the interim political settlement "negotiated" in Rambouillet, full observance of limits on the Serb army and special police force agreed on October 25th, and "an end to the excessive and disproportionate use of force in Kosovo." Solana further stated that this military action was intended to "support the political aims of the international community", "by weakening the ability of the Serb forces" "to cause further humanitarian catastrophes."

1.13 Thus started a NATO sponsored humanitarian catastrophe, aimed to prevent "further humanitarian catastrophe." To "end the excessive and disproportionate use of force in Kosovo", Secretary General Javier Solana unleashed the far superior, collective, military might of NATO and ordered an excessive and disproportionate use of force against Yugoslavia intended to destroy the vastly inferior Serb military force as well as the civilian infrastructure and environment for generations to come. To end this local, internal humanitarian crisis and preserve "international peace and security", NATO undermined the most fundamental tenets of international law founded on the cornerstones of non-intervention and sovereignty, as well as the prohibition against the unauthorized threat or use of force – principles which have served the international community well for the last fifty odd years, to preserve international peace and security and prevent global wars. The lessons drawn by the Kosovo crisis, is that secessionist groups all over the world may rattle their terrorist saber in one hand and wave the humanitarian banner in the other, to attack the sovereignty of nations. The abuse of these principles of international law threaten us all, for inherent is the threat of a redefinition of borders, which, more frequently than not, is accompanied by the outbreak of war.

2. JURISDICTION OF THE COURT

2.1 By virtue of Article 1 of its Statute, the ICT has the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The Prosecutor of the International Tribunal for the Former Yugoslavia has advised the Contact Group that the situation in Kosovo represents an armed conflict within the mandate of the Tribunal and prompted by Security Council resolutions, the Prosecutor has commenced gathering evidence of such crimes. The crimes committed by NATO's political and military leadership and responsible NATO personnel, constitute serious violations of international humanitarian law and war crimes that fall within the ambit of the ICT's area of competence.

3. ILLEGALITY OF THE NATO AIR STRIKES

3.1 The NATO Air Strikes are unlawful because they were not authorized by the Security Council of the UN.

3.1.1 Article 2 paragraph 4 of the UN Charter requires its members to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." This prohibition is *jus cogens*. It is binding on states both individually and as members of international organizations like NATO. Armed force against other nations is permissible under the UN Charter only where such force is required for the self defense of a nation or its allies (Article 51), or when military action is authorized by the Security Council (Chapter VII). The UN Security Council has primary responsibility for maintaining international peace and security and, absent self-defense, only the Security Council may sanction the use of force against a nation.

3.1.2 NATO's spokespeople claim that the bombing is justified under Security Council resolutions 1160/98, 1199/98 and 1203/98. In particular, the US, through its spokesman, PJ Crowley, contends that such authority is inherent in resolutions 1199 and 1203 because they "affirm that the deterioration of the situation in Kosovo constitutes a threat to peace and security in the region." This argument is untenable. The aforementioned Security Council Resolutions do not authorize the use of force implicitly or explicitly. When the Security Council intends to sanction the use of force, it has always done so in its resolutions, in a clear and unequivocal fashion. The Security Council had no intention to authorize the use of force, since it was clear that such a resolution would raise vetoes from China and Russia who have been vocal in their opposition to the exercise of force against Yugoslavia. It is for this very reason, that the use of force was not resolved by the Security Council, and instead NATO's political and military leadership, unilaterally and unlawfully, decided to circumvent the UN and take matters into its own hands. NATO's actions undermine the authority and the credibility of the Security Council and constitute a flagrant violation of the UN Charter.

3.1.3 Let it also be noted that both the Milosevic-Holbrook October 1998 agreements and the Rambouillet accord were brokered under the unlawful, illegal threat of the use of force. Basic contract law universally hold that agreements executed under duress are null and void. There can be no constructive dialogue under the threat of violence.

3.2 The NATO air strikes are unlawful because they may not be justified as an action taken in self-defense.

3.2.1 Self defense and anticipatory self defense are principles provided for by the UN Charter. The precondition for self-defense, however, is that an armed attack must have already occurred. The FRY is a sovereign nation. It did not engage in an armed attack against another sovereign state and it is therefore clearly entitled to the protections provided in Article 2.4 of the UN Charter. The situation in Kosovo can not be interpreted to threaten the territorial integrity of any NATO member, by any stretch of the imagination. President Clinton's absurd argument that the conflict in Kosovo could potentially spill over to a war between NATO members, Greece and Turkey, so as to lay the foundation for an "anticipatory self-defense" is untenable. Tensions between Greece and Turkey have absolutely nothing to do with the repression or ethnic cleansing of the Kosovo Albanians, but conversely such tensions are more likely to escalate if their is a re-definition of territorial boundaries in the Balkans. A hostile, re-definition of Balkan borders is more likely to ensue as a result of the NATO bombings than the "continued" repression and "ethnic cleansing" of the Kosovo Albanians.

3.3 The NATO air strikes are unlawful because they are in violation of NATO's own Charter.

3.3.1 The NATO Charter is a self-defense charter authorizing the use of force in mutual self-defense when one of its member states is attacked. NATO may resort to force either in self defense of a member state, or of a non-member state, so long as the government of that state requests NATO assistance. As provided by Article 2 in conjunction with Article 52 of the UN Charter, NATO cannot use force against another UN member state without its government's consent, if the action is not itself in defense of another UN member state, unless the action is specifically authorized by the UN Security Council.

3.3.2 No NATO member nation is directly or indirectly threatened by the situation in Kosovo. Yugoslavia not only did not request the assistance of NATO, but quite explicitly rejected the stationing of NATO troops on its soil. There is nothing in the NATO treaty that authorizes NATO to initiate a war against a sovereign nation.

3.3.3 NATO's new mission statements and desire to broaden its objectives as international military enforcers independent of the U.N. can not and do not legitimize the Kosovo action. NATO is free to re-define or re-draft its Charter or objectives upon the mutual consent of its member states, however it may only permissibly do so within the context of preemptory international law, which places limitations on all states, including NATO member states. The UN Charter, including the prohibitions on the threat or use of force inherent in the Charter, constitutes preemptory international law - *jus cogens* - which NATO, like its member states, must respect. Article 103 of the UN Charter provides that in the event of a conflict between the obligations of a member state under the Charter and any other international agreement, obligations under the Charter prevail. Therefore, irrespective of any new orientation or definition of NATO's mission and strategy, the use or threat of force may only be employed in self defense or in those cases mandated by the Security Council.

3.4 International Law does not provide for a humanitarian intervention exception for the use or threat of force

3.4.1 As it is stated above, international law clearly precludes the threat or use of force against a sovereign nation except in the case of self-defense or where authorized by the Security Council. The UN Charter and modern international law, confirmed by the practice of nations for over two centuries, does not include an separate right for humanitarian intervention that would justify the threat or use of force. The soundness of this principle can not be disputed. The most persuasive argument to justify the preclusion of such a right, is the temptation to abuse it to bypass the cornerstone principles of non intervention and sovereignty. Carving out a humanitarian intervention exception to circumvent the well-founded principles of international law, undermines the already fragile credibility of international law which is aimed to preserve peace and stability within the framework of the status quo.

3.4.2 Uncomfortable parallels may readily be drawn between the rhetoric justifying NATO's air strikes on the Federal Republic of Yugoslavia and that of Japan's invasion of Manchuria, Mussolini's attack on Ethiopia, Hitler's 1938 "crusade" into Czechoslovakia, or Turkey's invasion of Cyprus. The latter attacks were all predicated on the lofty principals of humanitarian intervention, and all have been subsequently condemned by the international community and judged by history to have been blatant violations of international law. The same is applicable for NATO's air strikes on the FRY.

3.4.3 UN high ranking officials as well as legal scholars have all questioned the prudence of allowing a state or group of states to

unilaterally judge their own right, or duty, to intervene in another's internal conflict. The creation of such a right begs the question of who should be entitled to decide when such humanitarian interventions are justifiable in good faith, and when they are not, or the question of why such a right should be selectively applied in accordance to the interests of the intervening parties. There can be no humanitarian intervention exception. Humanitarian intervention involving the threat or use of force and implemented without Security Council authorization, remains, as a matter of law, a breach of international law that threatens peace and order.

4. CHARGES

4.1 From the inception of the NATO air strikes on March 24th, 1999 until May 1st, 1999, NATO has conducted over 10,000 bombing raids on the sovereign nation of the Federal Republic of Yugoslavia. In this period, NATO has launched over 2,500 cruise missiles and dropped more than 7,000 tons of explosives. In particular, all types of F-16, F-15, Mirage 2000, B-52, B-2A, F-117A, Harriers and Tornado bombers have been put on loan to NATO from the U.S.A, United Kingdom, France, Germany, Italy, the Netherlands, Spain, Portugal, Belgium, Denmark, Norway and Turkey to perform the air strikes on the Federal Republic of Yugoslavia. Missile attacks have also been launched from a number of ships and submarines stationed in the Adriatic, including the USS Norfolk, USS Miami, USS Philippines, USS Gonzalez, USS Nicholson, HMS Splendid, USS Thorn, etc. The damages inflicted by the NATO bombing raids, and sustained by the civilian population of the FRY, are extensive and are not justified by military necessity.

4.1.1 As predicated above, these air strikes are by definition unlawful, as they have been performed in flagrant violation of international law. NATO's unlawful conduct is willful and wanton, as the raids have been knowingly ordered by NATO's political and military leaders, and performed by responsible NATO personnel, with a reckless disregard for the rights and safety of the Yugoslav people. The brutality inflicted on the Yugoslav civilian population by NATO forces rises to the level of war crimes and crimes against humanity actionable under the Statute of the International Tribunal.

4.2 NATO's POLITICAL AND MILITARY LEADERS AND RESPONSIBLE NATO PERSONNEL HAVE ENGAGED IN THE WILLFUL KILLING OF CIVILIANS AND HAVE WILLFULLY INFLICTED GREAT SUFFERING AND SERIOUS INJURY TO BODY AND HEALTH OF CIVILIANS. These actions comprise grave breaches of the Geneva Convention of 1949 recognized by Article 2 (a) and (c) of the ICTY Statute.

4.2.1 By and through the air strikes, NATO's political and military leadership and personnel have engaged in the willful killing of civilians and the willful infliction of suffering and serious injury to the health and bodies of civilians in violation of Article 2(a) and (c) of the ICT Statute. A willful act may be defined as one done knowingly without justifiable excuse or with indifference to the natural consequences. When NATO's political and military leaders initiated this aggression, and NATO's personnel implemented it, they knew that the unlawful conduct ordered and performed would, with practical certainty, result in civilian death, injury and suffering.

4.2.2 Since cruise missiles opened the campaign, NATO officials have acknowledged that civilian casualties have become more, rather than less likely. NATO's political and military leaders have the luxury of choosing from a wide and varied arsenal. NATO's leadership may elect what weapons it will use in the exercise of force, how discriminating these weapons will be, and what targets will be selected. Despite the rhetoric that purportedly stringent precautions have been taken to avoid civilian casualties, NATO's political and military leadership and its responsible personnel have demonstrated a marked disregard for civilians casualties, both with respect to the selection and bombing of targets, and with respect to the weaponry chosen to strike these targets. NATO's political and military leadership has shown no reluctance to use weaponry and select targets that enhances the likelihood of civilian casualties and NATO's personnel has not hesitated to hit those target with a complete disregard for the lives and safety of civilians.

4.2.3 From March 24th, 1999 until May 1st, 1999, NATO's political and military leadership and its personnel have willfully killed and injured the following civilians:

- In the village of Doganovici, near Urosevac, 5 killed (Edon Kodza, Fisnik Kodza, Osman Kodza, Burim Kodza and Vajdet Kodza), and 6 children were wounded
- In Kursumlija: 13 dead (among them Veroljub Stevanovic) and 25 wounded. (including Dobrivoje Grcic, Milan Jankovic and Milovan Ognjenovic)
- In Pancevo: 2 dead (Dusan Bogosavljev and Mirko Dmitrovic) and 4 wounded
- In Cacak: 1 dead (Milan Kuveljic) and 7 wounded
- In Kragujevac: over 120 wounded during the attack on the Zastava plant
- In Vranje: 2 dead (Goran Eminovic and Milica Grujic) and 23 wounded.
- In Aleksinac : 12 dead (including Jovan Radojicic, Sofija Radojicic, Vojislav Jovanovic, Dragomir Miladinovic, Snezana Miladinovic and Velimir Stankovic) and over 40 wounded (including Ljubica Miladinovic, Slobodan Mladenovic, Bogomir Arsic, Gvozden Milivojevic, Dragoljub Todorovic, Branislava Stevanovic, Veroljub Milutinovic, Vukica Miladinovic, Marko Miladinovic, Dijana Miladinovic, Dragica Milivojevic, Branko Stevanovic, Verica Miletic, Slavimir Miletic, Dusan Miletic, Stefan Miletic, Ruica Sijivic, Zagorka Marinkovic, Srbslav Stefanovic, Natasa Stefanovic, Vesna Stefanovic, Radmila Projovic, Ljiljana Milutinovic, Nadezda Zivainovic, Dragoljub Milosevic, Desanka Rakocevic, Slavoljub Rakocevic, Bratislav Zivadinovic, Zagorka Todorovic, Vukasin Djokic, Vladimir Jankovic, Jorgovan Bankovic, Goran Stojkovic and Todor Petric.
- In the village of Nagavac, Orahovac: 11 dead (among them Cazim Krasnici, Mahmut Krsnici, Hisen Zunici and Hisni Eljsani) and 5 wounded (Zade Eljsani, Valentina Krasnici, Siresa Rasnici, Ridvan Berisa and Edonis Gasi)

- In Pristina: 10 dead (including Adem Berisa, Radovan Aleksic, Dejan Vitkovic, Mesud, Dijana, Dea, Rea and Denis Gash) and 8 wounded
- In the Gredelicka gorge: 55 dead (among them Zoran Jovanovic, Petar Mladenovic, Verka Mladenovic and Jasmina Veljkovic) and 16 wounded
- On the Djakovica-Prizren road: 75 dead (including Martin Hasanaj, Lek Hasanaj, Salji Djokaj, Skeni Djokaj, Razija Pajaziti, Vjolca Pajaziti, Vileta Pajaziti, Nevrija Pajaziti, Hastar Pajaziti, Fjora Pajaziti, Ram Maljoku, Arton Maljoku, Fikrija Sulja, Imer Celja, Ferat Bajrami, Nerdjivane Zajciri and Bersad Smailji) and 100 wounded (including Dzafer Mazreku, Sokolj Bajrami, Sahe Smailji, Zoja Cuni, Semsije Smajli, Skumbin Sulja, Teuta Sulja, Isljan Cuni, Ljabinot Sulja, Ardijan Sulja, Zoje Tahiraj)
- In the village of Srbica: 10 killed, seven of which were children
- In Batajnica: 1 killed (three year old Milica Rakic), 5 wounded
- In Nis: 1 killed, 11 wounded
- In Grmija, Pristina 1 civilian killed (six year old Arta Lugic), 3 wounded (Egzon and Nero Lugic both eight years old and Arijeta Lugic seven years old)
- In Djakovica: 10 killed, 16 wounded
- In Belgrade: 15 killed (amongst them Milovan Jankovic, Jelica Muntlak, Dragan Tasic, Dejan Mrkovic, Milan Joksimovic, Slobodan Jontic) and 17 wounded.
- In Surdulica: 50 dead 11 wounded
- In Luzane - 40 dead
- In Murino - 5 dead 8 injured

The listing is far from comprehensive. Serb officials estimate that the NATO air strikes have killed a total of 1000 civilians, including over twenty children, where as approximately 4,500 have sustained serious injuries.

4.2.4 Despite NATO's rhetoric, there can be no doubt that these killings and injuries were perpetrated willfully. These civilian attacks were either ordered intentionally by NATO's political and military leadership and termed "legitimate military targets" or subsequently rationalized as unintended missile/bomb misses and dismissed as "collateral damage". There can be no question, however, that the attacks were willful as they were performed knowingly, with a reckless disregard for civilian safety, that rises to the *mens rea* level of willful action.

4.2.4.1 The April 6th, 1999 RAF Harriers cluster bomb attack on the city of Aleksinac marked a severe disregard for civilian safety. An expected and accepted outcome of bombing a residential area of a city with indiscriminate cluster bombs, is civilian casualties. This raid obliterated a block of civilian flats, killed 12 and wounded over 40 civilians. The same applies for the April 7th, 1999, NATO air raid one of the oldest neighborhoods of Pristina killing eleven. The NATO raid reduced a number of homes to rubble including the home of Mesut Gash on Zanatska Street, killing Gash, his wife and three children. Shrapnel from this bombing landed as much as two blocks away from the intended targets which were of questionable military significance. The thirteen dead and twenty five seriously injured during the April 8th, 1999 NATO strike in Kursumilja, could not have come as an unexpected surprise to NATO's political and military leadership, nor its personnel, since the air strikes were ordered on targets in the residential center of the town. The raids destroyed an entire residential block and left 400,000 people homeless. This was the inevitable, obvious criminal outcome. The same applies for the Easter morning, NATO leveling of the village of Kosanik in Merdare on April 11, 1999 which destroyed twenty homes and killed five civilians, including an eleven month old little girl, Bojana Tosovic, her father, Bujin Tosovic, Srdjan Cvetkovic, Goran Djukic and Dragan Bubalo. Eight civilians including Zoran Maksic, Veljko Jovanovic, Nenad Vukovic were also seriously injured in this attack

4.2.4.2 The April 12th NATO bombing of the Belgrade-Skopje-Salonika passenger train was deliberate and resulted in the murder and injury of a number of civilians. At first, NATO's command avoided claiming responsibility for the hit. It later stated that the bridge the train was passing over, was the intended target, and although regrettable, the civilian casualties, were "unavoidable". The train's schedule, however, was a matter of common knowledge, and its path, had no doubt been recorded by NATO reconnaissance and satellites. Even if we are to assume that the bridge was, indeed, a vital military target, could it not have been bombed a minute earlier, or a minute later so as to avoid civilian casualties? Is this an example of the "deliberate efforts" promised by President Clinton "to minimize harm to innocent people?"

4.2.4.3 The April 14th NATO massacre of 75 Kosovo Albanian civilians and injury of 100 more on convoys travelling on the Prizren to Djakovica road in Kosovo was also willful. The bombing was deliberate and was not the result of one errant missile as NATO spokespeople would have us believe. Survivors speak of jets dive bombing, circling and then re-bombing the convoys. Shrapnel and crater patterns left behind, support refugee accounts that they were hit several times by the same NATO planes. Yugoslav television aired the conversation between the pilot of one of the F-16 that bombed one of the convoys, and the AWAC pilot guiding the strike plane. From the conversation, it is clear that the bombing of civilians was deliberate. The F-16 pilot clearly and repeatedly advised that he saw no military vehicles and that the convey was comprised solely of tractors and civilians. Despite the pilot's requests for clarification, the

AWACS pilot instructed the F-16 to fire on the tractors and civilians stating that the convoy was a "legitimate military target". There is evidence to suggest that the F-16 pilot had already been advised by a UK Harrier pilot that the convoy was comprised of civilians. Is this what NATO terms taking "every precaution to avoid civilian casualties?" NATO has refused to come clean on this incident. It's shameful cover up was exposed by the Yugoslav press and is documented in the world media. It requires no further elucidation. To facilitate future cover-ups, NATO bombed Yugoslav television and radio stations and transmitters throughout the country.

4.2.4.4 The April 23rd, 1999 bombing of the Serb radio and television headquarters in Belgrade is perhaps the most obvious example of willful killing and injury of civilians perpetrated by NATO forces. This massacre has been condemned by the Vienna based international journalist organization and the world wide media community. NATO has acknowledged that the radio and television headquarter was its intended target. The pretext for bombing the station was that it was spreading anti-NATO "propaganda" and must thus be considered a legitimate military target. By selecting this target, NATO's political and military leaders acted with reckless disregard for the safety of the over one hundred people in the building. NATO leaders knew that the facility was in use and occupied by civilians at the time of the bombing, since the station was broadcasting at the time it was hit. These casualties were not soldiers but innocent civilians - journalists, technicians, television crews, etc. The mechanic Milovan Jankovic (1940), the make-up artist Jelica Muntlak (1971), the technician Dragan Tasic (1968), the security guards Dejan Mrkovic (1959) and Milan Joksimovic (1952), and the set decorator Slobodan Jontic (1945) were amongst those killed. This particular raid made it clear that NATO's political and military leaders, and NATO personnel performing the strike, consider any innocent Yugoslav civilian a "legitimate" target, and that the term "legitimate military target" can be stretched and distorted to include just about anyone and anything physically present in the FRY.

4.2.4.4.1 UK Premier Tony Blair has been quoted as saying "I wouldn't believe or take at face value anything the Serb authorities say" with respect to Yugoslav official releases on the NATO bombing of the refugee convoys. By bombing the Serb national television and radio headquarters, as well as the TV RTS studio in Pristina and radio/television transmitters in Jastrebac (Prokuplje), Gucevo (Loznica), Cot (Fruska Gora), Grmija (Pristina), Bogotovac (Pristina), Mt. Goles (Pristina), Mokra Gora (Pristina), Kutlovac (Stari Trg), Cigota (Uzice), Tornik (Uzice), Crni Vrh (Jagodina), Yugoslavia satellite station (Priike), Novi Sad, Mt. Ovcara (Cacak), Kijevo (Belgrade), Mt. Cer, Mt. Jagodnji (Krupanj), "Iriski Venac" (Fruska Gora), Mt. Bukulja, Gazimestan (Pristina), Krnjaca, Mt. Kopaonik (Belgrade), Mt. Gobelj (Mt. Kopaonik), Vrsac and Usce, NATO's goal is to cut off both the Yugoslav people and the international community from access to any reports and information other than that NATO cares to provide. Over 25 broadcasting facilities have been heavily damaged or destroyed by NATO forces. This strategy is intended to allow NATO's cover-ups to go unchallenged in the future, as by destroying the Serb broadcasting system, NATO will monopolize the supply of information.

4.2.4.5 NATO's bombing of the small village of Surdelica near the Bulgarian border, deserves separate mention. Not one or two, but sixteen NATO missiles were launched against the small village, destroying three hundred homes and turning fifty civilians, including ten children, literally, into minced meat. There was no military presence in the village, only village families, huddled together in the basements of their homes, seeking refuge from NATO's bombs. The nearest military site to Surdelica is an abandoned base around 3 kilometers away which had been evacuated as of March 15. The slaughter of these innocents by NATO's political and military leaders and responsible NATO personnel, was devoid of any possible military significance and constitutes willful murder.

4.2.4.6 The May 1st, 1999 NATO bombing of a civilian bus performing its regular passenger service, claimed the life of forty people, mostly elderly and children. A second NATO bomb hit an ambulance on route to assist the injured bus passengers, wounding one physician. Once again NATO spokespeople apologized for the civilian casualties, claiming the road bridge the bus was crossing was a "legitimate," secondary, military target and that the bus was inadvertently hit. General Naumann, Chairman of NATO's military committee, in his subsequent press statement stated, "We regret every loss of life, but this happens in military operations and so far we? (have done) a good job in avoiding civilian casualties." The death toll recorded above documents the falsehood of this statement. If this air raid was intended to avoid civilian casualties, why did NATO's command ignore publicized, bus schedules and routes and order the bombing of the bridge at the precise time that a civilian passenger bus was scheduled to perform its route over the bridge? Why did NATO's pilots not take the necessary precautions to ensure that the bridge was unoccupied at the time of the strike? If the Luzane road bridge was such a vital military target to justify its destruction regardless of the civilian cost, why was the bridge a secondary target?

4.3 NATO's POLITICAL AND MILITARY LEADERS AND RESPONSIBLE PERSONNEL HAVE UNLAWFULLY AND WANTONLY ENGAGED IN THE EXTENSIVE DESTRUCTION OF PROPERTY NOT JUSTIFIED BY MILITARY NECESSITY - A grave breach of the Geneva Convention of 1949 recognized by Article 2(d) of the ICT Statute - AND THE WANTON DESTRUCTION OF CITIES TOWNS OR VILLAGES AND DEVASTATION NOT JUSTIFIED BY MILITARY NECESSITY - Violation of the law and customs of War recognized by Article 3(b) of the ICT statute.

4.3.1 The NATO air raids have obliterated a vast number of civilian dwelling particularly in Pristina, Novi Sad, Aleksinac, Djakovica, Prokuplje, Gracanica, Cuprija, Cacak, Surdelica as well as the suburbs of Belgrade. Tens of thousands of Yugoslavs have been left homeless as a result of these attacks. The level of destruction sustained by these towns and cities is not justified by military necessity. In addition to the countless civilian dwelling destroyed, a number of public building that serviced civilians, including the post offices in Nis and Pristina, refugee centers in Pristina, Djakovica and Paracin, the local government building in Novi Sad, federal buildings in Belgrade, meteorological stations in Bukulja and Mt. Kopaonik, and a business center in Usce have all been knocked out without legitimate justification. The power supply transmitters in Batajnica, Bogutovac, Resnik and Zemun, the power plants in Krusevac, Pristina and Belgrade on May 1st, 1999, the water supply system in Zemun, the Bistrica hydroelectric power plant in Polinje and telephone lines in Bogutovac have all been damaged as a result of the NATO raids causing needless damage to the civilian infrastructure and great suffering to the civilian population. The bombing is intended to exact as much damage as possible to the civilian populace and in doing so incite the Yugoslav people against Milosevic, "punish" the Yugoslav leader, and force a surrender.

4.3.2 The NATO air strikes have targeted a number of factories and industrial facilities that cater to the basic needs of the civilian population. Over 3,500 large, medium and small industrial facilities have been destroyed or damaged, leaving 500,000 civilians without jobs, and some two million people without the means to ensure their basic sustenance. Most of the facilities targeted have absolutely no legitimate military significance. A small minority of these plants and industry may have had negligible military significance, however this significance, did and does not justify the complete destruction, devastation, and civilian suffering that was exacted by the NATO attacks.

4.3.3 Amongst other, from March 24th, 1999 until May 1, 1999, NATO's political and military leadership and personnel have willfully and wantonly destroyed the following commercial and industrial facilities that cater to civilian needs:

- The Galenika pharmaceutical plant in Belgrade
- The Dvadeset Prvi Maj industrial complex in Rakovica
- The Machine building plant Industrija Motora Rakovica in Rakovica
- The Jugstroj factory in Rakovica
- The Frigostroj factory in Rakovica
- The Lola Utva agricultural aircraft factory in Pancevo
- The Zdravlje pharmaceutical plant in Leskovac
- The Sloboda white goods factory in Cacak
- The Din tobacco plant in Nis
- The Electronska industrija factory in Nis
- The Jastrebac machine industry in Nis
- The Beograd rail company facilities in Nis.
- The Construction material depot Ogrev Invest in Nis
- The production line of the Nis tobacco factory in Nis
- The Elektrotehna warehouse in Nis
- The Fidelinka food storage facility in Nis
- The company So Product's office buildings in Nis.
- The Velafarm pharmaceutical facilities in Nis
- The Kopaonik general merchandise depot in Nis
- The Zastava car factory in Kragujevac
- The 14 Oktobar machine factory in Krusevac
- The Metalac metal factory production line in Kursumilja
- The Krusik holding corporation in Valjevo
- Cikonizacija in Novi Sad
- Technogas in Novi Sad
- Novograp in Novi Sad
- Gumins in Novi Sad
- Albus in Novi Sad
- Petar Drapsin in Novi Sad
- Motins in Novi Sad

- Izolacija in Novi Sad
- Novokabel in Novi Sad
- Istra fittings factory in Kula
- The port of Bogojevo
- The Div cigarette factory in Vranje
- The Nova Jugoslavija printers in Vranje
- The Simpo Furniture factory in Vranje
- The Jumko textile industry in Vranje
- The 27. November wood processing complex in Raska
- The Pipe factory in Urosevac
- The Milan Blagojevic chemical plant in Lucani
- The Plastics factory in Pristina
- The Cotton yarn factory in Pristina
- The Shock absorber factory in Pristina
- The Surface coal mine in Belacevac
- The Binacka Morava hydro construction company in Gnjilane
- The Cigarette manufacturing facility in Gnjilane
- The Battery factory in Gnjilane
- The Dijana shoe factory in Sremska Mitrovica
- over 250 commercial and craft shops in Djakovica

Most of these facilities have been bombed and re-bombed again and again to ensure absolute devastation. By example, the Milan Blagojevic chemical plant in Lucani has been hit on four separate occasion with a number of missiles each time.

4.3.4 In addition to the above, the Baciste hotel and Hotel Putnik on Mt. Kopaonik were damaged by NATO raids on April 12, 1999 for no military reason, while the Divcibare mountain resort was hit on April 11, 1999 and the Tornik ski resort of Mt. Zlatibor was knocked out on April 8, 1999. The Mineral Hotel in Bogutovacka Banja was seriously damaged during the April 19, 1999 NATO strikes. It is obvious that these hotels and resorts have no legitimate military significance and their destruction amounts to little more than vandalism. The devastation of all of the above enterprises is by definition wanton, given the inherent illegality of the NATO air strikes and the reckless disregard for the rights and property of the Yugoslav state and populace. The devastation of these enterprises were not justified by military necessity, since these targets had no military significance. The purpose of this devastation is to impose suffering on civilians for years to come

4.3.5 From March 24th, 1999 until May 1, 1999, NATO's political and military leaders and responsible NATO personnel have willfully and wantonly destroyed the following eighteen refineries and warehouses of raw material and chemicals with catastrophic consequence to the environment not only of Yugoslavia but the Balkan region as a whole. They include:

- Fuel Storage Tanks in Lipovica whose explosion resulted in the burning of the Lipovica forest (March 26, 1999)
- Beopetrol storage in Belgrade (April 4, 1999)
- Beopetrol storage in Bogutovac (April 4 and 24 1999)

- Fuel storage of the Boiler Plant in Novi Beograd (April 4, 1999)
- Prvra Iskra chemical plant in Baric (April 16, 1999)
- Oil Refinery in Pancevo (April 4, 16, 1999)
- DP HIP Petrohemija Petrochemical industry in Pancevo (April 14-15, 1999)
- Jugopetrol installations in Smederevo (April 4 and 13, 1999)
- Thermo electrical power station/boiler plant in Novi Sad (April 5, 1999)
- Oil Refinery in Novi Sad (April 5 and 6, 1999)
- Jugopetrol storage in Sombor (April 7, 1999)
- Naftagas promet fuel storage near Sombor (April 5, 1999)
- Naftagas warehouse between Conoplje and Kljaicevo
- Beopetrol fuel storage in Pristina (April 7, 1999)
- Jugopetrol warehouse in Pristina (April 12, 1999)
- Jugopetrol petrol station in Pristina (April 13, 1999)
- Fuel depot in Gruua, near Kragujevac

Even if, by some stretch of the imagination, some of these targets can be termed "legitimate" military targets due to the purported military potential of some of their facilities, NATO forces, more often than not, did not chose to "strategically" eliminate those questionable facilities, but opted instead to completely level the entire operation. The Novi Sad refinery, for example, has been targeted again and again, and hit by over thirty missiles, since the NATO aggression commenced. The Jugopetrol warehouse in Zdravcici has been hit on three separate occasions. It had already been leveled by the two earlier attacks. A third attack served no purpose. NATO's strategy is not aimed at impairing these structures to preclude their potential utility, but rather to completely and unjustifiably obliterate them.

4.3.6 From March 24th, 1999 until May 1, 1999, NATO's political and military leadership and its responsible personnel have willfully and wantonly devastated agricultural facilities not justified by military necessity. The following are included amongst the agricultural facilities destroyed:

- PIK Kopaonik in Kursumlija
- PIK Mladost in Gnjilane
- Malizgan agricultural complex in Dolac
- Djuro Stugar agricultural complex in Kula
- Agricultural, food processing and cow-breeding farm in Pester, Sjenica

By what stretch of the imagination can 220 milk cows and hectares of crop be deemed "legitimate military targets?"

4.3.7 NATO's missiles have also visited vast destruction on the nation's hospitals and health care institutions. From March 24th, 1999 until May 1, 1999, NATO's political and military leadership and its responsible personnel have willfully and wantonly damaged the following health facilities, vital for the civilian population, especially at a time of war:

- the Dr. Lazar Lazarevic Neuropsychiatric Hospital and Central Pharmacy of the Emergency Center in Belgrade
- the Sveti Sava hospital in Belgrade
- Army Medical Academy in Belgrade

- Gynecological Hospital and Maternity Ward at the Belgrade Clinical Centre
- Health Care Center in Rakovica
- Hospital and Medical Center in Leskovac
- Geriatric Center in Leskovac
- Hospital and Poly-clinic in Nis
- General Hospital in Djakovica
- City Hospital in Novi Sad
- Medical Center and Ambulance Center in Aleksinac
- Medical Center in Kraljevo
- Dispensary on Mt. Zlatibor
- City Hospital in Valjevo
- Krusik dispensary in Valjevo
- Hospital for treatment of Dystrophia in Novi Pazar
- Health Care Center in Kursumilja.
- the Dragisa Misovic Clinical Hospital Center in Belgrade (April 27th)

In addition to the above, the facilities used by the Red Cross and other international humanitarian and health organizations in Novi Pazar were damaged by NATO attacks.

4.3.8 NATO's air strikes have almost totally devastated the nation's bridges. From March 24th, 1999 until May 1, 1999, NATO's political and military leadership and personnel have willfully and wantonly entirely demolished the following bridges:

- Varadin Bridge
- Sloboda Bridge
- Zvezlj Bridge
- The bridge over the river Ibar in Bijlanovac
- the bridge over the river Vrbacka near Jezgrovica
- the Lozno railway bridge near Usce
- the roadway bridge leading to Brvenik near Usce
- the Zubin Potok bridge on the Kosovska Mitrovica Ribarice road
- the old bridge over the Rasina river near Krusevac
- the new bridge over the Rasina river near Krusevac
- the Krusevac-Pojate bridge over the Zapadna Morava river in Jasika
- the railway bridge over the Lim river near the Bistrica hydroelectric power station

- the bridge over the Ibar river in Brvenik
- the bridge between Smederevo and Kovin
- the railway bridge over the Kostainica river near Kursumlija
- The bridge on the Kursumlija-Prokuplje road
- The bridge over the Vrapcevska Reka river near Ribarice village
- the bridge over the railway line on the regional road Biljanovac - Mt. Kopaonik
- the railway bridge near Rudnica village, Raska
- the bridge over the Danube on the Beograd-Novi Sad road near Beska
- the road bridge on the Pristina-Podujevo road, near Luzani

During the same time, NATO air strikes damaged the following bridges:

- The Mladost Bridge
- The new railway/road bridge connecting Bogojevo and Erdut
- The road bridge along Magura Belaevac road near Pristina
- The road bridge on the Nis-Pristina road near Kursumlija
- the Grdelica gorge railway bridge over the Juzna Morava river
- the Grdelica gorge road bridge over the Juzna Morava river
- the road bridge over the Kosanica river near Kursumlija
- the road bridge over the Toplica river on the Nis-Pristina roadway near Kursumlija
- the bridge over the Kosanica river at Selo Visoko village.
- the Raskrsnica bridge near Donja Bistrica on the Priboj-Prijepolje-Nova Varos roadway
- the railway bridge over the Sava river near Ostruznica
- the railway bridge on the Kraljevo-Raska railway line near Kraljevo.

The destruction of many of these bridges has fully obstructed river traffic and the river transport of goods, since the debris from the bridges have blocked passage. It has also left hundreds of thousands of civilians without water since many water supply systems passed through these bridges. In particular, over one million Yugoslavs have been left without water.

4.3.9 From March 24th, 1999 until May 1, 1999, NATO's political and military leadership and personnel have willfully and wantonly knocked out the following railways:

- the Kraljevo-Kosovo Polje rail near Ibarska Slatina
- the Belgrade-Bar line due to track damages near Strpce village and the Lim bridge
- the Kursumlija-Pokuplje line near Pepeljevac village
- the Kraljevo-Kosovo Polje line, near Ibarska Slatina
- the Nis-Pristina line near Kursumlija

- the Sarpelj tunnel near Jerinje village
- the Kraljevo railway station in Bogutovac
- the Kosovo Polje railway station
- the Belgrade-Salonika line due to the destruction of the Grdelica gorge bridge
- the railway station in Biljanovac
- the railway track and overpass near Biljanovac
- the Kursumlija-Podujevo line due to the destruction of the Kursumlija railway bridge
- the Kraljevo-Kragujevac line due to damage of the track near Vitanovac
- the Uzice-Priboj line
- the Bogojevac-Vukovar line
- the Leskovac-Predejane line.

4.10 From March 24th, 1999 until May 1, 1999, NATO's political and military leadership and personnel have willfully and wantonly damaged the following roads and bus stations:

- Ibarska primary road
- Belgrade Zagreb highway
- Kosovska Mitrovica-Ribarici section of the Adriatic highway
- Jedinstvo bus station in Vranje
- The Kosmet Pevoz hangar full of new buses in Gnjilane
- the Kraljevo-Raska primary road
- the Pristina bus station
- the Krusevac-Pojate road due to destruction of the bridge in Jasika
- the Nis-Pristina roadway due to destruction of the bridge in Kursumlija
- the Priboj-Prijepolje-Nova Varos regional road due to the damage sustained by the Raskrsnica bidge
- the Magistrala road maintenance company in Pristina
- the Nis central bus station
- the Pristina bus station

4.11 From March 24th, 1999 until May 1st, 1999, NATO's political and military leadership and responsible personnel have willfully and wantonly devastated the civilian airports of "Slatina" in Pristina, "Batajnica" and "Surcin" in Belgrade, the Nis airport, the "Ponikve" airport in Uzice, the "Golubovci" air port in Podgorica, the "Ladjevci" airport near Kraljevo and the agricultural and sport air field in Sombor.

4.12 The country's road and railway networks, bridges and airports have almost all been knocked out purportedly to cut Yugoslav military supply lines. Nonetheless, General Clark admitted at his April 28th briefing, that despite NATO's furious bombing, Milosevic continues to reinforce his forces in Kosovo and has actually strengthened his military presence in the area. Thus the NATO bombing of the Yugoslav transport system network has not obstructed military supply lines, but only imposed needless suffering on the civilian community and trapped 820,000 ethnic Albanians, as General Wesley Clark contends, into the killing fields of Kosovo. The damages inflicted by NATO forces on the Yugoslav civilian infrastructure are in excess of ten billion dollars. This devastation was unlawful, wanton, intentional and

unjustifiable and as such comprises a war crime within the meaning of Article 2(d) and 3(b) of the ICT Statute.

4.4 NATO's POLITICAL AND MILITARY LEADERS AND RESPONSIBLE NATO PERSONNEL HAVE EMPLOYED POISONOUS WEAPONS AND WEAPONS CALCULATED TO CAUSE UNNECESSARY SUFFERING - A violation of the law and customs of War recognized by Article 3(a) of the ICT Statute.

4.4.1 USE OF PROHIBITED CLUSTER BOMBS

The use of cluster bombs has been prohibited by International Conventions due the particularly destructive effect these bombs have on civilian populations. A cluster bomb is a bomb container that opens in mid-air and releases smaller bomblets. These smaller bomblets, usually the size of baseballs, are designed to explode on impact, slightly prior or following impact. The metal shards emitted from these explosions typically saturate an area of up to 100 acres. Cluster bombs are indiscriminate. The mid-air discharge of numerous bomblets over a large area, precludes precision targeting for each individual bomblet. Cluster bombs are also deemed indiscriminate weapons that are likely to cause civilian injury, due to the inherent danger of failed bomblets or duds, that do not explode as designed. These duds serve as land mines.

4.4.1.2 Due to the inherent dud-rate factor, areas that have been bombed with cluster bombs are frequently transformed into unregulated minefields which present an ongoing risk to civilians long after hostilities have ceased. Following bombing raids, these unexploded, failed bomblets are left in plain view or concealed in foliage. Subsequently when touched, the bomblet explodes like a landmine. The failure rate for cluster bomblets range between 5% to 30%. It should be noted that the dud rate estimate for cluster munitions dropped in the Gulf War was found to range between 10-20%, and Iraqi sources have reported that as of August 1991, 400 injuries and 168 civilian deaths have been caused by the duds left behind after the Gulf War. It would be safe to assume that the dud rate of the cluster bombs used in the Kosovo crisis corresponds to that evidenced in the Gulf War. By electing to use cluster bombs from amongst its broad arsenal, NATO's political and military leaders have deliberately and intentionally elected to use weaponry that knowingly will lead to indiscriminate deaths and unnecessary suffering to the civilians of Yugoslavia for generation to come.

4.4.2.2 NATO pilots have dropped cluster bombs throughout the territory of Serbia. At the village of Gracanica alone, 3,500 cluster bombs were discharged from 14 containers dropped by NATO planes near the Gracanica monastery. On April 6, 1999, RAF Harriers, armed with cluster bombs, attacked Aleksinac, hitting a block of flats, killing 12 civilians and injuring 28. The use of cluster bombs for raids on a residential area is clearly criminal. Moreover, there is strong evidence to suggest that cluster bombs were used against the Albanian refugee convoys on April 14, 1999. This evidence stems from the bomb remnants and craters left at the site. The April 24th deaths of five boys, Edon (3 years old), Fisnik (9 years old), Osman (13 years old), Burim (14 years old), and Vajdet Kodza (15 years old) and shrapnel injury to six more children was the result of cluster duds near the village of Doganovic. It is believed that the boys, who were in the fields tending cattle, were killed and injured by duds left behind after the cluster bombing of the area.

4.4.2.3 Cluster bombs are weapons calculated to cause unnecessary suffering on the civilian population. NATO's political and military leaders' decision to use cluster bombs in the Kosovo crisis, and implementation of this decision by NATO's personnel, constitute war crimes within the ICT's jurisdiction.

4.4.3 USE OF DEPLETED URANIUM AMMUNITION

4.4.3.1 NATO's political and military leaders and responsible NATO personnel have violated the laws and customs of war by the employment of depleted uranium ammunition. This ammunition is poisonous and is intended to cause unnecessary suffering. The use of depleted uranium ammunition presents both a chemical toxicity and radiation risk to the people and environment of the entire Balkan region. Experts have already reported enhanced radiation levels in the atmosphere and on the ground in Kosovo. Depleted uranium is found in the 30-millimetre ammunition fired by the GAU-8A guns mounted on the U.S. A-10 "Warhog" aircraft as well as the Tomahawk cruise missiles. Depleted uranium increases the penetrating power of ammunition. The explosion of depleted uranium ammunition creates an airborne radioactive dust of uranium oxide which can be carried several kilometers away from the site by the wind. This dust is poisonous if inhaled or ingested. Inhaled insoluble oxide poses a great risk of cancer due to radiation. Ingested depleted uranium dust poses both a radioactive and a toxicity risk.

4.4.3.2 The international community has called for a ban of this material which is believed to be responsible for Gulf War Syndrome plaguing over 100,000 veterans from the Gulf War and whose symptoms are analogous to radiation poisoning, characterized by chronic fatigue, weight loss and severe abnormalities in subsequently born children. The use of depleted uranium ammunition has been documented to have caused alarming increases in birth defects, stillbirths, childhood leukemia and other cancers to individuals exposed to depleted uranium treated ammunition during the Gulf War. Exposure to this radioactive material is fatal and has long-lasting effects on the environment. The soil and ground water of areas bombed with depleted uranium ammunition remains radioactive, rendering the water undrinkable and the land uncultivable. The half life of depleted uranium is 4.5 billion years. By employing depleted uranium ammunition, NATO political and military leaders and its personnel are not only putting the Yugoslav populace at risk of potentially inhaling or ingesting the toxic and radioactive uranium oxide released from this ammunition, but they are also actively contaminating Yugoslavia's aquifers and crop producing lands. Groundwater is estimated to supply 90% of Serbia's domestic and industrial needs. By deliberately electing to employ this weaponry, NATO's leadership is poisoning the land, aquifers and population of Yugoslavia.

4.4.3.4 The noxious effects of depleted uranium are well-known to the US and NATO, despite their constant efforts to downplay the evidence and discourage comprehensive studies. The UN Subcommission on Prevention of Discrimination and Protection of Minorities urged Nations to "curb the production and spread of weapons of mass destruction or with indiscriminate effect, in particular nuclear weapons, chemical weapons, fuel-air bomb, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium" and has repeatedly warned the world of the environmental dangers provoked by the use of depleted uranium ammunition. NATO's political and military leadership's deliberate and intentional decision to forgo the choice of more conventional weaponry, and instead employ depleted uranium ammunition, when it is fully cognizant of the indiscriminate, long-lasting noxious effects that this ammunition will have on civilians for years to come, falls squarely within the ambit of the offense provided by article 3(a) of the ICT Statute.

4.4.4 BOMBING OF THE PANCEVO PLANT

4.4.4.1 The Pancevo complex is a combined fertilizer factory and oil refinery located on the banks of the Danube. It was deliberately and systematically bombed on April 18th, 1999 by NATO forces, creating a huge toxic, carcinogenic cloud of gas phosgene, chlorine and hydrochloric acid over Belgrade, with a toxicity level 7,200 - 10,000 times the permissible level, as well as 15-20 kilometer long slicks in the Danube. To make this ecological catastrophe worse, workers at the Pancevo plant released highly carcinogenic, ether dichloride, stored at the Pancevo complex, into the Danube to avert a possible NATO bombardment of these tanks that would have surely poisoned the residents of Belgrade and its surrounding suburbs. Over 50 residents of Pancevo were reported to be suffering from nerve gas poisoning as a result of the toxic fall out from the explosion. This fall out, as well as the ether dichloride released into the river, is expected to flow downstream with catastrophic ecological consequences to Romania, Bulgaria, and the Black Sea.

4.4.4.2 NATO's political and military leadership and its personnel have intentionally unleashed this environmental catastrophe, by and through their bombing of the Pancevo complex. In doing so, they have discharged a poisonous weapon calculated to cause unnecessary suffering on civilians for centuries to come. There is no evidence to suggest that this complex was being used for military purposes. On the contrary, its obliteration will deprive Yugoslavia of much needed fertilizer for agricultural needs, thus further hampering civilian life. NATO forces were cognizant that the bombing of the Pancevo complex would result in the emission of toxic, poisonous fumes and contaminants that would endanger the health of civilians in the densely populated capital and its surrounding suburbs, and that it would place the ecosystem of the entire Balkan region at risk. NATO's political and military leaders and responsible personnel have violated the laws and customs of war by bombing the complex, as by doing so, they have unleashed a poisonous weapon calculated to cause indiscriminate and unnecessary suffering on civilians, an offense prohibited by Article 3(a) of the ICT Statute.

4.4.5 SYSTEMATIC DESTRUCTION OF THE ENVIRONMENT

4.4.5.1 The air strikes ordered by NATO's political and military leaders and performed by NATO personnel, are aimed at provoking an environmental disaster which threatens to poison the populace of the entire region. NATO's bombing raids have resulted in the systematic destruction of Yugoslavia's environment, not only through the pollution of its rivers and ground water, but the systematic poisoning of its atmosphere. This destruction is by definition, indiscriminate, and the toxic fall out must be considered a poisonous weapon or a weapon calculated to cause long-lasting unnecessary suffering to civilians prohibited by the Laws and Customs of War as recognized by Article 3(a) of the ICT Statute. This action also comprises devastation not justified by military necessity in violation of Articles 2(d) and 3(b) of the ICT Statute.

4.4.5.2 Amongst others, the NATO bombing of the Prva Iskra chemical plant in Baritz, a non-military target producing detergents, resulted in the emission of large clouds of toxic gases. The bombing of the oil refinery in Novi Sad gave way to unchecked fires, extensive air pollution and the discharge of toxic material into the Danube. The obliteration of the ZAZTAVA plant in Kragujevac by repeated bombings, resulting in the discharge of poisonous piralena liquid into the Lepenitsa river. In Lucani, the repeated targeting of the Milan Blagojevic plastic manufacturing plant resulted in petrochemical explosions and the emission of a carcinogenic cloud over the region. In Belgrade, Bogutovac, Novi Beograd, Gruua, Pristina, Pancevo, Lipovic, refineries and fuel depots have been bombed, resulting in uncontrollable fires and substantial air pollution. In Nis, the bombing of a tobacco plant resulted in the explosion of chemical additives and the discharge of cadmium.

4.4.5.3 The ecological catastrophe caused by these bombings knows no boundaries. It poses a great toxic risk, which is likely to cause suffering to not only the Yugoslav people, but the population of the greater Balkan region. Already there are reports from Northern Greece of alarming toxicity levels in the atmosphere attributed to the bombing raids. NATO's political and military leaders and responsible NATO personnel have violated the laws and customs of war by bombing these plants, warehouses, refineries and industrial complexes, since by destroying these facilities, they have unleashed an arsenal of toxic pollutants that are by definition, indiscriminate, and will, in all certainty, visit unnecessary suffering on the Balkan population for years to come in violation of Article 3(a) of the ICT Statute.

4.5 NATO's POLITICAL AND MILITARY LEADERS AND RESPONSIBLE PERSONNEL HAVE ENGAGED IN THE DESTRUCTION AND WILLFUL DAMAGE OF INSTITUTIONS DEDICATED TO RELIGION, CHARITY, EDUCATION, THE ARTS AND SCIENCES, HISTORICAL MONUMENTS AND WORKS OF ART AND SCIENCE - Violation of the laws and customs of war as recognized by Article 3(d) of the ICT Statute

4.5.1 NATO's political and military leadership and its responsible personnel have demonstrated a marked disregard for Serbia's historical and religious heritage by targeting and destroying religious and historic landmarks that serve as an integral part of Serb national and religious heritage and history. UNESCO's ICOMOS has identified 12 historical monuments in Kosovo, central Serbia and Vojvodina that have been totally destroyed by the NATO air raids and 39 which have sustained substantial damages, many of which are listed on UNESCO World Heritage list. From March 24th, 1999 to May 1st, 1999, the following medieval monasteries and religious shrines, amongst others, have sustained serious damages as a result of the NATO air raids:

- The Gracanica Monastery (14th century) (bombed on March 24th and April 6, 1999).
- The Rakovica Monastery (17th century) (bombed on March 29, 1999)
- The Church in Jelasnica near Surdulica
- The 13th century Pec Patriarchate (bombed on April 1, 1999).
- The Monastery of the Church of St. George in Petrovardin built in 1714
- The Monastery of the Holy Mother (12th century) in Kosanica, Kursumlija

- The Monastery of St. Nicholas (12th century) in Kursumlija
- The Monastery of St. Archangel Gabriel in Zemun
- The Roman Catholic Church St. Antonio in Djakovica
- The Orthodox Cemetery in Gnjilane
- The monuments in Bogutovac
- The Kadinjaca memorial complex
- The Vojlovica monasater near Pancevo
- The iconostasis of the Hopovo monastery
- The Orthodox cemetery in Pristina
- The St. Archangel Michael Monastery in Rakovica
- The St. Marko Orthodox Church in Belgrade
- The Holy Trinity Russian Orthodox Church in Belgrade

4.5.2 In addition to the structural damages sustained by these buildings, the priceless, century old frescos in many of these historical churches and monasteries, are being seriously threatened by the tremors and blasts of NATO explosions.

4.5.3 From March 24th, 1999 to May 1st, 1999, NATO's political and military leaders and responsible personnel have inflicted serious damages on the following historical and cultural monuments, buildings, artifacts and museums:

- Substantial roof damage to the Fortress of Petrovaradin
- The Tabacki bridge in Djakovica (17th century) (hit on April 5, 1999)
- The Stara Carsija building in Djakovica
- Historical archives stored in a Belgrade Government Building have been destroyed
- The Memorial complex in Gucevo Loznica
- The "Sumarice" memorial complex in Kragujevac
- The Vojvodina Museum in Novi Sad
- The old military barracks in Kragujevac under state protection
- The Crveni Krst memorial complex in Nis

4.5.4 NATO air raids have also intentionally leveled and damaged modern architectural landmarks. The Ministry of Interior and The Ministry of Justice buildings in the heart of Belgrade were intentionally targeted and destroyed by NATO bombs. These buildings were significant architectural achievements of the latter 20th century designed by the architect Irvin Adidts. NATO claims that these sites were military targets and their destruction justified by military necessity. This argument is unsustainable. It was well known that these buildings, like most of the federal buildings, had been totally evacuated by the Serb authorities upon the onset of the air raids and therefore their destruction involved no military advantage. Destruction of these facilities were acts of vandalism aimed at humiliating and punishing the Serb people. In addition to the above, NATO forces have destroyed the 195m TV tower on Mt. Avala, designed by the renowned Yugoslav architects Ugljesa Bogunovic and Slobodan Janic and engineer Milan Krstic. The Mt. Avala tower was considered a cultural landmark of Belgrade, not unlike the Eiffel tower in Paris, and it was featured on Belgrade postcards and tourist souvenirs.

4.5.5 NATO air strikes have claimed over 2000 schools, faculties and facilities for children and students. In particular more than 25 faculties, 10 colleges, 45 secondary schools, 90 elementary schools, 8 student dormitories and numerous preschool facilities have been hit. NATO missiles destroyed the village schools of Bogutova, Raska, Lincevi, Tavnik and Lozno during the April 10th raid alone. The school in Bogutovac was hit with no less than six missiles, making claims that the destruction was unintentional hard to believe! The 16.oktobar and Vladimir Rolovic elementary schools have sustained substantial damages in Belgrade, as has the day care in Petlovo

Brdo district of the capital. The Youth and children center and Dusko Radovic youth theatre in Belgrade were also hit on April 23, 1999. The elementary school and engineering high school, as well as four libraries in Rakovica have all been victimized by NATO missiles. Two secondary schools, the respective faculties for civil engineering and architecture, mechanical engineering and electrical engineering studies were hit in Nis. The Faculties of Law and Economics and the Radoje Domanovic elementary school in Nis were also knocked out by NATO missiles. The Toza Markovic, Djorde Natsoevic, Veljko Vlahovic, Sangaj and Djuro Danicic elementary schools were all attacked in the Novi Sad region, as was the Duga day care center and kid creches on Visarionova Street of the City. The Traffic School Center and Faculty of Philosophy in Novi Sad have also sustained substantial damages. Elementary schools in Lucane and Kraljevo, Cvetka, Aketa and Ladjevci have all sustained substantial damages, as have three Sombor elementary schools. NATO raids have also partially destroyed a school center in Kula and an agricultural school in Valjevo. More documentary information with respect to the devastation of educational institutions will be submitted in the weeks that follow.

4.5.6 The destruction of all of the above facilities by NATO's political and military leaders and its responsible personnel, constitutes destruction and willful damage to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments, etc. within the meaning of Article 3(d) of the Statute of the ICT. This destruction is a war crime that must not go unpunished.

5. RESPONSIBILITY OF THE PROSECUTOR

5.1 Article 16 of the ICT Statute provides that the Prosecutor of the ICT is responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since January 1, 1991. By the Prosecutor's own admission, this territory includes Kosovo. The Statute further provides that the Prosecutor acts independently and shall not seek or receive instructions from any Government or from any other source. Under Article 18 of the Statute, the Prosecutor is obliged to initiate investigation ex-officio on the basis of information obtained from any source and shall assess the information received to decide whether there is sufficient basis to proceed.

5.2 The facts alleged in this complaint establish a prima facie case. We reserve the right to further substantiate and supplement this complaint with a dossier of photographs and witness accounts. Most of these facts can be readily verified from the international press, NATO's own admissions and reports of the Yugoslav government. The Prosecutor will, no doubt, uncover more evidence during the course of his/her investigation. The facts stated in this complaint clearly document violations of the Geneva Convention and Laws and Customs of War as recognized by Articles 2 and 3 respectively of the ICT Statute by NATO's military and political leaders and personnel.

5.3 If the Prosecutors Office and the International Criminal Tribunal for the Former Yugoslavia is to maintain any credibility for impartiality, then it must do so by applying justice equally and evenhandedly. This is a unique opportunity for the ICT to prove to the world that it does, in fact, act independently, and that it neither "seeks nor receives instructions from any Government or source" as stipulated by the ICT Statute. Prosecutor Louise Arbour appears to have already commenced investigations into alleged crimes against humanity and war crimes committed in Kosovo. In her April 27 interview on BBC Panorama, Prosecutor Arbour proclaimed that, "We have always made clear that we will always explore personal criminal liability at the very highest possible level that the evidence will sustain." This investigation can not and should not be limited to the alleged conduct of the Serbs, nor the KLA, but must include the conduct of all actors in the area, which includes the actions of NATO's political and military leaders and responsible NATO personnel. If the Prosecutor's Office is to investigate allegations of Serb war crimes in the area, as it has stated repeatedly, then it must also impartially investigate allegations of war crimes perpetrated by NATO's political and military leadership and its personnel. Where the evidence exists, the ICT must indict all offenders within its area of competence, irrespective of the position, nationality or popularity of those offenders.

5.4 There can be no doubt that the criminal conduct of NATO's political and military leaders and responsible NATO personnel, as outlined above, was willful and wanton. Even if we were to suspend our disbelief and assume that the killing and injury of civilians, the bombing of a passenger train, refugee convoys, private homes, businesses, schools, museums, hospitals, cemeteries, monasteries, bus and the systematic and knowing contamination and poisoning of the environment were not premeditated acts aimed to cause unnecessary human suffering and destruction, it must be accepted that when NATO's political and military leaders initiated this aggression, and NATO's personnel implemented its leadership's decision, they all knew that their unlawful conduct would, with practical certainty, result in unjustifiable suffering on the part of the civilian population and unjustifiable devastation. They thus, knowingly, accepted these consequences, and nonetheless, decided to push on, upon determination that this suffering was an "acceptable" outcome. The *mens rea* requirement for criminally, willful and wanton conduct has been met.

5.5 NATO's political and military leaders and responsible NATO personnel have thus accepted responsibility for the unlawful murder and injury of civilians and the extensive devastation that their bombing has inflicted, as an "unfortunate" but "inevitable" outcome of their actions. The mockery and flagrant abuse of international law by NATO's political and military leaders evidence that the air strikes must be deemed, as a matter of law, unlawful. Playing semantics games and dismissing war crimes as "collateral damage" does not alter the fact that war crimes have been committed and their perpetrators must be brought to justice.

5.6 NATO's political and military leaders and responsible NATO personnel must be held accountable for their actions. The degree and level of criminal responsibility of each respective individual who contributed to the decision making and/or order and/or performance of the criminal actions outlined in this complaint is an issue for the ICT to determine.

van holst en steijnen

From: Despotovic Ruza <despot@wishmail.net>
To: DOLF Loth <dolfloth@hotmail.com>; Ksenija Sigulinski <sigu@worldonline.nl>; Nico /Neeltje Steijnen <n.h.van.holst@freeler.nl>
Sent: woensdag 17 januari 2001 13:56
Subject: Fw: Tribunal

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

From: "St.Servisch Inf.- & Cult Centrum" <ssicc@planet.nl>
To: <office@globalreflexion.org>; <michel.collon@skynet.be>;
 <arthurjk@EUronet.nl>; <106057.1021@compuserve.com>;
 <Joveljic.Nebojsa.N@bhp.com>; <belininkovic@pft.yu>; <despot@wishmail.net>;
 <yuambanl@bart.nl>
Sent: Tuesday, January 16, 2001 10:46 PM
Subject: Tribunal

> **From:** Milan Tepavac <miltep@eunet.yu>
 > **Subject:** Kangaroo courts.
 > **Date sent:** Mon, 15 Jan 2001 20:15:44 -0800
 >
 > I find this article interesting. I wholeheartedly endorse two points
 > from it:
 >
 > (1) An international criminal court which does not incriminate
 > AGGRESSION (which is the case with the ICC) is illegitimate and
 > detrimental to the concept of justice as understood in the Roman and
 > Christian civilization. Aggressive war is the supreme crime under
 > international law from which all other war crimes spring ("genocide",
 > "crimes against humanity" and "war crimes" in contemporary parlance).
 > This said is even more valid for the AD HOC so-called International
 > Criminal Tribunal for former Yugoslavia ("ICTY") (and the one for
 > Rwanda). Its Statute also does not incriminate aggression and armed
 > secession planned, instigated and otherwise aided from abroad. It now
 > intentionally punishes the victims instead the guiltiest
 >
 > (2) "Slobodan Milosevic, for example, as president of Yugoslavia,
 > tried to prevent the components of the Yugoslavian Federation from
 > seceding. In that, how is he any different from Abe Lincoln?
 > Milosevic
 > used force. So did Lincoln. The difference is that Lincoln won and
 > Milosevic lost", said the article. It is more than hundred per cent
 > true. To assert that Yugoslavia had no right to use force to crash
 > armed secessions is tantamount to assertion that no state has such
 > right, which would be idiotic nonsense. MT -----
 > <http://www.orlandosentinel.com/news/opinion/columnists/orl->
 > [recse011101](http://www.orlandosentinel.com/news/opinion/columnists/orl-)
 > .column
 >
 > THE ORLANDO SENTINEL, Thursday, January 11, 2001
 >
 > War-crimes court would ensure chaos
 >
 > By Charley Reese
 >
 > President Clinton signed a treaty that will create a permanent
 > war-crimes court. To be fair, he signed it because of a deadline,
 > after which non-signing countries would have no input into
 > structuring
 > the court. It still has to be ratified.
 >
 > That said, the U.S. Senate should kill the treaty forthwith, as Sen.
 > Jesse Helms, R-N.C., has said he wants to do. Helms is right and
 > deserves the support of the American people.
 >
 > Any international war-crimes court is illegitimate on its face. They
 > are kangaroo courts in which the victors in a conflict seek vengeance
 > on the losers. Such courts are also a direct assault on the concept

- > of
> national sovereignty. They also politicize justice. They are
> patterned
> on the Soviet Union model in which courts function to enforce
> government policy, not to dispense justice.
>
> Slobodan Milosevic, for example, as president of Yugoslavia, tried to
> prevent the components of the Yugoslavian Federation from seceding.
> In
> that, how is he any different from Abe Lincoln?
>
> Milosevic used force. So did Lincoln. The difference is that Lincoln
> won and Milosevic lost.
>
> I don't think that even Confederate soldiers would have stood still
> for a bunch of Europeans saying they wanted to seize Lincoln, haul
> him
> off to a foreign country and try him as a war criminal. Billy Yank
> and
> Johnny Reb would have come together instantly and said to the
> Europeans, "Look here, pal. What we do in our own country to each
> other is our business, not yours. Butt out."
>
> I don't blame the current president of Yugoslavia one bit for
> refusing
> to hand Milosevic over to the United Nations' kangaroo court.
> Milosevic is answerable to the people of his own country, not to the
> people of the United States or France or Great Britain.
>
> If this monstrosity is created, there will be chaos. Leaders of all
> sorts of countries will be charged with war crimes because, in fact,
> leaders of most any country that has fought a war are guilty of them.
> War itself, as Ernie Hemingway truthfully observed, is a crime
> against
> humanity. And once you politicize the law, then you've ended the rule
> of law and gotten into the realm of politics and propaganda.
>
> Look what happened to Gen. Augusto Pinochet. While on a visit to
> Great
> Britain, he was arrested on the basis of a warrant issued by a
> leftist
> Spanish magistrate. What crimes, if any, Pinochet committed he
> committed in Chile, and that is the only country that should hold him
> accountable. In this case, I have to say, Chileans ought to build a
> monument to him because the general saved Chile from a communist coup
> and economic collapse. Killing communists trying to seize power is a
> crime only in the eyes of other communists and their leftist dupes.
>
> Those in favor of this court hope to be able to tinker with the
> details in order to exclude Americans from its jurisdiction. That
> would be wrong and would provide one more example to the world of
> what
> hypocrites we are. It is better to oppose it on principle. If the
> court is to be created, there can be no just reason to exclude
> Americans.
>
> National sovereignty, which means that Americans are answerable to no
> one but their own government and their own laws, should never be
> compromised. The creation of a permanent, international war-crimes
> tribunal certainly would compromise the national sovereignty of every
> country on Earth. That is the primary reason to block the tribunal's
> formation.
>
> Americans should always remember that the United Nations is an
> undemocratic organization. Not one delegate is elected. There is no
> public input into its deliberations.
>
>
>
>
>
>
>

Een verslag van de tweede dag van de hoorzitting inzake Rule 61 in de zaken tegen R. Karadžić en R. Mladić, gehouden op de 28ste juni 1996 te Den Haag.

Wat zagen we gisteren toch allemaal op de t.v.? Vol verwondering zien we hoe een advocaat de zaal wordt uitgestuurd, de wereldpers letterlijk achter hem aan, en ik dacht: wat nou weer in dit Hottentottenlandje?? Waar werken we nu toch weer aan mee? Maar laat ik alle verwondering maar in m'n zak steken en overgaan tot de orde van een 'gewoon' verslag. Als ik daar inmiddels überhaupt nog toe in staat ben. Even dacht ik: een beetje vakantie van het Tribunaal, want de Tadić-zaak ligt even in de ijskast. Maar, nee, na het telefoontje van een Servische kennis die er gisteren bij was kon ik me niet meer bedwingen: naar deze Rule 61 hoorzittingen, die als doel hebben om een internationaal arrestatiebevel tegen de twee 'Grote Jongens' uit te vaardigen, moet ik minstens enkele keren heen. Want wát hoorde ik via de telefoon? Dat de advocaat die Karadžić in zijn naam gestuurd heeft, niet in de zaal mag zitten, maar alleen op de publieke tribune als er géén getuigen worden verhoord!! Dus alléén als er algemene verklaringen worden afgelegd. Bij getuigen is meneer dus niet welkom. Waar zijn ze hier toch zo bang voor?? Verder krijgt deze advocaat niet alle stukken inzake zijn client. Dit is een navrante schending van het Angelsaksische recht. Wéten die 'juristen' in Den Haag dat voor het gemak even niet? Wát is er eigenlijk gebeurd? vraag ik me af. En zoals gebruikelijk ga ik maar even de gebeurtenissen in de wereld af en ziet: enige niet mis te verstane waarschuwingen zijn afgegeven richting U.S.A. in de vorm van o.a. een 2000 kg. zware bom in Saudi-arabië bij een Amerikaanse basis, honderden gewonden en genoeg doden. Tja, en Izetbegović zal ook wel weer gemekkerd hebben dat hij de komende verkiezingen zó niet aandurft, met die grote concurrent nog in de buurt. En eindelijk loopt Rusland nu met die Jeltsin en Lebed samen ook eens in de pas, dus men ziet zijn kans in Den Haag schoon. Bovendien: de zaak Tadić roept steeds meer vraagtekens op o.a. door dat een of andere vreselijke 'tengere' vrouw in interviewtjes de persoonsverwisselingstheorie steeds meer aannemelijk heeft gemaakt. Wat te doen denkt het Tribunaal: wanneer maakt ze nu eindelijk een fout en kunnen we haar wegsturen. Ik zie het sommigen gewoon denken. Kennelijk zijn er omtrent mijn persoontje nu twee theoriën gaande: de ene groep van het personeel gaat daarom zeer vriendelijk met me om, en daar maak ik grof gebruik van, en de andere groep wisselt geen woord met me en probeert zelfs nog te voorkomen dat ik materiaal meeneem. Je lacht je rot.

Maar genoeg gekletst, precies. Volgens het Tribunaal zelf is het doel van de Rule 61 hoorzitting om de slachtoffers in staat te stellen hun verhaal te doen in een internationaal forum, om aan te tonen dat de twee beschuldigten moeten worden veroordeeld of anders hier, in Den Haag zelf, hun naam moeten komen zuiveren, en om de 'internationale gemeenschap' eraan te herinneren dat de hoorzittingen slechts een stapje zijn in de richting die uiteindelijk naar Den Haag moet leiden. Tjetje, wat is mijn geboorteplaats toch ineens belangrijk! En al die slachtoffers die in een internationale setting hun verhaal mogen vertellen, ik ga maar even door de Opening Statement van de aanklager heen, onze teerbeminde Herr Ostberg, van 'neutrale' Zweedse komaf, en hoeveel slachtoffers tel ik wel niet onder de hierin aangekondigde getuigen, maar liefst 12 stuks. En wát voor zielepieten zijn het ook wel niet: kijk maar, een Franse professor, Garde in plaats van Gow, nou ja maakt niet zoveel uit, en later merk ik dat het inderdaad niet ver naast elkaar ligt, hun visie op de geschiedenis, en nog zo'n zielig slachtoffer: ene Mr. John Ralston, een van de 'onderzoekers' van het Tribunaal, een voormalig politiemannetje, verder nog een veel groter slachtoffer: Mr. Jan Van Hecke, die ons alles gaat vertellen hoe het er in Sarajevo aan toe ging met al die sluipschutters en zo, (zit je al te knarsen tanden, Jenny?) en dan natuurlijk een buitengewoon zielig slachtoffer, jawel, de Burgemeester van Sarajevo himself komt hier getuigen. Nou, nou, dát wordt nog spannend. Moeten we nu denken. Het volgende slachtoffer is ene Colin Kaizer, specialist in heilige en historische monumenten. Tja, dat móet bijkans wel een slachtoffer zijn in deze profane tijden van Coca-Cola en Mercedes Benz. O, ik legde even de verkeerde verbanden. We gaan verder: nu een serieuze, een Canadese soldaat die is gegijzeld door de Bosnische Serven. Dan weer een 'onderzoeker' van het Tribunaal, ene Jean Rene Ruiz, die alles over de val van

Srebrenica gaat vertellen, het woord 'Srebrenica' zal hier helaas wel niet te vermijden zijn, lezers, het spijt me, ik weet hoe u zich voelt na een heel jaar mediacircus rond Srebrenica, je houdt er bijna een trauma aan over, maar het is niet anders. Slikken en doorgaan.

De echt interessante getuigen zullen daarna volgen: de jongens van het Nederlandse batallion. Welke van die jongens, vraag ik me af. Zij die hun werkelijke verhaal op schrift stelden en in verzekerde bewaring hebben afgegeven bij notarissen, in de hoop dat er ééns nog eens een tijd zal komen waarin ze hun verhaal mogen vertellen. Ongecensureerd. Of die andere stuk of vier, vijf jongens, die hun militaire carrière niet door zoiets lulligs als de waarheid in de waagschaal willen leggen?

Ook Karremans zou hierheen komen, maar hij wordt níet in de Opening Statement aangekondigd, valt me op. Verder volgen dan eindelijk enkele gewone mensen, die iets gaan vertellen over de val van Srebrenica, als slachtoffer, die hun 'own experiences' gaan vertellen. O jee, foutje, Karremans wordt wél aangekondigd, alleen veel later in het verhaal. Herr Ostberg zet op dezelfde pagina Srebrenica in één lijn met Katyn, Lidice, Oradour en Kragujevac. Toe maar, als je de spandoeken van de 'Gesellschaft für bedrohte Völker' zoals ze die in Buchenwald hebben gebruikt voor de geest haalt, waarin Hitler samen met Karadžić en Milosević en natuurlijk in deze dagen ook onvermijdelijk, met Stalin, wordt genoemd, zou je je bijna afvragen of Herr Ostberg niet soms zèlf lid is van deze 'mensenrechtenorganisatie', die hier gisteren met busladingen moslims stond te demonstreren. Ik word misselijk.

Het voornaamste doel van deze dagen is natuurlijk aandacht krijgen van de media, want de Tadić-zaak is een beetje aan het slijten, zelfs CNN erkent dat, en dan moet je iets anders gaan organiseren. Er hangt een lijst met alle persagentschappen en dagbladen die voor de komende dagen een plaats op de tribune hebben gereserveerd, en deze lijst bevestigt wel zo'n beetje wat in de vorige zin staat: om maar een greep te doen, aanwezig zijn: NOVA, Los Angeles Times, Deutsche Welle, Volkskrant, Trouw, A.D., Toronto Star, New York Times, la Republica, Norwegian Press Agency, ABC, Liberation, ARD (Duitsland), WTN, the Guardian (ja, diezelfde Guardian gebruikt een getuige van de aanklager in de Tadić-zaak als 'neutrale' reporter, ene Ed Vulliamy, die zo leuk vergeet soms om de kruisverhoren in zijn verslagen te melden!), Amnesty International (?), Journal Vesti, Time Magazine, CNN, Telegraaf, etc. etc.

We zullen maar beginnen met de eerste getuige, 'another expert' hoor ik straks misschien weer door de zaal galmen, maar nee, de journalisten zijn vandaag extra volgzaam omdat het nú toch écht over de Grosse Fische zal gaan, en daar behoort gepaste eerbied bij. Professor Garde is een klein mannetje in een mosgroen kostuum, kalend hoofdje, van een jaar of 70. Een rond koppie met een strenge, Franse neus. Leest u hier niets negatiefs in, ik houd van Franse neuzen, ze hebben adel, en in mijn Nederlanse familie die eigenlijk uit Frankrijk komt stikt het ook van die neuzen, dat u het maar weet.

Prof. Garde verklaart de secessie van Slovenië en Kroatië als een uiting van de drang naar democratie toen overal in het Oostblok het communisme viel in 1990. Maar de Serven onder Milosević waren daar tégen in verband met Kosovo. Zou precedenten scheppen. Na de verkiezingen in Slovenië en Kroatië kwamen de anti-communisten aan de macht, in Kroatië gebruikte de nationale partij slogans waar de Serven die daar woonden van schrokken, de angst groeide, de nieuwe grondwet maakte de Serven ineens tot tweederangs burgers, in praktijk hadden ze niet altijd meer alle burgerrechten (nou, professor, dat is toch wel heel eufemistisch gezegd) en Belgrado zette een tegenpropaganda-campagne in waarin steeds weer op de genocide van 1941 werd gehamerd. Dit alles aldus Prof. Garde. Tot nu toe gaat het nog, en enkele mensen van de Joegoslavische oppositiepers zijn woedend: zij vinden dat prof. Garde net zo goed voor CPHA, de Bosnisch-Servische pers, zou kunnen werken. Hoorde men op de trap tijdens de koffiepauze! Dan weet ik dus weer wat de opvattingen zijn van de 'liberale' oppositie in Belgrado...

Alles begon dus in 1990. Goed zo, professor, dan blijven de Grote Planners dus buiten schot, die zitten in Berlijn, München, Ankara, Rome, Teheran, Riyadh, en natuurlijk Washington. Mits de rechters van de eerste Kamer natuurlijk geen nare vragen stellen, maar dat doen ze niet, want ook de eerste Kamer is van een

zorgvuldige samenstelling, zoals trouwens heel het personeel hier. In de eerste Kamer zitten Claude Jorda, een Fransman, Ms. Elizabeth Odio Benito, van Costa Rica en Fouad Riad van Egypte. Twee uit Rooms-Katholieke landen en één van een moslimland. Natúúrlijk zijn ze neutraal en misschien zelfs wel atheïst of humanist. Dat wil ik onmiddellijk aannemen, want ik heb een zeer beleefde opvoeding gehad, maar toch, er zitten er zoveel van rooms-katholieke en islamitische landen in de staf, bij de 'onderzoekers' etc. Wat ik echt mis in de samenstelling van het personeel of de juristen zijn de Slavische vertegenwoordigers, en ook de protestanten uit niet-Angelsaksische landen. Ook de Britten zijn ondervertegenwoordigd. Het blijft opvallend.

Toen, want prof. Garde gaat onverdroten verder, legden de Serven wegversper-
ringen aan, en ontwapenden ze Kroatische politie. Het eerste massacre vond
plaats op 2 mei 1991 door Serven op Kroatische politiemannen. Na het referen-
dum van 25 juni 1991, waarin vóór onafhankelijkheid werd gestemd, begon het
JNA in te grijpen.

Op de vraag van de aanklager, Mr. Bowers heeft de beurt vandaag, een Amerikaan,
die samen met Mr. Harmon, ook een Amerikaan en Mr. Eric Ostberg, een Zweed,
het team van aanklagers vormt, hoe het Servische nationalisme zich manifesteerde
in Bosnië-Herzegowina, voortaan weer B.-H., antwoordt hij met een uitleg over
de SDS, met aan het hoofd mr. Karadžić, een anti-communist die sterk gesteund
werd door de orthodoxe kerk. En als je dan geen vragen stelt over het
nationalisme van de HDZ of dat van de SDA, tja, dan heb je dus een zeer eenzij-
dig beeld voorgeschoteld gekregen en het opmerkelijke is, dat deze rechters,
die toch tien keer meer geleerd hebben dan ik en zeker acht keer intelligenter
moeten zijn dan ik hier gewoon vrede mee hebben. Zijn ze nu echt zo oliedom
of wat?

Hij vertelt hoe Izetbegović als president werd benoemd, o ja?, en daarna begint
men met het tonen van het bewijsmateriaal. In die bewijsstukken, die uit brie-
ven en verklaringen bestaan, wordt aangetoond hoe Karadžić constant contact
on derhield met Milosević, en hoe hij steeds meer grip krijgt op de SDS-partij
en uiteindelijk via een presidium van drie man tot president wordt gekozen.
Enerzijds is de vorming van de structuur van Republika Srpska zo legaal gebeurd,
aldus prof. Garde, maar eigenlijk toch weer niet. Al kan ik het illegale van
de wens om binnen een staat te blijven die internationaal erkend was, nl. de
Republiek Joegoslavië, niet inzien, evenmin kan ook déze prof. Garde mij niet
duidelijk maken wat er zo legaal is aan eenzijdige afscheiding, zoals Slovenië
en Kroatië en daarop B.-H. deden. Maar iedereen die hier zit is natuurlijk
staatsrechtelijk en politiek véél beter geschoold dan ik, dat spreekt vanzelf.

De visie van prof. Garde omtrent het ontketenen van de oorlog in B.-H. door een
te vroege erkenning van Kroatië krijgen we ook nog vóór de lunch te horen:
hij vindt dat juist het erkennen van Kroatië de oorlog deed stoppen, want toen
hield het vechten in Kroatië juist op, na eerst 6 maanden geduurd te hebben.
Toen hielden ook de massacres op, zoals bijv. te Vukovar. Hij vond het goed van
Duitsland om zo vroeg te erkennen, want zo zou het conflict internationaal wor-
den en zou interventie gelegitimeerd worden, waarop het JNA ophield met de oorlog.
Kennelijk heeft Garde niet naar die BBC-serie gekeken, waarin de koehandel
vanwege het Verdrag van Maastricht toch redelijk uit dedoecken werd gedaan.
Maar je kunt ook niet alles bijhouden, dat geef ik toe. En die Frans-Duitse As,
die is natuurlijk ook wat waard, precies...

De Arabische rechter vraagt of de Servische militia onder commando van het
JNA stonden. Garde: Nee, maar sommige paramilitaire groepen van Serven, bijv.
de Tijgers, de Witte Adelaars, hadden tot taak conflicten met de Kroaten uit
te lokken, zodat het JNA een excuus zou hebben om in te grijpen. En in juli en
augustus '91, toen het JNA de Kroatische posities aanvielen, deden de militia
na de aanvallen het slachtwerk.

De Arabische rechter Riad: Sinds wanneer vond er etnische slachting plaats
in dit gebied?

Garde: Sinds het Oostenrijks-Hongaarse keizerrijk. Dan op de moslims. Daarna
in de jaren '30 op de moslims door de Serven in Servie en Montenegro.

Daarna in de jaren '40 de Rooms-Katholieken, in de vorm van Kroaten die de Serven tot slachtoffer maakten. Voor het eerst waren het niet de moslims die slachtoffer werden van etnische zuivering, maar andere christenen.

Maar in de jaren '90 waren de etnische zuiveringen systematischer en op grotere schaal dan ooit tevoren. (Deze professor heeft nog nooit van Jasenovac gehoord, maar wacht u even wat hij straks te zeggen heeft. U zult uw ogen niet geloven.)

Rechter Jorda:

Hoe definieert u etnische zuivering?

Garde:

Etnische zuivering is als in een bepaald territorium een bepaalde etnische groep wordt geëlimineerd d.m.v. uitmoorden, verdrijven, weggagen m.b.v. intimidatie of zodanig handelen dat de ongewenste etnische groep uiteindelijk op eigen initiatief het gebied verlaat. (Dùs, prof. Garde, wat er gebeurde in de Krajina in augustus '95 was wèl etnische zuivering!)

Op de vraag of de moslims nu een etnische of een religieuze groep zijn, blijft prof. Garde eigenlijk het antwoord schuldig.

Garde:

Pas in de 20e eeuw werden zij een etnische groep. Via het erfgoed (heritage) van de samenleving van moslims zijn zij nu een etnische groep, en men schrijft dan over Moslims met een hoofdletter. Er zijn moslims die niet praktizerend zijn, maar ook zij zijn Moslims omdat zij behoren tot families die moslim in hun traditie zijn.

Wat is dit voor een antwoord? Kun je via een geloof plotseling raskenmerken oplopen? Of een eigen taal krijgen, wat, toegegeven, geen stamkenmerk is, maar toch. Heeft deze heer ooit culturele antropologie gevolgd als student? Waar is deze professor eigenlijk op afgestudeerd? Kwam er plots een 'stam' van moslims op de Balkan binnenvallen, wanneer dan, en wat zijn de raskenmerken van moslims dan? En nou zal ik wel voor racist versleten worden, maar als men de kenmerken van Slaven, Teutonen, Magyaren, Inuit, Bosjesmannen of Australiers kan opsommen, dan wil ik dat graag ook eens horen van 'Moslims'. Iedereen is uitgenodigd!

Rechter Riad:Werd verkrachting ook als wapen gebruikt?

Garde: Ja, want de vrouwen wilden nooit terugkeren naar de plaats waar ze verkracht werden.

Rechter Riad:(vraagt altijd de 'etnische zuiveringsvragen'):

Wie promootte eigenlijk de etnische zuiveringen?

Garde:

De Serven deden dat, al sinds 1937 onder Mihailović, toen ze de Albanezen wegjoegen uit de Kosovo.

Het stamde dus van de Serven. Het hing in de lucht.

Ik ken geen teksten waarin tot etnische zuivering werd opgeroepen.

Nee, Garde, die zal jij niét kennen. En het boek:"Deviations from Historic Truth" van Tudjman dan, en het lidmaatschap van de SS van jullie favoriet Izetbey, u wilt zeggen dat u het gedachtengoed, welke zeer uitgebreid op schrift is gesteld, van de Ustasha en de SS niét kent? Dit accepteer ik niet, zowaar er nog overlevenden van de Tweede Wereldoorlog zijn!

Garde gaat in de loop van zijn getuigenis onverdroten verder, hoe het hoofd van het leger in '91 was ene Stipe Mesić, een Kroaat, maar het JNA weigerde hem te gehoorzamen, zij zagen hem als hun vijand. Tja, vreemd hè? Er worden brieven getoond, waarin Karadžić bijv. Milosević feliciteert met zijn verkiezing als president van Servië, waarbij hij ondertekent als president van de SDS en als president van de Nationale Servische Raad van B.-H. En meer van dat soort bewijsmateriaal. Alles staat keurig met nummering genoteerd, op mijn stenoblokken, men kan het allemaal nalezen als het nodig is. Allemaal bewijzen, hoe Karadžić beetje bij beetje de macht greep en zo ook het hoofd van het Bosnisch Servische leger werd. Met Mladić, die na eerst in Knin gediend te hebben, tot generaal en oppercommandant van het nieuwe leger werd benoemd. Hij noemt de methoden die dit leger gebruikte dezelfde als die eerst door de Serven in de Krajina werden gebruikt, en een jaar later passen ze dat dan ook in Bosnie toe. Hij zegt dat het JNA niet terugtrok uit Bosnie, maar zich slechts omdoopte tot Bosnisch Servisch leger. Een Servische kennis merkte naderhand op, dat men toch niet kon verwachten dat het terugtrekkende JNA ook maar even alle Serven had moeten meenemen uit Bosnie. Maar kennelijk wel.

We zien dezelfde stukjes video, als bij mr. Gow, bijv. waar Karadžić zegt, op 15 oktober '91, dat B.-H. dezelfde snelweg naar de hel opgaat als het zich losmaakt uit Joegoslavië. Hoe wil men voorkomen dat allen gedood worden? Waarom men hier deze scène toch telkens weer gebruikt als bewijs snap ik niet, men kan hooguit concluderen, dat dit profetische woorden waren, en dat men géén oorlog wilde. Maar in deze rechtszaal wordt het 180° andersom uitgelegd.

Prof. Garde vindt verder dat het een teken aan de wand was, dat de Serven in Bosnie een eigen krant hadden. Hierin vindt hij een bewijs van de wil tot opdeling. Maar waarschijnlijk hadden alle bevolkingsgroepen wel zo hun eigen kranten, naast de nationale kranten. Maar dat weet die arme man weer niet. Wat jammer, dat er hierna geen kruisverhoor zal volgen om tenminste nog iets te kunnen repareren! Ik zou het zelf wel willen doen, het zou me misschien niet eens zo slecht afgaan.

Op 21 november '91 wordt dan, aldus Garde, de afscheiding van de Serven uitgeroepen uit B.-H., waarna de Serven eigenlijk het plan hadden zich te voegen bij de Republiek Joegoslavië. De Kroaten en moslims hadden géén plannen om hun eigen gebiedsdelen te creëren. (We springen bij deze professor van de ene leemte in 'kennis' naar de andere, ik hoop dat ik niet in één van die leemten verdrink.)

Op kaartjes krijgen we de militaire situatie te zien, waarbij de kaart van november '92 goed correspondeert, vindt men, met de plannen van november '91, waarmee dus 'aangetoond' is dat de Serven de gebieden die ze wilden veroveren ook daadwerkelijk ingenomen hadden. In Brcko zou een allervreselijkste etnische zuivering hebben plaatsgevonden, wordt plots opgemerkt door prof. Garde, en ja, gisteren zei Karadžić dat hij iets in ruil voor zijn 'opstappen' wou, nl. een minimale garantie voor de zelfstandigheid van de Republika Srpska en dat de strategische stad Brcko aan de Serven zou worden toebedeeld. (Hierover is nl. in Dayton niet beslist). Misschien alvast een voorzetje van de 'internationale gemeenschap'?

Er worden luchtfoto's getoond, waarin de huizen van moslimdelen van een stadje blijkbaar allen kapot zijn, maar de orthodoxe kerk en de huizen daaromheen niet. Ik kan met het allergrootste gemak foto's laten zien waar het precies andersom zou zijn, maar ja, ik zal wel nooit binnen die rechtszaal komen, hooguit in de beklaagdenbank.

Eén opmerking van deze professor wil de lezer toch niet onthouden, daar moet maar eens terdege onderzoek naar worden verricht. Namelijk deze, die gemaakt werd toen het over bewijsstuk 17. ging, de Proclamatie van de Servische Republiek in B.-H., daarvan artikel 1: de territoriale afgrenzing wordt hierin genoemd, als autonome regio's en districten met een Servische meerderheid van >51%, alsmede die gebieden waar de Serven hun meerderheid verloren ná de genocide in de Tweede Wereldoorlog. De professor vindt dat een extreem vage omschrijving, kon elk gebied zijn. Hoe bloedig de genocide in de Tweede Wereldoorlog ook was, volgens Garde, het heeft nooit de etnische samenstelling in Bosnië significant gewijzigd, dat is een Servische mythe. Er kan geen gebied of gemeente worden genoemd, aldus Garde, waarin de etnische samenstelling beduidend werd veranderd door die genocide. Of iemand dit eens wil onderzoeken, want hier ben ik toch echt benieuwd naar. In art. 2 van de proclamatie wordt, en Garde leest heel luid in het Servokroatisch voor, dat iedereen maar goed hoort dat hij die taal kent, "waar Serven de meerderheid hadden vóór de Tweede Wereldoorlog." Maar de genocide was overal begaan, dus, alweer volgens Garde, Karadžić wou eigenlijk alles hebben. Daar komt dit betoog op neer.

Alles, maar dan ook alles, wordt door de rechters van Kamer 1 voor zoete koek aangenomen. Eigenlijk moet ik erkennen, dat Tadić ondanks al zijn pech toch een geluksvogel is met Kamer 2. Wat verlang ik bijna naar McDonald!

De volgende getuige is aan de beurt, maar niet voordat rechter Jorda met zijn allerliefste stemmetje professor Garde heeft bedankt, en zegt: "U zult wel heel moe zijn, na zo'n lange uitleg?" Het had weinig gescheeld, of Jorda had die man een aai over zijn kale bol gegeven. Wat een ouwejongensboerenkrentebrood-sfeertje!!!

De volgende getuige is ene mr. John Ralston, John Hunter Ralston, om volledig te zijn. Hij was politie-officier in New South Wales (Australië) en inderdaad is zijn Australische accent afschuwelijk, de hele tijd worstel ik met zijn nauwelijks te verstane Engels, of hoe je dit taaltje ook mag noemen.

Aanklager Harmon neemt het over, een voor zijn 51 jaren nog zeer goed uitziende Amerikaan, een typische WHASP-Amerikaan, looking lean and mean. Vele dames zullen dit een knappe man vinden, maar geef mij maar donker haar en iets minder 'cool' van karakter. Deze Harmon denkt goed te scoren met John Ralston, moet wel, want hij heeft inderdaad iets interessants in zijn 'record'. Ralston was nl. 'senior investigator of the Commonwealth' inzake Nazi-onderzoek. Bedoelt hij oude of neo's? Dat wordt niet zo duidelijk. We gokken op oude nazi's, waarvan er inderdaad genoeg een veilig heenkomen hebben gezocht en gevonden in o.a. Australië, dus er viel wel wat te onderzoeken. Aan de andere kant zou je ook kunnen denken aan de abominabel lage score van gevonden en berechte oud-nazi's die hun nieuwe 'home' in bijv. Australië of Canada vonden. Maar dat is nu, na 50 jaren, natuurlijk gezeur. Een kniesoor die daar nu nog aan denkt: mr. Ralston heeft vast uitstekend zijn best gedaan. Je moet ook niet overal beren gaan zien.

Sinds november '95 is mr. Ralston 'commander of investigations' in het onderzoek naar de verantwoordelijkheid van Karadžić en Mladić inzake de beschuldigingen, in het onderzoeksteam van het Tribunaal. Een naam om te onthouden. Ralston moet alles, gelardeerd met documenten en schema's, vertellen over de opbouw van de SDS, over de doelen aan de SDS, over de positie van de SDS in de oorlog in B.-H., hij merkt o.a. op dat Karadžić altijd zei dat na de Tweede Wereldoorlog de Serven zichzelf de grootste genocide hebben aangedaan, door accoord te gaan met het opdelen van gebied waarin Serviërs woonden in de verschillende deelstaten of republieken. De SDS streefde naar volledige gelijkheid van de SERven in B.-H. (Mocht dat dan niet, Ralston?) Hoe in theorie de SDS openstond voor niet-Serven, maar in de praktijk niet. Tja, hetzelfde kan ik dus, alweer, zeggen voor de HDZ en de SDA. Hoe Karadžić alles in het werk stelde dat de SDS tegen dat de oorlog naakte een sterk centraal gezag zou hebben, kortom, hoe men zich via de partij begon te organiseren voor een aanstaande oorlog. Tja, dat deden de andere partijen ook. Dat de informatie op gemeentelijk niveau gekoppeld moesten worden met het regionale infocentrum van een gebied, daarbij leest hij een document uit maart '92 voor, waarin staat: "De bescherming van de Serven benodigt een snelle uitwisseling van informatie". Zal ik de heer Ralston eens de uiterst centralistische organisatie van informatievergaring en -uitwisseling van de CDU (partij van Bondskanselier Kohl) eens uit de doeken doen? Zouden ze daar in Duitsland ook weer een oorlog plannen? Nee, dát land is natuurlijk boven elke verdenking.

We krijgen weer kaartjes, luchtfoto's en beelden van Omarska, altijd dezelfde, te zien, die magere man die ze altijd weer naar voren duwen, en de rest staat er goed doorvoed omheen, maar dat zie alleen ik, en van een stel zeer magere mannen die in een refter of zoiets zitten te eten, heel gretig, alsof ze dagen niets gekregen hebben, en misschien is dat ook zo. Hij vertelt dat in sommige ruimtes van Omarska-kamp haar- en huddelen en bloed aan de muren plakten, en dat gevangenen soms levend in het vuur werden gegooid. (Dát is een nieuwe!)

Opvallend is dat Ralston alles, maar dan ook alles, van papier opleest. Hij mag geen enkele vergissing maken. Het is goed geregisseerd. De hier in Nederland bij vele ouderen nog wel bekende SS-er Schreieder, van het Englandspiel, zette ook altijd alles eerst op papier, sinds de oorlog voorbij was. Schreieder nam ook nooit enig risico. Voor het geval dat.

Maandag a.s. om 10 uur gaat dit hele circus weer verder. De nieuwe rechtsspraak van de Nieuwe Wereldorde duldt geen wederwoord, dat is nu wel evident. "The Tribunal will create an historical record against him (Karadžić en Mladić)" Inderdaad, dit Tribunaal zal er alles aan doen om de échte veroorzakers van deze afschuwelijke oorlog nooit als zodanig in de geschiedenisboeken te doen vermelden. Het herschrijven van de geschiedenis is in volle gang...

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"De buitenlanders waren langer, niet één met zwart haar zoals wij Joegoslaven, en ze praatten een taal die leek op Duits" zegt Dusan.

Dusan Milincić uit Divoselo is een overlevende van een door het Kroatische leger uitgevoerde etnische zuivering in de Medak-enclave, Oost-Kroatië, in september 1993.

De overlevenden van deze slachting spreken steeds weer over "die blonde, lange jongens".

Inmiddels weten we dat het om Nederlandse huurlingen in het Kroatische leger ging. Zo meldde de Amersfoortse Courant van 15 januari '97. En gooit daar een goed gedocumenteerde reconstructie in 3 delen achteraan, van de hand van Rob Siebelink (waarvoor hulde en dank!). Helaas is deze zoveelste poging dit schandaal onder de aandacht te brengen, zelfs na de uitzending van Netwerk op 23 januari jl., slechts ten dele gelukt. In plaats daarvan enkele dagen later weer het traditionele gebakkelei over Srebrenica.

Uit het leven van een 'gezonde Hollandse jongen'.

Johannes Tilder, beroepsofficier in het Nederlandse leger, deserteerde van de Navo-basis Seedorf eind 1990, begin 1991, volgens Siebelink 'omdat zijn verlovingsuit was'. Duitsland was net 'wiedervereenigt'.

Hij komt in het Franse Vreemdelingenlegioen, waar het vanouds wemelt van extreem-rechtse figuren. Na 7 maanden deserteert hij opnieuw en gaat terug naar Nederland. Op 2 november 1991 een persbericht van de Nederlands-Kroatische Werkgemeenschap (NKW), waarin klakkeloos de Kroatische propaganda wordt overgenomen "over Stalinistisch geïndoctrineerde Serviërs die planmatig kerken, kloosters en monumenten vernielen, de conventies van Genève met voeten treden, genocide plegen" etc. Kortom, de lezer weet nu wiens propaganda de Nederlandse journalisten steeds hebben verspreid!

"Vanaf vandaag", aldus het persbericht, "zal worden gestart met het werven van Nederlandse vrijwilligers om zich aan te sluiten bij de al in Kroatië aanwezige zijnde Amerikaanse, Duitse, Schotse en overige formaties". Waarvan akte. Tilder erop af. "Hij wist niets van connecties met extreem-rechts" haast Siebelink zich om te schrijven. Stationsrestaurant Amersfoort, november '91: Douwe van der Bos, van de CP'86 (nu is hij bij het Nederlands Blok) en ex-sergeant Van Noort, beiden van de NKW, geven Tilder opdracht de komst van een grote ploeg Nederlanders in Kroatië voor te bereiden. Van Noort: "er zijn nog veel meer kandidaten".

= Van Noort is bekend om zijn parachutistentrainingen aan huurlingen voor Kroatië die hij op de Wadden kon geven!

Verbindingsman wordt ene Henk Jolink, een zakenman met een Kroatische vrouw en natuurlijk, hoe kan het ook anders, ook geen rechtsextremist. Later betaald voor bewezen diensten met een mooi huisje aan de Adriatische kust.

Eind november '91 meldt Tilder zich bij het Ministerie van Defensie te Zagreb.

Tilder: "Het bataljon waarin ik terecht kwam was een janboel. De uniformen Kroatisch en Amerikaans, de helmen Joegoslavisch (JNA) en VN". (!)

Dan naar Gospic, bij de Medak-enclave, waarna de rest van het Nederlandse contingent mocht komen. Die kwamen via een konvooi van "Caritas" een Nederlands-Kroatische organisatie met als dekmantel humanitaire hulpverlening, maar nauw verbonden met het Kroatische leger.

De First Dutch Volunteer Unit (waren er meerdere?) was een feit. Tilder zal over hun activiteiten later in Servische gevangenschap niet veel loslaten, maar ene Marc Molenaar wil na terugkeer in Nederland wel een voorbeeldje geven.

"De Kroaten bombardeerden het dorp Canak (waar Serven zaten...) en wij wachtten om vluchtende Serviërs te onderscheppen."

Voorjaar '92 de Internationale Brigade ontbonden onder buitenlandse druk. Maar Tilder bleef; hij had een Kroatische vrouw 'ontmoet' en trouwde haar. Waardoor hij tevens de Kroatische nationaliteit kreeg! Per 15-6-'92. Vele Nederlanders bleven via de NKW komen, maar dan "op persoonlijke titel".

Mede door zijn Kroatische nationaliteit kon Tilder opklimmen tot commandant van de 9de Kroatische gardistenbrigade Vukovi (Wolven).

Unprofor biedt de helpende hand...

Volgens Tilder leverde Unprofor belangrijke informatie aan het Kroatische leger. Tilder legt eind '92 in opdracht van chef-inlichtingen Ante Dosen contact met Unprofor in Simljan, bij Gospic. Tilder had kennelijk het juiste Edelgermaanse voorkomen, sprak Engels en bracht cognac. (Benadrukt Siebelink, maar of Unprofor daar zo'n gebrek aan had?) "Dan dronken we wat en mocht ik op de militaire stafkaart kijken".

Tilder spreekt in het videoverhoor (tijdens zijn gevangenschap opgenomen) ook over een Nederlandse officier uit Seedorf "die hij niet kon". Deze officier gaf informatie over Servische stellingen en hun uitrusting.

Operatie "Verschroeide Aarde" (Zemlja Spremna)

Hoogtepunt uit het leven van deze Hollandse jongen is operatie Verschroeide Aarde, de totale zuivering van Serviërs van de Medak-enclave, gevolgd door het systematisch vernielen en afbranden van alle gebouwen en opstallen en het vergiftigen der waterbronnen. Start: 8 september 1993 om 23 uur.

VN-generaal Jean Cot zal later over zijn bezoek aan de enclave, op 19 september 1993, rapporteren: "De vernietiging van de enclave is totaal, systematisch en opzettelijk".

Hoewel Tilder die eerste dag van de 'operatie' nauwelijks militaire tegenstand ondervindt, is ook voor hem deze operatie niet geheel van heldendaden verstoken gebleven.

Een voorbeeld: "We troffen een gewonde Servische soldaat aan in de berm.

Miko Petti stak hem de ogen uit en deed ze in een zakje. Anderen hielden de armen van de Serviër vast, en ik hield zijn benen vast".

(Verkorte weergave uit het videoverhoor)

Ante Pavelic, de Kroatische Ustasha (nazi)leider in 1941-1945, had een verzameling van ogen van Servische vrouwen. Deze liet hij vol trots zien aan buitenlandse bezoekers!

Op 11 september kreeg Tilder opdracht de berg Debela Glavate omsingelen. Op de berg hadden zich nl. Serviërs verstopt, vluchtelingen uit omliggende dorpen. De specifieke opdracht luidde: "Doodt iedereen die van de berg af naar de dorpen probeert te vluchten". Opdrachtgevers: Mirko Norac en Krmpotic. En Tilder gehoorzaamt, prompt.

"Wat voor mensen waren het (die van de berg afvluchtten)"

Tilder "Meer vrouwen dan mannen, meneer"

"Hoe oud waren de vrouwen?"

Tilder "55,60 tot 70 jaar, meneer"

"En hoeveel mannen?"

Tilder "Zeven of acht, meneer"

"Hadden ze wapens bij zich?"

Tilder "Ik heb geen wapens gezien".

(uit het videoverhoor)

Aan het eind van de operatie kwam bevelhebber Norac kijken. Krmpotic rapporteert: "Nu is alles schoon in Citluk en op de Debela Glava". "Dobro. Goed werk", zei Norac. Toen gaf hij bevel alles in brand te steken en met de grond gelijk te maken. En men deed het... ook onze Hollandse jongen.

Hoe het onze jongen verder vergaat? April '94 moet hij contact leggen met, het wordt eentonig, Unprofor in Teslingrad, een Servische grensstad, om gegevens te krijgen over Servische versterkingen en de granatenfabriek aldaar. In de planning was een Medak-deel 2-operatie.

Hij wordt echter door Serviërs gevangen en dezen hebben de tegenwoordigheid van geest gehad zijn verhoor op video vast te leggen. Zelfs het Joegoslavië-tribunaal kon er niet onderuit! (Of toch wel?)

Bij een vluchtpoging (?) op 16 mei 1994 wordt Tilder gedood. Vermoord?

Mr. Savo Strbac, toen rechter te Knin, zegt hierover: "Tilders dood was een enorme tegenvaller. Tilder heeft alles geweten. Namen, daden etc. We konden de

wereld laten zien dat Serviërs óók slachtoffers zijn." Zo bekeken hadden velen, ook 'gerespecteerde organisaties', alle belang bij Tilder's dood!

De Verenigde Naties rapporteert...

Als dank voor de medewerking komt ook Unprofor tijdens operatie Zemlja Spremna onder vuur. Twaalf uur lang wordt het Canadese VN-peloton bij Medak gebombardeerd. VN-afgezant Stoltenberg 'eist uitleg' van de Kroatische president Tudjman, die de internationale verhoudingen beter blijkt te kennen en zich nergens iets van aantrekt.

De Kroaten hadden de tijd tot 17 september om alle lijken voor Unprofor en de media te verbergen.

VN-generaal Cot spreekt over een van hogerhand opgelegde training. In het "Report of the Medak-operation" een uitgebreide opsomming van alle verwoestingen: 164 huizen en 148 schuren, dat betekent elk gebouw in de enclave. Canadese teams vinden lichamen op afgelegen plekken "waar je overheen kon kijken" en vele rubberen handschoenen, het werk moest grondig gedaan maar geen vuile handen, bitte.

Hoe het Tribunaal reageert...

Het zou volgens het Tribunaal om een van de eerste systematische etnische zuiveringen in de oorlog zijn gegaan. Daarom is ze (nu pas. ⁹⁴) een onderzoek naar de Medak-enclave begonnen.

Hiermee gaat ze meteen in de fout. Al op 26-2-1993 biedt de Joegoslavische federale commissie voor oorlogsmisdaden een rapport over genocide op Serviërs in de gemeente Metkovic aan aan de VN-commissie van experts. En vele rapporten volgen. Men beweert echter bij monde van de chef van de VN-commissie, de Egyptenaar prof. Mammoud Sharif Bassiouni, dat men deze niet ontvangen had! Toen Dr. Milan Bulajić, directeur van het Museum voor Genocide te Belgrado, het gedraai zat zijnde, alle documentatie in juli '94 persoonlijk naar New York bracht, klaagde men daar over "de kosten, wel \$ 3.000 per pagina" die publicatie ten gevolge hebben. Veel van het materiaal is tot op heden nog niet naar de aanklagers in Den Haag verzonden.

"En men had ook zo weinig tijd", aldus mr. Creilen van de Erasmus-universiteit, die behoorde tot de VN-commissie die eind oktober '93 naar de Medak-enclave afreist. Alles was toen keurig weggewerkt. De aanklacht die voor het Tribunaal werd gemaakt, bevat natuurlijk géén namen van verantwoordelijken. Op dit moment zijn er mensen van het Tribunaal in Belgrado en Banja Luka, voor verder onderzoek, maar een uitleg over het jarenlang naast zich neerleggen van bewijsmateriaal brachten dezen niet mee!

De vragen die niet gesteld worden...

"Hij die in vreemde krijgsdienst treedt verliest zijn recht op Nederlanderschap." Jarenlang luidde de wet aldus.

Wie nu denkt, dat de "Hollandse" jongens en ronselaars als Douwe van der Bos en figuren als het Rotterdamse gemeenteraadslid Martijn Freling die van '91 tot en met '93 regelmatig aan de zijde van Kroatië vocht, daarmee Nederlander àf zijn, wacht een teleurstelling. Vlak vóór het uitbreken van de oorlog in Joegoslavië gestart wordt, dekt men zich in.

J. Zuidwijk van de universiteit van Amsterdam: "Men verliest nu alleen zijn Nederlanderschap indien dat andere land Nederland de oorlog verklaart. Het ronselen van Nederlanders voor vreemde krijgsdienst is wél strafbaar."

Ook hier wacht ons een teleurstelling. Eén van de ronselaars was ene Jeroen Woudstra. Hij werkte toen als sergeant op luchtmachtbasis Leeuwarden! Ook anderen binnen de NKW waren t.t.v. ronseling in actieve dienst of lid van de Nationale Reserves (NatRes), bijv. ene A. van Houten, uit Geleen, en ene P.G. Zillen, sergeant-majoor NatRes.

Navraag door het Fascisme Onderzoeks Kollektief bij het leger geeft:
 "Je mag als actief dienend militair of lid NatRes wèl huurlingen ronselen,
 als het maar niet in uniform gebeurt of met faciliteiten van Defensie".
 Universitair docent Zuijdwijk mag naar huis...

Gemeenteraadslid voor CP '86 Freling mag blijven... hij staat niet op de
 lijst van 13 namen van Nederlandse huurlingen die het Tribunaal wil vervolgen.
 Wellicht omdat hij in een Duitse eenheid diende?

En waarom die wetswijziging zo 'op tijd'?

Waarom reageert het leger zo lakoniek? En wat is de rol van de NAVO hierin,
 gezien de Seedorfse officier?

Waarom daalt er weer meteen een mediastilte over dit onderwerp?

De NKW en (dus) de CD en de CP (en nu het Nederlands Blok) hebben nu een lijst
 met namen van lui, die bereid zijn en ervaring hebben in het actief tegen
 linkse mensen, Serviërs en wie verder ook ongewenst is, te vechten met nazi-
 methodes. Een lijst van een misdadige knokploeg, door overheid, wet en BVD
 (heet nu de Algemene Inlichtingen-en Veiligheidsdienst. gedoogd, die
 bereid is met SS-methodes te werk te gaan!

Tegen wie? Waarom? Wanneer?? In opdracht van wie???

Epiloog. Antwoord?

Pero Zrdal is nu 63 jaar. Op 2 augustus 1941 ontsnapte hij als jongetje aan
 een Kroatische Ustasha-aanval op zijn dorp. Na de oorlog keerde hij terug naar
 dat dorp, want het was zijn geboortedorp.

Maar die dag in september 1993 was het alsof de film uit zijn jeugd opnieuw
 werd afgespeeld: "Het leek alsof de Ustasha was teruggekomen om het werk van
 1941 af te maken".

Dat was ook zo, arme Pero...

januari 1997

Bronvermelding:

- Amersfoortse Courant van 15, 16, 17 en 18 januari 1997;
- Drentse Groningse Dagbladen, 16 januari 1997;
- Rotterdams Dagblad, 1 februari 1996;
- Het ABC voor Huurlingen; FOK-uitgave.
- Jasenovac, das jugoslavische Auschwitz und der Vatikan; Vladimir Dedijer;
 Belgrado 1987; Ahriman-Verlag, Freiburg, 4e druk febr. 1993.
- Alternative Yugoslavia Tribunal; Dr. Milan Bulajić; Belgrado, 1995.
- Contextualising Hate: the Hague Tribunal, the Clinton administration and
 the Serbs; Prof.dr. Raymond K. Kent; Dialogue, Parijs, januari 1997.



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Omarska Camp trial

Former camp detainees come to defence of a camp guard.

Tribunal Update 211, Last Week in The Hague (March 5-10, 2001)

The Defence lawyer for Bosnian Serb Mladjo Radic, accused of crimes in the Omarska concentration camp, said last week that Bosnian war outrages could be attributed to "centuries-old hatred" among its peoples.

Toma Fila's remarks, however, did not prevent him from summoning six Bosnian Croats and Muslims as defence witnesses for the accused Serb policeman.

All of the witnesses had been detained at Omarska during a period in 1992 when Radic was alleged to have been in command of one of the guard shifts.

The witnesses, whose identities have been concealed, said people lived in "harmony and love" in their ethnically-mixed village of Ljubija near Prijedor.

They claimed that during their detention Radic, alias Krkan, brought them money, food and cigarettes, and protected them from soldiers, police reservists and civilians who were allowed to maltreat the detainees.

In addition, they say that Radic was an "ordinary policeman", with no powers of command over other officers and soldiers in "his shift".

However, several dozen prosecution witnesses, all of them former detainees, claimed Radic's shift was definitely the worst, with the largest number of killings, heavy beatings and torture of detainees.

Radic will be cross-examined by the prosecutors next week.

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ethnic cleansing was already underway and that the bombing was an effort—which failed miserably—to stop it. We would then have to conclude that General Clark had forgotten these facts, that the UNHCR data on registered refugees are wrong, and that journalists on the scene who consistently and extensively reported that atrocities sharply escalated immediately after the bombing have been falsifying the record. This heroic effort was undertaken by the State Department in a report issued in May that deserves more attention than it has received.⁷

The Executive Summary states that ethnic cleansing in Kosovo "dramatically accelerated in mid-March 1999," meaning ten days before the bombing, which could therefore be understood as a response to this dramatic acceleration. The text, however, tells a different story. Its chronology begins "after the departure of the OSCE's Kosovo Verification Mission [KVM] on March 19," in preparation for the bombing, and over the objections of Serbia, not mentioned and yet to be reported.⁸ Keeping to this time frame, the chronology reports that from April 4 to mid-May over 300 villages were burned and some 500 residential areas at least partially burned. Other atrocities are also reported "since late March."

"Serbian forces have made Pristina, the capital of Kosovo, a ghost town"—after the bombing, as extensively reported from the scene, another fact unmentioned, though many pages later it is reported that residents were expelled from Pristina from April 1 (elsewhere, from April 4). The fate of Pec was the same, but again after the bombing (omitted). Other atrocities are reported "after NATO airstrikes began." The report cites UNHCR "estimates that over 700,000 Kosovars have fled [Kosovo] since the March 19, 1999 departure" of the OSCE monitors; in fact, since March 27, according to UNHCR (see p. 16). Many other atrocities are reported, following the NATO bombing.

While the chronology begins on March 19, it reports "extensive mobilization of Serbian security forces beyond earlier force deployments several days prior to the March 19 withdrawal of the KVM monitors," "following the failure of the Paris talks and in anticipation of NATO airstrikes." That seems highly credible, even in the absence of evidence. Furthermore, "The humanitarian situation,

which had improved somewhat in February, significantly deteriorated by mid-March." Again the conclusion is credible, particularly by virtue of its consistency with other reports, notably that of Marc Weller, well-placed as Legal Advisor to the Kosova (Albanian) Delegation at the Rambouillet Conference, who writes that after withdrawal of the KVM, "within a few days the number of displaced had again risen to over 200,000," two-thirds the level of Colombia in the same year.⁹ The State Department provides data only for late March, apart from the killing of one person on March 18 and a March 20 attack on three towns "on the pretense that the KLA had attacked police stations there"—an example of the "terrorism" that the U.S. had condemned sharply a year earlier. On March 20, after the monitors were withdrawn, Serb forces "launched a significant operation against KLA forces," and on March 23 they "targeted" Pristina, Pec, and other cities "for ethnic cleansing," then carried out, after the bombing.

Assuming every word in the report to be accurate, we conclude that Milosevic is (once again) revealed to be a major war criminal. And the crimes of Clinton, Blair, and their associates are again clearly exposed.

The second major documentary source on the period is the indictment of Milosevic and his associates by the International Tribunal on war crimes in Yugoslavia in the Hague.¹⁰ The charges are surely warranted, in fact long overdue. And they are far too narrow: limited to 1999 in Kosovo. According to court officials, NATO "opened the way for what amounted to a remarkably fast indictment by giving [prosecutor Louise] Arbour access to intelligence and other information long denied to her by Western governments." More accurately, we may surmise, the U.S. provided Ms. Arbour with such "intelligence and other information," or perhaps, as the accompanying story relates, "the Clinton Administration and the British Government provided intelligence information for use in formulating the indictments."

Thanks to these U.S./U.K. initiatives, "the court was able to overcome political resistance in Western capitals to an indictment whose timing was diplomatically devastating." In particular, "the United States had expressed serious concerns about the timing

when informed a few days ago about the indictment" that it had expedited with such vigor. Ms. Arbour also assured the world that the court is an entirely independent actor, in no way influenced by what governments say and do, surely not by the United States, which both expedited the indictment and simultaneously "expressed serious concerns" that the court proceeded with it. The day before, "American officials insisted...that the United States had not pressured [the court] to delay or hasten the indictment of Mr. Milosevic," whom the Tribunal has been "investigating for years" (but without the crucial intelligence and other information suddenly provided by the U.S./U.K.)." The indictment "branded the Yugoslav government as a criminal regime, an extraordinary development." British officials expressed their government's hope that "the indictment might be helpful in stiffening [the] spine" of the Clinton Administration, while describing the diplomatic track being pursued by Soviet envoy Victor Chernomyrdin as "an unattractive bet."

How these various theses are to be reconciled is less than clear, but let us ignore the problems and accept that the U.S. both opposed and favored the rapid indictment, and that the court has exhibited its independence by its "remarkably fast" reaction to unprecedented U.S./U.K. actions to accelerate the indictment that the Clinton Administration opposed, the indictment that Washington hoped would not be issued when it provided information and intelligence previously withheld.

British Foreign Secretary Robin Cook reacted by reiterating a leading thesis of the New Humanism. "There can be no deal, no amnesty for war crimes," he said, perhaps with his NATO partners Turkey and the U.S. in mind, or perhaps even London. No fear of that: any criminal proceedings will be properly focused by those with the guns and dollars.

Turning to the indictment, we find that it is "based exclusively on crimes committed since the beginning of 1999." It refers to crimes "Beginning on or about January 1 1999." A long list of examples is provided, all of them after the onset of the NATO bombing on March 24. The indictment notes that "Since the air strikes commenced, forces of the F.R.Y. and Serbia have intensified

their systematic campaign and have forcibly expelled hundreds of thousands of Kosovo Albanians." The exceptions are the Racak massacre of January 15, 1999, and "a declaration of imminent threat of war" on March 23 as NATO made final preparations for the bombing the next day (there is also a nonspecific reference to "late March").

In short, the indictment follows the same course as the State Department report just reviewed, seeking to foster the interpretation of the NATO bombing as a response to crimes beginning almost three months earlier, while offering evidence of crimes that followed the bombing.

Other arguments offered for the bombing are no more cogent, often completely irrational, referring to events that occurred *after* the decision to bomb." The primary argument in this category is that NATO had to bomb to prevent the ethnic cleansing that was "the result" of its bombing, as anticipated; a small sample has already been given. A common accompaniment is that the refugees brutally expelled (after the bombing) are calling on NATO to destroy their torturers, a great surprise. Apart from the transparent irrationality, little has been heard calling for the bombing of Ankara, Tel Aviv, Washington, and other capitals, on similar grounds, nor has the press acclaimed the bombing of U.S. embassies or the World Trade Center, still pursuing the same logic.

A leading intellectual journal presented Vaclav Havel for "a reasoned explanation" of why the NATO bombing must be supported. "For Havel, the war in Yugoslavia is a landmark in international relations: the first time that the human rights of a people—the Kosovo Albanians—have unequivocally come first."

Havel opened by stressing the great significance and import of the Kosovo intervention. It shows that we may at last be entering an era of true enlightenment that will witness "the end of the nation-state," which will no longer be "the culmination of every national community's history and its highest earthly value," as in the past. The "enlightened efforts of generations of democrats, the terrible experience of two world wars,...and the evolution of civilization have finally brought humanity to the recognition that

Despotovic, Ruza

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Serbian Unity Congress - Letter

February 16, 2000
Her Excellency Mrs. Carla Del Ponte,
Chief Prosecutor,
International Criminal Tribunal for the Former Yugoslavia
Churchillplein 1, The Hague, Netherlands

Your ref: 993280/GR/LA/tr
By fax: 011-31-70-4165355

Dear Mrs. Del Ponte:

Thank you for your letter of January 31, 2000. While this was far from being a full response to the serious points raised in my letter, I appreciate the points of legal procedure you raise. I also welcome your invitation to provide information to the Tribunal. My organization will take advantage of this offer.

I remain, however, very concerned about the question of independence and do not believe that these concerns can be dismissed by way of bland assurances or form letters. As you rightly point out the ICTY was constituted by the UN Security Council. This makes it the creation of the entire world community. If the Tribunal is to carry out this global responsibility, it is vital that it does not fall under the influence of a single country or regional organization.

I regret to say that there is at least an appearance that the ICTY has not avoided this trap, especially with regard to NATO. In the face of extreme public pressure from NATO, the ICTY has appeared to compromise the very political independence of which you speak. Your own visits to NATO Headquarters at the apparent behest of NATO confirm these doubts.

These doubts do not concern inconsequential matters. Independent reports have documented the killing of significant numbers of civilians by NATO. Whether the number was 500 or a much higher figure matters less than that civilians met their deaths at NATO's hands and that NATO has sought to cover-up this fact.

In addition, civilian infrastructure was destroyed and damaged on a major scale; the environment was deliberately targeted for destruction and contamination; indiscriminate use was made of anti-

nnel munitions such as cluster bombs.

If the ICTY is to succeed in establishing the precedent that such practices are indeed war crimes, even when practiced by western agencies, and thus protect future generations from being victimized in this way, it is imperative that you establish and guard your independence as Chief Prosecutor. NATO has already shown that it is willing and able to throw obstacles in your way and that, as an organization, it feels no compunction about interfering with the judicial process. The purpose of this letter is to urge you to stand firm, if necessary by resigning.

Sincerely,

Milosh Milenkovich
President

cc:

Members of the Congress

Vice President Albert Gore, Jr.

Secretary of State Madeleine Albright

Ambassador James Dobbins, State Department



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By Dr. Kosta Cavoski (posted 11-8-2000)

[Note: Prof. Kosta Cavoski is a distinguished Yugoslav law scholar who has taught theory of law at the University of Belgrade. This is the first of a 4 part series by Dr. Cavoski on the International Criminal Tribunal for the Former Yugoslavia, the ICTY or War Crimes Tribunal.]

"Doctor Slobodan Ivkovic, who looked after [General] Djordje Djukic during his last days, said that "inadequate treatment and therapy during his time in [the War Crimes Tribunal] prison and hospital brought on a sudden deterioration in the General's health" and added that General Djukic received salted, greasy food which "third and fourth year medical students know that patients operated on for cancer of pancreas must not eat." Nasa Borba, 9 February 1996. [From footnote 6, below]

If things begin well there is a good chance that they will end well and vice versa. The start of the first important case that was presented to the International Criminal Tribunal was a complete fiasco. The case in question was that of the Tribunal Prosecutor versus Djordje Djukic. It ended disgracefully, leaving behind a sad example of serious violation of the guarantees and institutions of criminal law which are applied and respected in all civilized countries.

Illegitimate Arrest

The arrest of a person is an exceptionally serious and dangerous act with regard to elementary human rights and should therefore be carried out with utmost caution. In civilized countries it is undertaken in accordance with procedural guarantees involving an arrest warrant when there exists reasonable doubt that a crime has been carried out, or as apprehension in the line of duty during the actual perpetration of a serious crime. General Djordje Djukic was arrested by the Muslim authorities on a road that was under the protection of the Implementation Force (IFOR). Neither the court in Muslim Sarajevo nor The Hague International Criminal Tribunal (i.e. the Prosecutor) had accused, let alone suspected him of any criminal act. Arrest implies a legal process, but he was not even arrested, he was simply kidnapped in a form of highway robbery before the eyes of the IFOR.

This took place on 30 January 1996 on a road secured by IFOR. General Lieutenant Colonel Djordje Djukic, assistant Chief of Staff of Logistics of the Republika Srpska Army in the rear, Aleksa Krsmanovic, Deputy Commander

23-11-00

the lawlessness of the Muslims and their alleged suspicion of the two for being war criminals. He then sent his experts to Sarajevo to investigate this long awaited case. During talks with CSCE representatives in Vienna, Goldstone clearly stated that proof against Djukic and Krsmanovic "was serious enough to call for an investigation"(1). Hence Christian Chartier, spokesman of The Hague Tribunal announced that Goldstone "had concluded that there were adequate grounds to take the Bosnian charges seriously and carry out an investigation into the possible guilt of the suspects for acts under the jurisdiction of the International Tribunal"(2).

On 12 February 1996, at the request of Prosecutor Richard Goldstone, General Djordje Djukic and Colonel Aleksa Krsmanovic were transferred to the International Tribunal prison in The Hague as suspects. This implied that in accordance with Rule 2 of the Tribunal "the Prosecutor possesses reliable information which tends to show that they may have committed a crime over which the Tribunal has jurisdiction". It is hardly necessary to say that the most important component of this sentence is the reliability of the information regarding alleged crimes committed by the suspects.

The Prosecutor's Violation of the Rules of Procedure and Evidence

To his great regret, Richard Goldstone very quickly realized that the information he had received from Sarajevo was not at all reliable, and that the thirty or so officials sent to The Hague by the US Ministry of Justice at its own expense had not discovered anything of importance in the

23-11-00

of the Sarajevo-Romanija Rear Corps, and driver Radenko Todorovic, were driving along this road in a car with civilian registration plates, having first informed IFOR of their route. In view of this, the arrest of General Djordje Djukic, Colonel Aleksa Krsmanovic and Radenko Todorovic was an arbitrary act and in violation of the well-known legal institution of habeas corpus - the guarantee against arbitrary arrest. At the moment of arrest none of these persons were breaking the law, neither did there exist a valid warrant for their arrest.

Following their arrest General Djukic and Colonel Krsmanovic were illegally detained for a full six days (from 30 January to 4 February 1996) in police custody, even though the current law on criminal procedure in Muslim Sarajevo states that police custody can only last 72 hours. It was only on 6 February that they were handed a ruling on custody when the Sarajevo High Court instituted proceedings (court ruling no. Ki - 57/96) against General Djordje Djukic on the grounds of suspected war crimes against civilians. Until then General Djordje Djukic was subjected to eight days of torture and mental distress as a result of interminable interrogation, sometimes lasting for 20 hours a day. All this was done in spite of Djukic's timely warning that he was seriously ill and that he needed medical care and medication.

The Prosecutor's Gullibility and Rashness

However heinous and unforgivable this illegal and arbitrary behavior on the part of the Muslim authorities, it didn't surprise anyone. In civil and religious wars mutual hatred has provoked many worse and more dangerous crimes, particularly since the international actors in Bosnia were biased towards one side if not indifferent. What was surprising, however, was the tendency of the International Criminal Tribunal in the Hague, and especially its prosecutor Richard Goldstone, to incorrectly apply and breach the very rules that it had instituted. From November 1993 when eleven judges were appointed and the Tribunal began to work, up to 30 January 1996 (two years and two months later), the Prosecutor's office carefully collected all available data related to war crimes on the territory of former Yugoslavia, in particular in Bosnia and Herzegovina. During this time absolutely no-one marked General Djordje Djukic and Colonel Aleksa Krsmanovic as suspected war criminals, even though all sides, including the Muslim authorities in Sarajevo assisted in the collection of data and the compilation of a list of suspects. This fact should have prescribed at the very least restraint and great caution on the part of Prosecutor Richard Goldstone when he heard that high ranking Serbian officers had been kidnapped as suspected war criminals by Muslim authorities on a road supervised by IFOR. Instead of this, the ambitious Richard Goldstone decided on 7 February to instigate proceedings against General Djordje Djukic and Colonel Aleksa Krsmanovic, thereby validating the lawlessness of the Muslims and their alleged suspicion of the two for being war criminals. He then sent his experts to Sarajevo to investigate this long awaited case. During talks with CSCE representatives in Vienna, Goldstone clearly stated that proof against Djukic and Krsmanovic "was serious enough to call for

an investigation"(1). Hence Christian Chartier, spokesman of The Hague Tribunal announced that Goldstone "had concluded that there were adequate grounds to take the Bosnian charges seriously and carry out an investigation into the possible guilt of the suspects for acts under the jurisdiction of the International Tribunal"(2).

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The Prosecutor's Violation of the Rules of Procedure and Evidence

To his great regret, Richard Goldstone very quickly realized that the information he had received from Sarajevo was not at all reliable, and that the thirty or so officials sent to The Hague by the US Ministry of Justice at its own expense had not discovered anything of importance in the

meantime. Only then did he realize that at the very beginning of the case he had made an unforgivable mistake and seriously violated the Tribunal's Rules of Procedure and Evidence.

According to article 8 of the Statute of the International Tribunal of 25 May 1993, the Tribunal has concurrent jurisdiction with national courts in the pursuit of people who have seriously violated international humanitarian laws on the territory of former Yugoslavia since 1 January 1991. At the

same time the primacy of the International Tribunal over national courts is stipulated. However, the practical application of such primacy occurs only if at any stage in the procedure the International Tribunal demands of the national court that it defer its competence in accordance with the Statute and its Rules of Procedure and Evidence.

Since the High Court in Sarajevo had already instituted criminal proceedings against General Djordje Djukic and Colonel Aleksa Krsmanovic under its ruling no. Ki-57/96, in order to initiate his own investigation, Prosecutor Richard Goldstone should have first proposed to the Trial Chamber that it submit a formal demand for deferral of competence of the national court to that of the Tribunal. The Trial Chamber would then have had to adopt his proposal so that the International Tribunal could submit a formal demand to the state in question for its court to defer competence. Only then the national court deferred competence to the International Tribunal could the Prosecutor initiate an investigation and seek the transfer of the suspects to The Hague. Richard Goldstone, however, did both - he initiated investigation and transferred the suspects - without having first proposed to the Trial Chamber that a formal demand for competence deferral be made, and waited for the decision of the Chamber. This would have been followed by submission of the demand and its formal acceptance. He therefore broke Rules 9 and 10, which to him should have been inviolable.

Blackmail and Extortion of Proof

If Richard Goldstone had possessed reliable and incriminating evidence against Djukic and Krsmanovic, the disturbing realization that he had broken the Rules of the Tribunal would not have bothered him much. Since, however, there was no such proof or the hope that it would be found, Goldstone was forced to twist, distort and falsify the facts in an attempt to extract himself. In this he was generously assisted by the president of the First Trial Chamber, French judge Claude Jorda. The first step was to change the legal status of Djordje Djukic and Aleksa Krsmanovic. To do this Richard Goldstone and the responsible judges off-handedly forgot that on 13 February 1996 The Hague Tribunal spokesman, Christian Chartier, publicly announced that investigation into

two high ranking officers had begun, that as suspects they had been informed that they had the right not to answer questions, the right to choose a lawyer and that they would have at their disposal a court translator. The very next day, 14 February 1996, Goldstone himself announced that Djukic and Krsmanovic had been transferred to The Hague "under suspicion that during the conflict in former Yugoslavia they had committed serious breaches of international humanitarian laws". However, instead of this qualification, on 28 February Goldstone suddenly changed the status of the prisoners to potential witnesses, to the shock of defense lawyers, Toma Fila and Milan Vujin, who immediately stated that this was "the first time" they had heard their clients were witnesses and not suspects. (3)

The real reason behind the change in the prisoners' status was due to the fact that in order to summon witnesses to The Hague it was not necessary to have either a formal demand for competence deferral by the Trial Chamber or a formal decision by the Sarajevo High Court deferring its competence to the International Tribunal. According to Rule 90 bis which was subsequently added, the International Tribunal can demand, in the interest of a testimony, temporary access to detained persons. Thus it turns out that Djukic and Krsmanovic were kidnapped and formally placed under criminal investigation in Sarajevo so that, hand cuffed, they could be transferred to The Hague prison in order to supposedly testify. In this way the Prosecutor and the judges 'enriched' the international practice of criminal law by instituting the preventive arrest of witnesses - something unknown to any civilized criminal legislation. A witness can only be forcefully brought to court if he or she does not respond to a subpoena or excuse

their absence.

Illegal Indictment

The act of issuing a bill of indictment against General Djordje Djukic in itself was a new and serious violation of the Rules of Procedure and Evidence. In the surprising change of Djukic's and Osmanovic's status from suspects to witnesses, Richard Goldstone tacitly admitted that the Rules had been seriously violated since there had been no previous institution of competence deferral procedures. Therefore, it could be assumed that the same mistake would not be made again. It has already been said that investigation against General Djordje Djukic and his detention in prison had been set in motion by ruling no. Ki-57/96 of the High Court in Sarajevo of 6 February. This meant that criminal proceedings before the court of the Muslim-Croat Federation had been instigated. Under such circumstances, especially as he did not possess any proof, the Tribunal Prosecutor was not in the position to directly press charges against Djukic. To do this he first had to propose to the Trial Chamber that it submit a formal demand for deferral of competence. Only when the High Court in Sarajevo delivered its decision to defer its competence to the jurisdiction of the International Tribunal would Richard Goldstone have had the authority to issue a bill of indictment. However, he once again broke Rules 9 and 10 of the Tribunal and did just this without the Sarajevo High Court deferring competence to the International Tribunal, or indeed the International Tribunal taking over jurisdiction of this case. To make matters worse, Goldstone was supported by Justice Adolphus Godwin Karibi-Whyte, who accepted the bill of indictment and signed the arrest warrant fully aware that formal take-over of jurisdiction had not taken place. Once again it was made clear that neither the Prosecutor nor certain of the judges afforded minimum respect to the Rules that should have been the backbone of their work.

Aside from formal default the indictment against Djukic had inadmissible material shortcomings - Djukic's responsibility was neither specified nor backed by any reliable evidence. It was stated that General Djordje Djukic, in his capacity as assistant Chief of Staff of Logistics, was responsible for the following duties: rear area supplies to all units of the Bosnian Serb army; recommendations for all cadre appointments; issuance of orders related to the delivery of supplies for the Bosnian Serb army units; regulation of rear area transfers; decisions on the procurement and use of materials and technical equipment from the Bosnian Serb army warehouses. Furthermore, "Djordje Djukic, in agreement with others, planned, prepared or aided the actions and operations of the Bosnian Serb army and its allies", which included the bombing of civilian buildings. This bombing lasted from May 1992 until December 1995. During this time "the Bosnian Serb armed forces in Sarajevo deliberately, arbitrarily and on a widespread and systematic basis, bombed civilian targets that were of no military importance in order to kill, wound, terrorize and demoralize the civilian population of Sarajevo".

Hence, by supplying the entire Republika Srpska army, Djukic was directly responsible for the war crimes committed. This indictment however, did not provide sufficient evidence on the basis of which a causal relationship could have been established between the deeds of the accused and their consequences that were qualified as war crimes. Instead of this there was an attempt to "prove" that General Djordje Djukic, as assistant Chief of Staff of Logistics was directly responsible for all operations on the front surrounding Sarajevo.

Special attention should be paid to the fact that the Prosecutor did not submit the exact dates of the shelling during the given period. This would have lent support to the presumed causal relationship between Djordje Djukic's acts and their consequences - the wounding, killing, and terrorizing of the civilian population. The Prosecutor did not do this knowing that throughout the period in question, Djordje Djukic's poor state of health had resulted in his extended absence from work for treatment in the Military Medical Academy hospital in Belgrade. In fact, had the exact dates of the bombing been specified Djukic would have had the perfect alibi - reliable proof that on the days in question he was undergoing serious medical treatment instead of planning and preparing the crimes he was allegedly responsible for.

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Illegal Indictment

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Such incomplete and inexact charges could be used as an indictment against thousands of other Serbian soldiers simply by introducing their personal information and stressing their strict liability for action in any area of the front. This, of course, could only happen if strict liability were an accepted concept within the criminal law of the International Tribunal in The Hague. However, this is something long discarded in civilized countries.

The evidence collected by the prosecutor was the weakest aspect in the indictment against General Djordje Djukic. It was based on an overview of the organizational structure of the civil and military authority in Republika Srpska and the internal organization of certain political parties, including that of Arkan (Zeljko Raznjatovic). It consisted of information related only to General Djukic, in particular the way in which he assumed his position in the Republika Srpska army and his official duties and obligations. Especially surprising is the fact that this indictment included data on Radovan Karadzic, President of Republika Srpska, and General Ratko Mladic, Commander of the Republika Srpska army, and their alleged activities (despite the fact that Richard Goldstone had already charged the two separately). In all likelihood this was an attempt on the part of Richard Goldstone to implicate General Djordje Djukic merely because he belonged to the same military organization as Radovan Karadzic and Ratko Mladic. A tabular schedule of the alleged bombing of civilian targets and population was provided with no reference to who drew up this schedule (it could have been done by a journalist on the basis of newspaper reports), or how reliable the data were.

On the basis of such unconvincing and totally undetermined evidence, Richard Goldstone detained and indicted Djordje Djukic of alleged action that could have resulted in life imprisonment. He thereby made it clear that the Bosnian Serbs came under a special legal category subject to the rule of the Queen of Hearts from Alice in Wonderland: "Sentence first - verdict afterwards".

Professional Defeat Portrayed As "Victory of Humanism"

The Prosecutor knew very well that the offered "facts" were no sort of proof of Djukic's individual responsibility, but he hoped that by the time the case (which was constantly postponed) came to court either something convincing would be found, or the accused, in his poor state of health would agree to "cooperate" with the Tribunal as a witness thereby more or less validating his presence at The Hague. However, when it became clear that this last hope would come to nothing, Richard Goldstone summoned the strength to make one more desperate move: he proposed the dropping of charges. Instead of publicly admitting that he had not succeeded in collecting reliable and convincing evidence, he tried to promote his own magnanimity and humanity. Despite the fact that he knew of Djukic's incurable illness from the very beginning, Goldstone only now found it necessary to inform the Tribunal that according to the independent opinion of Danish doctors, Djukic was suffering from terminal cancer that had already metastasized to other organs, including the spine. To save face, he ended with hoping that "the withdrawal of the indictment will not be against his right to indict the accused at some time in the future for these same offenses should the medical condition of the accused change".

Had the Prosecutor been truly prepared to face up to his own professional and human conscience, he would have had to ask himself whether the kidnapping of Djordje Djukic, his long and debilitating "interrogation" and torture in the prison in Muslim Sarajevo, as well as his indictment did not exacerbate an accelerated worsening of his already fatal state of health. Would Djordje Djukic not have lived longer had he not been exposed to such maltreatment, loss of freedom and unfounded accusation? Instead of this Richard Goldstone coldly noted that the accused probably would not survive his trial and even if he did, the progressive worsening of his health would make him almost incapable or meaningfully participating in his own defense. Under such conditions his trial would be inherently unfair.

Djukic's defense lawyers, Milan Vujin and Toma Fila, immediately opposed Richard Goldstone's proposal and his attempt to wash his hands, under the guise of humanity, of his numerous mistakes and the great harm he had done

Djordje Djukic. With good reason, the defense lawyers claimed that the Prosecutor had not backed his indictment with any form of evidence of the alleged guilt of Djordje Djukic. They demanded of the Tribunal that it unconditionally free Djukic due to lack of evidence. They also warned that any other resolution would leave the shadow of suspicion of Djukic's guilt as a war criminal thereby damaging his reputation and honor.

The Trial Chamber presided over by French Justice Claude Jorda immediately perceived that Richard Goldstone's proposal was not in accordance with Rule 51, which states: "The Prosecutor may withdraw an indictment without leave, at any time before its confirmation, but thereafter only with leave of the Judge who confirmed it or, if at trial only with leave of the Trial Chamber". As no conditions are specified for the withdrawal of an indictment as for example in the case of ill health of the accused, it can be assumed that this can only be done if the grounds for indictment disappear. This implies that there was no longer any suspicion, let alone evidence, that war crimes had been committed by General Djukic. Thus the withdrawal of the indictment as proposed by the Prosecutor, meant that it should never have been made. To indict again for the same offenses could not be done as a result of Djukic's improvement of health since conditional withdrawal of an indictment does not exist. He could only be indicted again on the basis of new, collected evidence.

Confronted by this state of affairs, the Trial Chamber tried to find a solution which would, at least temporarily, save the face of the Tribunal and its Prosecutor. Citing Rule 65 on provisional release, it decided to free Djukic from detention due to his poor state of health and the lack of proper medical care in the prison, leaving the indictment in force. However, this was a breach of the Rules of Procedure and Evidence that were passed by the Tribunal itself. Paragraph (B) of Rule 65 states that a detained person can be temporarily released "only in exceptional circumstances, after hearing the representatives of the host country", i.e. Holland, and possibly of the Yugoslav Federal Republic where Djukic traveled to on his release. In a feverish rush to find a way out of this worrying and humiliating position, the Trial Chamber conveniently forgot this important stipulation, and gave no hearing to either Dutch or Yugoslav Government representatives. Thereby Djukic's case ended as it began - by flagrant and shameful breach of the rules that are laid down in civilized criminal procedures. There only remained for the Appeals Chamber to rule on the Prosecutor's appeal and the complaint lodged by the defense lawyers who persistently demanded that the case be closed with a meritorious, and not procedural, verdict - meaning that Djordje Djukic be freed on lack of evidence which would preserve his reputation. Despite their professional and moral defeat, the Prosecutor and judges at The Hague at least had the satisfaction of knowing that they had shortened the life (6) of General Djordje Djukic by speeding up his death - like the riders of the Apocalypse. Djukic's death came very fast. Already on 18 May 1996, General Djordje Djukic silently passed away.

If at first glance this looked like clumsy and naive sophistry, in essence and by its consequences it was diabolical subterfuge. By changing the status of the prisoners from suspects to witnesses, the Prosecutor practically "offered" General Djukic and Colonel Krsmanovic the opportunity to testify

against other people in return for their own release from the charges and trial. Clearly this was a form of blackmail and extortion. The Prosecutor must have known that such "testimony" is of doubtful credibility since it is hard to believe someone who would implicate someone else in order to be absolved. What is worse is that the blackmail was substantiated by a dangerous threat: either you "sing" here in The Hague or we'll hand you back to your torturers in Muslim Sarajevo. That this was blackmail and threat was clear to the president of the Trial Chamber, Claude Jorda, who almost incredulously asked General Djukic and his lawyer - Milan Vujin and Toma Fila - a number of times whether they were aware that if Djukic did not "voluntarily" testify at The Hague he would be returned to Muslim Sarajevo where his only hope was the death sentence for alleged participation in genocide (4) to say nothing of abuse and torture in prison, something the Muslim police are accustomed and partial to.

In face of the firm refusal of General Djordje Djukic and Colonel Aleksa

Krsmanovic to "cooperate" with the Prosecutor, at the beginning of May 1996 Richard Goldstone pulled another diabolical move: he decided to separate the fates of the two Hague prisoners by indicting General Djukic and returning Colonel Krsmanovic to the mercy of the Muslim police and Sarajevo judiciary. This separation was difficult because both were rear officers - Djukic was assistant Chief of Staff of Logistics of the Republika Srpska army, and Krsmanovic deputy commander of the Sarajevo-Romanija rear corps. If General Djukic was charged with taking part in the bombing and destruction of Sarajevo because he supplied with food and ammunition the Sarajevo-Romanija corps that had surrounded Muslim Sarajevo, why should Colonel Krsmanovic, who sent the supplies he received from Djukic to the artillery batteries on the heights around Sarajevo, not answer for the same crime? However, what was impossible from the point of view of legal logic and principles, was permissible and possible from a practical point of view, and this is the only thing that seemed to govern Richard Goldstone.

And what was this practical purpose? When the Prosecutor offered Djukic and Krsmanovic the opportunity to "cooperate" by implicating their seniors (5), their refusal would have had to be so severely punished that in the future any other person forcefully brought to "testify" at The Hague would have had in mind their example and been aware there was no choice but to cooperate. This is why Krsmanovic was immediately returned to Sarajevo, even though the Prosecutor and judges knew very well the danger their untried witness, against whom they could bring absolutely no charges, no matter how great their desire to do so, would be exposed to. Richard Goldstone issued a bill of indictment against General Djordje Djukic with the intention of punishing him in a likewise manner for refusing to "cooperate". Thus he offered the Tribunal its first big opportunity to bring to trial a high ranking officer of the Serbian Army. Perhaps he hoped that this indictment along with the serious state of Djukic's health would force Djukic to give in and "sing". Goldstone was not at all worried by the cruel abuse of Djukic's serious state of health since all means are allowed in carrying out of international justice.

To be posted soon, PART II: The Mistreatment of Col. Aleksa Krsmanovic .

Footnotes

(1) Nasa Borba, 9 February 1996, according to FoNet report of 8 February 1996.

(2) Nasa Borba, 8 February 1996, according to a report by Mirko Klarin, correspondent in Brussels.

(3) Nasa Borba, 28 February 1996, according to a report by Mirko Klarin, correspondent in Brussels

(4) Nasa Borba, 1 March 1996 according to a report by Mirko Klarin, correspondent in Brussels.

(5) In a conversation with Tribunal President Antonio Cassese, one of the attorneys asked if President Radovan Karadzic and General Ratko Mladic were those who they had in mind. Cassese answered that they needed to go much higher as if he were sure who was above Karadzic and Mladic

(6) "Doctor Slobodan Ivkovic, who looked after Djordje Djukic during his last days, said that "inadequate treatment and therapy during his time in prison and hospital brought on a sudden deterioration in the General's health" and added that General Djukic received salted, greasy food which "third and fourth year medical students know that patients operated on for cancer of pancreas must not eat". Nasa Borba, 9 February 1996.

The URL for this article is

<http://emperors-clothes.com/articles/cavoski/c-.htm>

www.tenc.net [Emperor's Clothes]

Bernard Kouchner's Legacy of Failure

by T.V. Weber & Alida Weber (11-7-2000)

We have long complained about the U.S. news media and its failure to inform the public about the Clinton Administration's legacy of anarchy and mayhem in Kosovo. The news media in the U.S. has been virtually silent about the ongoing genocide against Serbs and other minorities who continue to be victimized by terrorists associated with the "disbanded" KLA and its sympathizers in the U.N./KFOR occupation.

Over the past few months, though, the level of bloodshed has increased enough that news of it begins to trickle through the blockade in the mainstream U.S. news media.

In a 'Newsweek' interview May 15, Bernard Kouchner, the U.N. official in charge of the occupation of Kosovo, even admitted, "Apparently a Serb has a 20 times greater chance of being a victim of a crime than an Albanian does." But the tone of the Newsweek interview made it clear that neither Kouchner nor the magazine's interviewer were unduly concerned about this fact.

An article by 'Associated Press' writer Danica Kirka, "Three Killed in Shooting in Kosovo," appeared in the 'Washington Post' May 29, 2000. The article describes an act of senseless slaughter, in which an unidentified attacker, "thought to be an Albanian terrorist" and "armed with an automatic weapon, opened fire on a group of Serbs gathered in a store in Cernica." Killed in the attack were three Serbs: 4-year-old Milos Petrovic; Petrovic's grandfather, Vojin Vasic, 60; and Tihomir Simjanovic, 45.

Bernard Kouchner was ready with crocodile tears, saying, "What can possibly be gained by killing a child?"

But according to the article, Kouchner insisted that "only the regime of Yugoslav President Slobodan Milosevic stands to gain by unrest in this southern Serb province."

By making such a statement, Kouchner attempts to shift the blame for this innocent child's death to Mr. Milosevic. But that's ridiculous. Milosevic, for nearly a year, has had no control, nor even any influence, over events in Kosovo. Kouchner himself is the man in charge.

This incident is particularly revealing of Kouchner's true nature, but the murder of yet another Serb in Kosovo is, sadly, no isolated event. Too many other such crimes have been committed in recent months to repeat all of them here, but an abundance of reports are available in news archives on the Internet, for those who can stand to read such a catalogue of tragedy and horror.

Most revealing of all is the recent action by Doctors Without Borders (a/k/a Médecins Sans Frontières or MSF), an organization that Kouchner himself helped to found.

It should tell us something when even MSF can't keep up the charade any longer. On August 7, 2000, MSF announced in a news release that their organization is withdrawing from Kosovo. In their words:

"Médecins Sans Frontières has decided to reduce its teams and to stop its present operations in the Kosovar enclaves. The humanitarian organisation refuses to continue its operations on behalf of the ethnic minorities in a context where basic protection for these populations is not being guaranteed by the military and civilian administration of Kosovo." (See <http://www.msf.org/projects/europe/kosovo/reports/2000/08/pr-enclaves/> and <http://www.egroups.com/message/decani/33582>.)

MSF's news release was picked up by 'Associated Press' and appeared in 'Nando Times' but did not receive wide coverage in the U.S.

Like so many other self-styled do-gooders who have made their careers in corrupt government bureaucracies and equally corrupt NGOs, Kouchner is a trafficker in human misery. He won't willingly do anything to put himself and his fellow vultures out of business. After all, the longer he keeps the

misery going, the longer he, and others like him, keep their jobs. But this works only so long as he can continue blaming the misery on someone other than himself. And it's getting harder for him to get away with that.

As Kouchner's term as administrator of occupied Kosovo draws to a close, it is clear that the reign of corruption, lawlessness, and terror in Kosovo represents Kouchner's personal failure. The rest of the world knows it, even if Kouchner does not.

Further reading

1) For more articles by the Webers, please go to <http://emperors-clothes.com/artbyauth.html> and click on "W"

2) Bernard Kouchner has been amazingly open in his advocacy of Kosovo 'independence' (in quotes because it comes the independence movement has been inspired for 15 years by promises of aid and massive aid from the U.S. and Germany) see: 'Solana and Kouchner push Kosovo 'Independence' at <http://emperors-clothes.com/analysis/lovein.htm>

3) For more on the character of U.N. control of Kosovo see 'How will you plead at the trial, Mr. Annan?' at <http://emperors-clothes.com/news/howwill.htm>

The URL for this article is <http://emperors-clothes.com/articles/weber/weber.htm>
www.tcnc.net [Emperor's Clothes]

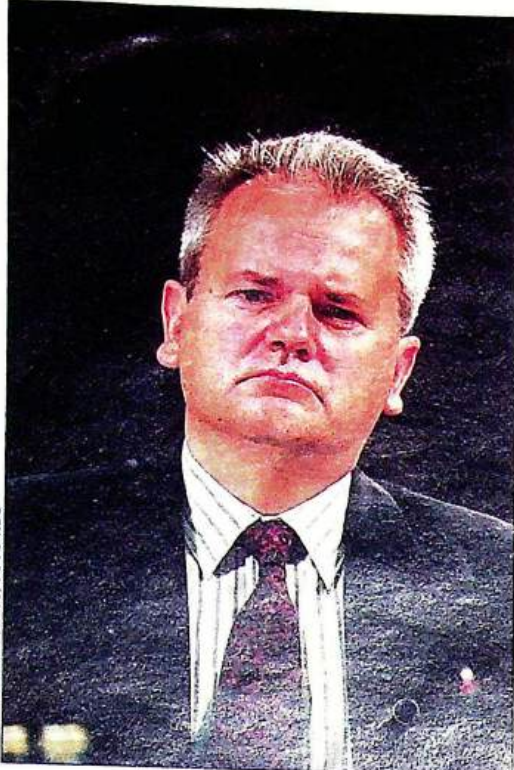
Global Reflexion - Amsterdam - The Netherlands

De aanklacht tegen Milosevic

16-1-99

ROBERT DULMERS ■ Louise Arbour, de aanklager van het Joegoslavië-Tribunaal, was afgelopen zaterdag triest toen ze hoorde dat verdachte Gagovic was doodgeschoten. Hij was mogelijk een belangrijke schakel om de eventuele directe betrokkenheid van president Milosevic vast te stellen. Arbour: 'Het is allemaal zeer ongelukkig verlopen.'

SLOBODAN MILOSEVIC, FOTO ABC



Sinds de arrestatie van Pinochet wordt aanklager Louise Arbour overspoeld met vragen die ze, even standaard als bedreven, onbeantwoord tracht te houden. 'But it is quite an issue,' verzucht ze. Want Louise Arbour, 's werelds aanklager voor Joegoslavië, moet uiteindelijk de tenlastelegging tegen de Servische president Slobodan Milosevic vaststellen. Het recht om staatshoofden aan te klagen heeft ze. 'Dat is absoluut kristalhelder,' zegt ze.

Zeker met het oplaaien van de gewelddadigheden in Kosovo is de roep om Milosevic naar Den Haag te halen luider geworden. Afgelopen week vond in Amsterdam een besloten bijeenkomst plaats van strafrechtgeleerden, leden van de Raad van

State en medewerkers van Justitie en Buitenlandse Zaken om zich informeel te beraden op de mogelijkheden de Servische president ter verantwoording te roepen.

In de Verenigde Staten begint de opinie over Milosevic te veranderen. Washington begint afstand te nemen van het idee dat zonder Milosevic geen akkoord kan worden gesloten. Meer en meer wordt de Servische president beschouwd als een deel van het probleem. Het veranderde klimaat is Arbour niet ontgaan, maar de suggestie omwille van de recente gebeurtenissen in Kosovo tot het uitvaardigen van een dagvaarding over te gaan, wijst ze krachtig van de hand. 'Ik vervolg alleen maar op basis van bewijs. Mijn mandaat is niet om mensen aan het kruis te nagelen, maar om ze voor het gerecht te brengen en te straffen.'

Om dat doel te dienen, gebruikte de aan-

klager het laatste jaar vrijwel uitsluitend *sealed indictments*, geheime dagvaardingen. De *prosecutor* wil bevestigen, noch ontkennen of de Servische president object is van een strafrechtelijk vooronderzoek: 'Ik kan het wel zeggen, maar ik wil het niet zeggen.' In het geval van Milosevic en zijn Kroatische collega Tudjman, die beiden in hoge mate verantwoordelijk kunnen worden gehouden voor het uitbreken van de oorlog in voormalig Joegoslavië, lijkt de bewijsvoering nog lang niet rond. Arbour: 'We hebben een behoorlijk goed begrip van wat er aan misdaden heeft plaatsgevonden. Anderhalf jaar lang hebben we ter plekke rondgelopen om bewijzen te verzamelen. Pas nu zijn we toe aan het aanbrengen van dwarsverbanden en het maken van analyses. Het probleem is de hoogst verantwoordelijken te vinden. De enige basis waarop je

dat kunt doen is: voldoende bewijs. Als je dat hebt, moet je ook direct toeslaan. *You should move!*'

Dat bewijs, zo lijkt Arbour te willen zeggen, heeft ze nog niet rond.

Het beruchte Karadjordjevo-akkoord, de geheime overeenkomst in Tito's jachtthut in de Vojvodina, waarin Tudjman en Milosevic tot de opdeling – en dus vernietiging – van Bosnië zouden hebben besloten, waarna de oorlog uitbrak, is in de ogen van de aanklager bijvoorbeeld niet zo'n bewijs.

Ernstig: 'De opdeling van Bosnië, het veranderen van grenzen, is op zichzelf geen misdaad. Op ditzelfde moment zitten er mensen rond tafels de onafhankelijkheid van Kosovo te bediscussieren. De echte vraag wordt: welke middelen zet je in om je doel te bereiken. Het verdelen van een land is geen misdaad. Agressie is geen misdaad. Moord, verkrachting, vervolging, genocide, zijn misdaden. Het is voor ons de kunst boven tafel te krijgen op wiens orders die dingen gebeurden.'

Maar die lijn, de *command responsibility*, lijkt op het hoogste niveau nog steeds niet waterdicht bewijsbaar. Arbour: 'Ik wil niet vooruitlopen op een beslissing, maar een aanklacht op het allerhoogste topniveau zal naar alle waarschijnlijkheid niet geheim, maar open zijn. Geheime aanklachten vaardigen we voornamelijk uit om de arrestatiekansen te verhogen. Maar niemand springt op de nek van een staatshoofd en zegt: nou hebben we je! Bij de top is het waarschijnlijk dat we een openlijke dagvaarding uitvaardigen. Ik zeg niet dat dit onder elke omstandigheid zo zal gaan. Het zou kunnen voorkomen dat we goede redenen vinden om het toch in het geheim te doen. *This is real life, you now!* Dit is geen politiek!'

Real life was ook de arrestatie van de Bosnische Serviër Gagovic, dit week-einde in Foca. 'Gagovic wist dat hij gezocht werd,' zegt Arbour. 'Hier zien we een voorbeeld van een openbare dagvaarding. Je ziet dat iemand hier adequaat op reageert en zich erop heeft voorbereid.' Haar blik wordt donker: 'Het is allemaal zeer ongelukkig verlopen. Het voordeel van geheime aanklachten is de overrompeling. Dit was een openlijke aanklacht; de Republika Srpska had hem moeten vervolgen. Hij had zichzelf moeten melden!' Iets van woede trilt nu in haar stem mee.

'Het is een grof schandaal dat de Servische Republiek niet meewerkt. Iedereen werd hiermee aan gevaar blootgesteld; de verdachte, de omstanders, de soldaten. Het is triest, hoe je het ook bekijkt. Ik wil geen gecalculerde uitspraken doen, maar het is

FRANJO TUDJMAN, FOTO ABC



WERELDWIJD

IMF zoekt nieuwe rol

■ REINOUT VAN DER HEIJDEN

Het Internationaal Monetair Fonds kreeg er behoorlijk van langs tijdens de Azië-crisis. IMF-directeur Onno de Beaufort Wijnholds speelt vanuit Washington de bal terug. Hij wijst landen en beleggers op hun eigen verantwoordelijkheid.

Medio 1997 brak er in Azië een vertrouwenscrisis uit. Internationale kapitaalverschaffers en beleggers trokken zich ijlings terug uit landen als Thailand, Indonesië, Zuid-Korea en later ook uit Rusland en Brazilië. Het IMF probeerde het tij te keren, maar moest daarvoor steeds grotere hulppakketten bij elkaar sprokkelen. Voor Korea en Brazilië was meer dan veertig miljard dollar nodig.

De stijgende financiële hulp is een zorgelijke ontwikkeling, zegt De Beaufort Wijnholds. Het IMF heeft daar niet genoeg middelen voor en de geboden hulp geeft een verkeerd signaal af. Beleggers voelen door de reddingsacties onvoldoende de gevolgen

van hun verkeerde investeringen. 'Banken zijn er soms met relatief weinig kleerscheuren vanaf gekomen, mede omdat het IMF enkele landen heeft voorzien van grote financieringspakketten waarmee ze schuldeisers konden afbetalen.'

Vaak wordt het IMF gebruikt voor wat de Amerikaanse econoom Paul Krugman de *confidence game* noemt, waarbij wordt geprobeerd met een groot IMF-pakket het vertrouwen bij beleggers te herstellen. De Beaufort Wijnholds is hier geen voorstander van. Beleggers rekenen een land vooral af op het gevoerde beleid en niet op de hulp van buitenaf. Bovendien gaat het soms om zulke grote economieën dat het IMF nooit genoeg geld heeft om de klap helemaal op te vangen. Het in 1944 opgerichte IMF wordt relatief gezien steeds kleiner. De wereldeconomie is sinds het einde van de oorlog drie keer zo sterk gegroeid als het IMF en de wereldhandel zelfs negen keer. 'Ik ben het niet eens met ideeën om het IMF om te vormen tot een *global lender of last resort* (geldschietster in nood – RvdH),' zegt De Beaufort Wijnholds, een optie waar IMF-vice-voorzitter Stanley Fischer zich sterk voor maakt. Ook de suggestie die de bekeerde speculant George Soros onlangs deed om het IMF om te vormen tot een wereldwijde centrale bank, kan niet op zijn enthousiasme rekenen.

'In plaats van geld tegen de problemen in

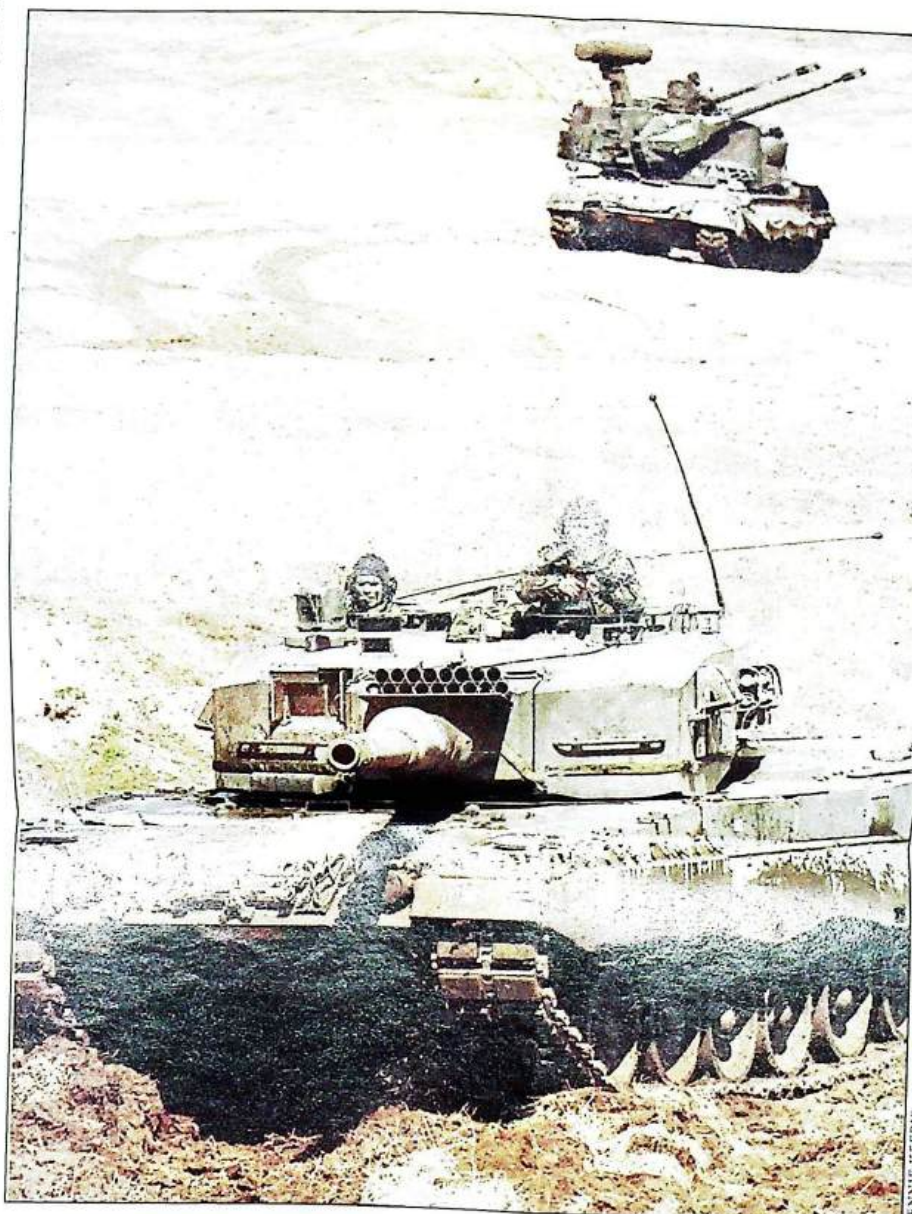
de wereld aan te gooien – vaak symptoombestrijding – is het beter die bij de wortel aan te pakken,' meent de Nederlandse IMF-directeur. Hij gelooft niet in het concept van 'onschuldige landen'. De kapitaalvlucht uit Azië kwam grotendeels voort uit het besef van beleggers dat die landen serieuze problemen in het bankwezen hadden. Wat die landen moeten doen, is hun financiële sector versterken, een betere faillissementswet opstellen en meer concurrentie op hun markten toestaan.

Mocht het dan toch fout gaan, dan moet er overleg volgen met de schuldeisers. Banken, en dus niet het IMF, kunnen vervolgens een noodkrediet beschikbaar stellen. Daarnaast kan crediteuren verzocht worden leningen te verlengen of zelfs op te schorten. 'In extreme gevallen kan zelfs besloten worden tot het afkondigen van een moratorium of het instellen van kapitaalcontroles om kapitaalvlucht te voorkomen. Het IMF kan het op zich nemen dit ordelijk te laten verlopen.'

Voor een fusie tussen IMF en Wereldbank voelt De Beaufort Wijnholds weinig, ook al werken de twee zusterorganisaties steeds vaker samen om arme landen een betere financiële infrastructuur te geven. 'De Wereldbank is een veel grotere en complexere organisatie dan het IMF. Een fusie lijkt mij dan ook bestuurlijk onbeheersbaar.'

HET AANSNIJDEN VAN DEFENSIE

De kaasblokjes van Frank de Grave



KO COLIJN EN PAUL RUSMAN ■ *Wat staat defensie te wachten in de nu nog geheime Hoofdljnennota? VN keek vast over de schouders van de opstellers mee. De plannen, die volgens minister De Grave tot een maatschappelijk debat over de toekomst van de krijgsmacht moeten leiden, komen hoogstwaarschijnlijk op vrijdag 15 januari in de buitenlandvijfhoek van het kabinet. Een week later staan zij op de agenda van de ministerraad.*

tuigen van de Koninklijke Marine te schrappen, maar daarvoor is op dit moment nog geen aanleiding,' staat er. Verschillende bezuinigers hadden wel verder willen gaan. De fregatten zijn toch eigenlijk vooral een kwestie van industriepolitiek, valt in Den Haag te horen. Het gaat erom De Schelde in Vlissingen overeind te houden. De concept-Hoofdljnennota was vlak voor Kerstmis klaar, juist toen de (VVD-) ministers De Grave en Jorritsma hadden besloten om De Schelde met een krediet van vijftig miljoen gulden voor een faillissement te behoeden. Dat was natuurlijk niet bedoeld om de kas van de bewindvoerders wat te spekken. In het concept van de nota staat dat de marine weliswaar twee oudere standaardfregatten uit de jaren zeventig moet inleveren, maar dat de bouw van vier gloednieuwe luchtverdedigingsfregatten door-

gaat. Ook een tweede amfibisch transportschip wordt erin aangekondigd. Is er in de kerstvakantie, toen de conceptnota klaarlag, nog eens goed nagedacht over het werkelijke nut van die schepen? Nee, hogere machten besloten tot een reddingsboei voor de scheepswerf en ook minister De Grave is een persoonlijk bewonderaar van het stoerste onderdeel van de krijgsmacht. Maar waar is dat amfibisch schip nu goed voor? Het eerste schip heeft al zo weinig te doen. De marine wordt er een soort koopvaardij mee, en mag eens in de zoveel maanden met mariniers naar een vredesmissie cruisen of vrachtes in Griekse havens afleveren. Misschien is het tweede schip voor het nieuwe bataljon mariniers, ook een nieuwtje uit de Hoofdljnennota, maar al met al toch meer voor de lassers en plaatwerkers in Vlissingen. Dankzij de nieuwe luchtverdedigingsfregat-

ten krijgt de marine er zelfs een soort landtaak bij. De schepen moeten in staat zijn om in een cirkel van tachtig kilometer vijandelijke raketten uit de lucht te halen met een nieuwe boordraket, de Standard-2. Als de schepen dicht onder de kust varen, kunnen zij dus ook de raketdreiging tegen eigen vredessoldaten, die net aan land zijn gegaan in Cyprus of Libanon, pareren. Helaas alleen maar in smalle landjes, want Kosovo of Eritrea ligt al buiten de actieradius van de fregatten. Behalve Israël en Trinidad zijn de meeste landen gewoon te breed om onder onze paraplu te kunnen schuilen, dus daar is geen vredestaak voor onze schepen weggelegd en zullen we het toch van de goede diensten van andere landen moeten hebben.

De Grave had het over kaasblokjes. Met recht, want kun je een halvering van het aantal tanks bij de landmacht nog wel een kaasschaafbezuiniging noemen? Moeilijk, zeker als je bedenkt dat we er in het begin van de jaren negentig nog negenhonderd hadden. Maar ja, de tank. De onoverwinnelijkheid daarvan wordt toch wel enigszins in twijfel getrokken. Steeds meer geld wordt er uitgegeven om de huid van de tank dikker of 'reactiever' te maken tegen goedkope antitankraketjes, aanvalshelikopters of moderne brilliant anti armor-munitie die vanuit arsenaalschepen of onbemande vliegtuigjes op tanks afgevuurd kan worden. Dat uitgerekend de Russen in 1994 bij de slag om Grozny in korte tijd honderden tanks verloren door eenvoudige Tsjetsjeense molotovcocktails – de exportfolders waren gewend de T-80's te roemen als de beste ter wereld – heeft de fans van de cavalerie nogal in verlegenheid gebracht. Niet alleen de reputatie van de tank zelf heeft een knauw gekregen, maar wat stelt die beruchte oude vijand nu eigenlijk voor?

Het succes van de krijgsmachtlobby zit hem vooral in de kunst om bezuinigingen die wel serieus zijn overwogen buiten de tekst van de Hoofdljnennota te houden. Het kan vreemd lopen: het rapport-Srebrenica van Van Kemenade, dat van defensie een aangeslagen organisatie maakte, heeft niet in het nadeel van de krijgsmacht gewerkt. Bij het opstellen van de Hoofdljnennota overheerste het gevoel dat de organisatie tegen verdere klappen moest worden beschermd. Chef defensiestaf Luc Kroon, zelf een marineman en een van de weinigen op wie Frank de Grave blind vertrouwt, heeft de pijn met een scherp oog en een rustige hand verdeeld. Pogingen om de hele veiligheidsanalyse op zijn kop te zetten, hebben de bevelhebbers bij voorbaat al met succes bestreden: er is helemaal niet zoveel veranderd sinds 1993 (de Prioriteitennota), het gaat paars 2 er nu toch alleen maar om extra bezuinigingen te vinden?

Minister Van Aartsen had er wel op aangedrongen een brede veiligheidsanalyse te maken, maar de omvang van hoofdstuk 1 zal hem teleurstellen. Dat is niet erg, zal De Grave antwoorden, daarom leek die brede discussie mij juist een mooi vervolg. Het sluiten van luchtmachtbases, de noodzaak van nieuwe gevechtsvliegtuigen en pantserwagens, en de marinehelikopter NH-90, een ongeluksdossier dat tot nu toe vooral miljoenenkosten meldt: daar 'zal zeker verder over gesproken worden,' zegt een ingewijde. Vertaald: ook die onderwerpen zijn nu met succes buiten de Hoofdljnennota gehouden en als het aan Defensie ligt, moeten zij ook de brede maatschappelijke discussie niet hinderen. 'Dit is maar het begin, er komt in 2000 ook nog een Defensienota.' Defensie houdt nog wat wisselgeld op zak. 'Met deze nota kunnen we de discussie in. Voor wie daar echt in is geïnteresseerd,' wordt er hoopvol aan toegevoegd. VVD-fractieleider Dijkstal in ieder geval niet, want die is tegen die discussie. En de rest van het leger ook.

Ls het de kaasschaaf of het amputermes geworden? Of wordt er hier en daar een 'blokje kaas' afgesneden, de tussenoplossing van minister De Grave? Van alles wat. Nederland schuift een beetje op in de richting van vreedstaken, maar gaat wat minder klassieke landseeding doen. Een beetje meer Bosnië, beetje minder Duitsland dus. Landmacht houdt nog maar honderdvijfandriehonderddertig Leopard-tanks, maar krijgt er als troost negenhonderdte infanteristen bij. De grote mobilisatie reserve, die de landmacht in crisistijd in te tijd moet doen uitdijen tot een fors lewordt drastisch ingekrompen. Want een is is ver weg.

De luchtmacht mag tevreden zijn. Niet twee, zoals werd verwacht, maar slechts één F-16-squadron verdwijnt. Met honderddertig vliegtuigen houdt dit krijgsmachtonderdeel een grote strijdmacht over. Zo hoopt het de datum te halen waarop tot bestelling van de Joint Strike Fighter wordt overgegaan. Zou nu al bij voorbaat verder gesnoeid worden in het aantal vliegtuigen, dan kun je moeilijk méér nieuwe opvolgers claimen. Nu kan de inzet toch nog honderddertig zijn. Overigens kan de F-16 nog jaren mee, zodat het de luchtmacht nog moeite zal kosten om uit te leggen waarom de aanbestedingen, die rond 2006 grote gaten in het defensiebudget zullen slaan, nu al op de begroting moeten staan.

De marine kan zelfs dik tevreden zijn. Er komt een operationeel bataljon mariniers bij, er worden officieel voorlopig nog geen complete onderdelen geschrapt, al staat het voortbestaan van 'kaasblokjes' als de onderzeebootdienst en de marinepatrouillevliegtuigen wel ter discussie. Maar dat was geen nieuws, er was toch al geen vervanging van deze wapensystemen in de geheime meerjarenplanning ingeboekt.

Wel wordt een aantal patrouillevliegtuigen (Orions) geschrapt. De notitie zegt dat nog moet worden beslist wat dit zal betekenen voor de toekomst van het vliegveld Valkenburg bij Leiden. Uit pieteit voor de koningin, die na het verloren gaan van Ypenburg tot dusverre succesvol lobbyde voor het behoud van Valkenburg als aanvlieghaven van haar hoge gasten en andere vips.

De Koninklijke Marine, die sinds mensenheugenis bij elke bezuinigingsronde goed weekomt, heeft het weer goed gespeeld. Dankzij 'een blijkbaar heel effectieve lobby bij de VVD,' zegt een Haagse ambtenaar, de partij die nu de touwtjes in handen heeft op de twee sleutelministeries (Defensie en Buitenlandse Zaken). Alleen voor de onderzeeboten nadert het einde. De Walrussen mogen hun tijd uittienen, maar binnen de Navo maakt niemand zich toch werkelijk druk om hun teloorgang. Dat was in de jaren tachtig al zo. Maar toen kreeg de marine het voor elkaar om de behoefte aan dieselsonderzeeboten rechtstreeks bij de Amerikanen in Norfolk (Virginia), waar hun Atlantische commando is gevestigd, in te steken. 'En via de U-bocht van de Navo zagen we ze dan weer als force goal terug. Dan heb je als Nederlander het nakijken,' herinnert een diplomaat zich van discussies in Brussel. Het vaste argument – maar we werken zo goed samen met de Engelsen – overtuigt nu ook niet meer zo, de Britten hebben hun dieselsonderzeeërs voor een kwartje aan Canada afgedankt.

Vergaat het dat andere 'kaasblokje', de Marine Luchtvaartdienst, ook zo? Min of meer, maar de marine is er op knappe wijze in geslaagd om er een hoopvolle draai aan te geven in de Hoofdljnennota. 'Overwogen is om de onderzeeboten en patrouillevlieg-

EEN BRIEF VAN BORST

Wie niet werkt, moet wachten

Als de Haagse postbode Raymond van Barneveld twee jaar geleden door zijn werk last had van een tennisarm, liep hij grote kans dat hij op een wachtlijst belandde. Krijgt de kersverse kampioen pijltjesgooten morgen last van diezelfde aandoening – wat God verhoede – dan zullen doktoren en fysiotherapeuten in de rij staan om hem onmiddellijk te behandelen. Ook Wim Kok zal nooit van zijn orthopeed te horen krijgen dat hij zes maanden zal moeten wachten op een nieuwe heup.

De ophef die is ontstaan naar aanleiding van de uitspraken van J. Hamel, directeur van het Academisch Ziekenhuis in Groningen doet dan ook een beetje vreemd aan. Hij wil rijke Nederlanders de kans geven om tegen extra betaling eerder aan de beurt te komen bij ziekte of aandoening. Rijk betekent vaak invloedrijk. Dat is nooit anders geweest en er zal altijd een circuit van voorkeursbehandelingen bestaan.

De huidige tweedeling in de gezondheidszorg wordt veel meer bepaald door de kloof tussen werkenden en niet-werkenden. De overheid besloot enkele jaren geleden dat de werkgever financieel moet opdraaien voor zieke werknemers.

Die ontwikkeling leidde tot de oprichting van bedrijvenpoli: speciale spreekuren in ziekenhuizen voor werknemers met bijvoorbeeld rugklachten. De chef is zijn mensen niet te lang kwijt en het ziekenhuis kan voor de extra diensten een rekening sturen. De zieke niet-werkende moet gewoon op zijn beurt wachten.

De Tweede Kamer ziet deze ontwikkeling in de gezondheidszorg met argusogen aan, maar lijkt er weinig tegen te kunnen doen. Minister Borst van VWS schiet de Kamer nu te hulp. In een nog niet gepubliceerde brief kondigt zij aan dat ze vier 'kenniscentra arbeidsrelevante aandoeningen' zal aanwijzen. Op die manier wil ze de tweedeling in eigen hand houden. Ziekenhuizen kunnen de komende maanden een aanvraag indienen als zij zo'n centrum willen opzetten. De bedoeling is, zo schrijft de minister, om kennis te vergaren op het gebied van ziekten die door het werk worden veroorzaakt. Borst heeft er drie miljoen gulden voor uitgetrokken. Ze wil niet dat er 'sprake is van voorrangszorg voor specifieke groepen of van verdringing van andere vormen van zorg'. Officieel gaat het dus niet om bedrijvenpoli.

Maar wat is het verschil?

Bedrijven zullen straks graag met zo'n kenniscentrum samenwerken. En ongetwijfeld zullen de werkgevers de eis stellen dat hun mensen snel geholpen zullen worden – eventueel tegen extra betaling. De vraag is nu of een ziekenhuis niet voor deze extra inkomsten zal zwichten.

Misschien moet het mediaoffensief van het Academisch Ziekenhuis Groningen dan ook eerder gezien worden als een agressieve poging om de status 'kenniscentrum' van de minister te verkrijgen. Het levert extra geld op uit Den Haag en er kan onder de vlag van het ministerie geëxperimenteerd worden met een bedrijvenpoli, maar je hoeft het zo niet te noemen. En die rijke Groningers komen dan vanzelf wel.

ROB DE LANGE



STEVE RAVIEZ

ook triest dat het proces niet zal plaatsvinden.

Arbour hoopt dat over anderhalf jaar alle onderzoeken zijn afgerond en iedere belangrijke schuldige is aangeklaagd. 'Eind 2000, wanneer mijn vierjarige aanstelling afloopt, hoop ik dat we weten of we de topzaken rond krijgen of dat we onder ogen moeten zien dat we het niet redden.'

Wat er in dat laatste geval moet gebeuren, weet ze niet. De aanklager vermoedt dat er altijd wel mensen zijn die de dans zullen ontspringen.

'Het uiteindelijke succes van het Tribunaal kan ik alleen afmeten aan de vraag of we er menselijkerwijs in geslaagd zullen zijn alle bestaande bewijzen van persoonlijke verantwoordelijkheid boven tafel te krijgen. Ook van de mensen op het allerhoogste niveau. Of dat volledig overeen zal komen met degenen die historici, journalisten en de wereldopinie voor schuldig houden? Ik

Louise Arbour: 'Dit was een openbare aanklacht. Gagovic had zichzelf moeten melden'

denk: grotendeels, maar niet volledig. Srebrenica bijvoorbeeld wordt gezien als een morele blamage voor de internationale gemeenschap. Maar ik kan geen entiteiten vervolgen en ook geen staten. Persoonlijk falen is niet hetzelfde als wettelijk schuldig zijn aan misdaden. Ik hoop alleen maar dat die bewezen misdaden het grootste deel van de schuld dekken. Maar er zullen altijd misdadigers zijn die nooit strafrechtelijk ter verantwoording zullen worden geroepen. Maar die moeten toch een heel slecht geweten hebben.'

Tijdens het beraad in Amsterdam gingen stemmen op om de positie van Milosovic te verzwakken – en zo de situatie in Kosovo te beïnvloeden. Er moest bij het Tribunaal op

worden aangedrongen om zo snel mogelijk met een dagvaarding te komen. Karadzic werd hierbij als voorbeeld gesteld. Want zijn openbaar arrestatiebevel betekende voor hem het begin van het einde.

Maar Arbour lijkt resoluut in haar voornemen om zich door geen enkele politieke overweging te laten beïnvloeden. 'Ik voel me niet aangesproken door dit beroep dat op me wordt gedaan. Iedereen weet altijd beter dan ikzelf hoe ik mijn werk moet doen.'

Maar als het jaar 2000 verstrijkt zonder dat het Tribunaal de juridische bewijsvoering tegen Milosovic (en Tudjman) rond heeft, lijken de mogelijkheden de presidenten alsnog voor het gerecht te krijgen uiterst schaars.

De vraag is of het Internationale Strafhof in de toekomst wel voldoende bevoegdheid zal krijgen staatshoofden te dagvaarden.

Meanwhile, the Security Council authorized a complex new organization centered in The Hague whose function is to bring "war criminals" of the military struggle in Bosnia- Herzegovina to "justice" (Resolution 827 of May 25, 1993). Why it did so is unclear. There is no evidence that holding "war crimes" trials will limit existing threats to international peace and security; making "war" less atrocious (even if that were possible) is not likely to limit the causes of or impetus to "war" -- if anything, the opposite would more likely be the case. Instead, the creation of a war crimes tribunal seems to have been aimed at making lawyers and "guardians" of a violent society, in which war is all right as long as it is played by rules to which the concerned lawyers can agree.

Since lawyers are not elected and represent only their clients, and since the selection of judges is subject to the same political pitfalls that line the route to all elected legislative and political positions, it is hard to understand why setting up the tribunal would be a step toward a future less threatened by violence. Indeed, it seems obvious that the politically chosen members of the Security Council regarded their action in authorizing The Hague tribunal for Bosnia as a strictly political act. They made sure that only atrocities by participants in the actual struggle in the former Yugoslavia would be within the tribunal's purview; their own activities, even as armed "peacekeepers" there, are not. It is likely to the point of certainty that the political leadership of none of the permanent members of the Security Council -- the United States, United Kingdom, France, Russia, and China -- would submit its own political-military decisions, including possible atrocities committed by members of its armed forces, to the judgement of outsiders. Would Russia agree to allow a "neutral" tribunal to judge the conformity to an asserted international law of the acts of individual Russians relating to Chechnya? Chinese to Tibet? United Kingdom officials to Northern Ireland? U.S. officials to the Branch Davidian compound in Texas?

Does the international legal order then leave us helpless to ameliorate the evils wrought by the participants in a civil war? The answer is clearly no. But the ameliorations cannot be wrought by third party intervention, even if they are called "community" action.

In using the Security Council to erect a war crimes tribunal at The Hague, the U.S. government not only agreed that the authority of the Security Council extended to "war crimes" were direct violations of "international law", and could be tried by an international authority. The parties to the Dayton Accord agreed "to cooperate in the investigation and prosecution of war crimes and

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law; it is only a possible "breach of contract". The remedy for a breach of contract lies with the party injured by the breach; that party can bring suit. It does not, and cannot, lie with a non-party who would like to supervise the performance of a contract to which it is itself not bound.

The attempt to use the forms of law to bring peace to the Balkans has apparently seized the imagination of experienced and superbly competent statesmen like Cedric Thornberry, a British lawyer, former assistant secretary-general of the United Nations, and deputy head of mission of UNPROFOR in the former Yugoslavia during 1992-94. In his recent FOREIGN POLICY article "Saving the War Crimes Tribunal", Thornberry notes some of the weaknesses of the process, such as targeting some Bosnian Serb leaders -- but not the equivalent Croat and Muslim leaders whose followers have committed atrocities. He argues nonetheless that the process itself is sound. But it is doubtful that the process is sound, and he seems unaware that the legal order provides more effective alternatives.

A Failed Precedent

There is a frequently cited precedent for using a legal tribunal and the notion of war crimes to bring "justice" to a legal order that seems incapable of enforcing the rules outsiders regard as vital: Nuremberg. But the precedent fails because the two situations are not analogous.

Nuremberg was a victors' tribunal; there were no "neutrals" involved in the prosecution or on the judges' bench. The Hague tribunal is supposed to be "neutral."

Nuremberg was in the middle of Germany and its greatest success was in exposing to the German people themselves the atrocities that had been done in their government; it was part of a course of education that has had an enormous impact on German society. Contrarily; the Hague tribunal is about 750 miles from the scene of the atrocities and is widely viewed in the former Yugoslavia as a game being played by outsiders lacking a firm grip on local reality.

At Nuremberg, the Nazi archives were open to the defense as well as to the prosecution, and the need for Allied secrecy barely inhibited the ability of the defense to present evidence; indeed, some acquittals were based on the evidence. At the Hague, the documents and testimony needed for an effective defense are hard to expose and bring to the tribunal; there is no reason to expect the Bosnian Serbs to publish their internal records, and no reason to think that the Serbian Serbs would want those records, or their own Cabinet minutes that might reflect those records, exposed. Nor is there any reason to expect the Bosnian

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other violations of international humanitarian law" not only in the traditional ways that law is applied, but as "otherwise authorized by the United Nations Security Council" (General Framework Agreement, Article IX). As noted above, the Bosnian Serbs, now calling themselves the Republika Srpska, are not parties to the Framework Agreement; their supposed commitment to it is derived from a separate agreement dated August 29, 1995, under which the Federal Republic of Yugoslavia was reportedly authorized to sign on behalf of the Republika Srpska those parts of the peace plan concerning the Bosnian Serbs. Since the Republika Srpska considered an international person by any of the parties to the Framework Agreement, it is not at all clear why anybody regards that Republika as legally bound by anything concluded internationally, or why an internal document of the Federal Republic of Yugoslavia, if that is what the "agreement" is, is regarded as governed by international law. What the U.S. negotiators wanted is clear; whether the law would permit them to achieve it in this way is more than doubtful.

But things get worse. In annexes to the Framework Agreement, too, cooperation with the Security Council's efforts was promised, "including the International Tribunal for the Former Yugoslavia" (Annex I, Article X): "All competent authorities in Bosnia and Herzegovina" must "cooperate and provide unrestricted access to... the International Tribunal for the Former Yugoslavia; and any other organization authorized by the UN Security Council with a mandate concerning human rights or humanitarian law" (Annex 6, Article XIII.4).

Presumably, the annexes' expression "Bosnia and Herzegovina" was intended as a geographical expression, not a political one, so the undertaking should be binding on whoever (other than United Nations forces) controls the territory. The parties to the annexes quoted are the Republic of Bosnia-Herzegovina, the Federation of Bosnia-Herzegovina (the Muslim-Croat part of the Republic), and the Republika Srpska (the Serbian organization regarded by the framers of the Dayton Accord as part of Bosnia-Herzegovina). Of those, only the first is a party to the Framework Agreement. The Federal Republic of Yugoslavia (the existing Serbian state) is an "endorser", a term left undefined in the published documents.

The agreement as a whole was apparently intended to bring the political leadership in Bosnia-Herzegovina under the authority of the tribunal at The Hague, thus establishing a "community" authority on war crimes superior to a nation's traditional authority to define and administer criminal law under its own constitution. But it is legally unclear that the parties to the Framework Agreement, who have no rights or obligations under the annexes, can claim any special role in their implementation. Moreover, the failure of a party to an annex to fulfill its apparent commitment is not a "crime" under international law; it is only a possible "breach of contract." As in our own domestic law, the remedy for a breach of contract lies with the party injured by the breach; that party can bring suit. It does not, and cannot, lie with a non-party who would like to supervise the performance of a contract to which it is itself not bound.

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Nuremberg was a victors' tribunal; there were no "neutrals" involved in the prosecution or on the judges' bench. The Hague tribunal is supposed to be "neutral."

Nuremberg was in the middle of Germany and its greatest success was in exposing to the German people themselves the atrocities that had been done in their government; it was part of a course of education that has had an enormous impact on German society. Contrarily, the Hague tribunal is about 750 miles from the scene of the atrocities and is widely viewed in the former Yugoslavia as a game being played by outsiders lacking a firm grip on local reality.

At Nuremberg, the Nazi archives were open to the defense as well as to the prosecution, and the need for Allied secrecy barely inhibited the ability of the defense to present evidence; indeed, some acquittals were based on the evidence. At the Hague, the documents and testimony needed for an effective defense are hard to expose and bring to the tribunal; there is no reason to expect the Bosnian Serbs to publish their internal records, and no reason to think that the Serbian Serbs would want those records, or their own Cabinet minutes that might reflect those records, exposed. Nor is there any reason to expect the Bosnian

Muslims or Croatians to volunteer their own records, which might exculpate some low-level defendants by incriminating higher-level officials.

It is also frequently forgotten that a series of trials equivalent to Nuremberg was held in Tokyo, resulting in a major dissent (by the Indian judge), partial dissents (by the Dutch and French judges), and a separate opinion (by the Philippine judge). For fifty years now, the Nuremberg "precedent" has not been followed. Before the precedent is revived, it would be wise for those arguing for it to check the reasons why it was not deemed persuasive to some at Tokyo, or to many people for fifty years afterwards. The weakness of the Nuremberg precedent was certainly seen by the defendants at The Hague, even if not perceived by the prosecution.

The defendants' first line of defense was an attack directly on the authority of the Security Council to establish the tribunal, which was predictably rejected by the judges of the tribunal itself, who based their opinion on the presumed authority of the Security Council. It is hard to imagine anybody being surprised by the judges' attitude.

On a deeper level, one may question the assumption that the atrocities committed in the former Yugoslavia are violations of "international law", which by treaty and custom requires belligerents to forbid and punish defined military atrocities, but does not directly apply to individuals or authorize third-party tribunals to pass judgement on them unless submission to such tribunals is agreed by the belligerents themselves. The point is that international law is not directly enforced by criminal process, but international law can be said to require national criminal law to forbid and punish some particularly atrocious acts by individuals acting for a political purpose as part of an organized military force.

The international laws of war derive from state practice and from treaties. Until now those laws have been enforced only by tainted victors' tribunals and national or factional tribunals conducted by the belligerents themselves. The U.S. trial of Lieutenant William Calley over the My Lai massacre also treated some violations of internationally agreed rules as crimes under American military law. His immediate superior in the Army, Captain Ernest L. Medina, was acquitted. No third party tribunal was considered competent to hear any aspect of either case. The "international community" might be disgusted by the facts in the former Yugoslavia (or might not -- most members have atrocities in their own recent history that they prefer be ignored). But disgust is not a basis for "jurisdiction to enforce" or "jurisdiction to adjudicate" in criminal matters in any country or in the international community.

"Jurisdiction to enforce" is a legal concept that requires that arrests be made within the territory or ship or aircraft or other similar place that can be assimilated to the territory of the arresting state. That is why, when U.S. agents "arrested" Fawaz Yunis, a Middle Eastern "terrorist", on board a Cypriot vessel, the agents first dragged him off the vessel, performed the formal "arrest" in an American ship, and then claimed that he had been apprehended on the high seas, as if clinging to a driftwood raft.

"Jurisdiction to adjudicate" means that there must be some national interest in the trial to support a state's application of its own criminal process to the facts: either the nationality of a victim, the location of the offense, the nationality of the accused, a substantial impact within the territory of the state purporting to run the trial, or some similar link. It was by this principal that the United States strongly protested West Germany's refusal to extradite Mohammed Ali Hamadei to the United States in 1987 to face trial for the 1985 murder of an American in a hijacked, American-registered aircraft on the ground in Beirut. Although Germany asserted that his offense was "universal" and a trial there would be legally proper, no particular German interest had been involved in Hamadei's offenses.

The analogy between war atrocities and "universal offenses" such as "piracy" or the slave trade does not relate to jurisdiction to enforce or to adjudicate, but only to the applicability of national criminal legislation: the reach of so-called "jurisdiction to prescribe." And, even there, the extension of a national jurisdiction to make criminal the acts of some foreigners outside the territory of the prescribing state has been much exaggerated by scholars unfamiliar with the actual cases and equally unaware of the dismal record of failed attempts to codify the supposed international criminal law relating to "piracy" or the international slave trade.

The tribunal at The Hague seems to translate the laws of war into a universal criminal law system. The reasons why this is unprecedented have nothing to do with lack of desire on the part of the powerful to impose their views of law on others. The reasons are related to the structure of international society, namely to the refusal of any state to submit its own troubles to the judgement of outsiders who refuse to apply the same processes to themselves.

A Better Way: Four Suggestions

So what should be done by civilized humanity when it is faced by atrocities perpetrated in a foreign civil war?

There are at least four alternatives. The FIRST is to bring our notion of the existing international legal order closer to the realities of the existing international system. If, for any reason, international tribunals are not acceptable or not feasible, then policy can still be influenced by exposure. Expose, through "truth commissions", if properly constituted and publicized, can provoke outrage. Outrage can trigger moral suasion and economic sanctions of the sort that reformed Germany and changed the constitution of South Africa. The Dayton Accord can be better attuned to reality by dropping its insistence on punishing war crimes under a hypothesized but non-existent international criminal law, and reconstituting it to be persuasive in the international moral order. The impact of this approach on the accused "war criminals" is not to submit them to a misconceived "criminal" process, but to confine them to territory controlled by their constituents; the "Kurt Waldheim" solution -- by which the former secretary-general of the United Nations and president of Austria, a possible but not proven war criminal, is effectively confined to the territory of Austria, -- works not because he is threatened with arrest and prosecution, but because nobody he respects will grant him a visa.

SECOND, erect a criminal law tribunal that can be supported by the belligerents and can supply the safeguards necessary to assure the "human rights" of the accused, including their right of access to whatever evidence is necessary to mount a rational defense. That can be done within the existing legal order, although not by the Security Council of the United Nations. To establish such a tribunal, the cooperation of the Bosnian Serbs would be necessary. Rather than including only the leaders of the Bosnian Serbs and the lower-level villains of Croatia and the Bosnian Muslims, the cooperation of all should be sought so as to make possible the indictment of the equivalent leaders of the Serbian Serbs, the Bosnian Muslims, and the Croats. It might be very distasteful to deal with people whom our negotiators regard as villains, but a consistent effort stands a better chance of ameliorating the miseries of the former Yugoslavia than the current hypocritical attempt to criminalize the acts of some but not all of them.

THIRD, reinstitute the traditional legal remedies for atrocities in war: hand over accused "war criminals" to one or another of the parties concerned in the struggle, those whose legal orders clearly have "jurisdiction to adjudicate." Each side should, in its own moral and legal interest, punish its own villains. Each side has an interest in observing human rights safeguards when trying accused villains of an opposing faction. Provision can be made in accordance with the 1949 Geneva Convention to "hand over" an accused villain to one of the belligerent powers and to assure that human rights safeguards, "protecting power" observers, Red Cross visitations, and other humanitarian institutions are put and kept in place.

FOURTH, do nothing. It is just possible that some of the parties necessary to effect any real settlement in the former Yugoslavia are not yet ready for peace. If that is so, then any "peace" that we impose can be no more than a facade. In the meantime, humanitarian aid can continue to be rendered to the victims of the conflict and other pressures maintained to encourage a stable settlement.

The insistence on using the tragedy of the former Yugoslavia as a reason for establishing an international court seems to rest on the assumption that peace is impossible without justice. But "justice" is itself not assured by any human tribunal. It might be useful to remember that Plato wrote in Book I of 'The Republic' that good people would not want to be "guardians", that they would rather have to be compelled to perform such a role (although by whom and how are not made clear). Those who believe that a legal tribunal is useful to assure justice, and that justice is a prerequisite to peace, would do well to ponder the alternatives and whether all those who speak publicly of the need for such one-sided "justice" really have in mind justice as seen by outsiders. The tribunal's role seems much more closely related to a struggle for authority over parts of the former Yugoslavia, or, indeed, control by Great Power or UN officials or lawyers over international affairs, in disregard of the imperatives and risks of representative democracy.

In sum, whatever one thinks of it in other respects, the Dayton Accord's emphasis on Security Council authority and an international tribunal to enforce a misunderstood version of the laws of war should not be supported. The tribunal in The Hague should be disbanded. It is time to move on to things that might really help develop peace and a sense of responsible order in the former Yugoslavia.

----- Alfred P. Rubin is distinguished professor of international law at the Fletcher School of Law and Diplomacy at Tufts University.

18-4-2007

The International Criminal Tribunal for the Former Yugoslavia (ICTY) was created in May 1993 primarily through the intense efforts of then US Ambassador to the UN Madeleine Albright. Madeleine Albright created the Hague War Crimes Tribunal. Albright is known as the "mother of the Tribunal" because she was instrumental in its creation. The ICTY was created during the Bosnian Civil War for one purpose: To condemn the Bosnian Serb insurgency and the efforts by Yugoslavia to safeguard the rights and interests of the Serbian Orthodox populations. The Hague Tribunal from the start was anti-Orthodox, anti-Serbian. The Court was another weapon in Albright's arsenal against the Serbian Orthodox populations of the former Yugoslavia. The Court was part of the information or propaganda war, the infowar, being waged against Serbia and the Serbian populations. The court was a lever, a weapon, an additional instrument of coercion and pressure against the Serbian Orthodox. Justice had nothing to do with it.



19-04-01

witch-hunt era. In the Spanish, and the Roman Inquisitions. The Spanish Inquisition was created by a papal bull issued in 1478 by Pope Sixtus IV. Sixtus appointed the Dominican Monk Thomas Torquemada, the Grand Inquisitor, who in his 14-year judicial tenure burned over 10,000 victims at the stake and over 100,000 died from hunger and torture in Inquisition prisons. Using the legal system or courts in the pursuit of vindictive triumph is well established in Western history.

Is the ICTY an independent, unbiased, and neutral tribunal? Let us examine the facts. The ICTY was established primarily through the untiring efforts of Madeleine Albright, the "mother of the Tribunal". The initiative for the Tribunal comes solely from the US, Albright in particular, who created an ambassador at large for war crimes once she became Secretary of State. The US government has provided 23 officials for the tribunal. The FBI provided investigators for war crimes in Kosovo. The ICTY is financed and funded primarily by the US government, US corporations, globalist organizations, the Rockefeller Foundation, and the Open Society Foundation of George Soros. The US government has donated \$500,000 to the tribunal while a major US corporation donated \$3 million worth of computer equipment. Obviously, these globalist interests and investors in the ICTY wanted to see a return on their investment. The conclusion is obvious: The destruction of the communist/socialist status quo would entail the opening of new markets and an increase in US trade. An economic bonanza would follow for the globalist "humanitarians". Follow the money trail.

During the Kosovo conflict, President Clinton was able to obtain an additional \$27 million for the ICTY from the US, to engage in propaganda and other activities to support the illegal NATO bombing. Some of the money was spent preparing the testimonies of Albanian "refugees" before the US Congress, documenting the humanitarian catastrophe and war crimes. Finally, to aid the ICTY, Clinton placed a \$5 million bounty on the head of Milosevic, the indicted war criminal. To induce the arrest of Milosevic, the President Bush Administration placed a March 31 deadline on the Yugoslav government to make an arrest. The US Congress offered \$50 million in aid if the arrest were made. Moreover, the sanctions regime could be modified and changes in the Ground Safety Zone would continue if the Yugoslav government followed the US diktat.

The make-up of the court is suspect as well. Of the 14 judges, 5 are NATO members, 3 are from former British Empire colonies, now the British Commonwealth, 3 are from Muslim states, and one judge is from Columbia, a banana republic client state of the US. There are no judges from an Orthodox nation. The court is like a lynch mob. The defendants are presumed guilty unless found innocent. There is a presumption of guilt. Long-standing criminal law procedures and international criminal law guidelines are abandoned. There is no neutrality in the judicial make-up. The ICTY is a NATO court, a court set up to try the "enemy" of NATO. The ICTY was established by the UN Security Council in May, 1993 under its powers to provide peacekeeping in conflicts. Many jurists regard this as a usurpation of the powers granted to the Security Council. There already exists an International Court of Justice in the Hague. But the US finds it difficult to control and manipulate that court so it created its own. Factually, the US ignores the International Court of Justice when in conflict with US policies. For example, the Court found the US guilty of violating international law in the US mining of Nicaraguan ports by CIA-backed contras, but the US glibly and contemptuously ignored the



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The glaring flaw of the Hague Court is that there is a conflict of interest. Any first year law student will perceive this fatal flaw. Indeed, common sense will tell us that you cannot have a fair trial or justice when there is a conflict of interest. Fairness and justice demand a neutral, unbiased, independent legal process.

But the Hague Tribunal is biased, anti-Serbian, and created, established, controlled, staffed, funded, and organized by the United States, the actor at war with Serbia, waging a ruthless, vicious, sadistic war against the Serbian Orthodox population and against the Serbian government and leaders. The US, moreover, is engaged in a massive and unprecedented propaganda war, or infowar, against the Serbian people and Serbia. The Hague Court is a political court, a show trial court. Here too, this is nothing new. This concept of vindictive justice, of a political court, was not invented by Madeleine Albright, but was made famous by Joseph Stalin during the Moscow show trials of the 1930s. During the 1950s, Senator Joseph McCarthy initiated a series of anti-Communist show trials during the Communist witch-hunt era. In modern Western history, the models are the Medieval, the Spanish, and the Roman Inquisitions. The Spanish Inquisition was instituted by a papal bull issued in 1478 by Pope Sixtus IV. Sixtus appointed the Dominican Monk Thomas Torquemada, the Grand Inquisitor, who in his 14-year judicial tenure burned over 10,000 victims at the stake and over 100,000 died from hunger and torture in Inquisition prisons. Using the legal system or courts in the pursuit of vindictive triumph is well established in Western history.

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Factually, the US ignores the International Court of Justice when in conflict with US policies. For example, the Court found the US guilty of violating international law in the US mining of Nicaraguan ports by CIA-backed contras, but the US glibly and contemptuously ignored the

decision of the Court. For the ICTY to be binding on sovereign states, those states must have voluntarily consented to the jurisdiction of the Tribunal. There has been no consent to relinquish sovereignty. This has not been done by Yugoslavia. The members of the Tribunal are not democratically elected, but appointed by states that have an interest in pursuing war crimes. Moreover, Yugoslavia is a nation not at war, a nation whose Constitution prohibits the transfer of a political leader to a foreign country to stand trial. Milosevic is not a dictator but a political leader who was elected three times in a democratic process. The ICTY is then a continuation of the negation of national sovereignty initiated by US policies targeting Yugoslavia.

The arrest of Slobodan Milosevic under coercion and economic blackmail by the US reflects a vindictive triumph, and the continuation of a sadomasochistic diplomatic and political relationship between the US and Yugoslavia. Instead of reconciliation and reintegration, the US seeks to pursue the war against Yugoslavia by other means, coercion, economic sanctions, financial blackmail, military pressure, such as arming training, and supplying KLA veterans in the Liberation Army of Medvedja, Bujanovac, and Presevo, who have infiltrated the Ground Safety Zone, killing and mutilating the corpses of Serbian policemen and soldiers. Reconciliation and reintegration of Kosovo-Metohija into Yugoslavia are not options. Instead, vindictive triumph and sadomasochism are policies being pursued. The arrest of Milosevic must be seen within this context or framework. The NATO nations want Milosevic tried at the ICTY for "war crimes" and "crimes against humanity" not because they are motivated by concerns for justice, but because they want to justify and rationalize their illegal bombing campaign, their illegal war against Yugoslavia, a war which has not resulted in a multi-ethnic and tolerant Kosovo, but a 100% ethnically pure Albanian "gangster state", made up of mafia-style fiefdoms ruled by drug lords engaged in a drug smuggling and prostitution ring, whose population "demands independence", demands Greater Albania. The illegal NATO bombing has exacerbated the Kosovo crisis and threatens to destabilize the entire region and engulf Macedonia, Albania, Montenegro, Greece, and Yugoslavia into a war. The Milosevic arrest is motivated by vindictive triumph, the trial of a leader by a court established and maintained by the nation with the most to gain from such a trial. There is a glaring conflict of interest. The ICTY is a propaganda and political tool of NATO and the US. The ICTY is not a neutral and independent body. The ICTY has nothing to do with criminal justice, the rule of law, or international law. The ICTY is war by other means, merely a continuation of the war against the Serbian Orthodox by other means. The ICTY represents the opposite of justice.

Source:

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<http://www.mediamonitors.net/savich1.html>

Miroslav Antic,

<http://www.antic.org/SNN/>

>

Serbian News Network

owner-sin@antic.org

<http://www.antic.org/SNN/>

Aangzien de ICTY het enige zogeheten
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van holst en steijnen

From: Hans Hupkes <hans.hupkes@planet.nl>
To: Nico Varkevisser <redactie@targets.org>; Nico Steijnen <n.h.van.holst@freeler.nl>
Sent: dinsdag 10 juli 2001 12:08

Beste mensen,

Dit bericht van Ruza heeft Snezana vertaald.

<

Luxemburgse advocaten bieden Milosevic gratis hulp aan

PODGORICA - Vijftien Luxemburgse advocaten willen Milosevic gratis verdedigen voor het Haagse tribunaal. Dat is donderdag gemeld gemeld door het dagblad Dan in Podgorica. Mr. Gaston Vogel, internationaal gerenommeerd hoogleraar strafrecht, heeft gratis diensten van zijn kantoor aangeboden aan de advocaten die Milosevic willen helpen. Het kantoor van Vogel heeft juristen in dienst uit Denemarken., Groot-Brittannië en Luxemburg.

Mr. Vogel staat bekend als een vechter tegen onrecht en Amerikaanse agressie wereldwijd. Het Joegoslavië Tribunaal erkent hij niet omdat het illegaal is opgericht.

>

Misschien weer een contactmogelijkheid. Prof. De Waart had trouwens een verdomd goed stuk in Vrij Nederland. Hoe gaat het eigenlijk met de zaak van Joegoslavië tegen de NAVO-landen bij het Internationaal Gerechtshof? De Waart zit/zat in het advocatenteam van de federatie.

Vr. gr. Hans.

Kosovo conflict

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 ☐ ADVERTENTIES
 ☐ SERVICE



Websites

NRC Webpagina's
11 januari 2000

Nieuws:

Actueel overzicht van ontwikkelingen rond Kosovo en links naar diverse media.

http://headlines.yahoo.com/Full_Coverage/World/Kosovo

The New York Times heeft onder 'Conflict in Kosovo' een lezenswaardig Kosovo-dossier. (Gratis registratie is verplicht.)

<http://www.nytimes.com/library/world/kosovo-index.html>

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[Achtergrond](#)

[Nasleep](#)

[Conflict](#)

[Vluchtelingen](#)

[Etnische zuivering](#)

[Internet en Media](#)

[Links](#)



Aan te bevelen is ook 'Balkan Flashpoint' van de BBC, in tekst, beeld en geluid.

http://news.bbc.co.uk/hi/english/special_report/1998/kosovo

Wie meer media-links zoekt, kan beginnen bij het Nederlandse Press Now.

<http://www.dds.nl/~pressnow>

Achtergronden:

Het Britse Institute for War and Peace Reporting biedt ondermeer 'Balkan crisis reports' door lokale journalisten, weekoverzichten van het Haagse tribunaal voor oorlogsmisdaden en overzichten van de Joegoslavische pers.

<http://www.iwpr.net>

De Federation of American Scientist herbergt onder 'Target Kosovo' een uitputtend overzicht van NAVO-briefings, kaarten en satellietfoto's, alsmede analyses van de bewapening en de militaire structuur van de NAVO, Joegoslavië en het UÇK. Daarnaast nieuws, actuele weerberichten, historische achtergronden en analyses van eerdere NAVO-acties.

<http://www.fas.org>

Een internationale denktank met een research-afdeling op de Balkan. Diepte-analyses onder het kopje 'South Balkans', met aanbevelingen voor besluitvormers.

<http://www.intl-crisis-group.org>

Een overzichtelijke landenoverzicht van de bibliotheek van het Amerikaanse Congress. Met onder meer de geschiedenis van alle Balkanlanden.

<http://lcweb2.loc.gov/frd/cs/yutoc.html>

Hulpverlening:

Op de virtuele aanwezigheid van de VN-vluchtelingenorganisatie UNHCR rond Kosovo is weinig aan te merken: actueel nieuws en kaartjes over de vluchtelingen.

<http://www.unhcr.ch>

Jaarverslagen, nieuws en rapporten over mensenrechten in Joegoslavië van Amnesty International.

<http://www.amnesty.org/allib/countries>

Hetzelfde, van Human Rights Watch:

<http://www.hrw.org/campaigns/kosovo98/index.htm>

NAVO:

De NAVO-website: persbriefings, biografieën, factsheets, kaarten en foto's.

<http://www.nato.int>

De officiële KFOR-site: <http://www.kforonline.com/> Met onder events and incidents, alle dagelijkse incidenten.

Persconferenties, briefings en achtergronden van het Amerikaanse ministerie van buitenlandse zaken.

<http://www.state.gov>

Het Pentagon over Kosovo: hardware en software.

<http://www.defenselink.mil/specials/kosovo>

Anti-NAVO:

Anti-militaristen voelen zich meteen thuis op deze site, met links, citaten, protestliedjes, wenken voor activisten en essays, onder meer van de onvermijdelijke Noam Chomsky.

<http://www.zmag.org/ZMag/kosovo.htm>

Uitgebreide en zeer eenzijdige anti-oorlog website: 'nuttige idioten' of verholde Servische propaganda? <http://www.antiwar.com> Ook te vinden onder

<http://www.welcome.to/freeserbia>

Servische intellectuelen en studenten, anti-NAVO en anti-Milosevic, met ooggetuigeverslagen. Betrokken maar redelijk evenwichtig.

Andere internationale organisaties:

<http://www.un.org/peace/kosovo/kosovo1.htm> De homepage van het internationale (VN) civiele bestuur in Kosovo.

<http://www.osce.org/> - aantal rapporten van de OESO over het democratiseringsproces in Kosovo.

Joegoslavisch:

Officiële Joegoslavische websites zijn statisch en 'ouderwets' propagandistisch. En niet meer altijd evengoed te bereiken.

Het ministerie van Informatie spreekt: alles over 'zieke wreedheid en barbarisme van de NAVO'.

<http://www.serbia-info.com>

Een interessant, zij het traag, propagandaforum is de vroegere website van de onafhankelijke radiozender B92, nu geannexeerd door de regering.

Boeiende links naar het hele Servische propaganda-apparaat.

<http://www.b92.net/> (

De restanten van de 'echte' B92 bevinden zich op

<http://www.opennet.org>)

Servische sites zijn onder meer de Serbian National Defense Council of America <http://www.snd-us.com/> en het Serbian Unity Congress

<http://suc.suc.org/>.

Kosovaars:

Albanese Kosovo-websites zijn in de regel druk, emotioneel en visueel, met veel ticker-tapes, verspringende en gemanipuleerde foto's en krijgsmuziek.

Albanese studenten belichten de Kosovaarse kant van de medaille.

<http://www.alb-net.com/index.htm>

Open kanaal voor Kosovo van de Amsterdamse provider De Digitale Stad, met nieuws en persoonlijke verhalen van Kosovaren, Serven en andere Joegoslaven.

<http://www.dds.nl/openchannels>

Meer:

<http://www.kosova.nu>

Albanezen:

De Albanese visie op de geschiedenis van Kosovo.

<http://www.kosova.com/expuls>. Uitgebreide verhalen over de Albanen in Servië zijn te vinden via <http://www.bndlg.de/~wplarre/>, Duitse site die vooral veel aandacht besteedt aan de Albanen die in Servië gevangen zitten, en <http://www.dillingen.baynet.de/~wplarre/back370.htm> over de Presevo-vallei.

Discussie:

Het onafhankelijke persbureau Beta-press probeert dapper onpartijdige

informatie te geven. Interessant is het Kosovo Online gedeelte, met name de sectie 'history', waar Servische en Albanese intellectuelen hun tegengestelde visie geven op het conflict.
<http://beta-press.com>

Nieuwsgroepen:

De Kosovo-crisis wordt druk besproken in vele nieuwsgroepen op het Usenet, en zelden met gevoel voor nuance. Het intypen van steekwoorden als 'Kosovo', 'Serbia' en 'Yugoslavia' levert er tientallen op, zoals alt.politics.yugoslavia, soc.culture.yugoslavia, free.kosovo.

Bovenkant pagina

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van holst en steijnen

From: <joesb@vorstadtzentrum.net>
To: <n.h.van.holst@freeler.nl>
Sent: woensdag 8 augustus 2001 13:25
Subject: Die DOS-Regierung in Serbien: Spiel im Abseits

Preise auf "europäisches Niveau" angehoben: die Rückkehr nach Europa und in die grosse, weite Welt?

Mit der Preissteigerung von Tarifen für die Benutzung der öffentlichen Verkehrsmittel, der Postdienste, sowie eine weitere Erhöhung der Strompreise (diese sind in Serbien seit der Machtübernahme durch die demokratische DOS-Regierung um 1.000% gestiegen), der Fernwärme und verschiedener Lebensmittel ab August 2001 katapultiert sich die DOS-Regierung weiter ins Abseits. Dazu kommt noch, dass der staatliche Stromversorger EPS etwa 300.000 Haushalten in Serbien den Strom abschalten wird. Es handelt sich um Familien, die dem Stromlieferanten Geld schulden, so der stellvertretende Geschäftsführer Nenad Markovic.

Branko Radulovic, Mitglied der G17, hat hingegen versichert, dass "parallel zu den Teuerungen auch die Löhne und Gehälter angehoben werden." Das würde der Logik der prokapitalistischen neuen Regierung entsprechen: zuerst die Preise hochtreiben, dann Versprechungen machen, sie nicht einhalten und auf die "Hilfe" aus dem goldenen Westen warten, denn er führt weiter fort: "Die Bürger Jugoslawiens sind am Rande ihrer Unzufriedenheit angelangt, aber wenn wir die Kredite und die Folgen der Geberkonferenz auch materiell zu spüren bekommen, dann können wir die Preissteigerungen auch leicht kompensieren." Passend ist hier anzumerken, dass es ein enormes Defizit in der Energieversorgung Serbiens gibt und deswegen ein Bau eines Kernkraftwerkes in Erwägung gezogen wird. Nach der faktischen Besetzung der südserbischen Provinz Kosovo und Metochien durch die Nato hat Serbien keinen Zugang zu den Kraftwerken in Obilic bei Pristina, die fast die Hälfte der gesamten Stromproduktion lieferten und in die der Staat Milliarden investiert hatte. Es hat sich auch gleich ein Investor gefunden: der US-Konzern Westinghouse, der größte Anlagebauer für Kernkraftwerke weltweit, hat

nach Berichten der Belgrader Presse in den Sturz des Milosevic-Regimes im vergangenen Jahr kräftig investiert, indem es Gelder zur Finanzierung von heutigen Regierungspolitikern, "unabhängigen" Medien und "Nichtregierungsorganisationen" bereitstellte.

Bis zur Nato-Aggression 1999 war Serbien der größte Stromexporteur auf dem Balkan.

Teilen und herrschen ist also nicht genug, die nationale Industrie muss zerschlagen werden, um wirklich Profit zu machen! Den Menschen in der BR Jugoslawien bleibt nur ein schaler Nachgeschmack und ein leerer Geldbeutel.

Die "freien Medien" werden nicht müde zu berichten, dass es ohne der grosszügigen Hilfe aus dem Westen kein Überleben gibt und während sie das tun, werden Streiks vom serbischen Arbeitsminister, Dragan Milovanovic, als politische Manöver abgetan, wo es nur um die Eroberung der Macht innerhalb der Betriebe geht und dass nur ein geringer Teil der Arbeiter aus wirtschaftlich-sozialen Gründen streikt. "Sie haben auf der einen Seite Arbeiter aus der Textilindustrie, die Rund um die Uhr für 2.500 Dinar (in etwa 70 DM, Anm.) arbeiten, auf der anderen Seite haben sie Arbeiter aus der Fabrik "Zastava", die gar nicht arbeiten (da die Herstellung der Waren - Automobile, LKWs, Waffen etc. - ausgesetzt wurde, weil sie nicht absetzbar waren, befindet sich der Grossteil der Arbeiter zwar in einem Arbeitsverhältnis, geht aber keiner Produktion nach; Anm.). Die ersteren schweigen, die zweiteren regen sich auf."

Da bleibt nur eine Frage offen: wie kann man mit "demokratischen" Löhnen "demokratische" Preissteigerungen überleben, ohne zu streiken, ohne sich "aufzuregen"?

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van holst en stijnen

From: Duska Bekker Isakovic <isakovicd@zonnet.nl>
To: Nico Stijnen <n.h.van.holst@freeler.nl>
Cc: Ruza Despotovic <despot@wishmail.net>; Hans Hupkes <hans.hupkes@tomaatnet.nl>
Sent: woensdag 18 april 2001 17:16
Subject: Fw: [SIN] The Arrest of Slobodan Milosevic: Vindictive Triumph and Sadomasochism

Beste Nico,

Dit soort meningen ontvang ik dagelijks. Ik weet niet wat ik hiervan moet denken maar een ding is voor mij persoonlijk wel duidelijk. In mijn land van herkomst heerst op dit moment een afgrijselijke toestand en ik maak me buitengewoon zorgen. Er dreigt een nieuwe oorlog in Bosnie, daar hebben 12.000 Kroatische soldaten kasernes verlaten omdat ze niet samen met de moslims verder willen terwijl dat in Dayton is afgesproken. Als daar opnieuw oorlog uitbreekt (sommige analisten voorspellen het zeer binnenkort gebeuren) dan gaat alles op de Balkan in de vlam. Ik kan alleen maar hopen dat het Westen ophoudt zich mee te bemoeien en vooral ophoudt militair te interveniëren want daarmee heeft juist het Westen alles doen eskaleren en destabiliseren. Ik stuur je dezer dagen een artikel uit het Financieel Dagblad van 17 april waarin een analyse van een economisch adviseur van de Macedonische regering alles somber inzielt.

Ik weet niet in hoeverre jij de situatie in Belgrado volgt, maar daar lijkt alles mis te gaan wat mis kan gaan.

Het nationalisme van het ergste soort aan alle kanten herleeft weer vol op en ik denk aan mijn familie en vrienden die rust verdienen na zo veel jaren ellende.

met vr.gr. Duska

Sent: Thursday, April 19, 2001 1:04 AM
 Subject: [SIN] The Arrest of Slobodan Milosevic: Vindictive Triumph and Sadomasochism

The Arrest of Slobodan Milosevic: Vindictive Triumph and Sadomasochism

by Carl K. Savich

An essential element of all war propaganda is to designate the "enemy" as a criminal, outlaw, terrorist, or rogue. The enemy violates all international laws, mores, or conduct of civilized mankind. On November 5, 1998, the US judge on the ICTY, Gabrielle McDonald, stated that Yugoslavia was "a rogue state, one that holds the international rule of law in contempt." On June 30, 1999, the US Senate adopted a bill that branded Yugoslavia "a terrorist State." This process necessarily results because of the nature of enmity, of war, and of propaganda.

Enmity is created when we project what Carl Jung termed the shadow, our denied, repressed, subconscious guilt, sadism, hatred, onto a convenient "enemy" or other scapegoat. It results from a self-delusional and paranoid psychological orientation, one rooted in arrested psychological development. It is an infantile disorder. We have a psychological need to focus out shadow, our hatred, and our denied or repressed guilt, onto an individual or person. There is a need to focus our rage and irrational emotion onto a figurehead: "the butcher" Valeriano Weyler, Adolf Hitler, Tojo, Joseph Stalin, Ho Chi Minh, Mao Tse-tung, Manuel Noriega, Saddam Hussein, the "butcher of Baghdad, Slobodan Milosevic, the "butcher of the Balkans". A corollary of the requisite for finding the enemy guilty of crimes is that we create an illusory and self-delusional dichotomy between the enemy people and the enemy leaders or government. The people are innocent, but the leaders are guilty. When dichotomy fails to weaken the "enemy", then "collective guilt" is imposed on an entire nation, state, people, religious group, or social group. The CIA Guerrilla War Manual (1984), illustrated

is technique in advocating the following strategy in overthrowing the Sandinista government:

The basic objective of a preconditioning campaign is to create a negative "image" of the common enemy, e.g., describe the managers of collective government entities as trying to treat the staff the way "slave" foremen do. The police mistreat the people like the communist "Gestapo" does. Through local and national history, make it clear that the Sandinista regime is "foreignizing," "repressive," and "imperialistic," and that even though there are some Nicaraguans within the government, point out that they are "puppets" of the power of the Soviets and Cubans, i.e., of foreign power.

The propagandist or information technologist creates a dichotomy between the Nicaraguan people and their leaders. The people are "innocent"; the leader or government is "guilty". Here there is an example of propaganda projection or transference. The propagandist projects his or her own history of racism and slavery, Negro slavery, onto the "enemy", i.e., slave foremen. The recent release of classified documents from World War II in the national archives in Washington, DC has raised the question of whether the German chief of the Gestapo, Heinrich Muller, had worked for the parent organization of the CIA, the Central Intelligence Command (CIC) during the Cold War. The information technician merely projects his own repressed self, his own crimes, his own guilt, his own denied motives, his Jungian "shadow", onto the enemy. The arrest of Slobodan Milosevic must be seen in this perspective.

But why is Milosevic being arrested? What is he charged with? On May 27, 1999, the ICTY indicted Milosevic for "crimes against humanity", a vague term, during the illegal 19-nation NATO bombing campaign against Yugoslavia. He was indicted by the ICTY during the NATO bombing campaign, an indictment by a NATO court. The Kosovo war was not sanctioned by the UN, but in fact, violated the UN Charter and all international laws and agreements. A glaring fact emerges. Such an indictment is self-serving and tautological. To rationalize and justify the illegal NATO war, such an indictment is essential. But Milosevic was once labeled the "guarantor of peace in the Balkans", essential for maintaining peace in the Balkans, and the only person the US could work with. He was invited to Dayton, Ohio and was transformed into a diplomat by US negotiator Richard Holbrooke. The only thing missing was a Nobel Peace Prize. Why and how the sudden transformation?

The arrest of Milosevic as a wanted war criminal stems from the Kosovo conflict of 1999. But why did that conflict occur?

Former President Bill Clinton explained what "this thing in Kosovo is all about" in a speech quoted in *The Nation*, April 19, 1999:

If we're going to have a strong economic relationship that includes our ability to sell around the world, Europe has got to be a key. That's what this Kosovo thing is all about.

The Kosovo conflict was thus induced by the US to advance economic, military, and strategic geo-political interests. It's the economy, stupid. The goal of the Kosovo military intervention was to open up markets and advance trade and develop the "open society" advocated by philanthropist George Soros. It's globalism, stupid. But what about all the media images of refugees, war crimes, genocide, humanitarian disaster/catastrophe, ethnic cleansing, crimes against humanity, humanitarian intervention? This is where propaganda or information technology comes in.

We live in the Information Age, an informational global village. As Marshall McLuhan has noted, war is now information war, infowar. War is now about information. Modern technology has rendered war obsolete and meaningless. President Clinton could not justify or rationalize an illegal war, violating international laws, agreements, the UN Charter, the NATO Charter, the US Constitution, against a sovereign nation on the basis of advancing US economic and strategic interests, "our ability to sell around the world". To overcome the blatantly and flagrantly illegal and criminal nature of the US military aggression—a dictionary definition of aggression here—against Yugoslavia, a propaganda rationale needed to be devised. The Kosovo propaganda rationale was a carbon copy of the Bosnia propaganda paradigm. The Yugoslav government and leaders were engaged in genocide and ethnic cleansing and crimes against humanity. This is a no brainer. What do you do? Susan Sontag, Madeleine Albright, Caspar Weinberger, Zbigniew Brzezinski, Morton Abramowitz, Christiane Amanpour, James Rubin had the

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answer. Why, you militarily intervene, wage "humanitarian warfare", to prevent genocide, stupid. You do a humanitarian intervention, humanitarian warfare, a classic oxymoron of the New World Order; it could come almost verbatim out of George Orwell's *1984* (1949). That is the *nie kopie* voorblad OR-ordner you do. It is simplicity itself to call it "humanitarian warfare", you do "military humanism". Needless to say, you do not do humanitarian warfare to resolve the Palestinian-Israeli conflict, or the Kurdish-Turkish conflict, or the Basque-Spanish conflict. Why? Because those are the wrong kinds of "liberation" movements. The Palestine Liberation Organization (PLO) is not applicable under humanitarian warfare or intervention, but the Kosovo Liberation Army is applicable. Why is this so? Humanitarian intervention or military humanism does not apply to US client states. Orwell would turn over in his grave. The propaganda analogy is to the Holocaust, the extermination of European Jewry by Germany and German allies, such as Kosovo Albanians, Croats, and Bosnian Muslims. We have seen the Bosnian Muslim Anne Frank, Zlata Filipovic, and the Albanian Anne Frank of Kosovo, Adona, used by the US information technologist. Logically, if we assume war crimes and genocide, then war criminals and war crimes trials must follow.

*

Having embarked on this genocide propaganda paradigm, guilt presupposed punishment. If the enemy is guilty of war crimes, there must be trials, there must be punishment. So the War Crimes Tribunal is an essential tool and ingredient of the genocide propaganda. But didn't the US expose the propaganda use of the tribunal in 1995 when it flip-flopped on Milosevic, when he was changed from "war criminal" and "butcher of the Balkans" to diplomat and peacemaker? Moreover, the ethnic cleansing and war crimes committed against the Orthodox Serbian populations of the former Yugoslavia is of no concern to the tribunal? Since NATO/UN occupied Kosovo, 230,000 Serbian Orthodox were driven out, hundreds murdered, kidnapped, tortured, over 100 Orthodox Churches destroyed. What about the reports that Kosovo Serbs are being hunted down and murdered like wild animals by the KLA? What about the systematic, planned, and premeditated murder of the Serbian Orthodox population of Kosovo by the KLA since NATO occupied the province? In 1995, up to a quarter of a million Krajina Serbs were driven out from the Krajina. Those Serbs that chose to remain were systematically hunted down and brutally murdered and their bodies mutilated. Is that justice? Do we need to look that up in the dictionary? Who is kidding whom here? Of course, this is all infantile self-delusion. It is kid stuff and makes our analysis easy.

The War Crimes Tribunal is modeled on the Nuremberg War Crimes Tribunal of 1946-49, which tried the major German war criminals. A war crimes tribunal is logically necessary for the US propaganda paradigm or model. If there are war crimes and genocide, then there must be responsible or guilty leaders who must be tried. The Nuremberg propaganda model is used by the US infotech and psyop specialist, but what about the REAL Nuremberg Trials? What do those who actually participated at the Nuremberg Trials think of the ICTY and the NATO bombing of Yugoslavia? Walter J. Rockler, a REAL former Prosecutor at the Nuremberg Trials, wrote a letter to the Chicago Tribune, in which he explained the Kosovo conflict this way:

The attack on Yugoslavia constitutes the most brazen international aggression since the Nazis attacked Poland to prevent Polish atrocities against Germans.

This is what Walter J. Rockler wrote, a REAL War Crimes Prosecutor at Nuremberg. So Madeleine Albright, Morton Abramowitz, Bill Clinton, James Rubin, Susan Sontag, Anthony Lewis, Zbigniew Brzezinski did not invent or create this so-called humanitarian intervention paradigm, or Orwellian humanitarian warfare model of advancing US economic/military interests. Such is the conceit and arrogance and even utter stupidity of the so-called intellectual elites, Walter Lippmann's "enlightened elites". In fact, Adolf Hitler and Heinrich Himmler, leader of the SS, and Reinhard Heydrich, leader of the SD, developed the modern concept of military intervention based on human rights and preventing atrocities against an ethnic group, humanitarian warfare. Does anyone remember what Munich was actually about? Adolf Hitler was protecting the human rights of the German minority in Czechoslovakia. Like Kosovo Albanians, the Sudetenland German population was motivated by separatism and secession, not human rights. The German government even engaged in staging propaganda events, known as propaganda of the deed. Before the September 1, 1939 invasion of Poland, Germany needed a humanitarian or human or civil rights rationale to justify or rationalize the naked aggression of Poland. Operation Himmler provided the humanitarian

rationale. Himmler and Heydrich staged an attack on the German radio station at Gleiwitz using German troops dressed in Polish Army uniforms. Known under the code name Operation Canned Goods, inmates from Himmler's concentration camps were then executed, and trotted out and paraded before the German press and media as "victims" of Polish aggression. Before the war, Joseph Goebbels had relied on the propaganda theme of the repression/oppression of the German minority in Danzig, the Corridor, and in Poland. If the term "genocide" had been coined in 1939, Adolf Hitler would have surely used it to justify or rationalize the German invasion. Polish jurist Raphael Lemkin would not coin the term "genocide" until 1944.

Wars come and go, but propaganda techniques remain constant. The Clinton Doctrine of the New World Order looks a lot like what we can call the Hitler Doctrine of the New Order in Europe. Madeleine Albright and Bill Clinton used the identical propaganda paradigm as Adolf Hitler, indeed, they plagiarized Hitler, a propaganda paradigm parroted ad nauseam by the free world media or Western media, Pentagon, CIA, NATO personnel, Jamie Shea, James Rubin, and the Lippmannesque "enlightened elites". The humanitarian propaganda paradigm did not originate with Adolf Hitler, or Morton Abramowitz or Zbigniew Brzezinski or Bill Clinton. William Randolph Hearst had used the exact same propaganda model in engineering the war with Spain in 1898, the "splendid little war". Hearst focused on "Spanish atrocities" allegedly committed against Cuban insurgents or "freedom fighters", insurgents, like the KLA, NLA, armed, trained, and supplied by the US. How can the US be neutral, unbiased, arbiter of the Kosovo conflict when it has armed, trained, and supplied the KLA "terrorists", has in fact taken sides in an ethnic conflict? It is remarkable how little propaganda methods change. Hearst would feel right at home in our Information Age, an age he did much to create. But, of course, this propaganda paradigm does not originate with Hearst either. The 1845 US war against Mexico was launched on the premise that the US was protecting the American settlers there. Journalist John O'Sullivan coined the term "manifest destiny", "the right of our manifest destiny to overspread and to possess the whole of the continent" to describe the American invasion, occupation, and annexation of Mexican territory, Texas. The propaganda rationale was that American human and civil rights were being protected by the humanitarian intervention. Humanitarian warfare or intervention has a long history. Adolf Hitler developed the modern usage of this propaganda paradigm.

But if the Kosovo conflict was to advance US geopolitical goals and find a purpose for the defunct Cold War relic and anachronistic dinosaur, NATO, why is Slobodan Milosevic being sought for war crimes at the Hague? This is a good question. What crimes has Milosevic committed?

In propaganda and war terminology, the concept is known as "vindictive triumph", a need to utterly destroy the enemy or a symbol of the detested enemy, the Serbian Orthodox people, here in the form of Slobodan Milosevic, the former President, rooted in an infantile sadism, an obsession with power. Vindictive triumph is an obsession with total defeat and annihilation of the enemy, the humiliation of the enemy. The enemy must be guilty for the conflict, solely responsible for the war. The symbolic leader of the enemy must be found guilty and executed. Vindictive triumph is necessary to perpetuate enmity, to perpetuate war by other means even after the shooting has stopped. The maintenance of the enemy and of a bipolarity, an us versus them dichotomy, is needed. An adversarial symbiosis, or love/hate bond is created. US policy needs Milosevic as a focal point to maintain enmity, to preclude a return to normalcy or reconciliation.

Why is enmity being maintained? The US seeks to exert power and control and domination over Yugoslavia. The US, moreover, seeks to justify and rationalize US policies over the past ten years that have targeted Serbia and the Serbian Orthodox populations as the "enemy" in the Balkans. US policy needs a scapegoat, a Hitler figure, a "villain" upon whom it can project and transfer its shadow, it repressed and denied guilt. US concerns about "justice" and war crimes trials are actually rooted in a paranoid delusion. According to this paranoid view, Milosevic is responsible and guilty for the conflicts in the former Yugoslavia, he is a "serpent in the bosom" in the words of Lenard Cohen, he is a "thug", a "Hitler", a "butcher", a "war criminal", a "dictator", a "tyrant". Milosevic is responsible for anything and everything that has happened in the Balkans. Of course, he is being scapegoated much like Adolf Hitler scapegoated Jews for the defeat of Germany in World War I. Why did Hitler do this? For the same reasons the US is scapegoating Milosevic. Hitler sought to conceal poor policy decisions

and erroneous judgments by the German political and military leadership by projecting this denied guilt, doubt, and self-hatred, outward, at a convenient scapegoat. Scapegoating serves a psychological function or fulfills a psychological need. In propaganda, it is part of the archetypes of the collective subconscious as theorized by Carl Jung. Scapegoating or propaganda projection is routine and standard in war propaganda, part of an irrational vindictive triumph mentality. Even though the separatist/secessionist and racist Greater Albania ideology has existed at least since 1878, long before Milosevic came on the scene, nevertheless, US intellectual elites trace its origin to Milosevic's "nationalist" speech in Kosovo in 1987 and 1989. Factually, Milosevic did very little to prevent the dismemberment and break-up of Yugoslavia, sanctioned by Germany, the US, and the Vatican beginning in 1991. What resulted were civil wars that Milosevic did everything to prevent and which Germany, the US, and the Vatican did everything to encourage, violating the Helsinki Accords in the process. Who is guilty of violating international law? Is unilateral and un-negotiated secession a diplomatic way to achieve peace? So Milosevic is needed as a scapegoat to legitimize the illegal NATO war against Yugoslavia. His guilt is needed to legitimize the criminal actions of the NATO powers. What results is a sadomasochistic approach to diplomatic and political relations between the US and Yugoslavia.

Sadomasochism is an essential element of war and propaganda. A top to bottom hierarchical system of command/obedience is created with a top or dominant actor, the sadist, who controls and directs the actions of the bottom or subservient actor, the masochist, who is passive and responsive. This is the classic sadomasochistic relationship. The sadist controls the behavior of the servant to show his power or dominance. The masochist shows his willingness to be submissive by following the orders. In this model, the US is the dominant, sadistic actor, while the Vojislav Kostunica and Zoran Djindjic government of Yugoslavia is the subservient, masochistic actor. Initially, the Bill Clinton Administration placed a reward of \$5 million for the arrest of Milosevic, although he is a democratically elected leader of a sovereign nation. Under the Rambouillet Agreement, Milosevic had to agree to the NATO occupation of Kosovo and Yugoslavia, and to grant the KLA demand to allow Kosovo to become an "independent" state in three years, i.e., establishing Greater Albania, the precedent for which was established by Adolf Hitler and Benito Mussolini in 1941. Again, with regard to the creation of a Greater Albania, Adolf Hitler had gotten there first. Clinton and Albright and Abramowitz forgot their history. This policy too derives from Adolf Hitler. Clinton, Albright, and Abramowitz were merely parroting Hitler, who actually first devised the strategy.

A sadomasochistic relationship entails top to bottom domination and submission. The sadistic actor, the US, induces the masochistic actor, Yugoslavia, to follow its diktat, its directions, instructions, or orders. To induce his arrest since the October 2000 coup, the US has pledged \$50 million in aid if the Yugoslav government would arrest him by March 31, 2001. This the Yugoslav regime dutifully accomplished waiting until the last minute to make the arrest. Milosevic was taken into custody on April 1. US/Yugoslav diplomatic relations can be characterized by this sadomasochistic, superior/inferior relationship. Psychologically, it is like a relationship between parent and child, with the child now obedient to the vengeful parent. Through submission, obedience, compliance, the defiant child becomes accepted by the angry parent and obtains the love or aid of that parent. The sadomasochistic relationship is a continuation of the NATO war by other means. Moreover, that relationship is necessary to maintain the adversarial symbiosis, or adversarial relationship. This is why the US seeks to maintain this relationship. If it is abandoned, the US loses control, loses power, over the "enemy" and cannot modify or control the behavior or actions of the "enemy". A sadomasochistic relationship is one where both parties obtain benefits. The Kostunica/Djindjic regime receives economic aid, an easing of sanctions, some concessions on sovereignty, such as the return of Yugoslav troops to the Ground Safety Zone, and a relaxation of the propaganda or information war. The US State Department will issue less negative "handouts" for the media. In return, the Kostunica/Djindjic government must be seen as legitimizing NATO policies and the NATO bombing. In short, the Serbian government must act like dutiful and obedient servants or satellites of the US. The disputed news releases that the Kostunica government had helped NATO plan the bombing of Baghdad fit into the sadomasochistic paradigm. Vojislav Kostunica and Zoran Djindjic was now the Vidkun Quisling of the new millennium, a pliant and obedient leadership, NATO quislings and puppets. Kostunica, however, denied the allegation,

condemning the US/British bombing of Baghdad. But in politics and diplomacy, appearances are all that matter anyway. The truth and objective reality are left to philosophy. The reports told us everything we needed to know of what role NATO envisioned for Yugoslavia in the New World Order.

The sadomasochist relationship can be consensual or non-consensual. In nonconsensual cases, the sadist can seize, torture, and kill an innocent bystander upon whom he acts out this urge. Sadism may result in rape. We saw a startling example of this during the Kosovo conflict. A US peacekeeper, Staff Sgt. Frank Ronghi, part of the KFOR team, the Orwellian "peace forces", seized, tortured, and brutally raped and murdered an 11 year-old ethnic Albanian girl in Kosovo. He rationalized the murder on the grounds that he would blame the Serbs for it. He told other KFOR peacekeepers that he wanted to "grab a little girl and rape her, but he would have to kill her to get away with it and blame the Serbs." During the NATO bombing, hundreds of Albanian and Serbian civilians were killed by NATO bombs in a callous and brutal campaign, termed strategic bombing. NATO initially too blamed the Serbs, then, applied the technique of "plausible denial", then, finally, explained it as "collateral damage", i.e., a NATO planned mistake. There is a reason why so-called military intelligence is a contradiction in terms and an oxymoron. Under the aerial strategy called "strategic bombing", developed during World War II, civilian infrastructure is deliberately targeted. Hospitals, nursery homes, schools, buses, trains, automobiles, residential districts, power plants, and bridges were targeted. Strategic bombing targets the civilian population. On one unexploded projectile, the US bombing crew had written the following in English: "Do you still wanna be a Serb now!" This statement really gets into the mind of the American "humanitarian" strategic bomber. It is pure sadism. This is hardly a humanitarian or human rights rationale. The sadomasochistic model demonstrates the actual motivations for the bombing. Mark Baker, in Nam (1983), recounted his experiences during the Vietnam War as follows:

I enjoyed the shooting and the killing. I was literally turned on when I saw a gook get shot. When a GI got shot, even if I didn't know him, that would bother me. A GI was real. But if a gook got killed, it was like me going out here and stepping on a roach.

Like Frank Ronghi, Mark Baker, Lt. William L. Calley, Jr. would engage in a similar sadistic ritual. In March, 1968, Calley and Charlie Company would brutally massacre 128 South Vietnamese civilians, mostly women and children, at My Lai. There was a "massive cover-up" after the massacre and egregious war crime. The massacre was eventually exposed and a trial resulted. One of the US soldiers of Charlie Company could not contain his pride and bravado, admitting to a reporter the following:

Hey man, did you hear what we did. We went in there and lined up all these people and massacred them—massacred a whole village.

The war crime was justified as a revenge attack or killing for the deaths of US troops in the area, three of whom had died in a minefield. Moreover, the Pentagon demanded high "body counts" so Charlie Company had to kill "gooks", whether men, women, or children. This is how the Pentagon judged military success in the Vietnam War, by the number of dead gooks, by the body count. There is a misconception about war, that war is motivated by "humanitarian" concerns, by a concern for human and civil rights, that there is a distinction between civilian and military targets, that there are "just wars". Factually, war is motivated by power, by a sadomasochistic orientation.

Enmity is created when we project what Carl Jung termed the shadow, our denied, repressed, subconscious guilt, sadism, hatred, onto a convenient "enemy" or other scapegoat. It results from a self-delusional and paranoid psychological orientation, one rooted in arrested psychological development. It is an infantile disorder. We have a psychological need to focus out shadow, our hatred, and our denied or repressed guilt, onto an individual or person. There is a need to focus our rage and irrational emotion onto a figurehead: "the butcher" Valeriano Weyler, Adolf Hitler, Tojo, Joseph Stalin, Ho Chi Minh, Mao Tse-tung, Manuel Noriega, Saddam Hussein, the "butcher of Baghdad, Slobodan Milosevic, the "butcher of the Balkans". A corollary of the requisite for finding the enemy guilty of crimes is that we create an illusory and self-delusional dichotomy between the enemy people and the enemy leaders or government. The people are innocent, but the leaders are guilty. When dichotomy fails to weaken the "enemy", then "collective guilt" is imposed on an entire nation, state, people, religious group, or social group. The CIA Guerrilla War Manual (1984), illustrated

IN THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

RE: William J. Clinton, Madeleine Albright, William S. Cohen, Tony Blair, Robin Cook, George Robertson, Javier Solana, Jamie Shea, Wesley K. Clark, Harold W. German, Konrad Freytag, D.J.G. Wilby, Fabrizio Maltinti, Giuseppe Marani, Daniel P. Leaf, Jean Chrétien, Lloyd Axworthy, Arthur Eggleton, Jean-Luc Dehaene, E. Derycke, J.-P. Poncelet, Vaclav Havel, J. Kavan, V. Vetchy, Poul Nyrup Rasmussen, N.H. Petersen, H. Haekkerup, Jacques Chirac, Lionel Jospin, H. Védérine, Alain Richard, Gerhard Schröder, J. Fischer, R. Scharping, Kostas Simitis, G. Papandreou, A. Tsohatzopoulos, Viktor Orban, J. Martonyi, J. Szabo, David Oddsson, H. Asgrimsson, G. Palsson, Massimo D'Alema, L. Dini, C. Scognamiglio, Jean-Claude Juncker, J. Poos, Alex Bodry, Willem Kok, J. van Aartsen, F.H.G. de Grave, Kjell Magne Bondevik, K. Vollebæk, D.J. Fjærvoll, Jerzy Buzek, B. Geremek, J. Onyszkiewicz, Antonio Manuel de Oliveira Guterres, J.J. Matos da Gama, V. Simão, Jose Maria Aznar, A. Matutes, E. Serra Rexach, Bulent Ecevit, I. Cem and H. S. Turk.

**NOTICE OF THE EXISTENCE OF INFORMATION CONCERNING SERIOUS VIOLATIONS OF
INTERNATIONAL HUMANITARIAN LAW WITHIN THE JURISDICTION OF THE TRIBUNAL;**

**REQUEST THAT THE PROSECUTOR INVESTIGATE NAMED INDIVIDUALS FOR VIOLATIONS OF
INTERNATIONAL HUMANITARIAN LAW AND PREPARE INDICTMENTS AGAINST THEM PURSUANT TO
ARTICLES 18.1 AND 18.4 OF THE TRIBUNAL STATUTE.**

TO:

Madam Justice Louise Arbour, Prosecutor,

International Criminal Tribunal for the Former Yugoslavia,

Churchillplein 1, 2501 EW, The Hague, Netherlands.

AND TO:

William J. Clinton, Madeleine Albright and William S. Cohen,

C/o William J. Clinton President The White House, 1600 Pennsylvania Ave NW Washington,

District of Columbia 20500 United States of America

Tony Blair, Robin Cook and George Robertson,

C/o Rt. Hon. Tony Blair Prime Minister

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D.J.G. Wilby, Fabrizio Maltinti, Giuseppe Marani and Daniel P. Leaf,

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C/o David Oddsson Prime Minister Office of the Prime Minister

Stjornarradshusinu 150 Reykjavik Iceland

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C/o Massimo D'Alema Presidenza del Consiglio dei Ministri (Prime Minister)

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C/o Jean-Claude Juncker Prime Minister Ministere d'Etat

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C/o Kjell Magne Bondevik Prime Minister

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C/o Jerzy Buzek Prime Minister Prime Minister's Office

al. Ujazdowskie 1/3 00-583 Warsaw Poland

Antonio Manuel de Oliveira Guterres, J.J. Matos da Gama and V. Simão,

Antonio Manuel de Oliveira Guterres Prime Minister

Presidente do Primeiro-Ministro Lisboa Portugal

Mr. A. Matutes and E. Serra Rexach,

C/o Excmo. Sr. Jose Maria Aznar Presidente del Gobierno

Complejo de la Moncloa Edif. Semillas 28071 Madrid Spain

Avit, I. Cem and H. S. Turk,

C/o Bulent Ecevit Prime Minister Office of the Prime Minister

Basbakanlik 06573 Ankara Turkey

FROM:

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Professor **Judith A. Fudge,**

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IN THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

RE: William J. Clinton, Madeleine Albright, William S. Cohen, Tony Blair, Robin Cook, George Robertson, Javier Solana, Jamie Shea, Wesley K. Clark, Harold W. German, Konrad Freytag, D.J.G. Wilby, Fabrizio Maltinti, Giuseppe Marani, Daniel P. Leaf, Jean Chrétien, Lloyd Axworthy, Arthur Eggleton, Jean-Luc Dehaene, E. Derycke, J.-P. Poncelet, Vaclav Havel, J. Kavan, V. Vetchy, Poul Nyrup Rasmussen, N.H. Petersen, H. Haekkerup, Jacques Chirac, Lionel Jospin, H. Védrine, Alain Richard, Gerhard Schröder, J. Fischer, R. Scharping, Kostas Simitis, G. Papandreou, A. Tsohatzopoulos, Viktor Orban, J. Martonyi, J. Szabo, David Oddsson, H. Asgrimsson, G. Palsson, Massimo D'Alema, L. Dini, C. Scognamiglio, Jean-Claude Juncker, J. Poos, Alex Bodry, Willem Kok, J. van Aartsen, F.H.G. de Grave, Kjell Magne Bondevik, K. Vollebæk, D.J. Fjærvoll, Jerzy Buzek, B. Geremek, J. Onyszkiewicz, Antonio Manuel de Oliveira Guterres, J.J. Matos da Gama, V. Simão, Jose Maria Aznar, A. Matutes, E. Serra Rexach, Bulent Ecevit, I. Cem and H. S. Turk.

NOTICE OF THE EXISTENCE OF INFORMATION CONCERNING SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW WITHIN THE JURISDICTION OF THE TRIBUNAL;

REQUEST THAT THE PROSECUTOR INVESTIGATE NAMED INDIVIDUALS FOR VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND PREPARE INDICTMENTS AGAINST THEM PURSUANT TO ARTICLES 18.1 AND 18.4 OF THE TRIBUNAL STATUTE

WHEREAS 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 was established by the UN Security Council with "the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 in accordance with the provisions of" its Statute (Article 1);

AND WHEREAS by Article 2 of the said Statute, the Tribunal has the power "to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention" including the following:

(a) wilful killing;

(c) wilfully causing great suffering or serious injury to body or health;

(d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

AND WHEREAS by Article 3 of the said Statute, "the International Tribunal shall have the

power to prosecute persons violating the laws or customs of war. Such violations shall include,

but not be limited to:

(a) employment of poisonous weapons or other weapons to cause unnecessary suffering;

(b) wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;

(d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity

and education, the arts and sciences, historic monuments and works of art and science.

AND WHEREAS by Article 6 of the said Statute "the International Tribunal shall have jurisdiction over natural persons pursuant to the provisions of the present Statute,"

AND WHEREAS Article 7 of the said Statute provides for individual criminal responsibility thus:

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility or mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal

responsibility, but may be considered in mitigation of punishment if the International Tribunal determines that justice so requires.

AND WHEREAS Article 8 of the said Statute provides that the territorial and temporal jurisdiction of the Tribunal "shall extend to the territory of the former Socialist Federal Republic of Yugoslavia, including its land surface, airspace and territorial waters. The temporal jurisdiction of the International Tribunal shall extend to a period beginning on 1 January 1991;"

AND WHEREAS by Article 9 of the said Statute "the International Tribunal and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991" but the International Tribunal "shall have primacy over national courts;"

AND WHEREAS Article 18 of the said Statute provides *inter alia* that:

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

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

4. Upon a determination that a *prima facie* case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

AND WHEREAS the President of the Tribunal, Judge Gabrielle Kirk McDonald, in a press release of April 8, 1999, urged that:

All States and organisations in possession of information pertaining to the alleged commission of crimes within the jurisdiction of the Tribunal should make such information available without delay to the Prosecutor.

AND WHEREAS on April 30 in Geneva the United Nations High Commissioner for Human Rights Mary Robinson in a speech to the Commission cited a letter from the Prosecutor in which the Prosecutor stated:

The actions of individuals belonging to Serb forces, the Kosovo Liberation Army (KLA), or NATO may 1/4 come under scrutiny, if it appears that serious violations of international humanitarian law have occurred.

AND WHEREAS High Commissioner Robinson also stated in her speech:

In the NATO bombing of the Federal Republic of Yugoslavia, large numbers of civilians have incontestably been killed, civilian installations targeted on the grounds that they are or could be of military application and NATO remains sole judge of what is or is not acceptable to bomb 1/4 In this situation, the principle of proportionality must be adhered to by those carrying out the bombing campaign. It surely must be right to ask those carrying out the bombing campaign to weigh the consequences of their campaign for civilians in the Federal Republic of Yugoslavia.

AND WHEREAS NATO has carried out between 5,000 and 10,000 bombing missions over the territories of the former Yugoslavia since March 24, 1999;

AND WHEREAS NATO leaders have openly admitted targeting civilian infrastructure as well as military targets;

AND WHEREAS the list of targets has included fuel depots, oil refineries, government offices, power stations and communications links, such as roads, tunnels, bridges and railway links, including those not inside the region of, or in the vicinity of, Kosovo;

AND WHEREAS in addition to these deliberate attacks on civilian infrastructure and objects, there have been a great number of attacks which have caused direct physical harm and death to civilians;

AND WHEREAS it appears that these bombing missions have directly caused the death of approximately 1,000 civilian men, women and children and serious injury to 4,500 more;

AND WHEREAS instances of this nature include the 12 April bombing of a train travelling from Belgrade to Ristovac as it crossed the bridge spanning the Yuzhna Morava river at the Grdelica gorge, killing at least 10 passengers and wounding 16; the 15 April bombing of a refugee convoy in four separate locations along a 12 mile stretch of the road that runs from Prizren to Djakovica, killing approximately 74 people; the 23 April bombing of Serbian Television editorial offices, killing approximately 15 people; the 27 April bombing of a residential district in Surdulica, killing 16 people including 12 children; and the May 1 bombing of a bus on the Luzan bridge in Kosovo killing at least 34 people including 15 children;

AND WHEREAS, though the above-named NATO leaders have claimed that these incidents were accidents, they have also admitted that they were

an inevitable result of their bombing strategy, a strategy which they appear to have continued unmodified and even to have intensified throughout these incidents;

AND WHEREAS there is ample evidence in the public statements of NATO leaders that these attacks on civilian targets are part of a deliberate attempt to terrorize the population to turn it against its leadership;

AND WHEREAS the NATO bombing has done an estimated \$100 billion dollars in property damage and completely destroyed or seriously damaged dozens of bridges, railways and railway stations, major roads, airports, including civilian airports, hospitals and health care centres, television transmitters, medieval monasteries and religious shrines, cultural-historical monuments and museums, hundreds of schools, faculties and facilities for students and children, thousands of dwellings and civilian industrial and agricultural facilities;

AND WHEREAS refineries and warehouses storing liquid raw materials and chemicals have been hit causing environmental contamination and exposing the civilian population to the emission of poisonous gases;

AND WHEREAS the NATO bombings have also made use of weapons banned by international convention, including cruise missiles utilizing depleted uranium highly toxic to human beings;

AND WHEREAS credible detailed reports of the civilian death and destruction inflicted by the NATO bombing are attached as an Annex to this Notice;

AND WHEREAS THEREFORE there is abundant evidence that many instances of serious violations of international humanitarian law within the jurisdiction of the Tribunal have been committed by NATO forces in the attack on Yugoslavia commencing March 24 and continuing to this day;

AND WHEREAS this evidence is readily available to the Prosecutor in eyewitness, videotaped, televised and publicly broadcast reports, in press reports and on the Internet, and in the evidence presented by the Federal Republic of Yugoslavia in its current complaint against the NATO countries before the International Court of Justice;

AND WHEREAS all of the above-named persons, Heads of State and Government of the 19 NATO countries, their Foreign Ministers and Ministers of Defence, and officials and military leaders of NATO, have admitted publicly to having agreed upon and ordered these actions, being fully aware of their nature and effects;

AND WHEREAS the above-named persons have acted in open violation of the United Nations Charter, which provides in so far as is relevant:

Article 2

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security;

AND WHEREAS the International Court of Justice has stated in ruling against United States intervention in Nicaragua:

In any event, while the United States might form its own appraisal of the situation as to respect for human rights in Nicaragua, the use of force could not be the appropriate method to monitor or ensure such respect. With regard to the steps actually taken, the protection of human rights, a strictly humanitarian objective, cannot be compatible with de mining of ports, the destruction of oil installations, or again with de training, arming and equipping of the contras.

(CASE CONCERNING THE MILITARY AND PARAMILITARY ACTIVITIES IN AND AGAINST NICARAGUA (NICARAGUA v. UNITED STATES OF AMERICA) (MERITS) Judgment of 27 June 1986, I.C.J. Reports, 1986, p.134-135, paragraphs 267 and 268)

AND WHEREAS the above-named persons, Heads of State and Government of the 19 NATO countries, their Foreign Ministers and Ministers of Defence, and officials and military leaders of NATO have acted in open violation of the NATO Treaty which provides in so far as is relevant:

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security;

AND WHEREAS the above-named persons have acted in open violation of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, which provides as follows:

Art 51. - Protection of the civilian population

- 1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.*
- 2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.*
- 3. Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities.*

4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:

- (a) those which are not directed at a specific military objective;
 - (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or
 - (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;
- and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

5. Among others, the following types of attacks are to be considered as indiscriminate:

- (a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects;

and

- (b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Art 79. Measures or protection for journalists

- 1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.

Article 85 - Repression of breaches of this Protocol

- 3. In addition to the grave breaches defined in Article 11, the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:

- (a) making the civilian population or individual civilians the object of attack;
- (b) launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a)(iii);

- 5. Without prejudice to the application of the Conventions and of this Protocol, grave breaches of these instruments shall be regarded as war crimes.

AND WHEREAS the above-named persons have acted in open violation of the Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal, as adopted by the General Assembly of the United Nations (1950), which provide in so far as is relevant:

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

Principle IV

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

Principle VI

The crimes hereinafter set out are punishable as crimes under international law:

- (a) Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war include, but are not limited to, murder wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

Principle VII

Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law;

THEREFORE we respectfully request that the Prosecutor immediately investigate and indict for serious crimes against international humanitarian law:

THE FOLLOWING HEADS OF STATE AND GOVERNMENT, MINISTERS OF FOREIGN AFFAIRS AND MINISTERS OF DEFENCE OF THE NATO COUNTRIES:

William J. Clinton, Madeleine Albright, William S. Cohen (United States of America),

Tony Blair, Robin Cook, George Robertson (United Kingdom),

Jean Chrétien, Lloyd Axworthy, Arthur Eggleton (Canada),

Jean-Luc Dehaene, E. Derycke, J.-P. Poncelet (Belgium),

Vaclav Havel, J. Kavan, V. Vetchy (Czech Republic),

Poul Nyrup Rasmussen, N.H. Petersen, H. Haekkerup (Denmark),

Jacques Chirac, Lionel Jospin, H. Védérine, Alain Richard (France),

Gerhard Schröder, J. Fischer, R. Scharping (Germany),

Kostas Simitis, G. Papandreou, A. Tsohatzopoulos (Greece),

Viktor Orban, J. Martonyi, J. Szabo (Hungary), David Oddsson, H. Asgrimsson, G. Palsson (Iceland),

Massimo D'Alema, L. Dini, C. Scognamiglio (Italy),

Jean-Claude Juncker, J. Poos, Alex Bodry (Luxembourg),

Willem Kok, J. van Aartsen, F.H.G. de Grave (Netherlands),

Kjell Magne Bondevik, K. Vollebæk, D.J. Fjærvoll (Norway),

Jerzy Buzek, B. Geremek, J. Onyszkiewicz (Poland),

Antonio Manuel de Oliveira Guterres, J.J. Matos da Gama, V. Simão (Portugal),

Jose Maria Aznar, A. Matutes, E. Serra Rexach (Spain), Bulent Ecevit, I. Cem and H. S. Turk (Turkey);

AND THE FOLLOWING OFFICIALS AND MILITARY LEADERS OF NATO: Javier Solana, Jamie Shea, Wesley K. Clark, Harold W. German, Konrad Freytag, D.J.G. Wilby, Fabrizio Maltinti, Giuseppe Marani and Daniel P. Leaf;

AND WHOEVER ELSE shall be determined by the Prosecutor's investigations to have committed crimes in the NATO attack on Yugoslavia commencing March 24, 1999.

Respectfully submitted, this 6th day of May, 1999 _____

Michael Mandel (Professor)

for

W. Neil Brooks

Judith A. Fudge

H. J. Glasbeck

Reuben A. Hasson

(Professors)

Sil Salvaterra

David Jacobs

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Christopher Black

John Philpot

Fred Stasiuk

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Peter Rosenthal

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Roberto Bergalli (Professor)

Alejandro Teitelbaum

Alvaro Ramirez Gonzalez

Vanessa Ramos

Beinus Sz mukler

(American Association of Jurists)

ANNEX: CIVILIAN DEATH AND DESTRUCTION IN THE FORMER YUGOSLAVIA

The following are two reports from Ministry of Foreign Affairs of the Federal Republic of Yugoslavia (a designated source of information under Article 18.1 of the Statute of the Tribunal): 1) *NATO Crimes Against Civilians and Civilian Infrastructure in the Federal Republic of Yugoslavia*

(MINISTRY OF FOREIGN AFFAIRS YUGOSLAV DAILY SURVEY - www.mfa.gov.yu/Bilteni/Engleski/si290499_1-e.html); and 2) *Civilian Victims and Devastation in NATO Aggression on Yugoslavia* (SERBIAINFO - www.serbia-info.com/news/1999-04/23/11210.html)

NATO CRIMES AGAINST CIVILIANS AND CIVILIAN INFRASTRUCTURE IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (April 29, 1999)

The NATO criminal aggression represents the most flagrant violation of the Charter of the United Nations since the inception of the world Organization, a violation of the Helsinki Final Act and the undermining of the very foundations of the international legal order. At the same time, this aggression is a crime against peace, stability and humanity.

The Federal Republic of Yugoslavia has warned on time the United Nations Security Council of a possible aggression, and during the aggression itself it requested that it be immediately halted and most strongly condemned. Had this legitimate request of the Federal Republic of Yugoslavia been met, enormous human sufferings and destruction would have been avoided. The most illustrative examples are given below.

KILLING AND PLIGHT OF THE CIVILIANS

During the last thirty-six days of NATO aggression, the Federal Republic of Yugoslavia has been exposed to extensive civilian destruction, unprecedented in modern history of the world. NATO aggressors have focused their attacks primarily on civilian targets, directly threatening the lives and fundamental human rights of the entire population of the Federal Republic of Yugoslavia. By bombing relentlessly the cities, towns and villages throughout Yugoslavia, the NATO aggressor has killed so far, in nine hundred attacks, more than a thousand civilians, including a great number of children.

Over five thousand people sustained injuries, many of whom will remain crippled for life. At the same time, several thousand private homes and flats have been ruined, mostly in Belgrade, Nis, Cuprija, Aleksinac, Pristina, etc. We shall present the most tragic instances of the killings and plight of the innocent civilian population.

Fifty-five passengers were killed and twenty-six injured in an international passenger train on the Belgrade-Thessaloniki line.

More than four hundred civilians were killed by NATO bombs in Kosmet: in the centre of Pristina, in Djakovica, Prizren, Kosovo Polje, Urosevac, Kosovska Mitrovica, in refugee camps in Orahovac and Srbica, Vitina, etc.

Thirteen civilians were killed and twenty-five wounded in an attack on Kursumlija.

Twelve civilians were killed and forty wounded in the bombing of Aleksinac.

Sixteen RTS workers were killed and seventeen wounded in the bombing of the headquarters of this biggest Radio and Television outlets in the FRY. Unfortunately, the final number of victims has not been established yet since more victims have remained buried in the rubble.

In Pancevo, Cacak, Vranje and Nis the number of casualties has been increasing each day.

KILLING OF CHILDREN

Children are the most vulnerable category of the population, innocent and defenceless which suffer in particular due to the barbaric bombing of NATO aircraft, which is illustrated by the following examples:

The killing of seven children in Srbica from cluster bombs;

The killing of five children from the Kodza family in the village of Doganovici near Urosevac on 24 April 1999 as a result of the delayed effect of bombs (Edon, aged 3, Fisnik, aged 9, Osman, aged 13, Burim, aged 14 and Vajdet, aged 15. Six other children were also injured in the same incident, two of them were seriously wounded.

The killing of a three-year old Milica Rakic in the Belgrade suburb of Batajnica;

The killing of six children in the refugee centre in Djakovica and 19 children in the refugee column on the Prizren-Djakovica road;

The death of a child in Kosovo Polje;

The killing of five years old girl Arta Lugic while her brothers Neron and Egzon and her sister Arijeta were seriously wounded in Lipljane;

The killing of nine children in Kursumlija;

The killing of two children in Aleksinac, as well as other numerous examples.

Children are most often victims of the sprinkle cluster bombs with delayed effect. The death toll on children would have been even more tragic, had the missile struck the biggest Maternity Hospital in Belgrade (It exploded some thirty metres away from the Hospital).

KILLING AND PLIGHT OF REFUGEES

Particularly tragic is the fate of refugees, who convinced that they should not believe the propaganda ploys on the alleged "ethnic cleansing" decided to return to their homes. Legitimate authorities of the FRY encourage them every day to do so and guarantee their safety. On the occasion of a return of a large group of refugees, on 14 April, on the Djakovica-Prizren road, NATO aircraft killed 75 citizens of the FRY and wounded 111. The attack of NATO aircraft was systematically prepared and lasted for three hours. In this way, NATO has in the most brutal way "demonstrated" that the story of "humanitarian catastrophe" suits it only if it fits in the legitimate aggression on the FRY, as well as that innocent civilians are constantly taken advantage of for NATO interests in the Balkans.

In addition, NATO bombed several refugee camps in which Serbs expelled from Croatia and Bosnia and Herzegovina were accommodated (Djakovica, Pristina, Kursumlija, etc). Several dozens of refugees were killed, mostly children and the frail, ruthlessly ending their tragedy which came about in the wake of the break-up of Yugoslavia.

BOMBING OF SURDULICA

The aggressors war planes bombed at noon, on 27 April 1999, the residential area of the town of Surdulica. On that occasion 16 citizens were killed (including 12 children), while several dozen were wounded out of which twenty persons remained in hospital for further medical treatment. Hundreds of houses were raised to the ground or damaged. Special teams are still clearing up the debris so that it is not possible at the moment to estimate the real proportions of this notorious crime.

ASSASSINATION ATTEMPT ON PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA SLOBODAN MILOSEVIC

An assassination attempt on the President of the Federal Republic of Yugoslavia on 22 April 1999 represents an organised terrorist act without precedent in the history of modern Europe. This is not only a crime against a Head of a sovereign State, but primarily an attack on the democratically expressed will of a people and thus against the foundations of the democratic values of the civilisation.

Although the residence of the President of the Federal Republic of Yugoslavia was targeted, this attack has also a symbolic meaning as if the targets had been the homes of all Yugoslav citizens. This crime has caused abhorrence and condemnation by international public. However, it is incomprehensible that the United Nations Security Council has remained silent and failed to condemn this terrorist act or the killings of civilians and children.

CRIME AGAINST THE FREEDOM OF SPEECH

The destruction of more than ten private radio and television stations, two dozen TV transmitters, as well as the bombing of the Radio and Television of Serbia building on 23 April 1999 represents the biggest aggression against freedom of thought and a disgrace to the civilization at the threshold of a third millennium.

Transmitters at Iriski venac, Krnjaca, Mt Cer, Bukulja, Tornik, Crni vrh, Jasetrebac, Ovcar, Grmija and others were destroyed, so that the transmitter infrastructure at the entire territory of Serbia was severely damaged. Two times in six days the studios and transmitter located at the business centre "Usce" which housed TV stations: BK TV, Pink, Kosava and SOS Channel, as well as several other radio stations were bombed.

Transmitter of the TV station Palma was bombed and destroyed on 28 April 1999.

The satellite station "Yugoslavia" in the village of Prilike near Ivanjica was severely damaged.

BOMBING OF THE BUILDING OF THE RADIO AND TELEVISION OF SERBIA The building was demolished taking a heavy toll during the bombing of the largest Radio and TV company in the Balkans with 7000 employees and the state-of-the-art infrastructure which was made available to hundreds of foreign correspondence. The aim of this crime, in which 16 RTS workers were killed and 19 wounded, was more than obvious: to suppress the right to a different opinion and its being publicly expressed with a view to pursuing further war-mongering manipulation with the world public. Clearly, the intention of NATO aggressors is to prevent the world public from learning the extensive scope of their crimes and to impose on the world their totalitarian and single-minded perception. Many newspapers in the world and renowned journalists have already raised their voice against the propaganda fabrications of the NATO aggressors.

For all champions of the freedom of speech and for all people committed to the right to freedom of expression, this destructive act represents the last warning alarm before NATO generals take control over the aggressors' media.

DESTRUCTION OF VITAL YUGOSLAV ECONOMIC FACILITIES

According to the assessment of experts from Western countries, the damage done to date by NATO air strikes is well in excess of one hundred billion US dollars. By the destruction of factories, business capacities and production facilities, more than half a million people have lost their jobs and over two million of them remained without any kind of income. Destroyed are the industrial complexes in Belgrade, Novi Sad, Kragujevac, Nis, Pancevo, Cacak, Kraljevo, Valjevo, Pristina, Vranje, Kursumlija, Krusevac, Kula, Gnjilane, Sremska Mitrovica and in other towns and cities.

The petrochemical industry of the Federal Republic of Yugoslavia has been totally destroyed, as well as the largest Yugoslav factory of artificial fertilisers.

Private entrepreneurs are a particular target of NATO aggression and the most glaring example of it is the destruction of the "Usce" business centre in Novi Beograd which was hit on 21 and 27 April 1999. That was one of the biggest business centres in the Balkans, which housed more than a hundred newly established private firms in full business expansion, foreign representative offices, seven private Radio and TV stations and one of the most modern poli-clinics in the FRY. The building of this business centre is also one of the landmarks of modern Belgrade.

DESTRUCTION OF BRIDGES

On the false pretext of "neutralizing the military power of the Federal Republic of Yugoslavia", the NATO aggressor started systematic destruction of the major Yugoslav road and rail traffic routes. About 20 bridges have been totally demolished so far and a few dozen of them have been damaged. Also, several dozen major and local roads, airports, railway tracks, railway stations, etc. have been destroyed. All ruined facilities were part of costly capital investments, into which the resources and the efforts of several generations of Yugoslav citizens were pooled. All the facilities are strategic part of the European traffic infrastructure, and some of them are of historical and cultural importance ("The Wailing Bridge" in Novi Sad, on which the Fascists killed several thousand Jews in the Second World War).

About 30 bridges have been destroyed including those at the strategic European E-75 corridor. By the destruction of the bridges on the Danube river the aggressors have blocked the entire river navigation at this traffic artery of the greatest importance for European economy and the shortest link between the Northern and

Mediterranean sea (The Rhein-Mein-Danube route). Thus, the European shipping companies suffer each day the damage of over 20 million DM. Examples: Sloboda Bridge, Wailing Bridge, Zvezlj Bridge and the bridge in Beska (all in the city of Novi Sad), several bridges on the Ibar primary road and on the major railway lines.

ENVIRONMENTAL DISASTER

Concurrently with the humanitarian, NATO strikes have caused an environmental catastrophe which is endangering not only the Federal Republic of Yugoslavia, but also the neighbouring countries and the entire European continent. Ecology does not recognize boundaries.

The NATO aggressor is thus teetering on the brink of another Chernobyl in the heart of Europe. The destruction of petrochemical installations, the warehouses storing semi-processed and finished products of the chemical industry have already caused significant adverse effects on the health of the population of the Federal Republic of Yugoslavia and the neighbouring countries. During some of the air strikes it was pure luck that an environmental catastrophe was not provoked spreading all over Europe.

The aggressor's attacks did not spare even huge forests, tourist centres and the national parks on the mountains of Serbia (Kopaonik, Zlatibor, Divebare, Tara, Prokletije, Sara, Fruska Gora). The ozone layer was depleted by the exhaust gases. The Black Sea, Aegean and the Adriatic basins, practically the entire Mediterranean, are threatened by environmental pollution.

Examples: Nitrogen factory in Pancevo, the oil refineries in Pancevo and Novi Sad, the chemical company "Prva iskra" in Baric and others.

HOSPITALS AND HEALTH INSTITUTIONS

The aggressors' bombings, calculated to provoke the greatest possible confusion and panic among innocent people, have damaged many clinical and hospital centres, inflicting not only great material damage to property (destruction of buildings and expensive medical equipment), but also causing new health problems and intensifying psychological traumas among the sick people. The destruction of all the three bridges in Novi Sad totally cut off and left, without the supply of water, the largest Yugoslav centre for the treatment of cardiovascular diseases, to which several million people gravitate. The Maternity Hospital in Belgrade, and the biggest hospital in the Balkans (Military Medical Academy Hospital - VMA), and the Orthopaedic hospital of Banjica, the hospitals in Cuprija and Aleksinac, as well as the medical centres in Pristina and in many other towns were damaged.

DESTRUCTION OF PRE-SCHOOL INSTITUTIONS, SCHOOLS AND UNIVERSITIES

Since the outset of the aggression, NATO has put a stop to the education of close to one million pupils and students in Yugoslavia.

Over three hundred facilities built for the education and upbringing of children and young people of all ages were destroyed. This will inevitably be reflected on the development and social integration of young people. Hard hit are university centre in Nis (Machine Engineering, Civil Engineering, Electronical, Technical, Law and Economics faculties), in Pristina (Agricultural and Machine Engineering faculty) and Novi Sad (Faculty of Philosophy).

DESTRUCTION OF WORLD CULTURAL HERITAGE

ON THE SOIL OF THE FR OF YUGOSLAVIA

Kosovo and Metohija in particular, but also the entire territory of the FR of Yugoslavia, is a treasury of European culture and civilization since ancient times. By violating all international conventions on the protection of civilization and its heritage, and in the pursuit of the spirit of aggressive nihilism and new barbarity, more than 50 monasteries and churches have been severely damaged thus far, as well as a couple of dozen of other cultural and historic monuments, some under UNESCO protection. Severe damage was caused to the monastery of the Patriarchate of Pec (12th century), Zica (13th century), Decani and Gračanica (14th century, under UNSECO protection), medieval towns of Zvečan (13th century) and Smederevo (15th century), Petrovaradin fortress (18th century), seventeen monasteries on Fruska Gora (15-18th century) and many other priceless historical monuments. The bombs have even destroyed many cemeteries all across Yugoslavia.

USE OF PROHIBITED WEAPONS

In NATO attacks, the state-of-the-art weapons have been used, but also those prohibited under international conventions, such as cluster bombs and slow activating bombs. In a month-long attacks on civilian and other facilities in Serbia, NATO aircraft fired more than 3,500 missiles, including 60 containers with 14,400 cluster bombs. As many as 3,600 cluster bombs were used in the attacks against towns in Kosmet - Pristina, Urosevac, Djakovica, Prizren etc, and many other places and facilities in Serbia. Before the attacks, radio locators were dropped from the aircraft, found in the vicinity of many civilian and business facilities in Serbia.

CO-ORDINATION BETWEEN NATO AND TERRORISTS OF THE SO-CALLED "KLA"

While before the onset of the aggression Albanian terrorists counted on NATO aircraft as air support to their armed groups, now arming, equipping and transport of Albanians living in the USA and other western countries is under way, for actions in the FRY, with a view to making armed formations from them to serve as ground troops of the "Alliance". Albanian terrorists are being trained and armed in the camps in northern Albania - in Tropoje, Kukes and Bajram Curri (they are trained by British, US and Turkish commandos), and then illegally infiltrated into Kosovo and Metohija. Such activity, in direct violation of the resolutions of Security Council, has been particularly stepped up in April when concrete plans for ground invasion against the FRY started to be hatched. So far, several hundred terrorists have been transported from the USA to Albania. Plans are made to equip, arm and train for coordinated actions with NATO, around 6,000 Albanians. According to western sources, Albanian terrorists represent the main source of intelligence for NATO, of military character or those aimed at spreading propaganda against our country.

At the moment it is difficult to perceive and evaluate all the humanitarian, economic, environmental, health and other consequences of the NATO criminal aggression against the FR of Yugoslavia. The greatest victim of the aggression is the entire Yugoslav people and its material and cultural

resources. At the same time, the violation of the Charter of the United Nations, the NATO has created a precedent which may cast a shadow over the future of all peoples and sovereign States. The cause for concern is all the grater because, by combining pressure and promises, NATO is drawing an increasing number of countries into its aggression against the FR of Yugoslavia, which will have long-term negative consequences on the future relations and co-operation between all Southeast European countries. Attempts by NATO to justify its brutal aggression by an alleged care for the refugees may bring about an irreversible degradation of the United Nations and involve this highest international forum in the crime against a country which is one of its founding members.

CIVILIAN VICTIMS AND DEVASTATION

IN NATO AGGRESSION ON YUGOSLAVIA (April 23, 1999)

OVERVIEW OF DESTRUCTION OF CIVILIAN TARGETS ON THE TERRITORY OF THE FEDERAL REPUBLIC OF YUGOSLAVIA AS A RESULT OF BARBARIC AND CRIMINAL AGGRESSION BY NATO, FROM 24 MARCH TO 19 APRIL 1999

CIVILIAN CASUALTIES

From the onset of NATO aggression against our country up to 19 April 1999, the North Atlantic Alliance made over 7,000 criminal attacks against the territory of the Federal Republic of Yugoslavia. 700 warplanes, of which 530 combat planes, were used; more than 2000 cruise missiles were launched and over 6,000 tons of explosives were dropped.

About 500 civilians were killed and more than 4,000 sustained serious injuries e.g.: in Kursumlija: 13 dead and 25 wounded;

in Pancevo: 2 dead and 4 wounded;

in Cacak: one dead and 7 wounded;

in Kragujevac: over 120 workers were wounded during an attack on the car factory "Zastava";

in Vranje: two dead and 23 wounded;

in Aleksinac: 12 dead and more than 40 wounded;

in Nagavac village, Orahovac municipality: 11 dead and 5 wounded;

in Pristina: 10 dead and 8 wounded;

Grdelicka gorge: 55 killed and 16 wounded;

attack on two refugee columns, with four cruise missiles, on the

Djakovica-Prizren road: 75 killed and 100 wounded, of whom 26 critically;

in the village of Srbica: 10 killed, among whom 7 children;

Belgrade suburb of Batajnica: a three year old girl was killed, and five civilians wounded.

Three million children are endangered in our country as a result of war and bombardment by NATO criminals.

After these barbarian attacks hundreds of thousands citizens have been exposed to poisonous gasses which can have a lasting consequences on the health of the entire population and the environment.

After the demolition of the Petrovaradin bridge, Novi Sad and Petrovaradin were cut of water supply (600 000 citizens) since the main and city pipeline was constructed into the bridge. About one million citizens in our country are short of water supply due to the bombardment of NATO aggressors.

About 500 000 workers became jobless due to the total destruction of industrial facilities all around the country. Two million citizens have no means for living and cannot ensure the minimum for existence.

Overall material damage is enormous. Preliminary estimates indicate that barbaric air strikes of the neo-fascist NATO alliance, since the beginning of the unprovoked aggression on the SR of Yugoslavia, on industrial, commercial and civil facilities and structures throughout our peace-loving country, have incurred damages in excess of 10 billion dollars. In the territory of the northern province of Vojvodine alone, damages have been estimated in excess of 3,5 billion dollars.

TRAFFIC

The road and railway networks, especially road and rail bridges, most of which were destroyed or damaged beyond repair, suffered extensive destruction. The targets of attacks were such communications as:

1. BRIDGES (11 DESTROYED AND 13 DAMAGED):

1. The Varadin Bridge over the Danube was destroyed (on 1 April 1999);
2. The "Sloboda" (Freedom) Bridge over the Danube was destroyed (on 4 April 1999);
3. The "Mladosti" (Youth) Bridge over the Danube, connecting Backa Palanka with Ilok, was damaged (on 4 April 1999);
4. The new railway bridge over the Danube connecting Bogojevo and Erdut was damaged (on 5 April 1999);
5. The road bridge over the Danube, connecting Bogojevo with Erdut was damaged (on 5 April 1999);
6. The bridge over the Danube along the Beograd-Novi Sad road, near Beska, Indjija municipality, was damaged (on 1 April 1999);
7. The road bridge along the Magura Belacevac road, 15 kilometres from Pristina, suffered extensive damage;
8. The "Zezeljov" Bridge in Novi Sad was damaged (on 5 April 1999);
9. The bridge over the Ibar river, Biljanovac municipality, was damaged (on 5 - 13 April 1999);
10. The bridge over the Vrbaska river near Jezgrovic was destroyed (on 5 April 1999);
11. The "Lozno" railway bridge near Usce was destroyed (on 5 April 1999);
12. The road bridge on the road leading to Brvenik, near Usce, was destroyed (on 5 April 1999);
13. The bridge along the Nis-Pristina primary road, near Kursumlija, suffered extensive damage (on 5 April 1999);
14. The bridge near Zubin Potok was destroyed (on 5 April 1999);
15. The Grdelica gorge railway bridge was damaged (on 12 April 1999);
16. The road bridge over the Kosanica river near Kursumlija was damaged (on 13 April 1999);
17. The old bridge on the river Rasina in the town of Krusevac (12-13 April 1999);
18. The Krusevac-Pojate bridge on the river Zapadna Morava, at the village of Jasika, was destroyed (on 13 April 1999);
19. The railway bridge on the river Lim, between Priboj and Prijepolje, near hydroelectric power station Bistrica was destroyed (on 15 April 1999);
20. The road bridge on the river Toplica, on the Nis-Pristina road near the town of Kursumlija, was heavily damaged (14 and 19 April 1999);
21. The bridge on the river Ibar, at the village of Biljanovac near Raska, sustained heavy damages (15.04.1999.);
22. The bridge between Smederevo and Kovin has been destroyed (16 April 1999);
23. The railway bridge on the river Kostajnica, near Kursumlija, has sustained heavy damages and is out of service (18.04.1999.);

24. The bridge on the river Kosanica, at the village of Selo Visoko, has sustained heavy damages and is out of service (18.04.1999.);

2. RAILWAYS RAILWAY STATIONS (12):

1. The Kraljevo - Kosovo Polje rail, near Ibarska Slatina;
2. The Belgrade - Bar rail, due to the destruction of the railway track near the village of Strbce and destruction of the bridge on the river Lim, between Priboj and Prijepolje;
3. The Kursumlija - Prokuplje rail, near Pepeljevac village;
4. The Kraljevo - Kosovo Polje rail, near Ibarska Slatina;
5. The Nis - Pristina rail, near Kursumlija;
6. "Sarpej" tunnel, near Jerinje village, 15 km north of Leposavic towards Raska, was destroyed;
7. Railway station in Kraljevo (Bogutovac);
8. Railway station in Kosovo Polje;
9. The Belgrade - Thessaloniki rail, due to the destruction of the bridge in the Grdelica gorge;
10. Railway station in the town of Biljanovac;
11. Railway track and overpass (Josinacka Banja) near the town of Biljanovac;
12. Railway track Kursumlija - Podujevo, due to damages on the railway bridge at Kursumlija;

3. ROADS AND TRANSPORTERS (6 MAJOR ROADS):

1. Ibarska primary road, due to damages to the bridge on the Ibar river, Biljanovac municipality, and destruction of the road between Pozega and Cacak;
2. Belgrade-Zagreb highway, near Stari Banovci;
3. Traffic suspended on the Kosovska Mitrovica-Ribarici section of the Adriatic highway due to the destruction of the bridge over the Vrbaska river;
4. "Jedinstvo" bus station in Vranje sustained extensive damage;
5. "Kosmet Prevoz" transporter in Gnjilane (a hangar full of new buses);
6. Kraljevo-Raska primary road;
7. Bus station in Pristina;
8. Traffic has been suspended on the Krusevac-Pojate road due to the destruction of the bridge on the Zapadna Morava, in the village of Jasika;
9. Traffic has been suspended on the Nis-Pristina road, due to the fact that the bridge on the river Toplica, near the town of Kursumlija, has sustained heavy damage;

4. AIRPORTS (7):

"Slatina" in Pristina; "Batajnica" and "Surcin" in Belgrade; Nis airport; "Ponikve" in Uzice; "Golubovac" in Podgorica, "Ladjevci" airport near

Kraljevo; agricultural and sports airfield in Sombor.

ECONOMIC AND CIVILIAN TARGETS, PUBLIC INSTITUTIONS

The air strikes have so far destroyed or damaged all over the Federal Republic of Yugoslavia several thousand economic facilities and dwellings. In the Leskovac region alone, over 3,500 industrial facilities and dwellings were either destroyed or damaged.

The devastation of NATO forces was particularly manifest in Pristina, Novi Sad, Aleksinac, Djakovica, Prokuplje, Gracanica, Cuprija, etc. Housing blocks on the outskirts of Belgrade - Kijevo Knezevac, Batajnica, Jakovo, Borca, as well as the area around Pancevo, were under attack.

1. INDUSTRY AND TRADE:

The NATO aggressor's attacks targeted the factories and industrial facilities which directly cater for the needs of the population, among which are:

1. "Lola Utva" agricultural aircraft factory in Pancevo;
2. "Galenika" drug factory in Belgrade;
3. "Zdravlje" pharmaceutical plant in Leskovac;
4. "Sloboda" white goods factory in Cacak;
5. "Din" tobacco industry in Nis;
6. "Elektronska industrija" factory in Nis;
7. "Div" cigarette factory in Vranje;
8. Tubes factory in Urosevac;
9. "Jastrebac" machine industry in Nis;
10. "Milan Blagojevic" chemical plant in Lucani;
11. Plastics factory in Pristina;
12. "Binacka Morava" hydro construction company in Gnjilane;
13. "Nova Jugoslavija" printers in Vranje;
14. Facilities of the "Beograd" rail company in Nis;
15. Over 250 commercial and crafts shops in Djakovica were destroyed;
16. "Dijana" shoe factory in Sremska Mitrovica;
17. "Zastava" car factory in Kragujevac;
18. "14 Oktobar" machine factory in Krusevac;
19. Cotton yarn factory in Pristina;
20. "Krusik" holding corporation in Valjevo;
21. "Ciklonizacija" in Novi Sad;

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**SLOBODAN MILOSEVIC
MILAN MILUTINOVIC
NIKOLA SAINOVIC
DRAGOLJUB OJDANIC
VLAJKO STOJILJKOVIC**

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal, charges:

**SLOBODAN MILOSEVIC
MILAN MILUTINOVIC
NIKOLA SAINOVIC
DRAGOLJUB OJDANIC
VLAJKO STOJILJKOVIC**

with **CRIMES AGAINST HUMANITY** and **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** as set forth below:

BACKGROUND

1. The Autonomous Province of Kosovo and Metohija is located in the southern part of the Republic of Serbia, a constituent republic of the Federal Republic of Yugoslavia (hereinafter FRY). The territory now comprising the FRY was part of the former Socialist Federal Republic of Yugoslavia (hereinafter SFRY). The Autonomous Province of Kosovo and Metohija is bordered on the north and north-west by the Republic of Montenegro, another constituent republic of the FRY. On the south-west, the Autonomous Province of Kosovo and Metohija is bordered by the Republic of Albania, and to the south, by the Former Yugoslav Republic of Macedonia. The capital of the Autonomous Province of Kosovo and Metohija is Pristina.
2. In 1990 the Socialist Republic of Serbia promulgated a new Constitution which, among other things, changed the names of the republic and the autonomous provinces. The name of the Socialist Republic of Serbia was changed to the Republic of Serbia (both hereinafter Serbia); the name of the Socialist Autonomous Province of Kosovo was changed to the Autonomous Province of Kosovo and Metohija (both hereinafter Kosovo); and the name of the Socialist Autonomous Province of Vojvodina was changed to the Autonomous Province of Vojvodina (hereinafter Vojvodina). During this same period, the Socialist Republic of Montenegro changed its name to the Republic of Montenegro (hereinafter Montenegro).
3. In 1974, a new SFRY Constitution had provided for a devolution of power from the central government to the six constituent republics of the country. Within Serbia, Kosovo and Vojvodina were given considerable autonomy including control of their educational systems, judiciary, and police. They were also given their own provincial assemblies, and were represented in the Assembly, the Constitutional Court, and the Presidency of the SFRY.
4. In 1981, the last census with near universal participation, the total population of Kosovo was approximately 1,585,000 of which 1,227,000 (77%) were Albanians, and 210,000 (13%) were Serbs. Only estimates for the population of Kosovo in 1991 are available because Kosovo Albanians boycotted the census administered that year. General estimates are that the current population of Kosovo is between 1,800,000 and 2,100,000 of which approximately 85-90% are Kosovo Albanians and 5-10% are Serbs.
5. During the 1980s, Serbs voiced concern about discrimination against them by the Kosovo Albanian-led provincial government while Kosovo Albanians voiced concern about economic underdevelopment and called for greater political liberalisation and republican status for Kosovo. From 1981 onwards, Kosovo Albanians staged demonstrations which were suppressed by SFRY

2 - military and police forces of Serbia.

6. In April 1987, **Slobodan MILOSEVIC**, who had been elected Chairman of the Presidium of the Central Committee of the League of Communists of Serbia in 1986, travelled to Kosovo. In meetings with local Serb leaders and in a speech before a crowd of Serbs, **Slobodan MILOSEVIC** endorsed a Serbian nationalist agenda. In so doing, he broke with the party and government policy which had restricted nationalist expression in the SFRY since the time of its founding by Josip Broz Tito after the Second World War. Thereafter, **Slobodan MILOSEVIC** exploited a growing wave of Serbian nationalism in order to strengthen centralised rule in the SFRY.

7. In September 1987 **Slobodan MILOSEVIC** and his supporters gained control of the Central Committee of the League of Communists of Serbia. In 1988, **Slobodan MILOSEVIC** was re-elected as Chairman of the Presidium of the Central Committee of the League of Communists of Serbia. From that influential position, **Slobodan MILOSEVIC** was able to further develop his political power.

8. From July 1988 to March 1989, a series of demonstrations and rallies supportive of **Slobodan MILOSEVIC**'s policies -- the so-called "Anti-Bureaucratic Revolution" -- took place in Vojvodina and Montenegro. These protests led to the ouster of the respective provincial and republican governments; the new governments were then supportive of, and indebted to, **Slobodan MILOSEVIC**.

9. Simultaneously, within Serbia, calls for bringing Kosovo under stronger Serbian rule intensified and numerous demonstrations addressing this issue were held. On 17 November 1988, high-ranking Kosovo Albanian political figures were dismissed from their positions within the provincial leadership and were replaced by appointees loyal to **Slobodan MILOSEVIC**. In early 1989, the Serbian Assembly proposed amendments to the Constitution of Serbia which would strip Kosovo of most of its autonomous powers, including control of the police, educational and economic policy, and choice of official language, as well as its veto powers over further changes to the Constitution of Serbia. Kosovo Albanians demonstrated in large numbers against the proposed changes. Beginning in February 1989, a strike by Kosovo Albanian miners further increased tensions.

10. Due to the political unrest, on 3 March 1989, the SFRY Presidency declared that the situation in the province had deteriorated and had become a threat to the constitution, integrity, and sovereignty of the country. The government then imposed "special measures" which assigned responsibility for public security to the federal government instead of the government of Serbia.

11. On 23 March 1989, the Assembly of Kosovo met in Pristina and, with the majority of Kosovo Albanian delegates abstaining, voted to accept the proposed amendments to the constitution. Although lacking the required two-thirds majority in the Assembly, the President of the Assembly nonetheless declared that the amendments had passed. On 28 March 1989, the Assembly of Serbia voted to approve the constitutional changes effectively revoking the autonomy granted in the 1974 constitution.

12. At the same time these changes were occurring in Kosovo, **Slobodan MILOSEVIC** further increased his political power when he became the President of Serbia. **Slobodan MILOSEVIC** was elected President of the Presidency of Serbia on 8 May 1989 and his post was formally confirmed on 6 December 1989.

13. In early 1990, Kosovo Albanians held mass demonstrations calling for an end to the "special measures." In April 1990, the SFRY Presidency lifted the "special measures" and removed most of the federal police forces as Serbia took over responsibility for police enforcement in Kosovo.

14. In July 1990, the Assembly of Serbia passed a decision to suspend the Assembly of Kosovo shortly after 114 of the 123 Kosovo Albanian delegates from that Assembly had passed an unofficial resolution declaring Kosovo an equal and independent entity within the SFRY. In September 1990, many of these same Kosovo Albanian delegates proclaimed a constitution for a "Republic of Kosovo." One year later, in September 1991, Kosovo Albanians held an unofficial referendum in which they voted overwhelmingly for independence. On 24 May 1992, Kosovo Albanians held unofficial elections for an assembly and president for the "Republic of Kosovo."

15. On 16 July 1990, the League of Communists of Serbia and the Socialist Alliance of Working People of Serbia joined to form the Socialist Party of Serbia (SPS), and **Slobodan MILOSEVIC** was elected its President. As the successor to the League of Communists, the SPS became the dominant political party in Serbia and **Slobodan MILOSEVIC**, as President of the SPS, was able to wield considerable power and influence over many branches of the government as well as the private sector. **Milan MILUTINOVIC** and **Nikola SAINOVIC** have both held prominent positions within the SPS. **Nikola SAINOVIC** was a member of the Main Committee and the Executive Council as well as a vice-chairman; and **Milan MILUTINOVIC** successfully ran for President of Serbia in 1997 as the SPS candidate.

16. After the adoption of the new Constitution of Serbia on 28 September 1990, **Slobodan MILOSEVIC** was elected President of Serbia in multi-party elections held on 9 and 26 December 1990; he was re-elected on 20 December 1992. In December 1991, **Nikola SAINOVIC** was appointed a Deputy Prime Minister of Serbia.

17. After Kosovo's autonomy was effectively revoked in 1989, the political situation in Kosovo became more and more divisive. Throughout late 1990 and 1991 thousands of Kosovo Albanian doctors, teachers, professors, workers, police and civil servants were dismissed from their positions. The local court in Kosovo was abolished and many judges removed. Police violence against Kosovo Albanians increased.

18. During this period, the unofficial Kosovo Albanian leadership pursued a policy of non-violent civil resistance and began establishing a system of unofficial, parallel institutions in the health care and education sectors.

19. In late June 1991 the SFRY began to disintegrate in a succession of wars fought in the Republic of Slovenia (hereinafter Slovenia), the Republic of Croatia (hereinafter Croatia), and the Republic of Bosnia and Herzegovina (hereinafter Bosnia and Herzegovina). On 25 June 1991, Slovenia declared independence from the SFRY, which led to the outbreak of war; a peace agreement was reached on 8 July 1991. Croatia declared its independence on 25 June 1991, leading to fighting between Croatian military forces on the one side and the Yugoslav People's Army (JNA), paramilitary units and the "Army of the Republic of Srpska Krajina" on the other.
20. On 6 March 1992, Bosnia and Herzegovina declared its independence, resulting in wide scale war after 6 April 1992. On 27 April 1992, the SFRY was reconstituted as the FRY. At this time, the JNA was re-formed as the Armed Forces of the FRY (hereinafter VJ). In the war in Bosnia and Herzegovina, the JNA, and later the VJ, fought along with the "Army of Republika Srpska" against military forces of the Government of Bosnia and Herzegovina and the "Croat Defence Council." Active hostilities ceased with the signing of the Dayton peace agreement in December 1995.
21. Although **Slobodan MILOSEVIC** was the President of Serbia during the wars in Slovenia, Croatia and Bosnia and Herzegovina, he was nonetheless the dominant Serbian political figure exercising *de facto* control of the federal government as well as the republican government and was the person with whom the international community negotiated a variety of peace plans and agreements related to these wars.
22. Between 1991 and 1997 **Milan MILUTINOVIC** and **Nikola SAINOVIC** both held a number of high ranking positions within the federal and republican governments and continued to work closely with **Slobodan MILOSEVIC**. During this period, **Milan MILUTINOVIC** worked in the Foreign Ministry of the FRY, and at one time was Ambassador to Greece; in 1995, he was appointed Minister of Foreign Affairs of the FRY, a position he held until 1997. **Nikola SAINOVIC** was Prime Minister of Serbia in 1993 and Deputy Prime Minister of the FRY in 1994.
23. While the wars were being conducted in Slovenia, Croatia and Bosnia and Herzegovina, the situation in Kosovo, while tense, did not erupt into the violence and intense fighting seen in the other countries. In the mid-1990s, however, a faction of the Kosovo Albanians organised a group known as *Ushtria Çlirimtare e Kosovës* (UÇK) or, known in English as the Kosovo Liberation Army (KLA). This group advocated a campaign of armed insurgency and violent resistance to the Serbian authorities. In mid-1996, the KLA began launching attacks primarily targeting FRY and Serbian police forces. Thereafter, and throughout 1997, FRY and Serbian police forces responded with forceful operations against suspected KLA bases and supporters in Kosovo.
24. After concluding his term as President of Serbia, **Slobodan MILOSEVIC** was elected President of the FRY 15 July 1997, and assumed office on 23 July 1997. Thereafter, elections for the office of the President of Serbia were held; **Milan MILUTINOVIC** ran as the SPS candidate and was elected President of Serbia on 21 December 1997. In 1996, 1997 and 1998, **Nikola SAINOVIC** was re-appointed Deputy Prime Minister of the FRY. In part through his close alliance with **Milan MILUTINOVIC**, **Slobodan MILOSEVIC** was able to retain his influence over the Government of Serbia.
25. Beginning in late February 1998, the conflict intensified between the KLA on the one hand and the VJ, the police forces of the FRY, police forces of Serbia, and paramilitary units (all hereinafter forces of the FRY and Serbia), on the other hand. A number of Kosovo Albanians and Kosovo Serbs were killed and wounded during this time. Forces of the FRY and Serbia engaged in a campaign of shelling predominantly Kosovo Albanian towns and villages, widespread destruction of property, and expulsions of the civilian population from areas in which the KLA was active. Many residents fled the territory as a result of the fighting and destruction or were forced to move to other areas within Kosovo. The United Nations estimates that by mid-October 1998, over 298,000 persons, roughly fifteen percent of the population, had been internally displaced within Kosovo or had left the province.
26. In response to the intensifying conflict, the United Nations Security Council (UNSC) passed Resolution 1160 in March 1998 "condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo," and imposed an arms embargo on the FRY. Six months later the UNSC passed Resolution 1199 (1998) which stated that "the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region." The Security Council demanded that all parties cease hostilities and that "the security forces used for civilian repression" be withdrawn.
27. In an attempt to diffuse tensions in Kosovo, negotiations between **Slobodan MILOSEVIC**, and representatives of the North Atlantic Treaty Organisation (NATO), and the Organisation for Security and Co-operation in Europe (OSCE) were conducted in October 1998. An "Agreement on the OSCE Kosovo Verification Mission" was signed on 16 October 1998. This agreement and the "Clark-Naumann agreement," which was signed by **Nikola SAINOVIC**, provided for the partial withdrawal of forces of the FRY and Serbia from Kosovo, a limitation on the introduction of additional forces and equipment into the area, and the deployment of unarmed OSCE verifiers.
28. Although scores of OSCE verifiers were deployed throughout Kosovo, hostilities continued. During this period, a number of killings of Kosovo Albanians were documented by the international verifiers and human rights organisations. In one such incident, on 15 January 1999, 45 unarmed Kosovo Albanians were murdered in the village of Racak in the municipality of Stimlje/Shtime.
29. In a further response to the continuing conflict in Kosovo, an international peace conference was organised in Rambouillet, France beginning on 7 February 1999. **Nikola SAINOVIC**, the Deputy Prime Minister of the FRY, was a member of the Serbian delegation at the peace talks and **Milan MILUTINOVIC**, President of Serbia, was also present during the negotiations. The Kosovo Albanians were represented by the KLA and a delegation of Kosovo Albanian political and civic leaders. Despite intensive negotiations over several weeks, the peace talks collapsed in mid-March 1999.

30. During the peace negotiations in France, the violence in Kosovo continued. In late February and early March, forces of the FRY and Serbia launched a series of offensives against dozens of predominantly Kosovo Albanian villages and towns. The FRY military forces were comprised of elements of the 3rd Army, specifically the 52nd Corps, also known as the Pristina Corps, and several brigades and regiments under the command of the Pristina Corps. The Chief of the General Staff of the VJ, with command responsibilities over the 3rd Army and ultimately over the Pristina Corps, is **Colonel General Dragoljub OJDANIC**. The Supreme Commander of the VJ is **Slobodan MILOSEVIC**.
31. The police forces taking part in the actions in Kosovo are members of the Ministry of Internal Affairs of Serbia in addition to some units from the Ministry of Internal Affairs of the FRY. All police forces employed by or working under the authority of the Ministry of Internal Affairs of Serbia are commanded by **Vlajko STOJILJKOVIC**, Minister of Internal Affairs of Serbia. Under the FRY Act on the Armed Forces, those police forces engaged in military operations during a state of war or imminent threat of war are subordinated to the command of the VJ whose commanders are **Colonel General Dragoljub OJDANIC** and **Slobodan MILOSEVIC**.
32. Prior to December 1998, **Slobodan MILOSEVIC** designated **Nikola SAINOVIC** as his representative for the Kosovo situation. A number of diplomats and other international officials who needed to speak with a government official regarding events in Kosovo were directed to **Nikola SAINOVIC**. He took an active role in the negotiations establishing the OSCE verification mission for Kosovo and he participated in numerous other meetings regarding the Kosovo crisis. From January 1999 to the date of this indictment, **Nikola SAINOVIC** has acted as the liaison between **Slobodan MILOSEVIC** and various Kosovo Albanian leaders.
33. **Nikola SAINOVIC** was most recently re-appointed Deputy Prime Minister of the FRY on 20 May 1998. As such, he is a member of the Government of the FRY, which, among other duties and responsibilities, formulates domestic and foreign policy, enforces federal law, directs and co-ordinates the work of federal ministries, and organises defence preparations.
34. During their offensives, forces of the FRY and Serbia acting in concert have engaged in a well-planned and co-ordinated campaign of destruction of property owned by Kosovo Albanian civilians. Towns and villages have been shelled, homes, farms, and businesses burned, and personal property destroyed. As a result of these orchestrated actions, towns, villages, and entire regions have been made uninhabitable for Kosovo Albanians. Additionally, forces of the FRY and Serbia have harassed, humiliated, and degraded Kosovo Albanian civilians through physical and verbal abuse. The Kosovo Albanians have also been persistently subjected to insults, racial slurs, degrading acts based on ethnicity and religion, beatings, and other forms of physical mistreatment.
35. The unlawful deportation and forcible transfer of thousands of Kosovo Albanians from their homes in Kosovo involved well-planned and co-ordinated efforts by the leaders of the FRY and Serbia, and forces of the FRY and Serbia, all acting in concert. Actions similar in nature took place during the wars in Croatia and Bosnia and Herzegovina between 1991 and 1995. During those wars, Serbian military, paramilitary and police forces forcibly expelled and deported non-Serbs in Croatia and Bosnia and Herzegovina from areas under Serbian control utilising the same method of operations as have been used in Kosovo in 1999: heavy shelling and armed attacks on villages; widespread killings; destruction of non-Serbian residential areas and cultural and religious sites; and forced transfer and deportation of non-Serbian populations.
36. On 24 March 1999, NATO began launching air strikes against targets in the FRY. The FRY issued decrees of an imminent threat of war on 23 March 1999 and a state of war on 24 March 1999. Since the air strikes commenced, forces of the FRY and Serbia have intensified their systematic campaign and have forcibly expelled hundreds of thousands of Kosovo Albanians.
37. In addition to the forced expulsions of Kosovo Albanians, forces of the FRY and Serbia have also engaged in a number of killings of Kosovo Albanians since 24 March 1999. Such killings occurred at numerous locations, including but not limited to, Bela Crkva, Mali Krusa/Krushe e Vogel -- Velika Krusa/Krushe e Mahde, Dakovica/Gjakovë, Crkovez/Padaliste, and Izbica.
38. The planning, preparation and execution of the campaign undertaken by forces of the FRY and Serbia in Kosovo, was planned, instigated, ordered, committed or otherwise aided and abetted by **Slobodan MILOSEVIC**, the President of the FRY; **Milan MILUTINOVIC**, the President of Serbia; **Nikola SAINOVIC**, the Deputy Prime Minister of the FRY; **Colonel General Dragoljub OJDANIC**, the Chief of the General Staff of the VJ; and **Vlajko STOJILJKOVIC**, the Minister of Internal Affairs of Serbia.
39. By 20 May 1999, over 740,000 Kosovo Albanians, approximately one-third of the entire Kosovo Albanian population, were expelled from Kosovo. Thousands more are believed to be internally displaced. An unknown number of Kosovo Albanians have been killed in the operations by forces of the FRY and Serbia.

THE ACCUSED

40. **Slobodan MILOSEVIC** was born on 20 August 1941 in the town of Pozarevac in present-day Serbia. In 1964 he received a law degree from the University of Belgrade and began a career in management and banking. **Slobodan MILOSEVIC** held the posts of deputy director and later general director at *Tehnogas*, a major gas company until 1978. Thereafter, he became president of *Beogradska banka* (*Beobanka*), one of the largest banks in the SFRY and held that post until 1983.

41. In 1983 **Slobodan MILOSEVIC** began his political career. He became Chairman of the City Committee of the League of Communists of Belgrade in 1984. In 1986 he was elected Chairman of the Presidium of the Central Committee of the League of Communists of Serbia and was re-elected in 1988. On 16 July 1990, the League of Communists of Serbia and the Socialist Alliance of Working People of Serbia were united; the new party was named the Socialist Party of Serbia (SPS), and **Slobodan MILOSEVIC** was elected its President. He holds the post of President of the SPS as of the date of this indictment.
42. **Slobodan MILOSEVIC** was elected President of the Presidency of Serbia on 8 May 1989 and re-elected on 5 December that same year. After the adoption of the new Constitution of Serbia on 28 September 1990, **Slobodan MILOSEVIC** was elected to the newly established office of President of Serbia in multi-party elections held on 9 and 26 December 1990; he was re-elected on 20 December 1992.
43. After serving two terms as President of Serbia, **Slobodan MILOSEVIC** was elected President of the FRY on 15 July 1997 and he began his official duties on 23 July 1997. At all times relevant to this indictment, **Slobodan MILOSEVIC** has held the post of President of the FRY.
44. **Milan MILUTINOVIC** was born on 19 December 1942 in Belgrade in present-day Serbia. **Milan MILUTINOVIC** received a degree in law from Belgrade University.
45. Throughout his political career, **Milan MILUTINOVIC** has held numerous high level governmental posts within Serbia and the FRY. **Milan MILUTINOVIC** was a deputy in the Socio-Political Chamber and a member of the foreign policy committee in the Federal Assembly; he was Serbia's Secretary for Education and Sciences, a member of the Executive Council of the Serbian Assembly, and a director of the Serbian National Library. **Milan MILUTINOVIC** also served as an ambassador in the Federal Ministry of Foreign Affairs and as the FRY Ambassador to Greece. He was appointed the Minister of Foreign Affairs of the FRY on 15 August 1995. **Milan MILUTINOVIC** is a member of the SPS.
46. On 21 December 1997, **Milan MILUTINOVIC** was elected President of Serbia. At all times relevant to this indictment, **Milan MILUTINOVIC** has held the post of President of Serbia.
47. **Nikola SAINOVIC** was born on 7 December 1948 in Bor, Serbia. He graduated from the University of Ljubljana in 1977 and holds a Master of Science degree in Chemical Engineering. He began his political career in the municipality of Bor where he held the position of President of the Municipal Assembly of Bor from 1978 to 1982.
48. Throughout his political career, **Nikola SAINOVIC** has been an active member of both the League of Communists and the Socialist Party of Serbia (SPS). He held the position of Chairman of the Municipal Committee of the League of Communists in Bor. On 28 November 1995, **Nikola SAINOVIC** was elected a member of the SPS's Main Committee and a member of its Executive Council. He was also named president of the Committee to prepare the SPS Third Regular Congress (held in Belgrade on 2-3 March 1996). On 2 March 1996 **Nikola SAINOVIC** was elected one of several vice chairmen of the SPS. He held this position until 24 April 1997.
49. **Nikola SAINOVIC** has held several positions within the governments of Serbia and the FRY. In 1989, he served as a member of the Executive Council of Serbia's Assembly and Secretary for Industry, Energetics and Engineering of Serbia in 1989. He was appointed Minister of Mining and Energy of Serbia on 11 February 1991, and again on 23 December 1991. On 23 December 1991, he was also named Deputy Prime Minister of Serbia. **Nikola SAINOVIC** was appointed Minister of the Economy of the FRY on 14 July 1992, and again on 11 September 1992. He resigned from this post on 29 November 1992. On 10 February 1993, **Nikola SAINOVIC** was elected Prime Minister of Serbia.
50. On 22 February 1994, **Nikola SAINOVIC** was appointed Deputy Prime Minister of the FRY. He was re-appointed to this position in three subsequent governments: on 12 June 1996, 20 March 1997 and 20 May 1998. **Slobodan MILOSEVIC** designated **Nikola SAINOVIC** as his representative for the Kosovo situation. **Nikola SAINOVIC** chaired the commission for co-operation with the OSCE Verification Mission in Kosovo, and was an official member of the Serbian delegation at the Rambouillet peace talks in February 1999. At all times relevant to this indictment, **Nikola SAINOVIC** has held the post of Deputy Prime Minister of the FRY.
51. **Colonel General Dragoljub OJDANIC** was born on 1 June 1941 in the village of Ravni, near Uzice in what is now Serbia. In 1958, he completed the Infantry School for Non-Commissioned Officers and in 1964, he completed the Military Academy of the Ground Forces. In 1985, **Dragoljub OJDANIC** graduated from the Command Staff Academy and School of National Defence with a Masters Degree in Military Sciences. At one time he served as the Secretary for the League of Communists for the Yugoslav National Army (JNA) 52nd Corps, the precursor of the 52nd Corps of the VJ now operating in Kosovo.
52. In 1992, **Colonel General Dragoljub OJDANIC** was the Deputy Commander of the 37th Corps of the JNA, later the VJ, based in Uzice, Serbia. He was promoted to Major General on 20 April 1992 and became Commander of the Uzice Corps. Under his command, the Uzice Corps was involved in military actions in eastern Bosnia during the war in Bosnia and Herzegovina. In 1993 and 1994 **Dragoljub OJDANIC** served as Chief of the General Staff of the First Army of the FRY. He was Commander of the First Army between 1994 and 1996. In 1996, he became Deputy Chief of the General Staff of the VJ. On 26 November 1998, **Slobodan MILOSEVIC** appointed **Dragoljub OJDANIC** Chief of General Staff of the VJ, replacing General Momcilo Perisic. At all times relevant to this indictment, **Colonel General Dragoljub OJDANIC** has held the post of Chief of the General Staff of the VJ.

53. **Vlajko STOJILJKOVIC** was born in Mala Krsna, in Serbia. He graduated from the University of Belgrade with a law degree, and then was employed at the municipal court. Thereafter, he became head of the Inter-Municipal Secretariat of Internal Affairs in Pozarevac. **Vlajko STOJILJKOVIC** has served as director of the PIK firm in Pozarevac, vice-president and president of the Economic Council of Yugoslavia, and president of the Economic Council of Serbia.

54. By April 1997, **Vlajko STOJILJKOVIC** became Deputy Prime Minister of the Serbian Government and Minister of Internal Affairs of Serbia. On 24 March 1998, the Serbian Assembly elected a new Government, and **Vlajko STOJILJKOVIC** was named Minister of Internal Affairs of Serbia. He is also a member of the main board of the SPS. At all times relevant to this indictment, **Vlajko STOJILJKOVIC**, has held the post of Minister of Internal Affairs.

SUPERIOR AUTHORITY

55. **Slobodan MILOSEVIC** was elected President of the FRY on 15 July 1997, assumed office on 23 July 1997, and remains President as of the date of this indictment.

56. As President of the FRY, **Slobodan MILOSEVIC** functions as President of the Supreme Defence Council of the FRY. The Supreme Defence Council consists of the President of the FRY and the Presidents of the member republics, Serbia and Montenegro. The Supreme Defence Council decides on the National Defence Plan and issues decisions concerning the VJ. As President of the FRY, **Slobodan MILOSEVIC** has the power to "order implementation of the National Defence Plan" and commands the VJ in war and peace in compliance with decisions made by the Supreme Defence Council. **Slobodan MILOSEVIC**, as Supreme Commander of the VJ, performs these duties through "commands, orders and decisions."

57. Under the FRY Act on the Armed Forces of Yugoslavia, as Supreme Commander of the VJ, **Slobodan MILOSEVIC** also exercises command authority over republican and federal police units subordinated to the VJ during a state of imminent threat of war or a state of war. A declaration of imminent threat of war was proclaimed on 23 March 1999, and a state of war on 24 March 1999.

58. In addition to his *de jure* powers, **Slobodan MILOSEVIC** exercises extensive *de facto* control over numerous institutions essential to, or involved in, the conduct of the offences alleged herein. **Slobodan MILOSEVIC** exercises extensive *de facto* control over federal institutions nominally under the competence of the Assembly or the Government of the FRY. **Slobodan MILOSEVIC** also exercises *de facto* control over functions and institutions nominally under the competence of Serbia and its autonomous provinces, including the Serbian police force. **Slobodan MILOSEVIC** further exercises *de facto* control over numerous aspects of the FRY's political and economic life, particularly the media. Between 1986 and the early 1990s, **Slobodan MILOSEVIC** progressively acquired *de facto* control over these federal, republican, provincial and other institutions. He continues to exercise this *de facto* control to this day.

59. **Slobodan MILOSEVIC's** *de facto* control over Serbian, SFRY, FRY and other state organs has stemmed, in part, from his leadership of the two principal political parties that have ruled in Serbia since 1986, and in the FRY since 1992. From 1986 until 1990, he was Chairman of the Presidium of the Central Committee of the League of Communists in Serbia, then the ruling party in Serbia. In 1990, he was elected President of the Socialist Party of Serbia, the successor party to the League of Communists of Serbia and the Socialist Alliance of the Working People of Serbia. The SPS has been the principal ruling party in Serbia and the FRY ever since. Throughout the period of his Presidency of Serbia, from 1990 to 1997, and as the President of the FRY, from 1997 to the present, **Slobodan MILOSEVIC** has also been the leader of the SPS.

60. Beginning no later than October 1988, **Slobodan MILOSEVIC** has exercised *de facto* control over the ruling and governing institutions of Serbia, including its police force. Beginning no later than October 1988, he has exercised *de facto* control over Serbia's two autonomous provinces -- Kosovo and Vojvodina -- and their representation in federal organs of the SFRY and the FRY. From no later than October 1988 until mid-1998, **Slobodan MILOSEVIC** also exercised *de facto* control over the ruling and governing institutions of the Montenegro, including its representation in all federal organs of the SFRY and the FRY.

61. In significant international negotiations, meetings and conferences since 1989, **Slobodan MILOSEVIC** has been the primary interlocutor with whom the international community has negotiated. He has negotiated international agreements that have subsequently been implemented within Serbia, the SFRY, the FRY, and elsewhere on the territory of the former SFRY. Among the conferences and international negotiations at which **Slobodan MILOSEVIC** has been the primary representative of the SFRY and FRY are: The Hague Conference in 1991; the Paris negotiations of March 1993; the International Conference on the Former Yugoslavia in January 1993; the Vance-Owen peace plan negotiations between January and May 1993; the Geneva peace talks in the summer of 1993; the Contact Group meeting in June 1994; the negotiations for a cease fire in Bosnia and Herzegovina, 9-14 September 1995; the negotiations to end the NATO bombing in Bosnia and Herzegovina, 14-20 September 1995; and the Dayton peace negotiations in November 1995.

62. As the President of the FRY, the Supreme Commander of the VJ, and the President of the Supreme Defence Council, and pursuant to his *de facto* authority, **Slobodan MILOSEVIC** is responsible for the actions of his subordinates within the VJ and any police forces, both federal and republican, who have committed the crimes alleged in this indictment since January 1999 in the province of Kosovo.

63. **Milan MILUTINOVIC** was elected President of Serbia on 21 December 1997, and remains President as of the date of this indictment. As President of Serbia, **Milan MILUTINOVIC** is the head of State. He represents Serbia and conducts its relations

with foreign states and international organisations. He organises preparations for the defence of Serbia.

64. As President of Serbia, **Milan MILUTINOVIC** is a member of the Supreme Defence Council of the FRY and participates in decisions regarding the use of the VJ.

65. As President of Serbia, **Milan MILUTINOVIC**, in conjunction with the Assembly, has the authority to request reports both from the Government of Serbia, concerning matters under its jurisdiction, and from the Ministry of the Internal Affairs, concerning its activities and the security situation in Serbia. As President of Serbia, **Milan MILUTINOVIC** has the authority to dissolve the Assembly, and with it the Government, "subject to the proposal of the Government on justified grounds," although this power obtains only in peacetime.

66. During a declared state of war or state of imminent threat of war, **Milan MILUTINOVIC**, as President of Serbia, may enact measures normally under the competence of the Assembly, including the passage of laws; these measures may include the reorganisation of the Government and its ministries, as well as the restriction of certain rights and freedoms.

67. In addition to his *de jure* powers, **Milan MILUTINOVIC** exercises extensive *de facto* influence or control over numerous institutions essential to, or involved in, the conduct of the crimes alleged herein. **Milan MILUTINOVIC** exercises *de facto* influence or control over functions and institutions nominally under the competence of the Government and Assembly of Serbia and its autonomous provinces, including but not limited to the Serbian police force.

68. In significant international negotiations, meetings and conferences since 1995, **Milan MILUTINOVIC** has been a principal interlocutor with whom the international community has negotiated. Among the conferences and international negotiations at which **Milan MILUTINOVIC** has been a primary representative of the FRY are: preliminary negotiations for a cease fire in Bosnia and Herzegovina, 15-21 August 1995; the Geneva meetings regarding the Bosnian cease fire, 7 September 1995; further negotiations for a cease fire in Bosnia and Herzegovina, 9-14 September 1995; the negotiations to end the NATO bombing in Bosnia and Herzegovina, 14-20 September 1995; the meeting of Balkan foreign ministers in New York, 26 September 1995; and the Dayton peace negotiations in November 1995. **Milan MILUTINOVIC** was also present at the negotiations at Rambouillet in February 1999.

69. As the President of Serbia, and a member of the Supreme Defence Council, and pursuant to his *de facto* authority, **Milan MILUTINOVIC** is responsible for the actions of any of his subordinates within the VJ and within any police forces who have committed the crimes alleged in this indictment since January 1999 within the province of Kosovo.

70. **Colonel General Dragoljub OJDANIC** was appointed Chief of the General Staff of the VJ on 26 November 1998. He remains in that position as of the date of this indictment. As Chief of the General Staff of the VJ, **Colonel General Dragoljub OJDANIC** commands, orders, instructs, regulates and otherwise directs the VJ, pursuant to acts issued by the President of the FRY and as required to command the VJ.

71. As Chief of the General Staff of the VJ, **Colonel General Dragoljub OJDANIC** determines the organisation, plan of development and formation of commands, units and institutions of the VJ, in conformity with the nature and needs of the VJ and pursuant to acts rendered by the President of the FRY.

72. In his position of authority, **Colonel General Dragoljub OJDANIC** also determines the plan for recruiting and filling vacancies within the VJ and the distribution of recruits therein; issues regulations concerning training of the VJ; determines the educational plan and advanced training of professional and reserve military officers; and performs other tasks stipulated by law.

73. As Chief of the General Staff of the VJ, **Colonel General Dragoljub OJDANIC** -- or other officers empowered by him -- assigns commissioned officers, non-commissioned officers and soldiers, and promotes non-commissioned officers, reserve officers, and officers up to the rank of colonel. In addition, **Colonel General Dragoljub OJDANIC** nominates the president, judges, prosecutors, and their respective deputies and secretaries, to serve on military disciplinary courts.

74. **Colonel General Dragoljub OJDANIC** carries out preparations for the conscription of citizens and mobilisation of the VJ; co-operates with the Ministries of Internal Affairs of the FRY and Serbia and the Ministry of Defence of the FRY in mobilising organs and units of Ministries of Internal Affairs; monitors and, proposes measures to correct problems encountered during, and informs the Government of the FRY and the Supreme Defence Council about the implementation of the aforementioned mobilisation.

75. As the Chief of the General Staff of the VJ, **Colonel General Dragoljub OJDANIC** is responsible for the actions of his subordinates within the VJ and for the actions of any federal and republican police forces, which are subordinated to the VJ, who have committed crimes since January 1999 within the province of Kosovo.

76. **Vlajko STOJILJKOVIC** was named Minister of Internal Affairs of Serbia on 24 March 1998. As head of a Serbian government ministry, **Vlajko STOJILJKOVIC** is responsible for the enforcement of laws, regulations and general acts promulgated by Serbia's Assembly, Government or President.

77. As Minister of Internal Affairs of Serbia, **Vlajko STOJILJKOVIC** directs the work of the Ministry of Internal Affairs and its personnel. He determines the structure, mandate and scope of operations of organisational units within the Ministry of Internal Affairs. He is empowered to call up members of the Ministry of Internal Affairs reserve corps to perform duties during peace time, and to prevent activities threatening Serbia's security. The orders which he and Ministry of Internal Affairs superior officers issue to Ministry of Internal Affairs personnel are binding unless they constitute a criminal act.

78. As Minister of Internal Affairs of Serbia, **Vlajko STOJILJKOVIC** has powers of review over decisions and acts of agents for the Ministry. He considers appeals against decisions made in the first instance by the head of an organisational unit of the Ministry of Internal Affairs. Moreover, he is empowered to decide appeals made by individuals who have been detained by the police.

79. On 8 April 1999, as Minister of Internal Affairs of Serbia, **Vlajko STOJILJKOVIC**'s powers during the state of war were expanded to include transferring Ministry employees to different duties within the Ministry for as long as required.

80. As Minister of Internal Affairs of Serbia, **Vlajko STOJILJKOVIC** is responsible for ensuring the maintenance of law and order in Serbia. As Minister of Internal Affairs, he is responsible for the actions of his subordinates within the police forces of the Ministry of Internal Affairs of Serbia who have committed crimes since January 1999 in the province of Kosovo.

GENERAL ALLEGATIONS

81. At all times relevant to this indictment, a state of armed conflict existed in Kosovo in the FRY.

82. All acts and omissions charged as crimes against humanity were part of a widespread or systematic attack directed against the Kosovo Albanian civilian population of Kosovo in the FRY.

83. Each of the accused is individually responsible for the crimes alleged against him in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, instigating, ordering or aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.

84. In as much as he has authority or control over the VJ and police units, other units or individuals subordinated to the command of the VJ in Kosovo, **Slobodan MILOSEVIC**, as President of the FRY, Supreme Commander of the VJ and President of the Supreme Defence Council, is also, or alternatively, criminally responsible for the acts of his subordinates, including members of the VJ and aforementioned employees of the Ministries of Internal Affairs of the FRY and Serbia, pursuant to Article 7(3) of the Tribunal Statute.

85. In as much as he has authority or control over police units of the Ministry of Internal Affairs, the VJ, or police units, other units or individuals subordinated to the command of the VJ in Kosovo, **Milan MILUTINOVIC**, as President of Serbia and a member of the Supreme Defence Council, is also, or alternatively, criminally responsible for the acts of his subordinates, including aforementioned employees of the Ministry of Internal Affairs of Serbia, pursuant to Article 7(3) of the Tribunal Statute.

86. In as much as he has authority or control over the VJ and police units, other units or individuals subordinated to the command of the VJ in Kosovo, **Colonel General Dragoljub OJDANIC**, as Chief of the General Staff of the VJ, is also, or alternatively, criminally responsible for the acts of his subordinates, including members of the VJ and aforementioned employees of the Ministries of Internal Affairs of Serbia and the FRY, pursuant to Article 7(3) of the Tribunal Statute.

87. In as much as he has authority or control over employees of the Ministry of Internal Affairs, including any other regular or mobilised police units, **Vlajko STOJILJKOVIC**, as Minister of Internal Affairs of Serbia, is also, or alternatively, criminally responsible for the acts of his subordinates, including employees of the Ministry of Internal Affairs of Serbia, pursuant to Article 7(3) of the Tribunal Statute.

88. A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate(s) was/were about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

89. The general allegations contained in paragraphs 81 through 88 are re-alleged and incorporated into each of the charges set forth below.

CHARGES

COUNTS 1 - 4 CRIMES AGAINST HUMANITY VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR

90. Beginning in January 1999 and continuing to the date of this indictment, **Slobodan MILOSEVIC**, **Milan MILUTINOVIC**, **Nikola SAINOVIC**, **Dragoljub OJDANIC**, and **Vlajko STOJILJKOVIC** planned, instigated, ordered, committed or otherwise aided and abetted in a campaign of terror and violence directed at Kosovo Albanian civilians living in Kosovo in the FRY.

91. The campaign of terror and violence directed at the Kosovo Albanian population was executed by forces of the FRY and

Serbia acting at the direction, with the encouragement, or with the support of **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vlatko STOJILJKOVIC**. The operations targeting the Kosovo Albanians were undertaken with the objective of removing a substantial portion of the Kosovo Albanian population from Kosovo in an effort to ensure continued Serbian control over the province. To achieve this objective, the forces of the FRY and Serbia, acting in concert, have engaged in well-planned and co-ordinated operations as described in paragraphs 92 through 98 below.

92. The forces of the FRY and Serbia, have in a systematic manner, forcibly expelled and internally displaced hundreds of thousands of Kosovo Albanians from their homes across the entire province of Kosovo. To facilitate these expulsions and displacements, the forces of the FRY and Serbia have intentionally created an atmosphere of fear and oppression through the use of force, threats of force, and acts of violence.

93. Throughout Kosovo, the forces of the FRY and Serbia have looted and pillaged the personal and commercial property belonging to Kosovo Albanians forced from their homes. Policemen, soldiers, and military officers have used wholesale searches, threats of force, and acts of violence to rob Kosovo Albanians of money and valuables, and in a systematic manner, authorities at FRY border posts have stolen personal vehicles and other property from Kosovo Albanians being deported from the province.

94. Throughout Kosovo, the forces of the FRY and Serbia have engaged in a systematic campaign of destruction of property owned by Kosovo Albanian civilians. This has been accomplished through the widespread shelling of towns and villages; the burning of homes, farms, and businesses; and the destruction of personal property. As a result of these orchestrated actions, villages, towns, and entire regions have been made uninhabitable for Kosovo Albanians.

95. Throughout Kosovo, the forces of the FRY and Serbia have harassed, humiliated, and degraded Kosovo Albanian civilians through physical and verbal abuse. Policemen, soldiers, and military officers have persistently subjected Kosovo Albanians to insults, racial slurs, degrading acts, beatings, and other forms of physical mistreatment based on their racial, religious, and political identification.

96. Throughout Kosovo, the forces of the FRY and Serbia have systematically seized and destroyed the personal identity documents and licenses of vehicles belonging to Kosovo Albanian civilians. As Kosovo Albanians have been forced from their homes and directed towards Kosovo's borders, they have been subjected to demands to surrender identity documents at selected points *en route* to border crossings and at border crossings into Albania and Macedonia. These actions have been undertaken in order to erase any record of the deported Kosovo Albanians' presence in Kosovo and to deny them the right to return to their homes.

97. Beginning on or about 1 January 1999 and continuing until the date of this indictment, the forces of the FRY and Serbia, acting at the direction, with the encouragement, or with the support of **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vlatko STOJILJKOVIC** have perpetrated the actions set forth in paragraphs 92 through 96, which have resulted in the forced deportation of approximately 740,000 Kosovo Albanian civilians. These actions have been undertaken in all areas of Kosovo, and these means and methods were used throughout the province, including the following municipalities:

a. **Dakovica/Gjakovë** : On or about 2 April 1999, forces of the FRY and Serbia began forcing residents of the town of Dakovica/Gjakovë to leave. Forces of the FRY and Serbia spread out through the town and went house to house ordering Kosovo Albanians from their homes. In some instances, people were killed, and most persons were threatened with death. Many of the houses and shops belonging to Kosovo Albanians were set on fire, while those belonging to Serbs were protected. During the period from 2 to 4 April 1999, thousands of Kosovo Albanians living in Dakovica/Gjakovë and neighbouring villages joined a large convoy, either on foot or driving in cars, trucks and tractors, and moved to the border with Albania. Forces of the FRY and Serbia directed those fleeing along pre-arranged routes, and at police checkpoints along the way most Kosovo Albanians had their identification papers and license plates seized. In some instances, Yugoslav army trucks were used to transport persons to the border with Albania.

b. **Gnjilane/Gjilan**: Forces of the FRY and Serbia entered the town of Prilepnica/Pë rlepnicë on or about 6 April 1999, and ordered residents to leave saying that the town would be mined the next day. The townspeople left and tried to go to another village but were turned back by police. On 13 April 1999, residents of Prilepnica/Pë rlepnicë were again informed that the town had to be evacuated by the following day. The next morning, the Kosovo Albanian residents left in a convoy of approximately 500 vehicles and headed to the Macedonian border. Shortly after the residents left, the houses in Prilepnica/Pë rlepnicë were set on fire. Kosovo Albanians in other villages in Gnjilane/Gjilan municipality were also forced from their homes, and were made to join another convoy to the Macedonian border. Along the way, some men were taken from the convoy and killed along the road. When the Kosovo Albanians reached the border, their identification papers were confiscated.

c. **Kosovska Mitrovica/Mitrovicë** : In late March 1999, forces of the FRY and Serbia began moving systematically through the town of Kosovska Mitrovica/Mitrovicë. They entered the homes of Kosovo Albanians and ordered the residents to leave their houses at once and to go to the bus station. Some houses were set on fire forcing the residents to flee to other parts of the town. Over a two week period the forces of the FRY and Serbia continued to expel the Kosovo Albanian residents of the town. During this period, properties belonging to Kosovo Albanians were destroyed and Kosovo Albanians were robbed of money, vehicles, and other valuables. A similar pattern was repeated in other villages in the Kosovska Mitrovica/Mitrovicë municipality, where Kosovo Albanians were forced from their homes, followed by the destruction of their villages by forces of the FRY and Serbia. The Kosovo Albanian residents of the municipality were forced to join convoys going to the Albanian border. *En route* to the border, Serb soldiers, policemen, and military officers robbed them of valuables and seized their identity documents.

d. Orahovac/Rahovec: On the morning of 25 March 1999, forces of the FRY and Serbia surrounded the village of Celine with tanks and armoured vehicles. After shelling the village, troops entered the village and systematically looted and pillaged everything of value from the houses. Most of the Kosovo Albanian villagers had fled to a nearby forest before the army and police arrived. On 28 March, a number of Serb police forced the thousands of people hiding in the forest to come out. After marching the civilians to a nearby village, the men were separated from the women and were beaten, robbed, and had all of their identity documents taken from them. The men were then marched to Prizren and eventually forced to go to the Albanian border.

On 25 March 1999, a large group of Kosovo Albanians went to a mountain near the village of Nagafc, also in Orahovac/Rahovec municipality, seeking safety from attacks on nearby villages. Forces of the FRY and Serbia surrounded them and on the following day, ordered the 8,000 people who had sought shelter on the mountain to leave. The Kosovo Albanians were forced to go to a nearby school and then they were forcibly dispersed into nearby villages. After three or four days, the forces of the FRY and Serbia entered the villages, went house to house and ordered people out. Eventually, they were forced back into houses and told not to leave. Those who could not fit inside the houses were forced to stay in cars and tractors parked nearby. On 2 April 1999, the forces of the FRY and Serbia started shelling the villages, killing a number of people who had been sleeping in tractors and cars. Those who survived headed for the Albanian border. As they passed through other Kosovo Albanian villages, which had been destroyed, they were taunted by Serb soldiers. When the villagers arrived at the border, all their identification papers were taken from them.

e. Pec/Pejë : On 27 and 28 March 1999, in the city of Pec/Pejë, forces of the FRY and Serbia went from house to house forcing Kosovo Albanians to leave. Some houses were set on fire and a number of people were shot. Soldiers and police were stationed along every street directing the Kosovo Albanians toward the town centre. Once the people reached the centre of town, those without cars or vehicles were forced to get on buses or trucks and were driven to the town of Prizren. Outside Prizren, the Kosovo Albanians were forced to get off the buses and walk approximately 40 kilometres to the Albanian border where they were ordered to turn their identification papers over to Serb policemen.

f. Pristina/Prishtinë : On or about 1 April 1999, Serbian police went to the homes of Kosovo Albanians in the city of Pristina/Prishtinë and forced the residents to leave in a matter of minutes. During the course of these forced expulsions, a number of people were killed. Many of those forced from their homes went directly to the train station, while others sought shelter in nearby neighbourhoods. Hundreds of ethnic Albanians, guided by Serb police at all the intersections, gathered at the train station and then were loaded onto overcrowded trains or buses after a long wait where no food or water was provided. Those on the trains went as far as General Jankovic, a village near the Macedonian border. During the train ride many people had their identification papers taken from them. After getting off the trains, the Kosovo Albanians were told by the Serb police to walk along the tracks into Macedonia since the surrounding land had been mined. Those who tried to hide in Pristina/Prishtinë were expelled a few days later in a similar fashion.

During the same period, forces of the FRY and Serbia entered the villages of Pristina/Prishtinë municipality where they beat and killed many Kosovo Albanians, robbed them of their money, looted their property and burned their homes. Many of the villagers were taken by truck to Glogovac in the municipality of Lipjan/Lipjan. From there, they were transported to General Jankovic by train and walked to the Macedonian border. Others, after making their way to the town of Urosevac/Ferizaj, were ordered by the Serb police to take a train to General Jankovic, from where they walked across the border into Macedonia.

g. Prizren: On 25 March 1999 the village of Pirana was surrounded by forces of the FRY and Serbia, tanks and various military vehicles. The village was shelled and a number of the residents were killed. Thereafter, police entered the village and burned the house of Kosovo Albanians. After the attack, the remaining villagers left Pirana and went to surrounding villages. Some of the Kosovo Albanians fleeing toward Srbica were killed or wounded by snipers. Serb forces then launched an offensive in the area of Srbica and shelled the villages of Reti e Utlet, Reti and Randobrava. Kosovo Albanian villagers were forced from their homes and sent to the Albanian border. From 28 March 1999, in the city of Prizren itself, Serb policemen went from house to house, ordering Kosovo Albanian residents to leave. They were forced to join convoys of vehicles and persons travelling on foot to the Albanian border. At the border all personal documents were taken away by Serb policemen.

h. Srbica/Skenderaj: On or about 25 March 1999, the villages of Vojnik, Lecina, Klladernica, Turqevc Broje and Izbica were destroyed by shelling and burning. A group of approximately 4,500 Kosovo Albanians from these villages gathered outside the village of Izbica where members of the forces of the FRY and Serbia demanded money from the group and separated the men from the women and children. A large number of the men were then killed. The surviving women and children were moved as a group towards Vojnik and then on to the Albanian border.

i. Suva Reka/Suharekë : On the morning of 25 March 1999, forces of the FRY and Serbia surrounded the town of Suva Reka/Suharekë. During the following days, police officers went from house to house, threatening Kosovo Albanian residents, and removing many of the people from their homes at gunpoint. The women, children and elderly were sent away by the police and then a number of the men were killed by the Forces of the FRY and Serbia. The Kosovo Albanians were forced to flee making their way in trucks, tractors and trailers towards the border with Albania. While crossing the border, they had all their documents and money taken.

On 31 March 1999, approximately 80,000 Kosovo Albanians displaced from villages in the Suva Reka/Suharekë municipality gathered near Bellanice. The following day, forces of the FRY and Serbia shelled Bellanice, forcing the displaced persons to flee toward the Albanian border. Prior to crossing the border, they had all their identification documents taken away.

j. Urosevac/Ferizaj: During the period between 4 and 14 April 1999, forces of the FRY and Serbia shelled the villages of Softaj, Rahovica, Zltara, Pojatista, Komoglava and Sojevo, killing a number of residents. After the shelling, police and military vehicles entered the villages and ordered the residents to leave. After the villagers left their houses, the soldiers and policemen burned the houses. The villagers that were displaced joined in a convoy to the Macedonian border. At the border, all of their documents were taken.

98. Beginning on or about 1 January 1999 and continuing until the date of this indictment, forces of the FRY and Serbia, acting at the direction, with the encouragement, or with the support of **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vlatko STOJILJKOVIC**, have murdered hundreds of Kosovo Albanian civilians. These killings have occurred in a widespread or systematic manner throughout the province of Kosovo and have resulted in the deaths of numerous men, women, and children. Included among the incidents of mass killings are the following:

a. On or about 15 January 1999, in the early morning hours, the village of Racak (Stimlje/Shtime municipality) was attacked by forces of the FRY and Serbia. After shelling by the VJ units, the Serb police entered the village later in the morning and began conducting house-to-house searches. Villagers, who attempted to flee from the Serb police, were shot throughout the village. A group of approximately 25 men attempted to hide in a building, but were discovered by the Serb police. They were beaten and then were removed to a nearby hill, where the policemen shot and killed them. Altogether, the forces of the FRY and Serbia killed approximately 45 Kosovo Albanians in and around Racak. (Those persons killed who are known by name are set forth in Schedule A, which is attached as an appendix to this indictment.)

b. On or about 25 March 1999, forces of the FRY and Serbia attacked the village of Bela Crkva (Orahovac/Rahovec municipality). Many of the residents of Bela Crkva fled into a streambed outside the village and sought shelter under a railroad bridge. As additional villagers approached the bridge, a Serbian police patrol opened fire on them killing 12 persons, including 10 women and children. The police then ordered the remaining villagers out of the streambed, at which time the men were separated from the women and small children. The police ordered the men to strip and then systematically robbed them of all valuables. The women and children were then ordered to leave. The village doctor attempted to speak with the police commander, but he was shot and killed, as was his nephew. The other men were then ordered back into the streambed. After they complied, the police opened fire on the men, killing approximately 65 Kosovo Albanians. (Those persons killed who are known by name are set forth in Schedule B which is attached as an appendix to the indictment.)

c. On or about 25 March 1999, the villages of Velika Krusa and Mali Krusa/Krushe e Mahde and Krushe e Vogel (Orahovac/Rahovec municipality) were attacked by forces of the FRY and Serbia. Village residents took refuge in a forested area outside Velika Krusa/Krushe e Mahde, where they were able to observe the police systematically looting and then burning the villagers' houses. On or about the morning of 26 March 1999, Serb police located the villagers in the forest. The police ordered the women and small children to leave the area and to go to Albania. The police then searched the men and boys and took their identity documents, after which they were made to walk to an uninhabited house between the forest and Mali Krusa/Krushe e Vogel. Once the men and boys were assembled inside the house, the Serb police opened fire on the group. After several minutes of gunfire, the police piled hay on the men and boys and set fire to it in order to burn the bodies. As a result of the shootings and the fire, approximately 105 Kosovo Albanian men and boys were killed by the Serb police. (Those persons killed who are known by name are set forth in Schedule C which is attached as an appendix to this indictment.)

d. On or about the evening of 26 March 1999, in the town of Dakovica/Gjakovë, Serb gunmen came to a house on Ymer Grezda Street. The women and children inside the house were separated from the men, and were ordered to go upstairs. The Serb gunmen then shot and killed the 6 Kosovo Albanian men who were in the house. (The names of those killed are set forth in Schedule D which is attached as an appendix to this indictment.)

e. On or about 27 March 1999, in the morning hours, forces of the FRY and Serbia attacked the village of Crkolez/Padalishte (Istok/Istog municipality). As the forces entered the village, they fired on houses and on villagers who attempted to flee. Eight members of the Beke IMERAJ family were forced from their home and were killed in front of their house. Other residents of Crkolez/Padalishte were killed at their homes and in a streambed near the village. Altogether, forces of the FRY and Serbia killed approximately 20 Kosovo Albanians from Crkolez/Padalishte. (Those persons killed who are known by name are set forth in Schedule E which is attached as an appendix to this indictment.)

f. On or about 27 March 1999, FRY and Republic of Serbia forces attacked the village of Izbica (Srbica/Skenderaj municipality). Several thousand village residents took refuge in a meadow outside the village. On or about 28 March 1999, forces of the FRY and Serbia surrounded the villagers and then approached them, demanding money. After valuables were stolen by the soldiers and policemen, the men were separated from the women and small children. The men were then further divided into two groups, one of which was sent to a nearby hill, and the other of which was sent to a nearby streambed. Both groups of men were then fired upon by the forces of the FRY and Serbia, and approximately 130 Kosovo Albanian men were killed. (Those persons killed who are known by name are set forth in Schedule F which is attached as an appendix to this indictment.)

g. On or about the early morning hours of 2 April 1999, Serb police launched an operation against the Qerim district of Dakovica/Gjakovë. Over a period of several hours, Serb police forcibly entered houses of Kosovo Albanians in the Qerim district, killing the occupants, and then setting fire to the buildings. In the basement of a house on Milosh Gilic Street, the Serb police shot the 20 occupants and then set the house on fire. As a result of the shootings and the fires set by the Serb police, 20 Kosovo Albanians were killed, of whom 19 were women and children. (The names of those killed are set forth in Schedule G which is attached as an appendix to this indictment.)

99. Beginning on or about 1 January 1999 and continuing until the date of this indictment, the forces of the FRY and Serbia, acting at the direction, with the encouragement, or with the support of **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vlatko STOJILJKOVIC**, have utilised the means and methods set forth in paragraphs 92 through 98 to execute a campaign of persecution against the Kosovo Albanian civilian population based on political, racial, or religious grounds.

100. By these actions **Slobodan MILOSEVIC, Milan MILUTINOVIC, Nikola SAINOVIC, Dragoljub OJDANIC, and Vlatko STOJILJKOVIC** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

COUNT 1
(Deportation)

Count 1: Deportation, a **CRIME AGAINST HUMANITY**, punishable under Article 5(d) of the Statute of the Tribunal.

COUNT 2
(Murder)

Count 2: Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (a) of the Statute of the Tribunal.

COUNT 3
(Murder)

Count 3: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (murder) of the Geneva Conventions.

COUNT 4
(Persecutions)

Count 4: Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Article 5(h) of the Statute of the Tribunal.

Louise Arbour
Prosecutor

22 May 1999
The Hague, The Netherlands

Schedule A
Persons Known by Name Killed at Racak - 15 January 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
ASLLANI, Lute	30	Female
AZEMI, Banush		Male
BAJRAMI, Ragip	34	Male
BEQIRI, Halim	13	Male
BEQIRI, Rizah	49	Male
BEQIRI, Zenel	20	Male

inf OR-mail
BILALLI, Lutfi

EMINI, Ajet		Male
HAJRIZI, Bujar		Male
HAJRIZI, Myfail	33	Male
HALILI, Skender		Male
HYSENAJ, Haqif		Male
IBRAHIMI, Hajriz		Male
IMERI, Haki		Male
IMERI, Murtez		Male
IMERI, Nazmi		Male
ISMALJI, Meha		Male
ISMALJI, Muhamet		Male
JAKUPI, Ahmet		Male
JAKUPI, Esref	40	Male
JAKUPI, Hajriz		Male
JAKUPI, Mehmet		Male
JAKUPI, Xhelal		Male
JASHARI, Jasher	24	Male
JASHARI, Raif	20	Male
JASHARI, Shukri	18	Male
LIMANI, Fatmir	35	Male
LIMANI, Nexhat	19	Male
LIMANI, Salif	23	Male
MEHMETI, Bajram		Male
MEHMETI, Hanumshah		Female
METUSHI, Arif		Male
METUSHI, Haki	70	Male
MUSTAFA, Ahmet		Male
MUSTAFA, Aslani	34	Male
MUSTAFA, Muhamet	21	Male
OSMANI, Sadik	35	Male
SALIHU, Jashar	25	Male
SALIHU, Shukri	18	Male
SHABANI, Bajrush	22	Male
SMAJLAL, Ahmet	60	Male

SYLA, Sheremet	37	Male
SYLA, Shyqeri		Male
XHELADINI, Bajram		Male
ZYMERI, Njazi		Male

Schedule B
Persons Known by Name Killed at Bela Crkva - 25 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
BEGAJ, Abdullah	25	Male
BERISHA, Murat	60	Male
GASHI, Fadil	46	Male
MORINA, Musa	65	Male
POPAJ, Abdullah	18	Male
POPAJ, Agon	14	Male
POPAJ, Alban	21	Male
POPAJ, Bedrush	47	Male
POPAJ, Belul	14	Male
POPAJ, Ethem	46	Male
POPAJ, Hazer	77	Male
POPAJ, Hyshi	37	Male
POPAJ, Irfan	41	Male
POPAJ, Isuf	76	Male
POPAJ, Kreshnik	18	Male
POPAJ, Lindrit	18	Male
POPAJ, Mehmet	46	Male
POPAJ, Mersel	53	Male
POPAJ, Nazmi	45	Male
POPAJ, Nisim	35	Male
POPAJ, Rrustem		Male
POPAJ, Sahid	40	Male
POPAJ, Sedat	47	Male
POPAJ, Shendet	17	Male
POPAJ, Vehap	58	Male
POPAJ, Xhavit	32	Male
SPAHIU, FNU (daughter of Xhemal)		Female

SPAHIU, FNU (daughter of Xhemal)		Female
SPAHIU, FNU (daughter of Xhemal)		Female
SPAHIU, FNU (daughter of Xhemal)		Female
SPAHIU, FNU (wife of Xhemal)		Female
SPAHIU, Xhemal		Male
ZHUNIQI, Abein	37	Male
ZHUNIQI, Agim	51	Male
ZHUNIQI, Bajram	51	Male
ZHUNIQI, Biladh	67	Male
ZHUNIQI, Clirim	40	Male
ZHUNIQI, Dardan	6	Male
ZHUNIQI, Dardane	8	Female
ZHUNIQI, Destan	68	Male
ZHUNIQI, Eshref	55	Male
ZHUNIQI, Fatos	42	Male
ZHUNIQI, FNU	4	Male
ZHUNIQI, FNU (wife of Clirim)		Female
ZHUNIQI, FNU (son of Fatos)	16	Male
ZHUNIQI, Hysni	70	Male
ZHUNIQI, Ibrahim	68	Male
ZHUNIQI, Kasim	33	Male
ZHUNIQI, Medi	55	Male
ZHUNIQI, Muhammet	70	Male
ZHUNIQI, Muharrem	30	Male
ZHUNIQI, Qamil	77	Male
ZHUNIQI, Qemal	59	Male
ZHUNIQI, Reshit	32	Male
ZHUNIQI, Shemsi	52	Male

Schedule C

Persons Known by Name Killed at Velika Krusa/Krushe e Mahde -- Mali Krusa/Krushe e Vogel - 26 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
ASLLANI, Adem	68	Male
ASLLANI, Asim	34	Male
ASLLANI, Feim	30	Male
ASLLANI, Muharrem	66	Male
ASLLANI, Nexhat	27	Male
ASLLANI, Nisret	33	Male
ASLLANI, Perparim	26	Male
AVDYLI, Bali	72	Male
AVDYLI, Enver	28	Male
BATUSHA, Ahmet	38	Male
BATUSHA, Amrush	32	Male
BATUSHA, Asllan	46	Male
BATUSHA, Avdi	45	Male
BATUSHA, Bekim	22	Male
BATUSHA, Beqir	68	Male
BATUSHA, Burim	18	Male
BATUSHA, Enver	22	Male
BATUSHA, Feim	23	Male
BATUSHA, FNU (son of Ismail)	19	Male
BATUSHA, FNU (son of Zaim)	20	Male
BATUSHA, Haxhi	28	Male
BATUSHA, Lirim	16	Male
BATUSHA, Milaim	32	Male
BATUSHA, Muharrem	69	Male
BATUSHA, Njazi	39	Male
BATUSHA, Osman	65	Male
BATUSHA, Sefer	19	Male
BATUSHA, Sejdi	68	Male
BATUSHA, Skifer	22	Male
BATUSHA, Sulejman	46	Male
BATUSHA, Zaim	50	Male
HAJDARI, Abaz	40	Male
HAJDARI, Abedin	17	Male

HAJDARI, Halil	42	Male
HAJDARI, Halim	70	Male
HAJDARI, Hysni	20	Male
HAJDARI, Marsel	17	Male
HAJDARI, Nazim	33	Male
HAJDARI, Qamil	46	Male
HAJDARI, Rasim	25	Male
HAJDARI, Sahit	36	Male
HAJDARI, Selajdin	38	Male
HAJDARI, Shani	40	Male
HAJDARI, Vesel	19	Male
HAJDARI, Zenun	28	Male
LIMONI, Avdyi	45	Male
LIMONI, Limon	69	Male
LIMONI, Luan	22	Male
LIMONI, Nehbi	60	Male
RAMADANI, Afrim	28	Male
RAMADANI, Asllan	34	Male
RAMADANI, Bajram	15	Male
RAMADANI, FNU (son of Hysen)	23	Male
RAMADANI, Hysen	62	Male
RAMADANI, Lufti	58	Male
RAMADANI, Murat	60	Male
RAMADANI, Ramadan	59	Male
RAMADANI, Selajdin	27	Male
RASHKAJ, FNU	16	Male
RASHKAJ, FNU	18	Male
RASHKAJ, Refki	17	Male
SHEHU, Adnan	20	Male
SHEHU, Arben	20	Male
SHEHU, Arif	36	Male
SHEHU, Bekim	22	Male
SHEHU, Burim	19	Male
SHEHU, Destan	68	Male
SHEHU, Din	68	Male

SHEHU, Dritan	18	Male
SHEHU, Fadil	42	Male
SHEHU, Flamur	15	Male
SHEHU, FNU (son of Haziz)	20	Male
SHEHU, FNU (son of Sinan)	18	Male
SHEHU, Haxhi	25	Male
SHEHU, Haziz	42	Male
SHEHU, Ismail	68	Male
SHEHU, Ismet	40	Male
SHEHU, Mehmet	13	Male
SHEHU, Mentor	18	Male
SHEHU, Myftar	44	Male
SHEHU, Nahit	15	Male
SHEHU, Nehat	22	Male
SHEHU, Nexhat	38	Male
SHEHU, Qamil	50	Male
SHEHU, Sahit	23	Male
SHEHU, Sali	44	Male
SHEHU, Sami	24	Male
SHEHU, Sefer	44	Male
SHEHU, Shani	34	Male
SHEHU, Shefqet	38	Male
SHEHU, Sinan	50	Male
SHEHU, Veli	28	Male
SHEHU, Vesel	19	Male
SHEHU, Xhafer	38	Male
SHEHU, Xhavit	20	Male
SHEHU, Xhelal	13	Male
ZYLFIU, Afrim	22	Male
ZYLFIU, FNU (son of Halim)	18	Male
ZYLFIU, Halim	60	Male
ZYLFIU, Hamdi	62	Male
ZYLFIU, Hamit	22	Male
ZYLFIU, Hysen	50	Male

ZYLFIU, Njazim 24 Male

Schedule D
Persons Killed at Dakovica /Gjakove - 26 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
BEGOLLI, Sylejman	48	Male
BYTYQI, Arif	72	Male
BYTYQI, Urim	38	Male
DERVISHDANA, Emin	31	Male
DERVISHDANA, Fahri	37	Male
DERVISHDANA, Zenel	59	Male

Schedule E
Persons Known by Name Killed at Crkolez/Padalishtë - 27 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
IMERAJ, Afrim	2	Male
IMERAJ, Ardiana	13	Female
IMERAJ, Arijeta	11	Female
IMERAJ, Avdyl	67	Male
IMERAJ, Beke	53	Male
IMERAJ, Feride	21	Female
IMERAJ, Fetije	42	Female
IMERAJ, Florije	19	Female
IMERAJ, Gjylfidan	15	Female
IMERAJ, Hasan	63	Male
IMERAJ, Mihane	72	Female
IMERAJ, Mona	72	Female
IMERAJ, Muhamet	19	Male
IMERAJ, Nexhmedin		Male
IMERAJ, Rab	30	Male
IMERAJ, Rustem	73	Male
IMERAJ, Sabahat	21	Male
IMERAJ, Shehide	70	Female
IMERAJ, Violeta	17	Female
IMERAJ, Xhyfidane	14	Female

Schedule F
Persons Known by Name Killed at Izbica - 28 March 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
BAJRA, Bajram	62	Male
BAJRA, Brahim		Male
BAJRA, Fazli	60	Male
BAJRA, Ilaz		Male
BAJRA, Sami		Male
BEHRAMAJ, Demush	60	Male
BEHRAMAJ, Muhamed	50	Male
BEHRAMAJ, Nur	85	Male
BEHRAMI, Ardita		Male
BEHRAMI, Bemush	75	Male
BEHRAMI, Edona		Male
BEHRAMI, Muhamet		Male
BEHRAMI, Nuredin	90	Male
BEQIRI, Ajet		Male
CAKAJ, Demush	65	Male
CAKAJ, Muhamet	60	Male
CAKAJ, Nura	80	Male
CAKAJ, Thair	65	Male
CAKAJ, Zeqir	80	Male
CELI, Metush	62	Male
CELI, Rexhe		Male
CELI, Smajl	67	Male
CUPEVA, Hamz	46	Male
DRAGA, Ali	65	Male
DRAGA, Bahim	72	Male
DRAGA, Cen	68	Male
DRAGA, Hajriz	43	Male
DRAGA, Halit		Male
DRAGA, Hazir		Male
DRAGA, Ismet	28	Male
DRAGA, Jetulla	60	Male

DRAGA, Murat		Male
DRAGA, Rahim	70	Male
DRAGA, Rustem	70	Male
DURAKU, Dibran	65	Male
FEJZA, Zyra		Male
FETAHI, Azem	75	Male
FETAHI, Hetem	63	Male
FETAHI, Muharem	80	Male
FETAHU, Lah	67	Male
GASHI, Beqe		Male
GASHI, Brahim	70	Male
GASHI, Deli		Male
GASHI, Hajrullah		Male
GASHI, Ram	57	Male
HAJRIZI, Fata		Male
HASANI, Nezir		Male
HAXHA, Bajram	78	Male
HAXHA, Fejz	86	Male
HOTI, Muhamet		Male
JETULLAHU, Beqir		Male
JETULLAHU, Selim		Male
KELMENDI, Bajram		Male
KELMENDI, Beqir		Male
KRASNIQI, Deli	80	Male
KRASNIQI, Mustafe		Male
KRASNIQI, Rahim	62	Male
KRASINIQI, Rrahim		Male
LATIFI, Jetullah		Male
LNU, Qazim	70	Male
MUSLIA, Shaban	75	Male
MUSTAFA, Hasan	70	Male
NEBIHI, Selim	95	Male
OSMANI, Azem	75	Male
OSMANI, Hetem	70	Male
OSMANI, Muharrem	90	Male
RACI, Ramadan	56	Male

RAMA, Halit	60	Male
REXHEPI, Muji	47	Male
REXHEPI, Zaim	38	Male
RUSTEMI, Halit	60	Male
SALIHU, Zeqir		Male
SEJDIU, Bajram		Male
SEJDIU, Mustafe	41	Male
SHALA, Kujtim	47	Male
SHALA, Isuf		Male
SHALA, Sali	35	Male
SPAHIU, Rizah		Male
TAHAJ, Ethem	65	Male
TAHAJ, Muharem	75	Male
TAHI, Azem	60	Male
TAHI, Hetem	50	Male
TAHI, Muharem	70	Male
TAHIRI, Brahim		Male
TAHIRI, Rrahim		Male
THACI, Hamit	70	Male
THACI, Haxhi		Male
THACI, Jetullah		Male
THACI, Rame		Male
THACI, Sahit		Male
THACI, Salih		Male
THACI, Uke	80	Male
XHEMAJLI, Esat		Male
XHEMALI, Demush	87	Male
XHEMALI, Idriz	67	Male

Schedule G
Persons Killed at Dakovica / Gjakovë - 2 April 1999

<u>Name</u>	<u>Approximate Age</u>	<u>Sex</u>
CAKA, Dalina	14	Female
CAKA, Delvina	6	Female
CAKA, Diona	2	Female

CAKA, Valbona	34	Female
GASHI, Hysen	50	
HAXHIAVDIJA, Doruntina	8	Female
HAXHIAVDIJA, Egzon	5	
HAXHIAVDIJA, Rina	4	Female
HAXHIAVDIJA, Valbona	38	Female
HOXHA, Flaka	15	Female
HOXHA, Shahindere	55	Female
NUÇ I, Manushe	50	Female
NUÇ I, Shirine	70	Female
VEJSA, Arlind	5	Male
VEJSA, Dorina	10	Female
VEJSA, Fetije	60	Female
VEJSA, Marigona	8	Female
VEJSA, Rita	2	Female
VEJSA, Sihana	8	Female
VEJSA, Tringa	30	Female

Voortig dacht van het Goulische leger
Die ook "Goulia gt - WITH VIOLENCE
AND Comes against her" (van Jany)

in

DOOS "ACHTERGROND AABAAAN
JUGOSLAVIE

www.serbia-info.com/news

June 14, 1998

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KOSOVO & METOHIA

GUIDE

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TERRORISM IN KOSOVO AND METOHIA

Information in Albanian

There are about 50 daily and weekly newspapers and magazines published in Albanian – news, cultural, entertainment, for youth or children. The owners of these papers are private persons or shareholder associations. The media are completely closed for the attitudes and opinions expressed by the Serbian side, while the attitudes and opinions of the international community are placed in forms which suit the interests of the Albanian secessionists. Some of these papers are printed in Albania. There is a regular programme in Albanian on the State RTV, and the programmes in Albanian are also broadcast by two private radio stations.

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van holst en steijnen

From: Paul Davidson <p.davidson@btinternet.com>
To: <Undisclosed-Recipient:;>
Sent: zaterdag 22 juni 2002 02:06
Subject: "WHICH INTERNATIONAL 'COURT' IS TRYING MILOSEVIC?"

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A Reader Asks:
 "WHICH INTERNATIONAL 'COURT' IS TRYING MILOSEVIC?"

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Regarding Ian Johnson's report, "The Judge As Prosecutor: Two Days At The 'Trial' Of Slobodan Milosevic," at <http://emperors-clothes.com/articles/ian/day.htm>
 a reader wrote in, asking us to sort out which "international court" is which.

Here is her letter and a quick reply.

Dear Friends,

I found this a very shocking report to read. It also brought me up short against my own ignorance. I knew nothing about how the court in the Hague was founded, funded etc. Is this the International court to which the US was brought by Nicaragua for mining its harbors at Corinto? Or is that another institution? Also what is the International Criminal Court that was in the process of being established and which the US repudiated. Who was doing that and who was funding it?

I'm not sure you have the time to help unconfuse me, but if it could be done easily, I'd surely appreciate it.

Gladys Schmitz, Minnesota

Dear Gladys,

Thanks for your note. Here is a brief and not-complete answer. I encourage others to write in as well.

The court in which the US was charged by Nicaragua is the ICJ - the International Court of Justice. It makes no pretense of overriding sovereignty. Therefore all parties to a dispute must agree to grant the Court the authority to rule. (1)

The ICTY or Hague 'tribunal' is quite a different matter. It was formed illegally by the UN Security Council in 1993.

Why illegally?

Because the UN charter does not grant the Security Council the right to form judicial bodies or even to make judicial rulings. Therefore it cannot impart that right to its creation. Moreover though the SC does have the right to intervene militarily to stop one nation from invading another, the UN has no other authority to override sovereignty. Thus when the SC gave the ICTY the rights to override sovereignty and make judicial rulings, it imparted two rights it does not possess onto a 'tribunal' it had no right to create. Other than that, no problem.

For two good articles on the illegality of the 'tribunal' see FURTHER READING at the end. (2)

In addition, the ICTY and its equally illegal sister, the Rwanda 'tribunal' or ICTR, have given themselves rules that violate all accepted legal standards. These rules are reminiscent of the Inquisition. (3)

An example of these amazing rules: as Ian Johnson notes, the Judge and Prosecutor are part of the same team. And this team is directly controlled by the leading Western powers, the US, England, Germany and France, with "don't-forget-me" status for Holland, the Scandinavian countries, Italy, and so on. (4)

The ICC - International Criminal Court - overcomes the basic illegality of the ICTY and the ICTR by getting states to vote in their parliaments to accept its jurisdiction. Thus these states voluntarily (or supposedly voluntarily) cede sovereignty to this "court."

While that makes the ICC harder to attack, it does not necessarily make it better than the Hague and Rwanda 'tribunals'. The function of the Hague 'tribunal,' for example, is to a) punish Yugoslav leaders who have resisted the New World Empire's efforts to break up Yugoslavia and to b) provide a compliant media with sound bites, images, and judicial-sounding statements to indoctrinate tens of millions of people with the false impression that the Yugoslav resistance is racist, anti-humanitarian, etc.

But with the ICC, just as with the Hague 'tribunal,' the prosecutors will in fact represent the great powers. How can it be otherwise? Just as, since the demise of the USSR, the UN has come largely under the domination of the New World Empire, so the staff of the ICC will be dominated by the covert apparatus of the Empire, including NGOs funded directly or indirectly by the Empire, and supposed humanitarian groups, like Human Rights Watch which, if you examine their directors, you will find are dominated by the US foreign policy elite.

This Imperial-dominated court will have the media's ear, whereas target countries will be much weaker, perhaps already demonized in the Western media, attacked by pro-Imperial forces from within, lacking the resources and media connections to counter campaigns of accusation and innuendo aimed at proving they are the "latest Nazis led by the latest Hitler."

Thus a legally constituted body such as the ICC will, I am afraid, be used for precisely the same purposes as the Hague 'tribunal.' The main difference: instead of being limited to Yugoslavia, the ICC will be able to single out any country that dares to resist Imperial plans. For example, should the Empire use some group - with grievances real, or imagined, or both - as a wedge to destroy some nation, covertly encouraging terrorist actions, while publicly calling for 'dialogue,' and should that nation's leaders think of resisting, the threat of indictment can be employed to make them think twice. And once some leaders or soldiers or whomever are indicted and perhaps destroyed by the ICC, the threat won't have to be actually made in order to be effective. Thus we have judicial terror effecting Imperial goals.

In response to an earlier criticism I made of the ICC, a reader wrote, asking, "Then what is your solution to the problem of humanitarian abuses?" Well, I have no grand solution. My answer is to inform and mobilize ordinary people to fight injustice. Relying on super-national bodies in a world dominated by a handful of big powers - who are organized in an Empire - is no solution. It merely compounds the problem.

This may sound bitter but that doesn't mean it's untrue.

Best regards,
Jared Israel

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FURTHER READING

- 1) Regarding the way in which the ICJ - the original International Court of Justice - relates to national sovereignty, go to http://www.icj-cij.org/icjwww/basicdocuments/basictext/basic_basissjurisdiction.html
- 2) On the illegality of The Hague 'tribunal' see Prof. Kosta Cavoski's "Illegal Origins of The Hague Tribunal" at <http://emperors-clothes.com/articles/cavoski/c-3.htm> and 'Illegal Tribunal - Illegal Indictment,' by Dr. Hans Koechler, who worked as a UN consultant for 30 years. It can be read at <http://emperors-clothes.com/docs/prog2.htm>
- 3) On the medieval rules in effect at The Hague 'tribunal,' see Prof. Cavoski's 'Learning from the Inquisition' at <http://emperors-clothes.com/articles/cavoski/c-4.htm>
- 4) Regarding NATO's effective control of the 'tribunal,' see "Letter from a Quebec Attorney," at <http://emperors-clothes.com/letters/philpot.htm> and for truly amazing quotes on this, see 'Official Statements Prove Hague 'Tribunal' Belongs to NATO,' at <http://www.icdsm.org/more/belongs.htm>

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